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| R | 15 FAITH AND CIVIL RIGHTS ORGANIZATIONS | Civil and religious rights advocates perceive that the civil rights laws play a critical role in protecting religious liberty, which will be eroded or eliminated by a ruling in petitioners' favor. A speech or religious based exemption from public accommodations laws would open the door to discrimination against persons of faith and undermine the 'equality enhancing' values the Court has recognized. Amici argue that nondiscrimination advances the secular precepts of the Establishment Clause while protecting the religious pluralism embodied in the Free Exercise clause. Both non-persecution and non-discrimination may serve religious liberty, while individualized exemptions such as that sought here act as a partial repeal of civil rights laws. The exemption sought would subjugate equality rights to perceived religious liberty interests. This would be contrary to the harmonizing principles employed by the courts in commercial settings, in which entry into the marketplace means that individual religious interests may not trump the interests of others. Adopting an exemption here would defeat religious liberty in that the exemption could permit one religious group to discriminate against another. Racial discrimination grounded in religion has long been rejected by the courts: the same should ensue here. This is particularly important where the erosion of equality principles will likely impact religious minorities. Adoption of petitioners' views would evoke the days of storefront notices announcing exclusions. | ROBIN L. MUIR<br>HOGAN LOVELLS US LLP<br>875 Third Avenue<br>New York, NY 10022<br>JOHNATHAN J. SMITH<br>SIRINE SHEBAYA<br>MUSLIM ADVOCATES<br>P.O. Box 66408<br>Washington, DC 20035<br>(202) 897-2622<br>johnathan@muslimadvocates.org<br>sirine@muslimadvocates.org<br><br>JESSICA L. ELLSWORTH<br>Counsel of Record<br>KAITLIN E. WELBORN*<br>DAVID S. VICTORSON<br>HOGAN LOVELLS US LLP<br>555 Thirteenth Street, NW<br>Washington, DC 20004<br>(202) 637-5600<br>jessica.ellsworth@hoganlovells.com<br>KATHERINE FRANKE<br>ELIZABETH REINER PLATT<br>PUBLIC RIGHTS/PRIVATE CONSCIENCE PROJECT<br>COLUMBIA LAW SCHOOL<br>435 W. 116th Street<br>New York, NY 10027<br>(212) 854-0061<br>kfranke@law.columbia.edu<br>Counsel for Amici Curiae |
| P | 33 FAMILY POLICY ORGANIZATIONS | These state councils are non-profit advocates for religious liberty and rights of conscience who seek to guard against government interference in the exercise of those rights. The organizations note that the Court recognized rights of conscience not to be compelled to participate in public activity when the country was in crisis and at war. The Court acknowledged that it is more important for the country to be faithful to the constitution than to any cause, no matter its urgency. Were the Court to uphold the Colorado decision, that principle would be decimated. | DAVID FRENCH<br>Counsel of record<br>Senior Fellow<br>NATIONAL REVIEW INSTITUTE<br>215 Lexington Avenue<br>11th Floor<br>New York, New York 10016<br>(931) 446-7572<br>dfrench@nationalreview.com |
| P | 34 LEGAL SCHOLARS | Antipathy toward compelled affirmation was central to the framing of speech and religious freedoms enjoyed today. Colorado's determination compels speech. Were Phillips to speak, any action based on "dignitary harm" would be dismissed on speech grounds. There is no compelling state interest to protect, as Phillips has not engaged in invidious discrimination. Exalting nondiscrimination policies over core constitutional protections would undermine tradition and exacerbate conflict. | DAVID R. LANGDON<br>Counsel of Record<br>LANGDON LAW, LLC<br>8913 CINCINNATI-DAYTON ROAD<br>WEST CHESTER, OH 45069<br>(513) 577-7380<br>dlangdon@langdonlaw.com |

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| P | 479 CREATIVE PROFESSIONALS | Amici wish to ensure that they are free to create without state inhibition or compulsion. This is not a refusal of service case but a refusal to participate, by providing a custom made cake, in a celebration that is counter to Phillips' conscience. Amici catalog multiple cases in which creative professionals are being commanded by state authorities to act in ways contrary to their beliefs. | NATHAN W. KELLUM<br>Counsel of Record<br>CENTER FOR RELIGIOUS EXPRESSION<br>699 Oakleaf Office Lane<br>Suite 107<br>Memphis, TN 38117<br>(901) 684-5485<br>nkellum@crelaw.org |
| P | AGUDATH ISRAEL OF AMERICA | Amicus Agudath Israel of America is an organization of orthodox Jews who frequently intervene in public proceedings to ensure their ability to practice their religion and to fully participate in public life. The position of the Colorado court as applied to orthodox Jews would hobble their ability to participate in public life, as orthodoxy strictly condemns homosexual practices. Our legal traditions promise that a man will not be put to a choice between his business and his religion, but that is what the Colorado decision would do. Decrying the level of legal formalism that attaches to First Amendment jurisprudence at this time, Agudath Israel stresses that the United States, because of its powerful First Amendment protections, has always offered a place within which orthodox Jews could participate in practices that others might not understand. A demand that a religious person must comply with the civil law or lose his business threatens that tradition. | ABBA COHEN<br>ANDREW WEINSTOCK<br>MORDECHAI BISER<br>AGUDATH ISRAEL OF AMERICA<br>42 Broadway<br>New York, NY 10004<br>(212) 797-9000<br><br>JEFFREY I. ZUCKERMAN<br>Counsel of Record<br>THE ZUCKERMAN LAW GROUP LLP<br>1629 K Street, N.W.<br>Suite 300<br>Washington, D.C. 20006<br>(202) 349-3962<br>jzuckerman@zucklawgroup.com |

