



Broadcast Transcript

Broadcast: Masterpiece Cakeshop v. Religious Intolerance

Guest(s): Jack Phillips & Jim Campbell

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Announcer: Today, on Family Talk:

Dr. Dobson: Well, welcome everyone to family talk, which is a listener-supported ministry of the James Dobson Family Institute. I'm your host, James Dobson. I think you know that. And for those of you who are on our mailing lists and receive my monthly letters, I am sure you know that recently I've been addressing the growing hostility to Christians who have the temerity to live out their faith in the public square. Most recently I described the persecuted church in America and around the world, which amounts to a spiritual civil war. Even here at home where freedom and liberty are supposedly guaranteed, and they are guaranteed by our constitution, the use of the legal apparatus to deny one's religious beliefs has implications for every committed follower of Jesus Christ, and this is why we're talking about it today. We're going to be discussing that issue in the larger context of what is happening to our country and to the right to serve the God that we love.

Whether you are a Christian photographer, a florist, or a baker of cakes, or any kind of business man or woman, you're at risk of being slapped with ruinous legal action for living out your code of morality. Even though the first amendment to the Constitution, the Bill of Rights, the first one of the Bill of Rights, provides that guarantee that I mentioned a minute ago for religious liberty to every citizen, by the time you have defended yourself in court, you can be bankrupt by legal expenses, even if you ultimately win. And that is not right, and we're here to describe such a case in point today.

You've been reading about the persecution of the cake maker named Jack Phillips, here in the increasingly liberal state of Colorado. It's changed a lot since we moved here 29 years ago, and this is kind of characteristic of what's going on here. Jack Phillips has been dragged into one court after another, three lawsuits have occurred in the seven long years this has been going on, and he's with us today, along with this attorney Jim Campbell, who is with the Alliance Defending freedom. Before I get to Jack, Jim, let me tell you how much I appreciate you guys. Allen Sears was one of my very best friends and now he's retired. But you

guys are still keeping up the good work. And in fact, you defended us when Barack Obama tried to force us with a mandate that required us to give contraceptives to our employees, even if they would result in aborted babies. So, I appreciate you guys and it's good to have you here.

Jim Campbell: Well, thanks for having us. And we appreciate you and all the work you did, particularly to help found our organization at Alliance Defending Freedom.

Dr. Dobson: I was on the ground floor of that effort, and it came back to benefit us, too. But I know that the word goes on and your organization is paying the bill for Jack Phillips' legal care.

Jim Campbell: So yes, we are a nonprofit organization that represents our clients pro bono, and pro bono of course is a fancy way of saying we defend our clients for free, but the work we do isn't free so that's why we depend on people who believe in what we do and support our organization. And that allows us to defend people like Jack Phillips without needing to charge them.

Dr. Dobson: And that's the commercial. And you can send me a few bucks for that. Jack, so good to have you here.

Jack Phillips: It's my pleasure to be here...

Dr. Dobson: I've been reading about you for seven years. I have not had the chance to get acquainted with you until today. Are you making it? Are you still buoyant? Are you still depending on the Lord for the outcome?

Jack Phillips: Yeah, God has provided all of our needs through this whole ordeal and the bills are all paid. We're still open for business.

When my wife and I first talked about opening the cake shop, we sat down and we decided that there were cakes that we would create, cakes that we wouldn't create and all the different aspects of that, but the primary thing that we considered was that everything we did, we wanted to honor Jesus Christ in our business.

Dr. Dobson: Your desire was to be an artist, but not with paints and canvases, but with pastries and cake mix.

Jack Phillips: Right. When I graduated high school, I needed a job and a man that lived across the street from me owned a large wholesale bakery, and he was gracious enough to hire me, and it took no time at all for me to realize that that's something that I enjoyed-

Dr. Dobson: But you went to art school too, didn't you?

Jack Phillips: I did not. Every class that I took in high school, if you had an elective, it would have been in the art room, but I never took any formal art, but every opportunity-

Dr. Dobson: So you had a natural ability.

Jack Phillips: Right. It's something that God's given me an interest in and an ability to do. So, all my life I was drawing and painting and all those kind of things.

Dr. Dobson: Let's go back to the beginning of this ordeal when two men came into your shop with an unusual request.

