

Testimony of Bill Jack  
On HB15-1161

Chair Ryden, committee members, I am here to speak in favor of HB-1161.

I believe this bill will:

- 1) Restore the freedom of business owners to conduct business in accord with their conscience,
- 2) Relieve the fear that the statute has engendered in the culture,
- 3) Remove the state sponsored censorship of business owners' artistic expression.

I can speak from personal experience because on March 13, 2014, I visited several bakeries in Colorado and requested Bible verses summarizing the gospel on two cakes both in the shape of an open Bible. I was refused service on the basis of my creed, Christianity, in contravention of C.R.S. 24-34-601. So, I filed complaints against three bakeries with the Civil Rights Division of the Colorado Department of Regulatory Agencies. I currently await the results of the investigation by the director of The Civil Rights Division of DORA.

I believe those bakers should have the right to adhere to their consciences and deny me service just as Jack Phillips from Masterpiece Cakeshop should have had the right to adhere to his conscience and deny service to two men requesting a wedding cake because of his creed, Christianity.

Abraham Lincoln is credited with saying that the best way to get rid of a bad law is to enforce it strictly. If C.R.S. 24-34-601 is going to be applied equally to all businesses, then the bakers I approached should be forced to violate their sincerely held beliefs and bake and decorate my cakes just as Jack Phillips was forced to do.

The current law abridges the right of free speech and artistic expression of *all* bakers, florists, photographers and other business owners who are compelled to participate in activities that their creed instructs them violates their sincerely held beliefs and consciences. No one should be required to produce a cake—or any product—that violates his conscience.

Unfortunately, if it is to be applied evenly the current Colorado statute will be used to bully the bakers I approached to do just that. Any decision by the Colorado Civil Rights Division will be unjust—either because it imposes

unconstitutional obligations on the bakers I visited, or because it refuses to do so and therefore only imposes those obligations on bakers who hold an opposing view. Current law bullies business owners.

I was raised in a land of freedom, not a land of fear. However, I confess that when I approached these bakers and requested these cakes, I was fearful. I walked around the block before entering the shop. I hesitated. I was afraid to request cakes with Bible verses on them. I am ashamed to admit that I was afraid to express my beliefs openly, and, yes, fear gripped me—fear that my First Amendment Rights would be subject to state mandated censorship.

Yet, when I did request the cakes, I could, also, see the fear in the eyes of the bakers and owners. One baker said, “I don’t think I can ask my staff to decorate your cake.” I inquired, “Are you afraid of reprisals from activists if you do?” He looked away, nodded and muttered, “Yes.” I sympathize with that baker because if the current statute is enforced strictly, he will be the target of protests because he will be coerced by the state to alienate his clientele. He will be coerced to subjugate his First Amendment liberties of free speech and artistic expression to a totalitarian dictated agenda. Our Founding Fathers called such actions tyranny. I do not believe in censorship of ideas. This prevailing statute bullies business owners, robs them of their economic freedom and creates an atmosphere of fear in the culture.

If the current statute is not amended by this proposed legislation, then Coloradans will no longer live in the land of the free for they will live in the land of the increasingly fearful.

I urge you to uphold the constitutionally guaranteed right of free speech that includes the artistic expression of these bakers. I believe in liberty for all, not liberty for some. If this Colorado statute is not amended by this proposed legislation, then it will result in liberty for none. Courts have ruled that state compelled speech such as forcing Jehovah’s Witnesses to recite the pledge of allegiance is a violation of the citizen’s freedom of conscience. Likewise, bullying a baker to decorate a cake with a message he finds reprehensible should be deemed a violation of the baker’s liberty and freedom of conscience. Just as state censorship of speech, thought and belief is tyranny, so is state compelled speech and belief. I urge you to stand for liberty. Please vote to recommend HB-1161 to the entire House of Representatives.