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| R | AMERICAN UNITY FUND AND PROFS. DALE CARPENTER AND EUGENE VOLOKH | Amici believe that the First Amendment protects supporters and opponents of same sex marriage, but argue that petitioners' First Amendment rights are not implicated here. While the First Amendment protects against compelled expression, that protection is not without limits: the First Amendment does not extend to every situation in which speech or expression are minimally implicated. The law may distinguish between protection of refusal to speak and more limited protection concerning refusal to act. Not ever act may be deemed expressive in order to avoid obligations that would otherwise attach. A chef, no matter how talented, would not be protected by the First Amendment from discriminating among customers, and the same result should follow here. Behavior may be compelled where the First Amendment is only marginally involved. The line delineating speech restrictions will serve equally well in delineating speech compulsion. Just as government may regulate certain trades, so too may it require conformity to certain norms of production without compelling speech. If government regulation of the baking trade is not a speech restriction, then a government requirement that a baker bake for all is not a speech compulsion. Cake baking by itself does not convey a particular message, but the question remains whether it is expressive. Media may be protected by historic recognition or inherent expressiveness. The least involvement of aesthetics will not make an activity inherently expressive. Cake baking has not been historically recognized as inherently artistic and new protection should not be extended. In this case no expression was involved a service was denied without discussion. Bakers retain the right to refuse to include objectionable messages not based on protected classifications. Judicial recognition of petitioners' views would invite limitless applications with unmanageable results. The breadth of petitioners' theory of "figurative participation" in another's activities would unduly expand the applicability of exemptions, and erode the anti-discrimination laws. While a Religious Freedom Restoration Act might protect against "complicity" in others' acts, the Constitution requires more. | DALE CARPENTER<br>SMU DEDMAN SCHOOL<br>OF LAW<br>3315 Daniel Ave.<br>Dallas, TX 75205<br>(214) 768-2638<br>dacarpenter@smu.edu<br><br>EUGENE VOLOKH<br>Counsel of Record<br>SCOTT & CYAN BANISTER<br>AMICUS BRIEF CLINIC<br>UCLA SCHOOL OF LAW<br>405 Hilgard Ave.<br>Los Angeles, CA 90095<br>(310) 206-3926<br>volokh@law.ucla.edu |

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| R | AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE; ANTI-DEFAMATION LEAGUE; BEND<br>THE ARC: A JEWISH PARTNERSHIP FOR JUSTICE;<br>FAIRNESS WEST VIRGINIA; INTERFAITH ALLIANCE<br>FOUNDATION; NATIONAL COUNCIL OF JEWISH WOMEN,<br>INC.; AND PEOPLE FOR THE AMERICAN WAY FOUNDATION | Amici religious and civil rights advocacy organizations assert that the constitutional protections of religious liberty and equal treatment are hand in hand guarantees of freedom. Amici ardently oppose any state sponsored measure that would condone maltreatment of any protected class.<br>Just as the religious freedom and equal protection clauses work together to promote liberty, so too do the Free Exercise and Establishment clauses serve that end. The two clauses of the First Amendment keep each other in check. The Supreme Court has never, and ought never, recognize religion as a device of exception to generally applicable laws. If accepted, the exemption sought by petitioners would not be limited to sexual orientation but would permit different treatment of any number of groups. The religiously neutral Colorado public accommodations law needs only rational basis review, which it handily passes. Petitioners err in their attempt to use the Free Exercise Clause not as a shield, which it is, but as a sword, which it is not. Cases relied on in advancing a 'hybrid' theory requiring heightened scrutiny do not, by and large, concern the Free Exercise clause. The assertion of additive rights does not compel closer scrutiny. Recognition of the Free Exercises assertions here would violate the Establishment Clause, as the exception would impose a state-sponsored burden on third parties. The First Amendment may not be employed to lock the door to rights the Due Process Clause has recognized. Ultimately, public accommodations laws protect rather than diminish religious freedoms, for the law's protections attach to nondiscrimination on the basis of religion as well as other characteristics. | STEVEN M. FREEMAN<br>DAVID L. BARKEY<br>RACHEL G. BRESNER<br>MIRIAM ZEIDMAN<br>Anti-Defamation League<br>605 Third Avenue<br>New York, NY 10158<br>(212) 885-7859<br><br>RICHARD B. KATSKEE<br>Counsel of Record<br>KELLY M. PERCIVAL<br>CLAIRE L. HILLAN†<br>Americans United for Separation of Church and State<br>1310 L St. NW, Ste. 200<br>Washington, DC 20005<br>(202) 466-3234<br>katskee@au.org<br><br>ELLIOT M. MINCBERG<br>DIANE LAVIOLETTE<br>People For the American Way Foundation<br>1101 15th St. NW, Ste. 600<br>Washington, DC 20005<br>(202) 467-4999 |
| P | BILLY GRAHAM EVANGELISTIC ASSOCIATION,<br>CHRISTIAN CARE MINISTRY, ECO: A COVENANT ORDER<br>OF PRESBYTERIANS, FOCUS ON THE FAMILY,<br>KANAKUK MINISTRIES, PINE COVE, SAMARITAN'S PURSE, THE CHRISTIAN & MISSIONARY ALLIANCE, THE NAVIGATORS,<br>THE ORCHARD FOUNDATION, TYNDALE HOUSE PUBLISHERS, ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL,<br>AND ASSOCIATION OF GOSPEL RESCUE<br>MISSIONS | Amici are providers of ministerial services. Amici may sell goods, and may operate under for-profit or non-profit business structures. They are concerned that Colorado's application of its public accommodation law to Masterpiece Cakeshop will threaten other enterprises whose operators seek to conduct business according to religious principles. Colorado law exempts from its definition of "public accommodation" places of worship. Amici urge that enterprises such as Phillips' bakery be exempted as well, and that no test of sufficient religiosity be superimposed on his activities. By demanding that Phillips create and sell goods contrary to his religious beliefs or sell none at all, Colorado has substantially burdened his profession of faith, in violation of the Free Exercise clause of the First Amendment. Amici present an historic overview of courts' attempts to define what constitutes predominantly religious activity and what is principally sectarian. The result of these judicial forays has been the insight that courts ought to defer to religious enterprises in such matters.The same reasoning should control the result in the Masterpiece Cakeshop case. | Stuart J. Lark, Esq.<br>SHERMAN & HOWARD LLC<br>90 S. Cascade Ave., Suite 1500<br>Colorado Springs, CO 80903<br>(719) 448-4036<br>slark@shermanhoward.com |

