



Written by [Dave Bohon](#) on December 8, 2013

Colorado Baker Ordered to Make Cakes for Same-Sex Couples

A Colorado baker who refused to bake a cake for two men who wanted cake for their wedding has been found guilty of discrimination and ordered to serve future same-sex couples or face stiff fines.

Administrative Law Judge Robert N. Spencer ruled December 6 that Jack Phillips, owner of Masterpiece Cake Shop in the Denver suburb of Lakewood, discriminated against Dave Mullin and Charlie Craig when he told them in July 2012 that he couldn't bake a cake to celebrate their supposed marriage because homosexual behavior conflicted with his Christian beliefs. Mullins and Craig had gone through a same-sex ceremony earlier in Massachusetts but had wanted a cake to celebrate in Colorado.



"Respondents have no free speech right to refuse because they were only asked to bake a cake, not make a speech," wrote Spencer in his ruling against Phillips. "It is not the same as forcing a person to pledge allegiance to the government or to display a motto with which they disagree." He added that "at first blush, it may seem reasonable that a private business should be able to refuse service to anyone it chooses. This view, however, fails to take into account the cost to society and the hurt caused to persons who are denied service simply because of who they are."

Spencer ordered Phillips to "cease and desist," under threat of fine, from allowing his Christian beliefs prevent him from serving homosexual pairs who ask him to bake them a wedding cake.

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Mullins played up the role of aggrieved victim, weeping that "being denied service by Masterpiece Cakeshop was offensive and dehumanizing, especially in the midst of arranging what should be a joyful family celebration. No one should fear being turned away from a public business because of who they are." However, he and his partner Craig were "grateful to have the support of our community and our state, and we hope that today's decision will help ensure that no one else will experience this kind of discrimination again in Colorado."

Colorado's ACLU franchise, which sued the baker on behalf of the homosexual men, exulted in its victory. "Masterpiece Cakeshop has willfully and repeatedly considered itself above the law when it comes to discriminating against customers, and the state has rightly determined otherwise," said the ACLU's Sara Neel. Ignoring the treatment Phillips received for living according to his convictions, Neel quipped that "it's important for all Coloradans to be treated fairly by every business that is open to the public — that's good for business and good for the community."

Amanda Goad of the ACLU's homosexual LGBT Project insisted that "no one's religious beliefs make it



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acceptable to break the law by discriminating against prospective customers,” adding lamely that Phillips wasn’t asked “to change his beliefs, but treating gay people differently because of who they are is discrimination plain and simple.”

Attorney Nicolle Martin of the conservative Christian legal advocacy group Alliance Defending Freedom, which represented Phillips, expressed dismay at the bizarre ruling. “He can’t violate his conscience in order to collect a paycheck,” she said. “If Jack can’t make wedding cakes, he can’t continue to support his family. And in order to make wedding cakes, Jack must violate his belief system. That is a reprehensible choice.”

Martin noted that “America was founded on the fundamental freedom of every citizen to live and work according to their beliefs. Forcing Americans to promote ideas against their will undermines our constitutionally protected freedom of expression and our right to live free. If the government can take away our First Amendment freedoms, there is nothing it can’t take away. We are considering our next steps.”

The Associated Press reported that a similar case “is pending in Washington state, where a florist is accused of refusing service for a same-sex wedding.” And in New Mexico, the news site added, “The state Supreme Court ruled in August that an Albuquerque business was wrong to decline to photograph a same-sex couple’s commitment ceremony.”



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