



# Masterpiece Talking Points

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The Supreme Court today did not change the long-standing rule that businesses open to the public must be open to all. While it is disappointing that the court let the bakery's discrimination here go unchecked, it did so only because of concerns unique to this case. Importantly, the court did not give businesses a constitutional right to discriminate that the bakery and the Trump administration sought here.

- Colorado state law prohibits all public accommodations, including businesses like Masterpiece Cakeshop, from refusing service to anyone based on characteristics such as race, sex, religion, or sexual orientation or gender identity. The Colorado Civil Rights Commission found that Masterpiece Cakeshop had discriminated against Dave and Charlie in violation of Colorado's public accommodation law, and the Colorado courts agreed. The Supreme Court reversed the decision based on concerns that the Commission had not acted impartially when considering the bakery's religion-based defense.
- The court recognized that laws like Colorado's ensure that people previously subject to discrimination are free to go about their day-to-day life without worrying whether they will be turned away because of who they are. These laws provide access to businesses and services that range from medical care to restaurants, from hotels to public transportation.
- While the court left for another day the ultimate question presented by this case, it did not give businesses a constitutional right to discriminate. In fact, the court expressly recognized that states can seek to prevent the harms of discrimination in the marketplace, including against LGBT people.
- Discrimination has no place in our constitution, and businesses can't put up signs saying "your kind not served here." The court recognized the harm and stigma if such discrimination were allowed. We decided as a nation to close that chapter of our history, which is why we have laws that ensure businesses don't discriminate among customers based on who they are.
- For more than 50 years, courts have encountered, and rejected, objections by businesses to nondiscrimination laws on religious or free speech grounds. Under Attorney General Jeff Sessions, the Department of Justice pushed for the Supreme Court to erode fifty years of nondiscrimination protections. The court did not accept that invitation.

**Freedom of religion and speech are fundamental rights, but do not give businesses the right to harm other people.**

- America is stronger because of our commitments to equality and religious freedom. These principles have guided how businesses operate for over half a century when the court first observed that religion is not an excuse for discrimination.
- Freedom of religion is one of our most fundamental rights. But that freedom does not give any of us the right to harm other people, to impose our beliefs on others, or to discriminate.



**Our work is not over yet, and we still need comprehensive protections from discrimination nationwide. We will keep making the case for equal treatment of LGBT people and continue working in communities, in the courts, and in the legislatures until equal opportunity is the norm and the law in all 50 states.**

- Opponents of LGBT equality are already arguing that today's decision gives them a license to discriminate. It does not.
- We'll continue fighting back against efforts by the Trump administration, Congress and in the states to use religion to discriminate against LGBT people. We have already seen in states and cities around the country that when people, business leaders and elected officials come together, we can defeat proposals that seek to enshrine discrimination into the laws of our land.
- It's also important to realize that, in more than half the country, our state laws do not explicitly protect LGBT Americans from discrimination in stores and restaurants, in the workplace, or in housing. In fact, 60% of our states still lack those explicit protections.
- That's why businesses, civil rights advocates, religious leaders, health organizations, labor groups, LGBT people and our friends, families and allies are joining together to call on Congress to pass the Equality Act to update our nation's longstanding laws against discrimination. It's time for our nation's laws to catch up to our values and protect all of us from discrimination, so that no one can be fired from their job, denied a place to live, or turned away from a business simply because of who they are.