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| P | BRIEF AMICUS CURIAE OF THE NATIONAL JEWISH COMMISSION ON LAW AND PUBLIC AFFAIRS ("COLPA") FILED ON BEHALF OF ORTHODOX JEWISH ORGANIZATIONS IN SUPPORT OF PETITIONERS | Amici Jewish organizations instruct that Jewish law forbids assisting another, even if a non-Jew, in violating religious principles. Colorado's singling out of Jack Phillips for the purpose of inhibiting his abiding by his faith is constitutionally unacceptable. This motive is obvious here, but it should be remembered that the Court has prohibited subtle coercion in Free Exercise matters. The state may not compel compromise of Free Exercise rights where alternative resources exist. A government interest of the highest order must be demonstrated, along with a most narrowly tailored means of serving that interest, for any interference with Free Exercise to be permissible. To acknowledge the primacy of Free Exercise interests here will not court sham exceptions not based on sincere beliefs, for courts are well equipped to make distinctions among those seeking exceptions: Free Exercise interests are far too important to deny them because other, perhaps less meritorious, claims may follow. | DENNIS RAPPS<br>NATIONAL JEWISH COMMISSION ON LAW AND PUBLIC AFFAIRS<br>450 Seventh Avenue<br>44th Floor<br>New York, NY 10123<br>(646) 598-7316<br>drapps@dennisrappslaw.com<br><br>NATHAN LEWIN<br>Counsel of Record<br>ALYZA D. LEWIN<br>LEWIN & LEWIN, LLP<br>888 17th St. NW, 4th Floor<br>Washington, DC 20006<br>(202) 828-1000<br>nat@lewinlewin.com |
| P | BRIEF FOR AARON AND MELISSA KLEIN AS AMICI CURIAE IN SUPPORT OF PETITIONERS | Amici report that they lost their Oregon bakery when state officials imposed a $135,000 fine when they refused to participate in preparing a cake for a same sex wedding. Amici assert that the court must protect the interests of those whose sincere beliefs would be violated by participating in a same sex marriage celebration. The state should not be permitted to compel anyone to chose between their business and their faith. Amici perceive Colorado's decision to be a form of viewpoint discrimination. | TYLER SMITH<br>TYLER SMITH & ASSOCS. P.C.<br>181 North Grant Street<br>Suite 212<br>Canby, Oregon 97013<br>HERBERT G. GREY<br>4800 SW Griffith Drive<br>Suite 320<br>Beaverton, Oregon 97005<br>(503) 641-4908<br><br>KELLY J. SHACKELFORD<br>Counsel of Record<br>HIRAM S. SASSER, III<br>KENNETH A. KLUKOWSKI<br>STEPHANIE N. TAUB<br>FIRST LIBERTY INSTITUTE<br>2001 West Plano Parkway<br>Suite 1600<br>Plano, Texas 75075<br>Telephone (972) 941-4444<br>Facsimile (972) 941-4457<br>kshackelford@firstliberty.org |

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| P | BRIEF OF AMICI CURIAE AMERICAN COLLEGE<br>OF PEDIATRICIANS, AMERICAN ASSOCIATION<br>OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS, CHRISTIAN MEDICAL AND<br>DENTAL ASSOCIATION, AND THE CHRISTIAN<br>PHARMACISTS FELLOWSHIP INTERNATIONAL<br>IN SUPPORT OF PETITIONERS AND REVERSAL | Medical professionals currently encounter efforts that they act contrary to their beliefs, notwithstanding any 'conscience' protections the law may afford. There is no basis in the law for sacrificing First Amendment guarantees to 'dignitary interests,' as such interests are not constitutionally cognizable. To the contrary, it is speech that is not favored that is accorded constitutional protection. | DORINDA C. BORDLEE<br>MADELINE MOREIRA<br>BIOETHICS DEFENSE FUND<br>3312 Cleary Avenue<br>Metairie, LA 70002<br>(504) 231-7234<br><br>ROGER G. BROOKS<br>Counsel of Record<br>3804 W. Cornwallis Road<br>Durham, NC 27705<br>(919) 402-1758<br>Brooks3804@gmail.com<br><br>CATHERINE W. SHORT<br>LIFE LEGAL DEFENSE FOUNDATION<br>P.O. Box 2105<br>Napa, CA 94558<br>(707) 224-6675 |
| P | BRIEF OF CHRISTIAN LEGAL SOCIETY, CENTER FOR PUBLIC JUSTICE, THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS,<br>THE LUTHERAN CHURCH—MISSOURI SYNOD,<br>NATIONAL ASSOCIATION OF EVANGELICALS,<br>QUEENS FEDERATION OF CHURCHES, RABBINICAL COUNCIL OF AMERICA, AND UNION OF<br>ORTHODOX JEWISH CONGREGATIONS OF AMERICA<br>AS AMICI CURIAE IN SUPPORT OF PETITIONERS | Amici are religious organizations who accept that same-sex marriage is the law, but who are seeking exception and exemptions that would permit that law to exist but also permit those whose beliefs would make compliance an offense to those beliefs to preserve their interests in religious liberty. Where a state prosecutes religious exercise while leaving similar ssecular civil rights alone, the law cannot be said to be of general applicability. There is no compelling state interest in forcing production of a cake, nor can it be overlooked that any dignatary interests involved attach to both the same-sex couple and to the baker. In light of the concerns presented here about neutrality, general applicability, the absence of a compelling state interest, and the question of the impact of secular exceptions, the time may have arrived for the Court to reconsider *Employment Division v. Smith*, 494 U.S. 872 (1990). | Thomas C. Berg<br>Douglas Laycock<br>Univ. of St. Thomas<br>Counsel of Record<br>School of Law<br>Univ. of Virginia Law School<br>MSL 400, 1000 LaSalle Ave. 580 Massie Road<br>Minneapolis, MN 55403<br>Charlottesville, VA 22903<br>651-962-4918<br>434-243-8546<br>tcberg@stthomas.edu<br>dlaycock@virginia.edu |
| P | C12 GROUP, CHRISTIAN EMPLOYERS ALLIANCE, PINNACLE FORUM, CEO FORUM, INC., CENTER FOR FAITH AND WORK AT LETOURNEAU UNIVERSITY IN SUPPORT OF PETITIONERS | Amici are business and employment leaders who are dedicated to living according to religious principles in all aspects of life. Amici assert that the law ought not distinguish lay and professed vocations. Amici note that the case may be decided on speech grounds, but submit their alarm that Free Exercise principles are threatened by the Colorado decision. Amici ask the court to consider the continued vitality of *Employment Division v. Smith*, 494 U.S. 872 (1990). | Richard C. Baker<br>Mauck & Baker, LLC<br>1 N. LaSalle, Suite 600<br>Chicago, IL 60602<br>(312) 853-8708<br>rbaker@mauckbaker.com |

