

They Serve Gay Clients All The Time. So Why Won't They Cater A Same-Sex Wedding?

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On Wednesday, Colorado baker and businessman Jack Phillips spoke publicly in detail for the first time about his upcoming case at the U.S. Supreme Court.

In 2012, the Colorado Civil Rights Commission fined Phillips, owner of Masterpiece Cakeshop in Lakewood, Co. He had declined to design, bake, and sell a wedding cake for a same-sex wedding. Five years later, on June 26, 2017, the Supreme Court granted his appeal of a lower court decision.

Phillips answered questions at a policy forum hosted by The Heritage Foundation in Washington, DC. “The Commission ruled that I am required now to make cakes for same-sex weddings,” he stated. “In order to comply with that ruling and obey the law, we decided we wouldn’t make wedding cakes at all. It was 40 percent of our business and we lost that. Before the two men came into our shop, I had ten employees. Now I have four.”

‘Speech Compulsions Are As Unconstitutional As Speech Restrictions’

Phillips’ legal battle centered on alleged discrimination, and free speech is expected to become a topic of national discussion when the Supreme Court hears his case later this year. The high court’s ruling in the 2015 case *Obergefell v. Hodges* legalized same-sex marriages across the United States.

On Thursday at a Capitol Hill press conference, Congresswoman Vicki Hartzler (R-Missouri) and Senator Mike Lee (R-Utah) announced that 86 members of Congress have signed on to an amicus brief in support of Phillips’ rights to free expression.

The Cato Institute, a leading libertarian think tank which supports same-sex marriage, also filed an amicus brief in his support. “Speech compulsions are just as unconstitutional as speech restrictions,” states an excerpt from their brief.

Most surprising to those opposing him, the Trump administration’s Justice Department also filed a brief supporting Phillips. “I find this nothing short of shocking,” said Louise Melling, deputy legal counsel of the American Civil Liberties Union (ACLU).

At the policy forum, Phillips appeared alongside other Americans whose work has been threatened by lawsuits. The legal battles stemmed from the artists’ reticence to utilize their creative talents and services in affirming same-sex marriage.

The other once and future plaintiffs included florist Barronelle Stutzman of Richland, Wa., whose case may yet be granted cert and paired with the *Masterpiece Cakeshop* case; and Blaine Adamson, owner of t-shirt company Hands On Originals in Lexington, Ky. Adamson won

a recent ruling from the Kentucky Court of Appeals, which concerned an order to print gay pride t-shirts which his company referred to another vendor.

At one point, moderator Ryan T. Anderson, senior research fellow at The Heritage Foundation, asked two pointed questions: “What’s the big deal about marriage? What’s the big deal about the wedding flowers and the wedding cake?”

“The wedding itself, marriage, is a picture of Christ and his church,” answered Phillips. “With the wedding cake in particular, if you walk into a conference room and see that cake, you know there’s a wedding. Generally, three tiers are there—to signify the husband and the wife united with Christ.”

“They put their hands together and they cut the cake as a symbol of unity going forward in this relationship, to honor God in everything they do. So the cake itself is expressive,” observed Phillips. “The creating of the cake is an artistic expression where I paint, sculpt and do a lot of artistic endeavors to create these things.”

‘To Create Something Like That Would Go Totally Against My Faith’

Stutzman offered further clarity on the question, speaking of her longtime friendship with Rob Ingersoll, who now sits across from her in several rounds of legal battles. “Rob was one of my favorite customers. He’s very creative and he’s very funny,” she said. “He loved my arrangements, and I loved doing them for him.”

“Wedding flowers are so different. You spend months, sometimes years, with the bride and groom,” she said. “You find out their likes or dislikes, how they met, what their hobbies are, their colors. What do they want to express in the wedding? What message do they want to send about their love?”

Phillips echoed her about the specialized nature of his work. “Our showcases are open; people come in and buy stuff all day long. But the wedding cakes we created were custom. When people came in for a wedding cake, I sat down and designed it with them personally.”

“When we make them bouquets, just like when Jack makes the cake, it’s part of them,” Stutzman stated. “There’s so much involved. But to create something like that would go totally against my faith, which teaches me that marriage is between a man and a woman—that’s something that we cannot do.”

Ingersoll and his partner sued Stutzman at the behest of the ACLU. It puts the grandmother at risk of losing her home and life savings. Nevertheless, her affection for Ingersoll remains.

“I’d be so excited if Rob came into my store,” she said with tears in her eyes. “I would wait on him another 10 years. I would hug him and catch up on his life. He is missed.”

‘No Man Can Serve Two Masters’

Phillips also explained the origin of his bakery, founded in 1993. “Eventually, I would open my own shop and it would be a place exclusively to make cakes to celebrate the special events in peoples’ lives. And I would do it in the most artistic, creative ways that I could,” said Phillips.

He summed up his vision: “We want to do art, and we want to do it with cakes.” But calling his bakery Masterpiece Cakeshop was not only to evoke artistic expression.

“Part of the meaning of Masterpiece is ‘master.’ That comes from the Sermon on the Mount, [where] Jesus said, ‘No man can serve two masters. Love the one and hate the other. Or love this one and despise that one.’”

Phillips choked up with emotion as he continued: “You can’t serve God and money. I didn’t open this so I could make a lot of money. I opened it up so it would be a way that I could create my art, do the baking that I love and serve the God that I love in ways that would hopefully honor Him.”

His attorney Kristen Waggoner of Alliance Defending Freedom explained that the Supreme Court is likely to hear oral arguments in his case *Masterpiece Cakeshop v. Colorado Civil Rights Commission* by November or early December.

“We expect that in June of next year, we will have a ruling of the Supreme Court,” stated Waggoner.