



## The Masterpiece Cakeshop Case

*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*

### The Case

**Status:** The U.S. Supreme Court will hear the case on December 5.

**Significance:** The Supreme Court's decision could determine whether the government may coerce individuals to create custom art that violates their conscience.

In 2012, two men entered Jack Phillips's shop, Masterpiece Cakeshop, and asked Jack to design a wedding cake for their same-sex marriage. Because of his religious conviction that marriage is the union of one man and one woman, Jack told the couple that he would gladly sell them anything in his store or create a cake for them for another occasion, but designing a custom cake to celebrate a same-sex marriage was not something he could do.

The couple filed a complaint with the Colorado Civil Rights Commission, and in 2014, the Commission determined that Phillips's decision to live by his conscience was unlawful. The Colorado Court of Appeals upheld the Commission's ruling in 2015.

Jack is asking the Supreme Court to rule that the government oversteps its authority when it compels artists to ply their expressive talents to celebrate events or express ideas that they do not support.

*The Colorado Civil Rights Commission ordered Jack to:*

1.

Design wedding cakes that celebrate same-sex marriages if he continues to create any wedding cakes.

2.

Teach his staff, which includes his family members, that he was wrong to operate his business consistently with his religious beliefs.

3.

File quarterly reports with the government for two years telling state officials every time he declines an order and explaining the reasons why.

The Commission's order forced Jack out of the wedding industry and cost him



## What You Need to Know about Jack



### Jack is a cake artist

Jack is a cake artist, and his shop has been described as an “art gallery of cakes.” He designs custom cake creations that celebrate his clients’ life events or express ideas important to them. While Jack uses edible materials instead of canvas or clay, his work in designing, shaping, and adorning custom cakes for his clients is much like the work of a sculptor and painter.

### Jack serves everyone

Jack will serve any individual who walks through the doors of Masterpiece Cakeshop. Any customer is welcome to buy any of the premade items available for purchase. But Jack will not create custom cakes that celebrate events or express messages that conflict with his faith. For that reason, he will not design custom wedding cakes that celebrate same-sex marriages. Nor will he create cakes that celebrate Halloween, contain anti-American or anti-family themes, or promote atheism, racism, or indecency.



## What You Need to Know About This Case at the U.S. Supreme Court

### This case is about artistic and religious freedom

The First Amendment forbids the government from forcing creative professionals to promote messages, produce art, or celebrate events against their will. The First Amendment also promises that we all are free to peacefully live and work consistently with our religious beliefs. Jack is simply asking that these cherished freedoms be preserved—not only for him but also for others.

### If Jack loses, we all lose

We all have beliefs that we hold dear. For some people like Jack, those beliefs are religious. For others, those beliefs relate to issues like politics or other matters central to their identity. If Jack is forced to create custom artwork that celebrates events in conflict with his core convictions, others will be similarly compelled to create various forms of expression that violate their conscience. So for example, the government could force a Muslim singer to perform at a Christian religious event or order a Democrat speechwriter to draft speeches for a Republican candidate. But no one should want to live in a world like that.