Jack Phillips: Yeah. It was a Thursday afternoon, it was July 19th, beautiful sunny afternoon in Lakewood, Colorado-

Dr. Dobson: What year?

Jack Phillips: 2012. Seven years ago. And two men were sitting in our wedding area and so when I went over to sit down to talk with them, we made introductions. One of them said he was David, the other one was Charlie. "I'm Jack. What can I do for you?" David said, "We're here to look for wedding cakes." Charlie said, "It's for our wedding." And so right away I realized that this is not a cake that I can create, but how can I tell these two men that I can't make their cake, but I'd be glad to serve them anything else? And so, I told them, "I'll make you birthday cakes, cookies, brownies, other custom cakes, but I can't create a cake for a same sex wedding." At which time they both jumped up, they flipped me off, they swore at me and stormed out of my shop.

Dr. Dobson: So they stormed out the door and did what?

Jack Phillips: Well, 20 minutes later the phone rang. And so, I answered the phone and somebody was on the other end and they were condemning me for turning away the gay couple and I said, "I would never turn away a gay couple. I would gladly serve anybody anything that I would create for anybody else, but I can't create this cake." I don't remember the exact content of the call, but it was not a friendly call. And then another one right after that. We were only open for another half hour that day and at six o'clock we closed. In between five and six o'clock, I'd received half a dozen calls like that. So, right away, the two men started telling their friends, however they did it, to call us up and harass us.

Dr. Dobson: In the days that followed, what happened?

Jack Phillips: Same thing. That was Thursday afternoon, when I came in Friday morning, didn't stop. Friday or Saturday, Monday morning, same thing.

Dr. Dobson: It was your assumption that it was your shop and your sense of morality here and you don't have to do something that takes you in a contrary way to what you believe, and you stood your ground.

Jack Phillips: Right. And I gladly serve everybody who comes in my store. That's why I opened a retail store. I like people, I like to serve them, I like to make cakes, I like the challenges that the people give me to make cakes, but we decided right from the start that there are cakes that we wouldn't be able to create. That was one of them.

Dr. Dobson: What are the others, Jack, to show that this is not targeted explicitly at the gay community, but it is much broader? It has to do with your moral views on a number of things.

Jack Phillips: Yeah. Besides cakes for same sex weddings, we also decided at the beginning that we wouldn't make cakes that celebrate Halloween, we decided we wouldn't make cakes with alcohol in them and now two doors away from us, we have an alcoholics anonymous club. And so those people are free to come in and purchase any of our cakes from our cake shop, not worried about that there could be alcohol in them, that God was gracious to do that. We also don't do cakes that denigrate other people or insult other people.

Dr. Dobson: How ironic then that you're the one that's held up as the icon of hatred.

Jack Phillips: We've had people ask us to create cakes that insult people who are in the LGBT community, and we won't create those either. It's the message of the cake that we won't create. It's never the person that's asking for the cake.

Dr. Dobson: So Jack, let's get back to the origin of the complaint against you that goes back to 2012. This gay couple entered your cake shop and they didn't like what happened there obviously and they contacted the Colorado Civil Rights Commission, who a little later informed you that you were being sued.

Jack Phillips: Yeah, they filed a complaint with the Civil Rights Commission and we got the paperwork. They came in in July, July 19th, but we got official paperwork from the state that I was being sued, I believe, it was in October. Late September, early October.

Dr. Dobson: So eventually it went to court.

Jack Phillips: The first court was an administrative law court, which is not part of the judicial system, it's part of the governor's office. And so a governor-appointed commission and a governor-appointed judge. And so we went to that hearing where the judge found us guilty of violating the-

Dr. Dobson: Was that Governor Hickenlooper?

Jack Phillips: I believe it was Governor Hickenlooper that appointed this judge.

Dr. Dobson: Democrat; liberal.

Jack Phillips: He appointed all the commissioners. I'm pretty sure of that, and I think he appointed the administrative law judge.

Dr. Dobson: So you then knew you're going to have to have a legal team. Do you have the money to pay for that?

Jack Phillips: I don't have the money to take a lawyer to lunch. So we had already been connected with Alliance Defending Freedom, and one of their allied attorneys representatives in the administrative law court, and when we lost there, then we appealed to the Colorado court of appeals.

