

MORE THAN JUST ICING ON A CAKE

by Holly L. Meade, director of communications for Liberty Counsel, an international nonprofit, litigation, education and policy organization dedicated to advancing religious freedom, the sanctity of life, and the family by providing pro bono assistance and representation.

Jack Phillips, the owner of Masterpiece Cakeshop in Lakewood, Colorado, politely declined to make a wedding cake for Charles Craig and David Mullins in 2012. The same-sex couple planned to “marry” in Massachusetts but then have a reception in their home state of Colorado. The cake artist explained that he could not bake anything that would violate his religious convictions.

The two men sued Phillips. However, the Colorado Supreme Court declined to take the case after the state’s Court of Appeals affirmed a Colorado Civil Rights Commission decision from May 2014. That decision ordered Phillips and his employees to create cakes that celebrate same-sex ceremonies. It also required him to comply with Colorado’s Anti-Discrimination Act by “re-educating” his staff (which includes members of his own family) and filing quarterly “compliance” reports for two years. However, the Colorado Civil Rights Commission did claim that other bakeries may decline, without discriminating based on religion, to create cakes with scriptural quotations.

Phillips, represented by Alliance Defending Freedom, asked the U.S. Supreme Court last year to take his case and rule whether the state’s “public accommodations” law violates the First Amendment by requiring him to create custom wedding cakes for same-sex ceremonies. Colorado’s law currently states that businesses open to the public may not deny service to customers based on their race, religion, sex or sexual orientation.

The Supreme Court recently agreed to hear *Masterpiece Cakeshop v. Colorado Civil Rights Commission* this

fall which could have a major impact regarding the clash between religious freedom and the homosexual agenda, including laws that add “sexual orientation” and “gender identity.” This Supreme Court ruling also could have a significant national effect regarding business owners who may be forced either to disregard their sincerely held religious beliefs or potentially lose their livelihood.

Currently, no federal law requires businesses to serve all customers without regard to their sexual orientation or gender identity. However, 21 states have “public accommodations” laws that include one or both phrases. The states include California and six other states in the West, Illinois and three other states in the upper Midwest, and 10 states on the East Coast from Maryland to Maine. No state in the South or on the Great Plains has such a law.

Under the First Amendment, neither the high court nor the government should force Phillips to participate in a ceremony that is against his religious convictions. Applying an anti-discrimination law against him is wrong since he did business with anyone who came into his shop. Phillips only reserved the right to refuse custom work that required artistic expression in conflict with his religious beliefs. Therefore, he has never discriminated based on sexual orientation.

“It’s a difficult thing to be in my position and know that somebody’s

requesting me to do something that I can’t in good conscience do,” said Phillips. “I believe that the Bible



Jack Phillips, owner of Masterpiece Cakeshop.

clearly teaches that marriage is between one man and one woman.”

This Colorado cake artist courageously continues to stand strong on his biblical beliefs despite the great financial toll on his bakery. Wedding cakes used to be 40 percent of Masterpiece Cakeshop’s business.

“We’ve stopped making wedding cakes, period,” said Phillips.

Liberty Counsel will file an *amicus* brief on behalf of Phillips when *Masterpiece Cakeshop v. Colorado Civil Rights Commission* goes to the Supreme Court. However, when Mat Staver founded Liberty Counsel in 1989, he never imagined that we would be protecting the religious liberties of those peaceable people who are brazenly attacked by homosexual activists who try to force them to disregard their conscience. Yet, whether it is signing marriage licenses, performing same-sex ceremonies, or protecting bathroom and dressing room privacy, now the battle rages on a weekly basis.

And it’s certainly about more than just icing on a cake.