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| N | CAKE ARTISTS IN SUPPORT OF NEITHER PARTY | Amici cake artists, a group of eleven preparers of custom cakes from across the United States, participate in the litigation to underscore their view that the creation of individualized and specialized cakes is art protected by the First Amendment. Such artistry even receives intellectual property protections, which underscores its valuable originality. | AARON M. STREETT<br>BENJAMIN A. GESLISON<br>J. MARK LITTLE<br>BAKER BOTTS L.L.P.<br>910 Louisiana Street<br>Houston, Texas 77002<br>(713) 229-1234<br><br>EVAN A. YOUNG<br>Counsel of Record<br>SAMANTHA KUHN<br>BAKER BOTTS L.L.P.<br>98 San Jacinto Boulevard<br>Suite 1500<br>Austin, Texas 78701-4078<br>(512) 322-2500<br>evan.young@bakerbotts.com |
| R | CANADIAN CIVIL LIBERTIES ASSOCIATION, CENTRO DE ESTUDIOS LEGALES Y SOCIALES, DEJUS EGYPTIAN INITIATIVE FOR PERSONAL RI HUMAN RIGHTS LAW NETWORK, HUNGA CIVIL LIBERTIES UNION, IRISH COUNCIL FOR CIVIL LIBERTIES, KENYA HUMAN RIGHTS COMMISSION, LEGAL RESOURCI CENTRE, AND NATIONAL COUNCIL FOR ( LIBERTIES | Amici are civil liberties and human rights organizations from several countries promoting the interests of individuals who experience discrimination. Amici observe that over the past half century the Supreme Court has consistently rejected discrimination and has never assumed that the costs of the impact of unlawful badges of inferiority are limited to the cash register. Amici describe for the court the work of other nations in advocacy for equal rights and recognizing dignitary harms to members of the LGBTQ community. Other nations have declined to permit state sponsored exceptions to civil rights laws were to permit them would impede the interests of protected groups. | MAUREEN P. ALGER<br>Counsel of Record<br>COOLEY LLP<br>3175 Hanover Street<br>Palo Alto, CA 94304<br>Telephone: (650) 843-5000<br>malger@cooley.com<br>KYLE WONG<br>L. ALYSSA CHEN<br>COOLEY LLP<br>101 California Street, 5th Floor<br>San Francisco, CA 94111<br>Telephone: (415) 693-2000<br>kwong@cooley.com<br>alyssa.chen@cooley.com |
| P | CATHOLICVOTE.ORG IN SUPPORT OF MASTERPIECE CAKESHOP, INC. AND JACK C. PHILLIPS | Amicus, a self-styled non-partisan voter education organization, argues that the Court's compelled speech and associational freedom precedents preclude applying the public accommodatoin laws in a way that interferes with an entity's ablility to engage in expressive activity. | Scott W. Gaylord<br>Counsel of Record<br>ELON UNIVERSITY SCHOOL OF LAW<br>201 North Greene Street<br>Greensboro, NC 27401<br>Phone: (336) 279-9331<br>Email: sgaylord@elon.edu |

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| P | CENTER FOR CONSTITUTIONAL JURISPRUDENCE AND NATIONAL ORGANIZATION FOR MARRIAGE IN SUPPORT OF PETITIONERS | The Constitution forbids compelled speech, but discrimination against those who refuse to relinquish their religious views is well documented. This refusal to countenance compelled speech is evident from the earliest United States history, and is illustrated by the oaths clause, which permits either religious oath or secular affirmation. | JOHN C. EASTMAN<br>ANTHONY T. CASO<br>Counsel of Record<br>Center for Constitutional Jurisprudence<br>c/o Fowler School of Law<br>Chapman University<br>One University Drive<br>Orange, California 92866<br>(909) 493-5706 |
| R | CHEFS, BAKERS, AND RESTAURATEURS AS AMICI CURIAE IN SUPPORT OF RESPONDENTS | Professional chefs, bakers and restaurateurs as amici submit that while in some instances food preparation may implicate First Amendment expressive interests, this is not always so, particularly as ordinarily food retains its purpose of being eaten. The chef or restaurateur who opens the door to the public must open the door to all: there is no reason to carve out an exception for wedding cakes, particularly where to create such an exception would fall heavily on same sex couples. | Sarah Warbelow<br>Legal Director<br>HUMAN RIGHTS CAMPAIGN<br>1640 Rhode Island Ave.<br>NW<br>Washington, DC 20036<br>(202) 572-8981<br><br>Pratik A. Shah<br>Counsel of Record<br>Martine E. Cicconi*<br>AKIN GUMP STRAUSS HAUER & FELD LLP<br>1333 New Hampshire Ave. NW<br>Washington, DC 20036<br>(202) 887-4000<br>pshah@akingump.com |
| P | CHRISTIAN BUSINESS OWNERS SUPPORTING RELIGIOUS FREEDOM IN SUPPORT OF PETITIONERS | Several Christian business owners litigating similar issues in other fora assert that merchants should not be punished for exercising sincerely held religious beliefs, arguing that the Free Exercise Clause, as well as *Hurley v. Irish-American LGBQ Group of Boston*, 515 U.S. 597 (1995), require reversal. Religious beliefs involve liberty rights that should be exercised without government interference. | ERIN ELIZABETH MERSINO<br>Counsel of Record<br>WILLIAM WAGNER<br>JOHN KANE<br>GREAT LAKES JUSTICE CENTER<br>5600 W. Mount Hope Hwy<br>Lansing, MI 48917<br>(517) 322-3207<br>Contact@GreatLakesJC.org |
| P | CHRISTIAN LAW ASSOCIATION IN SUPPORT OF PETITIONERS | Amicus offers *pro bono* services to Bible-believing churches and Christians encountering difficulty in practicing their religion. Amicus find it disturbing that Colorado has determined that it may exercise the powers of the state to compel peittioners to act as the state has determined they ought to act, where such state-compelled behavior violates petitioners' constitutionally-protected rights of conscience, all to the detriment of diversity of religion. | DAVID C. GIBBS, JR.<br>GIBBS & ASSOCIATES LAW FIRM, LLC<br>5412 Courseview Drive, Suite 122<br>Mason, OH 45040<br>(513) 234-5545<br>dgibbsjr@gibbs-lawfirm.com |

