

## The *Masterpiece Cakeshop* Case

**Case Name:** [\*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission\*](#)

**U.S. Supreme Court Docket No.:** 16-111

**U.S. Supreme Court Oral Arguments Date:** December 5, 2017

**Significance:** The *Masterpiece Cakeshop* case is a high-profile case that asks whether a government can coerce a creative professional to create expression that conflicts with his or her faith and conscience.

**Hashtag:** #JusticeForJack 



**Background:** *Masterpiece Cakeshop* is a case about a Colorado cake artist, Jack Phillips, who declined to use his artistic abilities to celebrate a same-sex ceremony. Jack serves all who walk through his shop's doors, but when a same-sex couple asked him to create a custom wedding cake to celebrate their same-sex wedding ceremony, Jack declined, citing his Christian beliefs, and offering to sell them any of the other baked items in his shop. The couple easily obtained their desired rainbow-themed cake for free from another nearby cake artist, yet sued Jack under Colorado's laws. The Colorado Supreme Court declined to take the case after the state's Court of Appeals affirmed a Colorado Civil Rights Commission decision against Jack from May 2014. That decision ordered Phillips and his employees to create cakes that celebrate same-sex ceremonies and required Phillips to comply with Colorado's Anti-Discrimination Act by re-educating his staff (which includes members of his own family) and filing quarterly "compliance" reports for two years. On June 26<sup>th</sup>, 2017, the United States Supreme Court agreed to hear Jack's case.

### Top Line Messaging

- Creative professionals should be free to create expression consistent with their faith and conscience without fear of government punishment.
- True tolerance is a two-way street, not a zero-sum game where the government can destroy a person of faith simply for living and working consistent with their deeply held convictions and beliefs.
- Everyone's freedom is at risk when the government is able to punish citizens like Jack just because the government doesn't like how he exercises his artistic freedom.

### Key Facts

- Jack Phillips gladly sells cakes and other items to all people. Like other cake artists, he routinely declines custom cake requests for events that conflict with his beliefs, including items for Halloween, adult-themed events, and those that express an anti-American message. He has also declined to create a cake with an anti-LGBT message.
- The same Colorado Civil Rights Commission that ruled against Jack found that three other Denver cake artists were not guilty of discrimination when they declined a Christian customer's request for a cake that reflected his religious opposition to same-sex marriage.

### This is Like...

- The government forcing a Democrat speechwriter to write speeches for President Trump.
- Many Muslims have a conviction against creating visual depictions of Muhammed. Should a Muslim painter with such a conviction be forced to paint a painting of Muhammed for a religious customer?
- A clothing designer declining to create custom clothing for the First Family because of his or her political affiliation, but being forced by the government to dress them anyway.

**The Bottom Line:** Creative professionals should be free to choose what sorts of artistic expression they engage in without threat of government punishment.