

Christian baker who wouldn't make wedding cake for gay couple has no free speech defense, ACLU says

8 hours



The American Civil Liberties Union told the U.S. Supreme Court on Monday that Jack Phillips (above), a Christian baker who refused to make a wedding cake for a gay couple, has no free speech defense. (Image source: YouTube screenshot)

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The American Civil Liberties Union told the U.S. Supreme Court on Monday that a Christian baker who refused to make a wedding cake for a gay couple has no free speech defense, the [Washington Times](http://www.washingtontimes.com/news/2017/oct/23/aclu-rejects-christian-baker-jack-phillips-free-sp/) reported (<http://www.washingtontimes.com/news/2017/oct/23/aclu-rejects-christian-baker-jack-phillips-free-sp/>).

What's the background?

Jack Phillips, owner of the Masterpiece Cakeshop in Lakewood, Colorado, cited his Christian faith when he declined to design and bake a cake for David Mullins and Charlie Craig's wedding reception — which prompted the couple to file discrimination charges against him.

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A Colorado court ruled Phillips violated the state's Anti-Discrimination Act, but the U.S. Supreme Court [agreed](http://www.theblaze.com/news/2017/06/26/supreme-court-agrees-to-hear-case-of-baker-who-refused-to-make-a-cake-for-a-same-sex-wedding/) (<http://www.theblaze.com/news/2017/06/26/supreme-court-agrees-to-hear-case-of-baker-who-refused-to-make-a-cake-for-a-same-sex-wedding/>) in June to consider the case.

What is the ACLU saying?

The ACLU — which is representing Craig and Mullins, a same-sex couple — told the high court that Phillips' free speech defense isn't valid.

"This is not about the cake," Louise Melling, deputy legal director at the ACLU, argued, the Times said. "Charlie and Dave walked into the Cakeshop and were turned away because of who they are."

The ACLU brief also noted this case "is not the first time a business open to the public has sought to avoid an anti-discrimination law by invoking the First Amendment. In every prior case, this Court has rejected such claims, whether framed as involving the freedom of expression, association, or religion," the paper added.

Melling's argument also said "the stakes could not be higher" because a Supreme Court ruling against the ACLU's clients "will not just encourage other businesses to engage in similarly discriminatory practices: It will enshrine a constitutional right to discriminate," the Times reported.



David McNew/Getty Images

What are Phillips' lawyers saying?

Phillips' lawyers from Alliance Defending Freedom have argued that their client doesn't object to serving gay and lesbian clients but wants to use his "artistic talents to promote only messages that align with his religious beliefs." They added that Phillips' faith also dictates his policy of not making products that contain alcohol or celebrate Halloween.

"Every American should be free to choose which art they will create and which art they won't create without fear of being unjustly punished by the government," David Cortman, senior counsel at Alliance Defending Freedom, said in a statement.

"That's why the bad decision in this case needs to be reversed," Cortman added. "It imperils everyone's freedom by crushing dissent instead of tolerating a diversity of views. We are all at risk when government is able to punish citizens like Jack just because it doesn't like how he exercises his artistic freedom. America must have room for people who disagree to coexist."

What happens next?

The high court will hear oral arguments on the case Dec. 5, the paper added, and the ACLU asked for argument time along with the baker and the Colorado Civil Rights Commission.