Dr. Dobson: So you lose that one.

Jack Phillips: We lost at the court of appeals, three to nothing, so then we appealed to the Colorado state Supreme court, and they denied hearing our case. So then the only other option available to us was the United States Supreme Court.

Dr. Dobson: So Jim, what year was that?

Jim Campbell: They agreed to hear the case in the summer of 2017.

Dr. Dobson: And it was decided that-

Jim Campbell: It was then decided the following summer, so in June of 2018 was when the US Supreme Court ruled in Jack's case.

Dr. Dobson: Was it a flat out win or was it nuanced?

Jim Campbell: It was a bit nuanced. I mean, it was a flat out win in one sense, in the sense that this put an end to this case and made it clear that the state of Colorado was being hostile to Jack's religious beliefs and that they could not do that. And the court was very, very clear about those points.

Jim Campbell: Now, there was a broader question-

Dr. Dobson: They chastised the local people didn't it?

Jim Campbell: Absolutely. It said in no uncertain terms that what the state of Colorado was doing to Jack and what they were saying about Jack was entirely inappropriate.

But what the court didn't address is a broader question, which is whether people of faith, creative professionals who serve everyone like Jack does, whether they have to be forced to create cakes or other custom items that

express messages or celebrate events in violation of their faith? That question the court didn't need to reach. And so that's still unaddressed from the Supreme Court.

Dr. Dobson: So that was the loophole that allowed the Colorado people to again sue you?

Jim Campbell: That's correct. What happened then was Jack won his case at the US Supreme Court and three weeks later, the Commission announced that they were coming after Jack again. And the reason they were coming after Jack again was because a year earlier, the very same day that the US Supreme Court announced they were going to hear Jack's case, Jack got a call, his shop got a call from a local attorney in the Denver area that asked for a custom cake with a pink and blue design that the attorney said would reflect and celebrate a sex change. And Jack shop indicated, "Listen, we serve everyone, but that's not a cake that we can make. So while we're glad to make other things for you, that's not something we can do." And unfortunately, that person took that response and went straight to the state and filed a complaint-

Dr. Dobson: Jack, by that point, you knew what that meant. You meant going back to court.

Jack Phillips: Yeah, and-

Dr. Dobson: Where do you get the guts to do that?

Jack Phillips: Well, God has provided everything that we need all the way from the time we opened our doors from the time we got married and way back. He's provided everything we need. We trust our Lord and savior. And he's provided ADF, Alliance Defending Freedom, to stand beside us and help us with this. And they've given us great advice all the way through and been able to be there and offer all the legal advice and the defense that we needed.

Dr. Dobson: So Jim, you guys then counter sued?

Jim Campbell: We did. Yeah, we decided that enough was enough. We weren't going to sit back and allow the state of Colorado to come after Jack again, so we counter sued them in federal court. They tried to get our case dismissed and they were unsuccessful, and eventually through discovery... So anyone who's been a part of a legal process knows that you can ask for information from the other side. We got a recording from two members of the Commission saying that they agreed with the hostile comments that prior members of the Commission had said. And so once we had that evidence in hand, it wasn't surprising to us that a few days later the state said that they had decided to drop their prosecution against Jack.

Dr. Dobson: So, people like me and others who've been watching from afar have celebrated twice now, two big victories, but you're still in it. It's not over. They just never give up on you.

Jim Campbell: That's right. So the state decided to drop the prosecution against Jack and then three months later, the individual attorney who had filed that complaint decided to file another lawsuit directly against Jack in state court. And so now that's what we're dealing.

Dr. Dobson: What's in his craw?

Jim Campbell: Apparently, he has it out for Jack. There's something that this attorney is definitely intent on turning Jack's life upside down. So we filed a request to dismiss that case and at this point, we're waiting to hear back from the state court.

Dr. Dobson: So that's where it rests?

Jim Campbell: That's correct. The other thing that's important for people to understand about this case is that this attorney is seeking to have Jack pay damages.

Dr. Dobson: If you lose in these next two courts, you're back to the Supreme Court if they'll take it, right?

Jim Campbell: That's potentially on the table. We might end up back at the high court again.