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| P | CONCERNED WOMEN FOR AMERICA | This women's Christian public policy organization submits that the respondents' fears of inequality in public accommodaton are ill-founded, as the LGBT community is a strong market force, enjoying corporate and religious support. Ensuring that petitioner retains First Amendment freedoms will not result in catastrophe for the LGBT community and willl ensure that marriage traditionalists are not subjected to needless state interventions, particularly where granting Phillips relief will do nothing to relieve him or other merchants of their oblivgation to condut business without discriminating against any group. | Steven W. Fitschen, Counsel of Record<br>The National Legal Foundation<br>2224 Virginia Beach Blvd., Ste. 204<br>Virginia Beach, Virginia 23454<br>(757) 463-6133; nlf@nlf.net |
| R | CORPORATE LAW PROFESSORS | Amici corporate law academics assert that Phillips errs in attributing his religious beliefs to the corporation in which he holds shares. This is contrary to essential principles of corporate law, which insists on the separateness of corporation and shareholder and without which a corporation would not exist. An exemption allowed Masterpiece Cakeshop but not its competitors would raise issues of economic advantage. Longstanding principles of corporate law would not permit the attribution of Phillips' religious views, as shareholder, to the corporation. It is not known what Phillips' ownership interest is in the Limited Liability Company that governs Masterpiece Cakeshop. Corporate separateness means that Phillips enjoys insulation from corporate debt. Phillips cannot benefit from corporate separateness by being insulated from corporate debt and at the same time ask that separateness be disregarded so that he may project his religious views onto the corporation. The law should not permit a "now you see it/now you don't" form of corporate construction. Although corporations may raise speech claims, corporations speech interests are separate from those of shareholders and should not be presumed identical. Colorado public accommodations laws concern places of business: the original Colorado Civil Rights order ran to the corporation. The corporation would need to clearly articulate a claim for exemption from the public accommodations law: having an employer and/or shareholder whose beliefs conflict with those of the state is not the sort of interest that would merit recognition of an exception for the corporation. Even if Phillips were able to establish an individual exceptions should be granted, that individual exemption could not be expanded to exempt the entire corporation. Allowing a corporate exemption here would create marketplace advantages not enjoyed by other entities. It is easy to envision a world in which corporations excepted themselves from various costly regulatory burdens at will, creating unmanageable market distortions. | Kent Greenfield<br>BOSTON COLLEGE<br>LAW SCHOOL<br>885 Centre Street<br>Newton Centre, MA<br>02549<br><br>Andrew D. Silverman<br>Daniel A. Rubens<br>Counsel of Record<br>ORRICK, HERRINGTON &<br>SUTCLIFFE LLP<br>51 West 52nd Street<br>New York, NY 10019<br>(212) 506-5000<br>drubens@orrick.com |
| N | COUNCIL FOR CHRISTIAN COLLEGES AND UNIVERSITIES (CCCU) AND NINE INDIVIDUAL RELIGIOUS COLLEGES AND UNIVERSITIES IN SUPPORT OF NEITHER PARTY | Religious colleges and universities submit that strict scrutiny analysis is needed where it appears that government action will compel actions contrary to religious beliefs. The schools submit that Colorado's application of the more lenient rational relationship test will cripple the schools and their students in conducting their work in accordance with their beliefs. The government cannot be permitted to force anyone to act or to speak contrary to a sincerely held belief in the absence of a compelling reason, and only then if the means to support the government's end is the least restrictive available. Smith applies to generally applicable proscriptions, not compulsions. | GENE C. SCHAERR<br>Counsel of Record<br>MICHAEL T. WORLEY<br>SCHAERR \| DUNCAN LLP<br>1717 K Street NW, Suite 900<br>Washington, DC 20006<br>(202) 787-1060<br>gschaerr@schaerr-duncan.com |

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| R | COUNTY OF SANTA CLARA, CITIES OF NEW YORK AND LOS ANGELES, 67 ADDIT CITIES AND COUNTIES, 80 MAYORS, AND STATES CONFERENCE OF MAYORS | Amici are city, town and county officials and mayors. Amici support the "commitment to pluralism" that public accommodations laws represent, and fear that commitment would be jeopardized by permitting the exception petitioners seek. According First Amendment protection to exceptions to anti-discrimination laws would not be limited to LGBTQ persons and would render administration of civil rights laws unmanageable. The elimination of discrimination has been established as a government interest of the highest order and ought to extend to LGBTQ persons. Exclusion of LGBTQ persons from the public square weakens not just those directly affected but communities in their entireties, as unstable market conditions would be created where one merchant might welcome LGBTQ persons while another might not. Some local governments have adopted anti-discrimination protections for LGBTQ persons where state law has failed to do so: they venture into new territory where states preclude localities from expanding rights unless enumerated by the state. The Supreme Court has never permitted private exception from general laws, and should not do so here. A law regulating conduct is not inherently expressive and does not implicate compelled speech, nor is a felt need to disagree with the law compelled speech. Common understanding would not attribute to a merchant the endorsement of customers' views by virtue of selling to those customers. Any Free Exercise exemption from the public accommodations law would ensure the government in controversies involving the discerning of the merits of religious claims, implicating the Establishment Clause. Additionally, unbounded and self-selected exceptions to general laws would diminish if not destroy the administration and enforcement of civil rights laws. Finally, the establishment of a hierarchy of constitutionally protected rights, which would result if an exception were granted here would rend the fabric of inclusiveness that amici prefer for their localities. | ZACHARY W. CARTER<br>Corporation Counsel<br>RICHARD DEARING<br>CLAUDE S. PLATTON<br>BENJAMIN WELIKSON<br>NEW YORK CITY<br>LAW DEPARTMENT<br>100 Church Street<br>New York, NY 10007<br><br>JAMES R. WILLIAMS<br>County Counsel<br>GRETA S. HANSEN<br>LAURA S. TRICE<br>JULIE WILENSKY<br>Counsel of Record<br>JULIA B. SPIEGEL<br>LYNNETTE K. MINER<br>OFFICE OF THE<br>COUNTY COUNSEL,<br>COUNTY OF SANTA CLARA<br>70 West Hedding Street<br>East Wing, 9th Floor<br>San JosÃ©, CA 95110<br>(408) 299-5902<br>julie.wilensky@cco.sccgov.org<br><br>MICHAEL N. FEUER<br>City Attorney<br>JAMES P. CLARK<br>THOMAS P. PETERS<br>BLITHE SMITH BOCK<br>SHAUN DABBY JACOBS<br>OFFICE OF THE LOS<br>ANGELES CITY ATTORNEY<br>200 N. Main Street,<br>7th Floor<br>Los Angeles, CA 90012 |
| N | DAVID BOYLE IN SUPPORT OF NEITHER PARTY | Amicus suggests that petitoners ought to put notice that they would deny service in their store window. He suggests imposing fines and transferring the fines to victims. He analogizes the constitutional tests for state interference with speech and religious rights to components of a cake to show levels of expressiveness. He offers that 'sodomy' is not just a sexual act but can be seen as representing social exclusion, and decries 'state calvinism.' A series of reductio-ad-absurdum hypotheticals underscore difficulties with compelled service. | David Boyle<br>Counsel of Record<br>P.O. Box 15143<br>Long Beach, CA 90815<br>dbo@boyleslaw.org<br>(734) 904-6132 |

