



**For Immediate Release  
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**LDF Submits Amicus Brief to Supreme Court Opposing a First Amendment  
Justification to Discriminate Against Same-Sex Couples**

Today, the [Legal Defense Fund](#) (LDF) filed an [amicus brief](#) in the United States Supreme Court in *303 Creative LLC v. Elenis*, arguing that the Petitioner, the founder of the design studio 303 Creative, should not be allowed to violate public accommodations laws based on her religiously grounded objection to same-sex marriage.

The Petitioner has claimed that her refusal to provide services for weddings involving same-sex couples is not discrimination, in violation of Colorado’s Anti-Discrimination Act because her refusal is based on the “message” that same-sex marriage sends. As LDF’s brief argues, however, discrimination against same-sex marriage is inextricable from discrimination on the basis of sexual orientation. By stigmatizing commercial transactions concerning same-sex marriage, the Petitioner inescapably perpetuates ostracization and inflicts dignitary harms on members of the LGBTQ+ community — a rending of the social fabric that Colorado has every interest in deterring and confronting.

LDF’s brief also outlines why the Supreme Court’s precedent controls the outcome of this case. The brief explains that the Petitioner’s First Amendment argument runs headlong into a 1968 case that LDF litigated, in which the Court refused to create a First Amendment exception to public accommodations laws involving discrimination against Black patrons. Moreover, the Court has repeatedly found that the kind of discrimination Petitioner wants protected represents a serious harm to the dignity and rights of Black Americans and LGBTQ+ people, which states have a compelling interest to protect. As LDF’s brief explains, a “Black person’s sexual orientation should not require them to forfeit the protection of anti-discrimination laws.” Any other result would only perpetuate the intersectional discrimination that Black members of the LGBTQ+ community face.

“Existing law and Supreme Court precedent point in the same direction,” said LDF Assistant Counsel Georgina Yeomans, “and that is against a First Amendment-based right to discriminate — regardless of whether the discrimination is attributed to religious belief — and toward acknowledging the Constitution’s protections of the rights of every LGBTQ+ person.”

“Voluminous Supreme Court precedent — in cases such as *Bostock*, *Lawrence*, *Obergefell*, and even *Masterpiece Cakeshop* — demonstrate that the argument made by Petitioner and her supporters cannot withstand the application of *stare decisis*, which is one of the foundations of the Court’s jurisprudence and of the rule of law more generally. Strong public accommodation laws are particularly important for Black members of the LGBTQ+ community who face compounded discrimination in the absence of civil rights laws” said LDF Assistant Counsel Antonio L. Ingram II.

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*Founded in 1940, the [Legal Defense Fund](#) (LDF) is the nation's first civil rights law organization. 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 Legal Defense Fund or LDF. Please note that LDF 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.*