

This Colorado baker refused to put an anti-gay message on cakes. Now she is facing a civil rights complaint.

By [Abby Ohlheiser](#) January 22

A Denver bakery has found itself at the center of an LGBT rights controversy. But this isn't about another bakery refusing to fulfill an order for a same-sex wedding. Instead, Azucar Bakery in Denver is the subject of a Colorado civil rights investigation for declining to decorate a cake with an anti-gay message.

A customer, identified as Bill Jack, told reporters this week that he believes Azucar Bakery “discriminated” against him “based on my creed,” which is Christian. He filed a complaint with the Colorado Civil Rights Division some time last year, though according to [his statement](#) to reporters, Jack isn't commenting on the specifics of the complaint. But the baker in question is.

Jack walked into Azucar Bakery last March and asked for two cakes, both in the shape of Bibles. That wasn't a problem for Marjorie Silva, the bakery's owner. It was what Jack wanted her to write on the cake: Anti-gay phrases including “God hates gays” and an image of two men holding hands, covered in a big, red “X.”

“It's unfair that he's accusing me of discriminating when I think he was the one that is

discriminating,” Silva [told NBC affiliate KUSA](#). She said she refused to inscribe the cakes with the requested messages and soon after received notice from the state’s Department of Regulatory Agencies that she was the subject of a religious discrimination complaint.

Jack is a founder of Worldview Academy, a nondenominational Christian organization. In his [bio on the academy’s site](#), he describes himself as “an educator with ten years experience in public schools and 14 years with The Caleb Campaign, a creationist youth ministry.”

Silva told Denver’s Fox affiliate, KDVR, that she is a Christian and that her business “make(s) a lot of Christian cakes.”



Azucar Bakery

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The timing of the incident at Azucar Bakery has not gone unnoticed: In December 2013, a judge found that another Colorado bakery violated a civil rights law by refusing to bake a wedding cake for a same-sex couple. [That decision was upheld](#) by Colorado's Civil Rights Commission in May.

Jack Phillips, owner of Masterpiece Cakeshop in Lakewood, Colo., is fighting the order, [the Associated Press notes](#).

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In fact, many of Masterpiece’s supporters are drawing a direct parallel between the complaint against Azucar and the one against Masterpiece, leading them to support the “freedom of conscience” rights of both bakeries. Jeff Johnston of Colorado-based Focus on the Family, an organization that opposes same-sex marriage, told [the Christian Post](#) that “just as a Christian baker should not be required to create a cake for a same-sex ceremony, this baker should not be required to create a cake with a message that goes against her conscience.”

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Colorado state Rep. Gordon Klingenschmitt (R) [told the Fox affiliate](#) that he is sponsoring legislation to protect Azucar. While running for office, [Klingenschmitt claimed](#) that U.S. Rep. Jared Polis (D-Colo.), who is openly gay, would “bankrupt Christians who refuse to worship and endorse his sodomy,” and wanted to “join ISIS in beheading Christians, not just in Syria, right here in America.”

The potential legislation Klingenschmitt refers to was already under discussion by the state GOP, as a response to the Masterpiece Cakeshop decision and similar controversies in other states.

But there appear to be some differences between the two cases. The civil rights division will have to decide, as many LGBT advocates are arguing, whether those differences are significant enough to warrant treating each case differently.

For one thing, Silva says that she offered to accommodate Jack’s request in a way that would not require her to write the words in question in her own hand. According [to KDVR](#), Silva proposed that her bakery make the cake with a blank Bible page and provide Jack with the frosting and piping materials needed to write his anti-gay cake

message on the dessert himself.

University of Denver law professor Nancy Leong [told KUSA](#) that the accommodation offer could actually matter here. “This is not a situation where a business owner denied service to somebody,” Leong said. “She offered to accommodate him to the extent that she could. In fact, requiring her to write that message would infringe on her own free speech rights.”

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Some are also turning to [the court decision](#) against Masterpiece Cakeshop, which refused business from a gay couple in search of a wedding cake. In the December 2013 decision, administrative law judge Robert N. Spencer repeatedly drew a distinction between refusing service to an individual and refusing to inscribe a specific message on a cake, noting:

Respondents argue that if they are compelled to make a cake for a same-sex wedding, then a black baker could not refuse to make a cake bearing a white-supremacist message for a member of the Aryan Nation; and an Islamic baker could not refuse to make a cake denigrating the Koran for the Westboro Baptist Church.

However, neither of these fanciful hypothetical situations proves Respondents’ point. In both cases, it is the explicit, unmistakable, offensive message that the bakers are asked to put on the cake that gives rise to the bakers’ free speech right to refuse. That, however, is not the case here, where Respondents refused to bake any cake for Complainants regardless of what was written on it or what it looked like.

Mark Silverstein, legal director of the American Civil Liberties Union in Colorado, [told the AP](#) that “there’s no law that says that a cake-maker has to write obscenities in the cake just because the customer wants it.”

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For now, supporters of both sides are waiting to see what the Civil Rights Division of the state’s Department of Regulatory Agencies does with the case. If the division determines that a civil rights violation occurred, [KUSA notes](#), the case will go to the Colorado Civil Rights Commission. That decision could come in the next few months.

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