Dr. Dobson: And you probably have a more favorable court now than when you first went there.

Jim Campbell: That could be true-

Dr. Dobson: Thank you, Donald Trump.

Jim Campbell: That might be true.

Dr. Dobson: Gorsuch and Kavanaugh.

Jim Campbell: That's correct. We'll see if we end up there. And if we do, we're hopeful that the court will make it clear once and for all that people like Jack, again, creative professionals that will serve everyone, that they aren't forced to create special custom items to celebrate messages in conflict with their beliefs.

Dr. Dobson: What is at stake here, Jim, is not a cake baker and his shop, it's a whole lot more than that, and that's why you guys have not given up. You just hang in there. Explain what that larger picture is.

Jim Campbell: So Jack's case is one of many like it. There are a lot of people out there that, like Jack, are creative professionals that want to live and work consistent with their beliefs. And so we represent a art studio in Arizona, we represent film makers in the state of Minnesota, we represent Barronelle Stutzman, a floral artist in the state of Washington. So from coast to coast, we're representing people who just

want to live and work consistent with their beliefs. But unfortunately, their state governments and their local governments won't let them do it. And so what we're doing is we're standing up on behalf of their religious freedom and their freedom of speech so that we make sure the government can't force them to say things or make items that express messages that violate their beliefs.

Dr. Dobson: Do you see this as part of, if not a coordinated effort, at least a sympathetic effort by LGBT people and those who agree with that philosophy and way of life all across the country, starting with public schools and going on into various aspects of American life? Is it as broad as I'm making it?

Jim Campbell: We do see a concerted effort, and we're talking about business owners like Jack, and you mentioned education, we see this issue popping up across the full spectrum. So I do think that's true. And one of the things that we like to emphasize is that the freedom that we're arguing for in this case is as good for Jack as it is for the people who are opposing him. So, for example, if Jack's forced to create cakes with messages that violate his beliefs, then the same government can force someone who identifies as LGBT to create cakes that, for example, criticize same sex marriage, or some message that they disagree with. And so what we're arguing for is a freedom that's good for everyone, no matter what your beliefs are.

Dr. Dobson: Do you have admiration for Jack for hanging in there?

Jim Campbell: Undoubtedly. I don't know how Jack does it. And one of the things that I get to see as one of his attorneys is Jack's steadfastness. We get to see it on the inside. He truly believes in the sovereignty of God and rests in that in a way that is inspiring to someone like me.

Dr. Dobson: Jack, how have you been personally affected or wounded by this process, about these lawsuits? Anyone who has been sued and had their finances and their reputation and everything hanging in the balance can identify with you. Tell us how this has affected you and your family.

Jack Phillips: One of the things that's affected us was the phone calls, the hate mail, the emails that we got, the threats I had. One day I was at the shop and I'd get a phone call from somebody who tells me what street he's on, he's coming to the shop and he's going to blow my head off.

Dr. Dobson: Death threat.

Jack Phillips: Death threat. And my daughter worked for me, she was there with her daughter, who was four years old at the time, so I made a decision to tell them, "Go hide in the back. I don't know what's going on here. I'm going to call the police and make sure that you don't come out until these things are sorted out." The police came, so the threat was never substantiated or never followed through on.

There was times where my wife was afraid to come to our shop, our small family shop, where my mom works and my grandchildren play because of the- you didn't know what was going to be happening. This has actually drawn our family closer together.

Dr. Dobson: No kidding.

Jack Phillips: Business wise though, the administrative law court rule that we had to start making cakes for same sex weddings if we're going to make wedding cakes. And we knew that that's not something we could do, so we stopped making wedding cakes.

Dr. Dobson: Jack, we admire you. We love you as a brother in Christ. We will continue to do what we can to support you. I thank you for being here, for being willing to open yourself to this process, even all the way back to knowing that you were going to be sued and you did what was right anyway. That takes a lot of courage, a lot of guts. And I appreciate you being here today.

Last question then, what do you say to the listeners? Do you have any advice for them?

Jack Phillips: What comes to my mind first is that we've done everything that we've done in order to honor Jesus Christ. We opened the bakery... To open a bakery and to do things that would be done in a way that would bring honor and glory to our Lord and Savior. And he's provided for us, he's protected us, he's taken care of all of our needs and we trust him completely. And if he can do that for us in our small situation, he can and will do it for anybody who wants to trust him.

