

MOTION BY SUPERVISOR SHEILA KUEHL

October 17, 2017

Masterpiece Cakeshop v. Colorado Civil Rights Commission is a case pending before the U.S. Supreme Court concerning the constitutionality of enforcing anti-discrimination laws when business owners have asserted a religious justification for refusing to provide services to LGBTQ people in violation of those laws.

Masterpiece Cakeshop arises from a finding of the Colorado Civil Rights Commission, which was affirmed by the Colorado Court of Appeals, that a bakery in Lakewood, Colorado violated Colorado's anti-discrimination law when it refused to sell a wedding cake to a same-sex couple, Charlie Craig and David Mullins. The bakery contended that it should be exempt from enforcement of the law because of its owner's asserted religious opposition to same-sex marriage.

The outcome of this U.S. Supreme Court case will have a significant impact on cities and counties across the nation that seek to ensure that no members of their communities are subjected to discrimination on the basis of their sexual orientation or any other protected status.

On September 7, 2017, the Trump Administration filed an amicus brief in support

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of the bakery that refused to serve Charlie and David.

The County of Santa Clara and the City of Los Angeles are leading the effort to file an amicus brief on behalf of cities, counties, and mayors across the nation in support of anti-discrimination laws and the protection of our citizens from discrimination. The brief will focus on (1) the critical importance of ensuring the continued enforcement of anti-discrimination laws, highlighting the range of local support for anti-discrimination laws and policies, and (2) the wide-ranging harm that granting the bakery's request for an exemption would do to the enforcement of local laws. Under the bakery's reasoning, any individual or business could ignore anti-discrimination laws on religious or free expression grounds.

The amicus brief will be filed in late October, 2017.

I, THEREFORE, MOVE that the Board of Supervisors direct County Counsel to join the County of Santa Clara, City of Los Angeles, and other cities and counties in the amicus brief supporting Charlie Craig and David Mullins and the Colorado Civil Rights Commission in the *Masterpiece Cakeshop* case before the U.S. Supreme Court.

S: LM & TO/Masterpiece Cakeshop v. Colorado Civil Rights Commission