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| P | ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION; CHRISTIAN LIFE COMMISSION OF THE MISSOURI BAPTIST CONVENTION; JOHN PAUL THE GREAT CATHOLIC UNIVERSITY; OKLAHOMA WESLEYAN UNIVERSITY; SPRING ARBOR UNIVERSITY; WILLIAM JESSUP UNIVERSITY; AMERICAN ASSOCIATION OF CHRISTIAN SCHOOLS; JEWS FOR RELIGIOUS LIBERTY; AND IMAM OMAR AHMED SHAHIN | Amici religious groups ask the Court to fulfill the promise of *Obergefell* that religious liberty would survive the Court's determination about same sex marriage. Colorado's ruling is contrary to that promise. Amici submit that a secular vocation is no less worthy of constitutional protection than a professed religious vocation. Colorado's position imposes a de facto religious test on the practice of an occupation, a practice that has long been prohibited as in violation of the Free Exercise Clause. | WHITEHEAD LAW FIRM, LLC<br>1100 Main Street, Suite 2600<br>Kansas City, Missouri 64105<br>(816) 398-8967<br>Mike@TheWhiteheadFirm.com<br>Counsel for Amici Curiae Religious Organizations |
| R | FLOYD ABRAMS, VINCENT A. BLASI, WALTER DELLINGER, SETH F. KREIMER, BURT NEUBORNE, ROBERT POST, GEOFFREY R. STONE, AND KATHLEEN M. SULLIVAN | Scholarly amici are concerned that the First Amendment not be interpreted in a way that would dilute protections of free expression. Amici deny that this case concerns considerations of 'expressive' aspects of any trade, but instead insist that ordinary rules of commerce dispose of the issues presented. Any merchant who opens his doors to the public is bound to treat all customers equally, and may not deny goods or services to anyone based on membership in a protected class. Colorado does not regulate messages but does regulate the fair treatment of customers. It is well established that this regulation of commerce does not impinge upon First Amendment interest. Amici reject the notion that Phillips was requested to custom create a cake contrary to his conscience because the record indicates respondents were rejected out of hand, before any consideration of their particular desires. Even recognizing an expressive component in petitioner's' work, Colorado law does not restrict that expression but rather insists on parity i provision of goods and services to all customers. Amici challenge the nation that provision of a product or service is an endorsements of the use to which the product is put, or of the values of the customer, as there exists no common cultural understanding to support this idea. Amici fear that there exists no logical end to the notion that petitioners present: that the sale of any product carrying any expressive content is entitled to special First Amendment protection. Petitioners' arguments are inconsistent with foundational public accommodations decisions considering -- and rejecting -- First Amendment exceptions to their application. Permitting conscientious exemptions to public accommodations laws will dilute antidiscrimination laws. The resumption of discrimination based on claims of First Amendment protections will in turn result in attenuation of First Amendment, creating new threats to freedom. | DIMITRI D. PORTNOI<br>JAMIE CROOKS<br>O'MELVENY & MYERS LLP<br>400 South Hope Street<br>Los Angeles, CA 90071<br>(213) 430-6000<br><br>WALTER DELLINGER<br>(Counsel of Record)<br>wdellinger@omm.com<br>MEAGHAN VERGOW<br>O'MELVENY & MYERS LLP<br>1625 Eye Street, N.W.<br>Washington, D.C. 20006<br>(202) 383-5300 |

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| R | FREEDOM FROMRELIGION FOUNDATION | An advocacy group promoting education about non-theism and advocacy for non-theists, the Freedom from Religion Foundation sees petitioners' request for exemption from public accommodations law as a claim for a right to impose petitioners' views on others, and represents a threat to individual freedom of conscience. As amicus has sought and sometimes attained inclusion of non-religious among groups accorded civil rights protections, permitting petitioner to prevail here would undermine those advances. The amicus submits that the right to belief does not always embrace the right to act as one pleases, particularly where to do so would infringe on the civil rights of others: "free exercise rights end where the rights of other citizens begin." Where the root of the issue in this case is gener orientation,there is no merit to a proposed distinction between status and event. Exemption as proposed here would invite difficulty in defining its limits and would promote an increase in discrimination among religious groups. The Free Exercise clause may not be employed to diminish the potency of the Establishment Clause. | ELIZABETH CAVELL ANDREW SEIDEL PATRICK ELLIOTT SAM GROVER FREEDOM FROM RELIGION FOUNDATION P.O. Box 750 Madison, WI 53701 (608) 256-8900 rmarkert@ffrf.org |
| R | FREEDOM OF SPEECH SCHOLARS | Free speech scholars argue that even if speech were implicated by making custom wedding cakes, compelled speech cases do not support petitioners' position. Amici do not believe that Phillips' religious objections to same sex marriage can be recharacterized as a compelled speech argument. Amici observe that wedding cakes carry no messages about God or celebration. They aver that craft or artistic choice in wedding cakes does not create a protected First Amendment interest, and courts should not venture into the business of judging what is or is not art. The antidiscrimination act considers conduct whether or not it is speech. No compelled speech is involved, for Philips is not being asked to convey a government message or to permit the government to regulate conduct so as to force inclusion of unwanted material. | STEVEN H. SHIFFRIN COUNSEL OF RECORD 524 COLLEGE AVENUE 103 MYRON TAYLOR HALL CORNELL LAW SCHOOL ITHACA, NY 14853 SHS6@CORNELL.EDU 607-255-4560 |
| P | FREEDOM X AND RABBI DOVID BRESSMAN AS AMICI CURIAE IN SUPPORT OF PETITIONERS | Applying discrimination laws to religious matters will inevitably breed conflict, for religious traditions will differ from the mores of contemporary secular society. Moreover, to do so will entangle the state in religious matters, which has long been recognized as constitutionally forbidden. It is wrong to conflate conduct with status, as Colorado has done, as this will cabin rather than enhance freedoms. To equate, as some lands do, criticism with discrimination is to stifle the exchange of ideas, to the detriment of all. | William J. Becker, Jr. Counsel of Record FREEDOM X 11500 Olympic Blvd. Suite 400 Los Angeles, California 90064 (310) 636-1018 Bill@FreedomXLaw.com |

