

Tell This Christian Colorado Cake Artist States Don't Need Religious Freedom Laws

Alliance Defending Freedom attorneys and allied attorneys filed a reply brief Tuesday with the Colorado Court of Appeals on behalf of a Lakewood, Colorado, cake artist who declined to use his artistic talents to create a wedding cake celebrating a same-sex ceremony.

The Colorado Civil Rights Commission ruled in May 2014 that Jack Phillips and his staff at Masterpiece Cakeshop must create cakes for same-sex celebrations and comply with Colorado's Anti-Discrimination Act. That ruling has gained national attention as the very kind of legal attack on freedom of conscience that many state religious freedom laws, such as Indiana's, are designed to help prevent. Colorado does not have such a law.

"Americans are guaranteed the freedom to live and work consistent with their faith," said lead counsel Nicolle Martin, one of more than 2,500 private attorneys allied with ADF. "Government should protect people's freedom to follow their beliefs in their lives and work. Jack did nothing more than exercise the long-cherished American freedom to decline to use his artistry to promote a message with which he disagrees."

According to a March 13 Marist poll, 65 percent of Americans oppose fines for wedding vendors who choose not to provide services for same-sex ceremonies on religious grounds.

In July 2012, Charlie Craig and David Mullins asked Jack Phillips, owner of Masterpiece Cakeshop, to make a wedding cake to celebrate their same-sex ceremony. In an exchange lasting about 30 seconds, Phillips politely declined,

explaining that he would gladly make them any other type of baked item they wanted but that he could not make a cake promoting a same-sex ceremony because of his faith.

Craig and Mullins, now represented by the American Civil Liberties Union, immediately left the shop and later filed a complaint with the Colorado Civil Rights Division, which eventually ruled against Phillips. One of the commissioners who ruled against him later compared him to a Nazi. The same-sex couple was easily able to obtain their desired cake from another nearby baker. "Granting Phillips' request that CADA be enforced in a manner that respects his free speech and free exercise rights will not undermine the protections public accommodations and other laws provide against discrimination," the reply brief filed in *Masterpiece Cakeshop v. Craig* explains. "It will simply recognize and reaffirm that such laws violate the First Amendment when they are 'applied to expressive activity.'"

The brief further explains that the rights Phillips seeks to vindicate are the same ones that would "protect the right of Colorado baker Marjorie Silva to decline to create a cake that references biblical teaching about sex and marriage based on her 'standards of offensiveness,' or a gay Colorado photographer to decline an offer from Westboro Baptist Church to shoot photos at its latest demonstration. These are just results that rightly and universally protect conscience. Phillips' conscience is deserving of the same respect and protection."

"States should adopt religious freedom laws that protect their citizens' fundamental right to religious liberty so the government has to prove a compelling reason before it can force someone like Jack to violate his faith—especially when no true burden has been placed on anyone to obtain goods and services. Twenty states plus the federal government already have such laws," added ADF Senior Legal Counsel Jeremy Tedesco. "Government shouldn't have a license to punish

Americans for exercising their basic civil rights.”