



Written by [Raven Clabough](#) on April 14, 2020

LGBTQ Activist Targets Colorado Christian Baker Despite SCOTUS Victory

Christian baker Jack Phillips (shown) has found himself back in court in defense of his religious freedoms despite a 7-2 U.S. Supreme Court ruling in 2018 that determined he should not have to bake a cake for a same-sex wedding in violation of his religious beliefs. This time, the cake artist is being sued in civil court for refusing to create a gender transition celebration cake.



According to the Alliance Defending Freedom (ADF), Phillips has become the victim of the state’s “ongoing hostility towards religious freedom.” The Colorado Civil Rights Commission targeted Phillips just weeks after his Supreme Court victory — which came after six years of litigation — with new charges over his refusal to bake a cake for local attorney and activist Autumn Scardina in celebration of Scardina’s transition from male to female.

“The shop [Masterpiece Cakeshop] declined the request because the message of the cake contradicts Jack’s religious belief that God creates us either male or female,” an ADF press release explained.

It was evident Scardina’s intention was to goad Phillips into another legal battle. According to ADF, he requested the specialty cake on June 26, 2017, the same day the Supreme Court announced it would hear Jack’s same-sex wedding cake case. When Phillips refused, Scardina filed a complaint with Colorado’s Civil Rights Commission. A few months later, Scardina made another request of the cake shop, this time asking for a cake that featured Satan smoking marijuana.

But despite Scardina’s clear efforts to be antagonistic, the Colorado Civil Rights Division (which reports to the Civil Rights Commission) found probable cause to take up Scardina’s charges, less than a month after the Supreme Court ruled in Phillips’ favor.

“The same agency that the Supreme Court rebuked as hostile to Jack Phillips remains committed to treating him unequally and forcing him to express messages that violate his religious beliefs,” ADF Senior Counsel Jim Campbell said at the time.

That [legal battle](#) was short-lived, however, as the state ultimately dismissed the charges in March 2019 once Phillips filed a federal lawsuit against the state of Colorado.

“It wasn’t until Jack sued the state for targeting him and ADF uncovered more evidence demonstrating the state’s anti-religious hostility that Colorado officials finally ended their crusade against him,” an ADF press release [explains](#). Some of that [evidence](#) included one of the current commissioners publicly referring to Phillips as a “hater” on Twitter.

Unfortunately, Phillips’ legal battle is not over, as Scardina decided to sue Phillips over the gender-transition cake in a [district civil court](#) for monetary damages just a few months after the state dropped the case against Phillips. The attorney is seeking more than \$100,000 in damages, fines, and attorney’s



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fees.

Scardina has attempted to make the case that the cake he requested was simply a birthday cake, yet the cake was to be blue on the outside and pink on the inside to represent Scardina's transition, information that Scardina elected to share with Phillips in his request for the cake. Scardina's attorney, Paula Greisen, told CBS' Denver affiliate that Phillips is being dishonest about who he is willing to serve, but Phillips has long maintained that he is not singling out any individuals, but instead refuses to use his creativity to support messages that conflict with his belief system. This includes making Halloween cakes, those that support drug use, or those that disparage any individual.

Attorneys with the ADF asked the court to dismiss the case during oral arguments last week.

ADF Legal Counsel Jake Warner contends Scardina's actions underscored his "relentless pursuit" of the cake maker in "an obvious attempt to punish him for his views, banish him from the marketplace, and financially ruin him and his shop."

"It's time to move on and leave Jack alone. This new lawsuit is nothing more than an activist's attempt to harass and ruin Jack because he won't create custom cakes that express messages or celebrate events in conflict with his conscience," said ADF Senior Vice President of U.S. Legal Division Kristen Waggoner, who argued on behalf of Phillips before the U.S. Supreme Court. "Jack's victory at the Supreme Court was great news for everyone. Tolerance for good-faith differences of opinion is essential and the only way for diverse people with differing views to peacefully coexist."

According to the justices in the high court's ruling, the Colorado Civil Rights Commission showed "clear and impermissible hostility" and violated Phillip's First Amendment-protected rights. But as noted by the Christian Post, the ruling's scope was ultimately too narrow because it focused on the Colorado Commission's lack of neutrality and not on religious liberty. The Christian Post writes, "The high court did not weigh in on the deeper conflict between anti-discrimination statutes and the free exercise of religion and free speech."

Scardina's latest lawsuit against Phillips accuses him of discrimination and "deceptive trade practices." It claims Phillips violated the Colorado Consumer Protect Act because he refused to create a "birthday" cake for a customer simply because the customer was transgender, according to the complaint. The complaint cites statements made by Phillips in his Supreme Court case, including assertions that he would make any cake for any LGBT customers as long as it was not a wedding cake.

With dozens of bakeries in Denver from which to choose, Scardina targeted Phillips. The ADF contends Scardina is bent on seeing Phillips close his shop and experience financial ruin "all because he wants to live according to his faith."

Photo: AP Images

Raven Clabough acquired her bachelor's and master's degrees in English at the University of Albany in upstate New York. She currently lives in Pennsylvania and has been a writer for The New American since 2010.



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