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| R | GLBTQ LEGAL<br>ADVOCATES & DEFENDERS AND<br>NATIONAL<br>CENTER FOR LESBIAN RIGHTS | Gay and lesbian advocacy groups agree with the Colorado Civil Rights Commission's view that uniform application of the state public accommodations laws will not violate the First Amendment. Such laws and Supreme Court decisions decriminalizing gay and lesbian activity and recognizing gay and lesbian relational rights bring these populations closer to full social equality. To permit exception to generally applicable laws now would signal a retreat from that progress. Discrimination against other groups and individuals would also be invited by a ruling in petitioners' favor, while the rights of all citizens to full enjoyment of the public sphere would be impaired. The Court has already rejected the status/conduct distinction that petitioners' suggest is fitting. Amici argue that the history of persecution of and discrimiantion against LGBTQ persons makes the state interest in eradicating discrimination against them compelling: free market theories will not suffice to correct these injuries. | SHANNON P. MINTER<br>CHRISTOPHER F. STOLL<br>NATIONAL CENTER FOR<br>LESBIAN RIGHTS<br>870 Market Street<br>Suite 370<br>San Francisco, CA 94102<br>(415) 392-6257<br>CATHERINE R. CONNORS<br>NOLAN L. REICHL<br>PIERCE ATWOOD LLP<br>Merrill's Wharf<br>254 Commercial Street<br>Portland, ME 04107<br>(207) 791-1100<br><br>MARY L. BONAUTO<br>Counsel of Record<br>GARY D. BUSECK<br>GLBTQ LEGAL ADVOCATES<br>AND DEFENDERS<br>30 Winter Street<br>Suite 800<br>Boston, MA 02108<br>(617) 426-1350<br>mbonauto@glad.org |
| R | ILAN H. MEYER, PHD,<br>AND OTHER SOCIAL SCIENTISTS AND<br>LEGAL<br>SCHOLARS WHO STUDY THE LGB<br>POPULATION | Amici are social scientists who specialize in issues relating to LGB persons whose submission is intended to stress the importance of reducing the deleterious effect of discrimination on LGB people. Amici aver that petitioners' denial of service to respondents was distressing and that the sort of experience they had is called a "minority stressor." The protection against those harms that the public accommodations laws proffer makes the state's interest compelling. Not only the actual but also the feared experience of discrimination changes LGB person's' behavior. Antidiscrimination laws help reduce stressful vigilance in the marketplace and help to assure LGB persons that they need not fear the public square. Permitting the sort of exemption petitioners seek would compound uncertainty for LGB people, as any number of businesses might decide to deny service. The impact of marketplace discrimination does not end at the cash register: the stress of such experiences adversely affects health and relationships. Amici submit that petitioners' social scientist amicus questioning of some social science research does not nullify the significance of the research on minority stress. Petitioners' social science amicus raises issues common to all social science research Moreover, the law does not require causation with the sort of specificity that petitioners' amicus envisions. Additionally, the notion that life has improved for LGB persons does not mean that stigma does not persist, nor does the personality trait of resistance imply that stress is not burdensome or harmful. The observation that "politics" has infected social science is not confined to supporters of the LGB community, but to those supporting petitioners as well. | STEPHEN B. KINNAIRD<br>Counsel of Record<br>RANDALL V. JOHNSTON<br>PETER S. LARSON<br>PAUL HASTINGS LLP<br>875 15th Street, N.W.<br>Washington, D.C. 20005<br>(202) 551-1700<br>stephenkinnaird<br>@paulhastings.com<br>SCOTT M. KLAUSNER<br>JI HAE KIM<br>MIRI SONG<br>SERLI POLATOGLU<br>PAUL HASTINGS LLP<br>515 South Flower Street<br>Twenty-Fifth Floor<br>Los Angeles, CA 90017<br>(213) 683-6233 |

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| P | INDEPENDENCE LAW CENTER, AMICUS CURIAE SUPPORTING PETITIONERS | A primary purpose of the First Amendment is to guard against silencing unpopular expression. The Court's quick turnabout from *Minersville Sch. Dist. v. Gobitis*, 310 U.S. 586 (1940), to *West Virginia Bd. of Educ. v. Barnette*, 319 U.S. 624 (1943), is testimony to the principle that the First Amendment is designed to protect against government marginalization of minority beliefs, especially when they refuse to affirm majority expression. The Court's recent precedent recognizes the power of its decisions to shape thinking in a way that can safeguard these principles. This Court should use this opinion to teach the importance of protecting minority views rather than punishing them. The notion that religious conservatives are all consumed with a hateful compulsion to hurt gay people has been an effective rhetorical trope, but it unfairly stereotypes those it purports to describe—much like the vicious old notion of gay men as misogynistic, amoral sociopaths. Andrew Koppelman, "Gay Rights, Religious Accommodations, and the Purposes of Antidiscrimination Law," 88 S. Cal. L. Rev. 619, 653 (2015) (notes omitted). The same scholar concludes: "Conservative Christians have good reason to fear becoming a despised outlier caste, like Jews in medieval Europe." But a reversal of the decision below would ensure that all citizens—including those who hold traditional beliefs about marriage— will remain welcomed members of our body politic. | RANDALL L. WENGER<br>Counsel of Record<br>JEREMY L. SAMEK<br>Independence Law Center<br>23 N. Front Street, First Floor<br>Harrisburg, PA 17101<br>(717) 657-4990<br>rwenger@indlawcenter.org |
| P | INDIANA FAMILY INSTITUTE, INC., INDIANA FAMILY ACTION, INC., AND THE AMERICAN FAMILY ASSOCIATION OF INDIANA, INC. SUPPORTING PETITIONERS | Advocates a factor analysis test which would look at intensity of degree of expressive activity and weigh this against coercion.The use of government's coercive force in expressive-provider cases to compel orthodoxy, viewpoint, and compliance is the same sort of deprivation of liberty, dignity, and self-identity that led to the First Amendment in the first place. Government's refusal to adopt the usual live-and-let-live approach taken in other contexts is a rejection of America's means to peaceful coexistence—the First Amendment. Government coercion in these expressive-provider cases is a type of the long-rejected disqualifications for employment, effectively saying that no person who does not adopt the government's orthodoxy may engage in employment related to weddings. | THE BOPP LAW FIRM, PC<br>The National Building<br>1 South Sixth Street<br>Terre Haute, IN 47807<br>812/232-2434<br>August 2017<br>jboppjr@aol.com |
| N | INSTITUTE FOR JUSTICE IN SUPPORT OF NEITHER PARTY | Amicus represents free speech interests in litigation, particularly litigation concerning diminished speech rights where individuals are compensated for speaking. Just as the courts have rejected the notion that compensation diminishes constitutional protections in that context, so too should the Court refuse to diminish petitioner's rights because he would receive compensation for creating a cake. | ROBERT J. MCNAMARA<br>PAUL M. SHERMAN<br>901 North Glebe Road, Suite 900<br>Arlington, VA 22203<br>Tel: (703) 682-9320<br>rmcnamara@ij.org |

