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Instructor Name

Course Number

Date

Business Law in the News

This case is related to a challenge faced by a local cakeshop 'Masterpiece Cakeshop' in Lakewood, Colorado, in 2018, which is operated by a Christian owner named Jack Philips. The main argument of the case was that does First Amendment permits the public accommodations possessor to refuse to serve based on personal beliefs and whether the right to free speech as well as exercise of religion exempts owners from laws which ensure non-discrimination in public accommodations (Shop).

In the Obergefell case decided in 2015, the Supreme Court pronounced that states that do not legalize homosexual marriage are in volition of the Fourteenth Amendment. This court ruling legalized homosexual marriage in the U.S. However, this case created a backlash in some of the religious communities. Not everyone was pleased with the court ruling.

**Facts**

Homosexual marriage was prohibited in Colorado in 2012. In 2014, it was allowed by the constitution, and in the Obergefell case (2015), the Supreme Court declared that homosexual couples have fundamental rights. A Colorado same-sex couple Charlie Craig and David Mullins, intended to get married legally in Massachusetts in 2012. When they returned back, they wanted to rejoice with relatives and friends. They visited a cakeshop located in Lakewood to order a wedding cake, and a message written on it with frosting. The message was related to same-sex marriage. 'Masterpiece Cakeshop,' owner, Jack Philips believes in Christianity, refused to take the order. He told the couple that his response was based on personal religious views and that Colorado prohibited homosexual marriage back in 2012. However, he said the couple can buy other bakery items from him. The couple did not discuss anything further about the cake and left the shop. They ordered the cake at another bakery, which provided them with the desired cake.

Later, the couple filed a complaint against the bakery in accordance with the public accommodation state law known as the Colorado Anti-Discrimination Act. According to this act, it is illegal for business, open to the public, to differentiate between based on gender, race, religion, and sexual orientation. In Colorado's anti-discrimination law, Sexual orientation is included as a protected class. The complaint leads to a lawsuit against the bakery, named as 'Craig v. Masterpiece Cakeshop.' Colorado Civil Rights Commission decided in favor of the couple. As a result, the commission ordered the cake shop to lift the restraint of not providing a cake to the homosexual couple and, in addition to this, modification of company policy, training of staff related to the public accommodation discrimination act. For the next two years, the cakeshop also had to submit quarterly reports based on their compliance with the ruling, and it should include any similar incidents.

Masterpiece, with help of Alliance Defending Freedom, requested the Court of Appeals to review the decision. The bakery owner stated that they would leave the wedding cake business rather than complying with the commission’s orders. During the appeal, the couple was represented by the Colorado Civil Rights Commission as well as the American Civil Liberties Union. The state affirmed the decision of commission reasoning that the ruling is based on the fact that providing a cake to the customer is part of the cake shop’s business, which is not observed as an expression of speech or exercise of religion (Gershman and Audi). The court stated that this decision is distinguished form another case where the Plaintiff argued that he refused by three bakers to provide a cake with a Bible quote. Later, it was revealed that the bakers declined the order on the base of the offensive message and not creed. However, in Craig's case, the refusal was because of sexual orientation discrimination.

Later, the cakeshop requested the Supreme Court for certiorari. The case ‘'Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission’ was filed.

**Perspective of the Plaintiff**

Plaintiff was of the view that same-sex marriage was prohibited according to his religion. Therefore, he did not want to provide a cake that was against his beliefs. After his appeals, he was ordered to provide cake and change the company policy. He felt that his right to free speech and exercise his religion is violated. The owner of the cakeshop believes that his decorations of cakes are a form of artistry, through which he honors God, and if he decorates a cake which is against his religious teachings, it would be a displeasing act. According to his perspective, he should have the freedom to refuse any order which goes against his beliefs. So, he challenged ruling of the Court of Appeals in the Supreme Court.

**Perspective of the Defendant**

Colorado Civil Rights Commission based on Public Accommodation act ruled that the Plaintiff was at fault and should have taken delivered the order by a same-sex couple. The delivery of the cake was part of business conduct and did not suppress his rights given by the First Amendment. The defendant is more focused on the defense of rights of gay people. According to the defendant, after the legalization of same-sex marriage, the people should comply with the law and treat homosexual couples the same as others.

**Question to Court**

The question raised for the Supreme Court was whether the application of law stated by Colorado’s Public Accommodation Act for a man to provide a cake, which goes against his religious belief, is the abuse of his right to free speech and exercise of religion as stated by First Amendment.

**Ruling of Court**

As a result of an argumentative majority of 7–2 votes, the court reversed the previous decision and held in favor of Jack Phillips that implementation of public accommodation act violated his right to exercise his religion freely. In this context, court clarified the same constitution, which protects the rights of a same-sex couple and gay people, also protects the right of other people to express their religious beliefs and exercise their religion at liberty. It was cited that the Colorado law, which ensured that the rights of gay people are not violated, should have also taken the religious belief of other people impartially. The majority of jury recognized the perspective of Phillips that making cakes was an expression of his religious belief and artistry, and it should be covered in the First Amendment.

**Conclusion**

*Masterpiece Cakeshop v. Colorado Civil Rights Commission* became controversial in many communities and landmark cases. The Obergefell v. Hodges case ruled that homosexual marriage is given by Due Process and Equal Protection which are clauses of the Fourteenth Amendment of the U.S. Constitution.

I agree with the court’s finding that Masterpiece Cakeshop reserves its right to free speech and exercise of religion. The baker should not be forced to write a message which he disagrees with (Duncan). I believed that the decision of the commission was a discriminatory behavior towards a religious belief. Phillip did not show hostile behavior or hatred towards the couple. It is evident from the fact that he offered them to buy other bakery goods. He only refused to provide a cake with a specific message, which is his right of freedom given to him by the First Amendment (Anderson).

However, a question arises whether the corporate sector can rightfully refuse to serve people belonging to the LGBT community on grounds of the First Amendment. Thus, it depicts that regulations for businesses which serve consumer based on their religious beliefs are necessary.

**Works Cited**

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