

Masterpiece Cakeshop v. Colorado Civil Rights Commission

OVERVIEW

On Tuesday, December 5th, 2017, The Supreme Court of the United States (SCOTUS) heard arguments regarding the owner of Colorado-based Masterpiece Cakeshop, Jack Phillips, refusal in 2012 to make a wedding cake for a same-sex couple, Charlie Craig and David Mullins.

Phillips argues that baking a cake for Craig and Mullins violates his First Amendment rights and that he cannot be compelled to utilize his artistic talents as a baker that go against his religious values. Conversely, Craig and Mullins, backed by the Colorado Civil Rights Commission, argue that Phillips' actions undoubtedly violate not only the laws governing public accommodation, but also their individual civil rights, and demonstrates a clear act of discrimination on the basis of sexual orientation. SCOTUS will rule on the case and hand the decision down in June 2018.

WHY A RULING AGAINST CRAIG & DAVID MATTERS

- It would establish a license to discriminate—in other words, businesses across the country could deny products to customers on the basis of characteristics like sexual orientation or gender identity
- LGBT individuals, who remain unprotected from discrimination by federal law, could be barred access to a variety of goods and services ranging from bakeries to more vital resources like healthcare and housing
- It opens the door to discrimination against other marginalized groups such as ethnic and racial minorities and women, among others.

WHAT YOUR COMPANY NEEDS TO KNOW

A ruling for Phillips could change the way businesses are allowed to function. Phillips' position states the "sale of expressive goods or services is an endorsement of the customer and their use of the products." To avoid association with certain messages, events, businesses could be allowed to review, assess -- essentially "vetting" -- customers to determine their moral sensibilities, values-system, and therefore the intended, individual use for the proprietor's products. We believe this to be antithetical to the idea of "open for business."

WHAT YOUR COMPANY CAN DO

- Show your support! Utilize the O&E graphic(s) below on your social media accounts, in common areas, office windows, bulletin boards, and entryways.



- Reaffirm your position that your company believes in the right to live openly and free from discrimination on the basis of sexual orientation and gender identity
- Utilize the following language in your social media statements:
 - Open to All or #OpentoAll
 - Out, Equal, Open to All or #OutEqualOpentoAll
 - (Your Company) sides with equality in the Masterpiece Cakeshop v. Colorado Civil Rights Commission case

WHO SHOULD ENGAGE AT YOUR COMPANY

- HR
- Marketing
- D&I
- Legal