

Steve Marshall
Alabama Attorney General



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For press inquiries only, contact:

Mike Lewis (334) 353-2199

Joy Patterson (334) 242-7491

Page 1 of 1

Attorney General Steve Marshall Defends Free Speech and Religious Rights of Embattled Cakebaker Jack Phillips

(MONTGOMERY) – Alabama Attorney General Steve Marshall has filed an amicus brief supporting the free speech right of Masterpiece Cakeshop in Colorado to decline to create a custom cake celebrating a gender transition.

Jack Phillips is a devout Christian who makes custom cakes at his family-owned cakeshop, Masterpiece Cakeshop. He was thrust into the limelight eight years ago when he declined to create a custom wedding cake celebrating a same-sex wedding. The Colorado Civil Rights Commission tried to punish him, but ultimately, the U.S. Supreme Court reversed the Commission’s sanction because Colorado had acted with clear and impermissible hostility to Phillip’s religious belief.

But shortly before he obtained this victory, another person asked that Phillips create a cake celebrating a gender transition. He refused and again finds himself in Colorado’s legal crosshairs. In the case *Scardina v. Masterpiece Cakeshop Inc.* before the Colorado Court of Appeals, Attorney General Marshall and a coalition of 15 other attorneys general argue that custom cakes are artistic works, and therefore, protected by the First Amendment.

“Masterpiece Cakeshop owner, Jack Phillips, holds strong religious beliefs against gender transition as well as same-sex marriage,” said Attorney General Marshall. “The small business owner is not refusing to serve same-sex or transgender clients, but he objects to using his art to support a message that is against his religion, regardless of who the customer might be. Those who may be uncomfortable with his decision should consider whether, in the alternative, an artist might be forced to endorse a message attacking homosexuality or gender transitions.

“America’s promise of liberty is not dependent upon the whims of what may be considered politically correct or not. We are bound by the United States Constitution to protect the free speech and religious rights of Mr. Phillips and all of our citizens.”

Attorney General Marshall was joined by the Attorneys General of Alaska, Arkansas, Arizona, Kansas, Kentucky, Mississippi, Missouri, Montana, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Texas and West Virginia in the brief filed November 18 in the Colorado Court of Appeals. The Attorneys General amicus brief can be read [here](#).

