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LDF Files U.S. Supreme Court Amicus Brief Supporting Same-Sex Couple Denied Public Accommodations in *Masterpiece Cakeshop* Case

Today, the NAACP Legal Defense and Educational Fund, Inc. (LDF) [filed an amicus brief](#) opposing LGBTQ discrimination in public accommodations. In *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, the U.S. Supreme Court will determine whether a Colorado bakery can discriminate because of its owner's religious beliefs about a same-sex couple and their wedding. LDF's brief supports the couple and the state of Colorado, and opposes the owner's view that his refusal to provide products and services to LGBTQ individuals is protected by the First Amendment.

In 2012, a same-sex couple sought to purchase a wedding cake from Masterpiece Cakeshop, owned by Jack Phillips. After Mr. Phillips refused on the grounds that his faith forbade him from providing cakes for same-sex weddings or celebrations, the couple filed a complaint with Colorado's Civil Rights Commission. The Colorado Court of Appeals (where LDF also filed an amicus brief) upheld the commission's ruling that he had violated the state's anti-discrimination law. Mr. Phillips appealed to the Supreme Court, contending that he could not be forced to serve the couple against his First Amendment rights as both a Christian and a culinary "artist."

"Mr. Phillips is arguing that the First Amendment creates a constitutional right for him to discriminate, and it simply does not," said [Sherrilyn Ifill](#), LDF President and Director-Counsel. "For the Court to consider carving out an 'artistic expression' or religious exemption to anti-discrimination laws—without any principle to limit when discrimination can and cannot take place—would give individuals a near blanket license to discriminate. Mr. Phillip's interpretation, in effect, would render state and federal anti-discrimination laws useless."

The bakery's arguments in *Masterpiece Cakeshop* have troubling historical parallels to the way that religion was used to justify discrimination against Black Americans in the Jim Crow-era. In 1968, LDF litigated a landmark case in this area—*Newman v. Piggie Park Enterprises*—which is factually and legally similar to *Masterpiece Cakeshop*: *Piggie Park* involved the owner of a barbecue chain, Maurice Bessinger, who refused to serve three African-American customers at one of his restaurants in South Carolina. Mr. Bessinger alleged that his religious beliefs allowed him to circumvent Title II of the Civil Rights Act—which bars discrimination in public accommodations such as stores, hotels, and theaters—contending that serving Black customers would "contravene the will of God." In *Piggie Park*, the Supreme Court unanimously held that Mr. Bessinger violated Title II—similar to Colorado's anti-discrimination law—because an individual's religious beliefs do not excuse discrimination.

“*Piggie Park* is an important reminder that we have been here before and it is doctrinally central to the resolution of the constitutional issues at stake,” said [John Paul Schnapper-Casteras](#), Special Counsel for Appellate and Supreme Court Advocacy at LDF. “*Piggie Park* is also a remarkable story of progress: the 1968 ruling did not induce a major backlash or impede religious institutions or culinary artistry. Rather, people for the most part embraced the wisdom of this Court’s decision — and *Piggie Park* itself continues to operate a vibrant chain of stores where the current owner, Mr. Bessinger’s son, now speaks openly about rising above his father’s legacy on race.”

In September, the Trump Administration reversed its position on Colorado’s anti-discrimination law. In its latest brief in support of the bakery, the U.S. Solicitor General argues that certain businesses can refuse to accommodate LGBTQ customers under the First Amendment. The Administration’s involvement in this case could carve wide new exceptions into anti-discrimination laws and seriously hobble their enforcement.

“No matter how sincere or well-intentioned, we must see the bakery’s arguments for what they are,” said [Coty Montag](#), Deputy Director of Litigation at LDF. “The bottom line is that religion cannot outweigh a person’s right to be free from discrimination. As laws and policies across the country are increasingly prohibitive of discrimination against the LGBTQ community, the Court should refuse to make an exception in contravention of them. We ask the Court to preserve the critical protections of the public accommodations laws, which shield us all.”

The U.S. Supreme Court will hear oral arguments in *Masterpiece Cakeshop* on December 5. Read the full amicus brief [here](#).

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Founded in 1940, the NAACP Legal Defense and Educational Fund, Inc. (LDF) is the nation’s first civil and human rights law organization and has been completely separate from the National Association for the Advancement of Colored People (NAACP) since 1957—although LDF was originally founded by the NAACP and shares its commitment to equal rights. LDF’s Thurgood Marshall Institute is a multi-disciplinary and collaborative hub within LDF that launches targeted campaigns and undertakes innovative research to shape the civil rights narrative. In media attributions, please refer to us as the NAACP Legal Defense Fund or LDF.