Dr. Dobson: Jack, the official name of your business is Masterpiece Cake Shop?

Jack Phillips: Yeah.

Dr. Dobson: How can people patronize you? First of all, tell us where it is and then, would it be helpful for people to come by and say hello and to maybe buy some wonderful things?

Jack Phillips: Yeah. The name of the shop is Masterpiece Cake Shop, and we came up with that name way back at the beginning.

Dr. Dobson: Oh, that relates to Christ?

Jack Phillips: Yeah. Masterpiece says art, cake shop says cake, so hopefully you know you're coming in to get an artistic cake to help you celebrate. Also, a masterpiece, the first part of that is master, and Jesus, in His Sermon on the Mount, said, "No man can serve two masters," so I'm reminded daily who I serve in this cake shop.

Dr. Dobson: Again, tell us exactly where it's located.

Jack Phillips: We're in Lakewood, Colorado, which is a suburb of Southwest Denver, Colorado. And we're open Monday through Saturday, seven o'clock to six o'clock. And people are welcome to come by anytime and visit and encourage us and hopefully we can turn around and encourage them.

Dr. Dobson: Jack, during our break time, you gave me a little gift and I will cherish it. It is a cup for coffee or whatever I want to use it for, and on it is written "Masterpiece Cake Shop. Yeah, that cake shop." And on the back are these words, "'For we are God's masterpiece. He has created us anew in Jesus Christ so that we can do the good things he planned for us a long time ago.' Ephesians 2:10, the living Bible."

Let me close with a couple of scriptures. Second Timothy 31:12. "In fact, everyone who wants to live a godly life in Christ Jesus will be persecuted." It's what the scriptures tell us is inevitable. The only thing is what you do with it when you're in jeopardy in this way. And you have not tried to wound the other people, or been angry at them, or showed hatred for them, have you?

Jack Phillips: No. I welcome them in my store. The three people that have sued me, the two men the first time, and the other person, I'd welcome them in my store any day, or anybody who wants to come in my store. It may be the only place where they would hear the gospel. They're not going to hear it in the media, they're not going to hear it in their schools, maybe they'll hear it in a cake shop.

Dr. Dobson: First Peter 5:8 and 10. "Be sober-minded. Be watchful. Your adversary, the devil prowls around like a roaring lion seeking someone to devour. And the God of all grace who called you to his eternal glory in Christ, after you have suffered a little while, will himself restore you and make you strong, firm and steadfast." That's encouraging, isn't it?

Jack Phillips: That's encouraging, yeah.

Dr. Dobson: Well, thank you for being our guest today. Jack Phillips, you've read about him in the newspaper and now you've heard from him personally. And Jim, thank you also for being here today to clarify the legal aspect. You guys stay in touch with us, will you?

Jim Campbell: Will do.

Jack Phillips: Glad to.

Roger Marsh: This is Roger Marsh, and I hope today's broadcast has been insightful for you. There is a blatant hostility toward Christianity in the culture, and the goal of course, is to silence our beliefs and religious expressions, so we must boldly stand up for our first amendment rights and also lovingly engage this wicked

culture, at the same time. Dr. Dobson's guests today here on Family Talk have been Jack Phillips from Masterpiece Cake Shop and also Jim Campbell from Alliance Defending Freedom. You can learn how you can support Jack's cake shop by visiting our broadcast page at drjamesdobson.org. There, you'll also find a link for ADF's site, which will be updated throughout Jack's ongoing legal battles. You'll find all of this at drjamesdobson.org and then click onto today's broadcast tab.

Before we leave for today, I want to encourage you to be a part of our matching grant. Right now, every donation to family talk will be doubled to greater help our ministry. So, if you're able to give, we would certainly appreciate hearing from you. Act now, because this grant won't last long. For more information on how you can take advantage of this special year end matching grant, go to drjamesdobson.org or call (877) 732-6825.

Well, that's all the time we have for today. Be sure to join us again tomorrow for another edition of Dr. James Dobson's Family Talk.

Announcer: This has been a presentation of the Dr. James Dobson Family Institute.