

Bake or Else! Wedding Vendors Face Threats to Liberty

On a summer day in 2012, baker Jack Phillips had no idea just where his actions would lead or that they would place him squarely in the center of a national debate over faith and freedom. He simply knew that he needed to attend to the two men looking at cake designs in his shop.

“The two guys had just opened up a book and were looking at stuff at the desk and said, ‘We’re here to talk about wedding cakes and it’s for our wedding,’ ” he told CBN News. “And I apologized and said, ‘I don’t do cakes for same-sex weddings.’ ”

“And they said, ‘What?’ And I said, ‘I’ll sell you birthday cakes, shower cakes, cookies, brownies, anything else. I just don’t do cakes for same-sex weddings,’ ” he continued.

A Baker’s Beliefs

After the men left, the backlash began. For the next several days, Phillips received a stream of angry phone calls from people who supported the gay couple.

Then Phillips did an interview with Focus on the Family, a Christian radio ministry, and calls of support began. CBN News spoke with a number of customers who say Phillips is entitled to practice his beliefs.

“I’m a supporter of **gay rights**, gay marriage. I think that’s fine,” Rich Bourguard explained. “But I don’t think they should be able to tell somebody what they have to make to sell.”

Customer Dan Meurer said the state shouldn’t be able to tell Phillips what to do.

"I don't think that someone should be forced to use their artistic ability to make something that goes against their beliefs," he said. "I don't see where it's discriminatory because he would sell them other items."

But the American Civil Liberties Union said Phillips did discriminate. It filed a complaint on behalf of the two men, and in December a Denver judge agreed. The ruling means that if Phillips refuses again to bake a gay wedding cake he could face fines that would shut his bakery down.

Still, it's a no-brainer for Phillips who is appealing.

"Win or lose, I want to do what's right according to the Bible," he said.

The Big Lie

Phillips is not alone. He joins a number of wedding vendors who say they'd rather lose their business than violate their beliefs by serving a gay wedding.

They face a growing number of legal challenges, media labels ranging from "anti-gay" to "Jim Crow," and now—mounting opposition to state **religious freedom** bills designed to protect them.

Nicolle Martin, an attorney who represents Phillips, said it's a fight we should not be having.

"Same-sex marriage proponents told us no one's conscience will be violated. Everyone will be able to live and let live. Embracing same-sex marriage is not going to infringe on anyone's rights," she said. "And what we're seeing is that was a lie."

To understand how quickly American culture has changed, consider this: Just 20 years ago President Bill Clinton signed the Religious Freedom Restoration Act after the House passed it unanimously and the Senate passed it with 97 votes.

Today, 18 states have passed their own version of the act and 13 states offer similar protection via interpretations of their state constitutions.

A Balancing Test

The laws, known as RFRAs, provide a balancing test that gives a framework for courts to decide religious exemption cases.

“Everybody gets to make a claim if you have a sincere religious belief,” Cathy Ruse, senior fellow in Legal Studies at Family Research Council, explained. “You’re not always going to win if the government has a stronger reason to make you violate your religion, but at least we have a balancing test.”

“So now, the gay rights don’t want us to have this balancing test,” she continued. “They want to put a thumb on the scales and say everywhere and always the small business owner Christian will lose in a same-sex marriage case.”

Of course, 20 years ago **gay marriage** was mostly unthinkable and not considered in the passage of these laws. Many do not specifically protect small business owners, which is one reason that Arizona’s SB 1062 bill was written.

Same-sex marriage was also not considered in the creation of public accommodation laws. Gay advocates say businesses that open their doors to the public must serve everyone in every case.

Some Christians agree. *USA Today* columnist Kirsten Powers wrote about the issue last month, saying “Jesus calls his followers to be servants to all.”

But Phillips disagrees. He argues that Jesus, a carpenter, would not have made a bed for a gay couple.

“He was accused of going to parties with drunks and sinners and tax collectors,” Phillips said. “But he didn’t participate

in their sin and I believe that me making their wedding cake is participating in their wedding.”

Understanding Freedom’s Limits

In the wake of public protests and slanted media coverage over religious freedom bills in Arizona and Kansas, religious liberty advocates say the time for re-education is now.

At stake: centuries-old liberties and America’s standing as a global defender of religious freedom.

“If we don’t educate and begin to make sure that we’re not paring back and not giving government officials the ability to kind of slice and dice our freedoms the way they want, we will lose that standing in the world community,” Brian Walsh, executive director of the American Religious Freedom program at the Washington, Ethics and Public Policy Center, said.

Walsh believes many Americans don’t have a good understanding of religious freedom and its limits.

“They do know that you shouldn’t use religious freedom to protect inherently wrong conduct like murder, rape, robbery, assault, battery, embezzlement and the rest,” he said. “But what they don’t understand is how is it in this nation that we have always protected very different religious practices and still had our laws. How did we make sure that those protections were still in place?”

In the meantime, wedding vendors like Phillips will continue to live out their faith and run their businesses.

“There are people against me [and] there are a lot of people for me,” Phillips said. “But I believe the Bible teaches that this is wrong and to be obedient to Christ and His teachings supercedes all that.”