

THE PUBLIC RIGHTS/PRIVATE CONSCIENCE PROJECT  
THE CENTER FOR GENDER AND SEXUALITY LAW  
COLUMBIA LAW SCHOOL  
435 WEST 116<sup>TH</sup> STREET  
NEW YORK, NY 10027  
TEL: 212.854.0167



**For Immediate Release:** October 30, 2017

**Subject:** Columbia Law School Think Tank Files Amicus Brief in SCOTUS Case, *Masterpiece Cakeshop v. Colorado Civil Rights Commission*

**From:** [The Public Rights/Private Conscience Project \(PRPCP\), Columbia Law School](#)

**Contact:** Liz Boylan | [eboyla@law.columbia.edu](mailto:eboyla@law.columbia.edu) | 212.854.0167

---

## In Masterpiece Cakeshop Case, Diverse Organizations Argue Antidiscrimination Laws Protect, Not Burden, Religious Liberty

Columbia Law School's Public Rights/Private Conscience Project and Muslim Advocates filed [an amicus brief](#) in the U.S. Supreme Court case *Masterpiece Cakeshop v. Colorado Civil Rights Commission* on behalf of a coalition of 15 diverse civil rights and faith organizations. At issue in *Masterpiece Cakeshop* is whether the owners of a Colorado public establishment may, due to their own private religious beliefs, refuse service to individuals because of their sexual orientation.

The amicus brief argues that overly-broad accommodations of religious liberty, such as that requested by Masterpiece Cakeshop, undermine not just LGBT rights but religious liberty itself. As the brief explains: "There can be no dispute that anti-discrimination laws have long played a crucial role in protecting the rights of religious minorities. Petitioners' requested exemption will dramatically limit—if not completely eliminate—that protection."

Today's filing also highlights that interconnectedness of religious freedom and robust anti-discrimination laws. In fact, the brief makes clear that our country's "constitutional commitment to religious liberty has always entailed a corollary commitment to non-discrimination. Indeed, the integrity of the former has always relied upon the enforcement of the latter."

The coalition of civil rights and faith organizations that submitted this amicus brief to the Supreme Court represent the vast diversity within American faith communities. The signatories include: Muslim Public Affairs Council, American Humanist Association, Dignity USA, Sikh Coalition, T'ruah: The Rabbinic Call for Human Rights, Capital Area Muslim Bar Association, Advocates for Youth, Muslim Alliance for Sexual and Gender Diversity, National LGBT Bar Association, Interfaith Alliance Foundation, Asian Americans Advancing Justice | AAJC, Sikh American Legal Defense and Education Fund, and New Jersey Muslim Lawyers Association (NJMLA).

"The Supreme Court's most significant religious liberty cases have drawn a connection between the protection of religious liberty and principles of non-discrimination," said Katherine Franke, Professor of Law and Faculty

Director of the Public Rights/Private Conscience Project at Columbia Law School. “Masterpiece Cakeshop’s argument throws a wedge between these two fundamental American values, a position that poses a particularly dangerous threat to the rights of people of minority faith traditions.”

“Religious liberty and non-discrimination are inextricably tied to one another and should not be traded off against each other,” said Johnathan Smith, legal director at Muslim Advocates. “When robust civil rights protections are undermined, religious groups have no recourse to defend themselves against discrimination. A ruling in favor of Masterpiece Cakeshop would undercut fundamental civil rights protections that are critical for maintaining this country’s longstanding commitments to religious freedom and religious pluralism.”

The [amicus brief](#) was authored by Columbia Law School’s Public Rights/Private Conscience Project, Muslim Advocates, and the law firm Hogan Lovells. The U.S. Supreme Court is scheduled to hear oral arguments in *Masterpiece Cakeshop* on Tuesday, December 5.

[A copy of the brief is available here.](#)

*Muslim Advocates is a national legal advocacy and educational organization that works on the frontlines of civil rights to guarantee freedom and justice for Americans of all faiths.*

*The Public Rights/Private Conscience Project is a think tank housed within the Center for Gender and Sexuality Law at Columbia Law School. Our mission is to bring legal, policy, advocacy, and academic expertise to bear on the multiple contexts in which religious liberty rights conflict with or undermine other fundamental rights to equality and liberty.*