

Colorado baker back in court for refusing gender transition cake

Less than three months after winning a Supreme Court case backing his religious freedom of expression, Colorado Christian cake artist Jack Phillips is finding himself at the centre of yet another cake and faith-based battle.

A new complaint was recently filed against Phillips with the Colorado Civil Rights Division after an attorney approached him and asked him to make a cake celebrating the anniversary of a gender transition.

The attorney requested that the cake be pink on the inside and blue on the outside, representing a transition from male to female. Phillips declined to make the cake based on his religious beliefs.

Alliance Defending Freedom (ADF) attorneys representing Phillips and his Masterpiece Cakeshop filed a federal lawsuit this week to fight the new complaint against him, which they said constituted a “doubling down (of) anti-religious hostility” on the part of Colorado officials.

“The state of Colorado is ignoring the message of the U.S. Supreme Court by continuing to single out Jack for punishment and to exhibit hostility toward his religious beliefs,” said Kristen Waggoner, ADF senior-vice president of U.S. legal division.

“Even though Jack serves all customers and simply declines to create custom cakes that express messages or celebrate events in violation of his deeply held beliefs, the government is intent on destroying him – something the Supreme Court has already told it not to do. Neither Jack nor any other creative professionals should be targeted by the government for living consistently with their religious beliefs.”

On June 4 of this year, the Supreme Court ruled 7-2 in Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission, backing Phillips’ right to refuse to create cakes celebrating same-sex weddings due to his religious beliefs.

The Masterpiece Cakeshop case dates back to July 2012, when owner Jack Phillips was asked by two men to bake a cake for their same-sex wedding ceremony.

He explained to the couple that he could not cater to same-sex weddings – to do so would have been a violation of his Christian beliefs. He said he has also declined to make a number of other types of cakes, including cakes for Halloween, bachelor parties, divorce, cakes with alcohol in the ingredients, and cakes with atheist messages.

The couple then filed a complaint with the Colorado Civil Rights Commission for discrimination.

The commission ordered Phillips to serve same-sex weddings and to undergo anti-discrimination training.

Alliance Defending Freedom took up Phillips' case in court. The case was eventually appealed to the Supreme Court and was re-listed repeatedly throughout the winter and spring of 2017, before the Court decided to take the case.

Phillips had said that he started his Lakewood, Colorado business in 1993 as a way to integrate his two loves – baking and art – into his daily work. Phillips named his shop "Masterpiece" because of the artistic focus of his work, but also because of his Christian beliefs. He drew from Christ's Sermon on the Mount in the Gospel of Matthew, specifically the commands "no man can serve two masters" and "you cannot serve both God and mammon."

The new lawsuit filed on Phillips' behalf by ADF states that the government's anti-religious targeting of Phillips is in violation of the Constitution of the United States.

"For over six years now, Colorado has been on a crusade to crush Plaintiff Jack Phillips...because its officials despise what he believes and how he practises his faith. After Phillips defended himself all the way to the U.S. Supreme Court and won, he thought Colorado's hostility toward his faith was over. He was wrong," the lawsuit says.

"Colorado has renewed its war against him by embarking on another attempt to prosecute him, in direct conflict with the Supreme Court's ruling in his favour. This lawsuit is necessary to stop Colorado's continuing persecution of Phillips." ADF Senior Counsel Jim Campbell said in a statement that the complaint against Phillips showed evidence of continued hostility against the baker's religious beliefs.

"The arbitrary basis on which the state is applying its law makes clear that its officials are targeting Jack because they despise his religious beliefs and practices," he said.

"Jack shouldn't have to fear government hostility when he opens his shop for business each day. We're asking the court to put a stop to that."

The new lawsuit, Masterpiece Cakeshop v. Elenis, was filed by ADF lawyers in the U.S. District Court for the District of Colorado.