

# Christian cake baker back in court for refusing to violate his conscience

DENVER (BP and local reports) – Colorado baker Jack Phillips is under attack once again for declining to produce a cake decorated with symbols he considers to be contrary to his Christian faith values.

Phillips, who won a previous victory at the U.S. Supreme Court in 2018 after he failed to bake and decorate a cake for a homosexual wedding, is the defendant in a state court trial that began March 22 as a result of a discrimination lawsuit filed after his refusal to provide a cake celebrating a gender transition.

Denver District Court Judge A. Bruce Jones presided over the two-and-a-half-day trial in a lawsuit by Autumn Scardina that contends Phillips violated the Colorado Anti-Discrimination Act by denying service based on sexual orientation. It is uncertain when the judge will issue an opinion.

Scardina, who reportedly began identifying as a woman in 2010, filed a 2019 lawsuit against Phillips, owner of Masterpiece Cakeshop in Lakewood, in 2019 after Phillips declined to make a pink birthday cake with blue frosting to commemorate Scardina's gender transition from male to female.

During the March 22 proceedings, John McHugh, the lawyer representing Scardina, said Phillips and Masterpiece Cakeshop "have sincerely held religious beliefs that must be respected and treated fairly, but these beliefs do not exempt them from the same laws the rest of us must follow and do not permit them to deny Ms. Scardina goods and services simply because they reject her gender."

Lawyers for Phillips in both cases have argued that he doesn't refuse people but rather any messages that contradict his religious beliefs. "Jack Phillips serves all people, no matter how they identify, but cannot violate his conscience and create custom cakes celebrating all messages," said Jonathan Scruggs, senior counsel for Alliance Defending Freedom (ADF), in a written statement.

ADF represented Phillips in the first lawsuit and is working with him on this latest legal action. According to the website of the Scottsdale, Arizona-based public interest legal firm, "Alliance Defending Freedom exists to keep the doors open for the Gospel by advocating for religious liberty, the sanctity of human life, freedom of speech, and marriage and family."

The Southern Baptist Ethics & Religious Liberty Commission (ERLC) in Nashville filed a friend of the court brief with the U.S. Supreme Court in support of Phillips before the court's 2018 decision. ERLC President Russell Moore said in written comments dated March 26 of this year, "The Supreme Court was right when they ruled against the hostility the state showed toward Jack Phillips' religious convictions.

"The onset of another trial of this matter should remind all Americans – whether in agreement or disagreement with Phillips – that the question is whether the state can force a person to violate conscience in speech using one's artistic gifts. Our commitment to a free public square in this country means that we should debate and argue important questions without state coercion."

In the earlier lawsuit against Phillips, the U.S. Supreme Court handed down a 7-2 opinion in 2018, ruling the Colorado Civil Rights Commission violated the religious free exercise clause of the U.S. Constitution's First Amendment by penalizing Phillips for refusing to design and decorate a cake for the wedding of the two men.

The high court said the commission demonstrated “religious hostility” toward Phillips, who believes in the biblical definition of marriage as being only between a male and a female. The court did indicate it might rule differently in other contexts with similar facts.