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Masterpiece Cakeshop v. Elenis

Significance: Whether Colorado can disregard the Supreme Court's 7-2 ruling that it was hostile to Jack Phillips' religious beliefs and target Jack yet again for living out his faith.

Current Status: State has filed a formal administrative complaint against Jack, and ADF has filed a motion for preliminary injunction against the state.

Background: Jack Phillips, owner of Masterpiece Cakeshop, is facing another round of harassment for simply running his business according to his faith. For over six years now, Colorado has been on a crusade to crush Jack because its officials are hostile to his faith. After Jack defended himself all the way to the U.S. Supreme Court and won, he thought Colorado's hostility toward his faith was over. He was wrong. The day that the U.S. Supreme Court agreed to hear Jack's case in June 2017, a local attorney and LGBT advocate contacted Jack's shop requesting a cake with a pink and blue design celebrating that attorney's transition from male to female. The request appeared to be a setup—the attorney used speakerphone and asked Jack's employee to repeat herself so that another person could hear. In the year following that request, Jack received many requests for cakes celebrating Satan, featuring satanic symbols, depicting sexually explicit materials, and promoting marijuana use. At least one of the satanic requests came from the same Colorado lawyer. Jack declined all the requested cakes—including the pink and blue one—because they would have expressed messages that violate his religious beliefs. He serves all customers but doesn't celebrate all events or express all messages through his custom cakes. The attorney who requested the pink and blue cake filed a complaint with the state of Colorado challenging Jack's decision not to create that cake. The state held that complaint pending the outcome of Jack's case at the Supreme Court. Despite the 7-2 ruling against the state, and the facts suggesting that the requested pink and blue cake was an apparent setup, Colorado doubled-down on its hostility toward Jack's religious beliefs by filing a formal administrative complaint against him. Alliance Defending Freedom has sued Colorado for unjustly targeting Jack and is seeking a preliminary injunction pending the outcome of the lawsuit.

Key Points

- Jack serves all customers; he simply declines to create custom cakes that express messages or celebrate events in violation of his deeply held beliefs.
- All Americans have the First Amendment right to speak and peacefully live consistent with their faith.
- The state is doubling down on its hostility toward Jack's religious beliefs, even though the Supreme Court just condemned the state for acting based on that hostility.
- After defending himself for six years against the state's unlawful prosecution and enduring repeated harassment from others, including death threats, Jack just wants to move on with his life. But Colorado won't let him. Jack had no choice but to file a federal lawsuit to stop the state from targeting him again.
- Jack should not have to fear government punishment for his faith when he opens his cake shop for business each day. Yet it appears that Colorado won't stop until Jack closes down or agrees to violate his faith.

Key Facts

- The government continues to show hostility toward Jack and his beliefs.
    - One current commissioner over the new case against Jack has called him the "cake hater" on Twitter.
- Jack declines to create custom cakes that express messages or celebrate events in conflict with his deeply held beliefs. For example, he does not create custom cakes promoting the following:
    - Halloween (even though Halloween cakes are a significant income source for most cake shops),
    - Alcohol and/or drug use,
    - Disparaging messages, including those targeting people within the LGBT community.

The Bottom Line: Colorado is targeting Jack because of his religious beliefs again, despite just losing at the Supreme Court because of its hostility to his faith.