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| P | INTERNATIONAL CHRISTIAN PHOTOGRAPHERS AND CENTER FOR ARIZONA POLICY | Colorado's determination will undermine the First Amendment rights of all wedding service providers, whose works are protected speech, and even if considered expressive conduct, are likewise entitled to First Amendment protections. Anti-discrimination laws cannot be used to compel speech. Bureaucrats cannot use such laws as "cudgels" to inhibit ideas, particularly unpopular ideas. Speech protections are not lost because a work is commissioned. | THOMAS N. SCHEFFEL & ASSOCIATES, P.C.<br>3801 E. Florida Avenue<br>Ste. 600<br>Denver, Co 80210<br>(303) 759-5937<br>nmorton@tnslaw.com<br><br>DAVID M. HYAMS<br>SDG LAW LLC<br>3900 E. Mexico Avenue<br>Ste. 300<br>Denver, CO 80210<br>(720) 989-1281<br>dhyams@sdglawllc.com<br><br>W. MICHAEL CLARK<br>CENTER FOR ARIZONA POLICY, INC.<br>4222 E. Thomas Road<br>Ste. 220<br>Phoenix, AZ 85018<br>(602) 424-2525<br>mclark@azpolicy.org |
| R | LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC., F EQUALITY COUNCIL, ET AL. | Amici are state based advocacy organizations pursuing the civil rights interests of the LGBTQ comunity. Amici submit that for LGBTQ persons, stressful discrimination diminishes the quality of daily life. Adding religious justification of "ordinary" discrimination would compound the harms to which LGBTQ persons are subjected. An exception here would likely increase discrimination. Exceptions would erode and render unenforceable much of the civil rights laws. Amici argue that petitioners misperceive the extent of discrimination that infects the provision of wedding goods and services, and not that petitioners' counsel are involved in mounting religious based denial of services cases. Dignitary rights must be protected to guard the well being of LGBTQ persons: disregarding such rights would have negative consequences to LGBTQ persons and their loved ones beyond the mercantile situation presented in this case. Amici compare those seeking speech or religious based relief to "whites only" policies, which are forbidden without recourse to the First Amendment. | SHELBI DAY<br>DENISE BROGAN-KATOR<br>Family Equality Council<br>475 Park Avenue South<br>Suite 2100<br>New York, NY 10016<br><br>JENNIFER C. PIZER<br><br>Counsel of Record<br><br>NANCY C. MARCUS<br>Lambda Legal Defense and Education Fund, Inc.<br>4221 Wilshire Blvd.<br>Suite 280<br>Los Angeles, CA 90010<br>(213) 382-7600<br>jpizer@lambdalegal.org |

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| P | LAW AND<br>ECONOMICS SCHOLARS IN SUPPORT<br>OF<br>PETITIONERS | The market will take care of many of the issues presented here, but enforcement of anti-discrimination laws as envisioned in this case will unfairly burden small enterprises. Because antidiscrimination laws' economic purposes are a response to pervasive discrimination, they are not frustrated by unusual circumstances. If the law requires religious objectors to identify themselves to the public in order to be accommodated, few are likely to take advantage of that. Each side has dignitary rights.The wrong social science studies were chosen to support arguments. | SEAN P. GATES<br>CHARIS LEX P.C.<br>16 N. Marengo Ave.<br>Suite 300<br>Pasadena, CA 91101<br>(626) 508-1717<br><br>DAVID A. SHANEYFELT<br>Counsel of Record<br>THE ALVAREZ FIRM<br>24005 Ventura Boulevard<br>Calabasas, CA 91302<br>DShaneyfelt@alvarezfirm.com<br>(818) 224-7077<br><br>RICHARD A. EPSTEIN<br>800 North Michigan Ave.<br>Apartment 3502<br>Chicago, IL 60611<br>(773) 702-9494 |
| R | LAWYERS COMMITTEE FOR CIVIL<br>RIGHTS UNDER LAW, ASIAN AMERICAN L<br>DEFENSE AND EDUCATION FUND, CENTE<br>CONSTITUTIONAL RIGHTS, COLOR OF CH<br>THE LEADERSHIP CONFERENCE OF CIVI<br>HUMAN RIGHTS, NATIONAL ACTION NETV<br>NATIONAL ASSOCIATION FOR THE ADVA<br>OF COLORED PEOPLE, NATIONAL URBAN<br>AND SOUTHERN POVERTY LAW CENTER | Amici are among the oldest civil rights advocacy entities in the United States, some of which were involved in the civil rights movement of the mid-twentieth century. Amici argue that the sort of exception sought by petitioners would undermine the efficacy of public accommodations laws that are central to ensuring equality for all: the adverse effects of creating an exception here would not be limited to the LGBTQ community. The historic impact of local public accommodations laws in eradicating segregation cannot be overstated, particularly where the federal government failed to do so. As the Supreme Court has upheld public accommodations laws against First Amendment challenges in the past, there is no reason not to continue to do so here. The "custom made" exception urged by petitioners is not only not supported by existing law but it is also not susceptible of the objective assessment the First Amendment requires. The associational rights cases cited in support of petitioners are inapposite, as retail business has no constitutionally protected association interest in its relationship with customers. The federal government's attempt to distinguish protections extended to same sex couples from other groups must been seen as the attempt to establish same sex individuals as less worthy of public accommodations protections than others. Amici provide research and other evidence suggesting that minorities and LGBTQ persons continue to experience bias in the marketplace, making protection necessary. Permitting the exception sought here would gut extant law and increase difficulty in asserting civil rights claims. | Kristen Clarke<br>Jon Greenbaum<br>Dariely Rodriguez<br>Dorian Spence<br>Lawyers Committee<br>for Civil Rights Under Law<br>1401 New York Avenue<br>Washington, D.C. 20008<br>(202) 662-8600<br><br>Ilana H. Eisenstein<br>Counsel of Record<br>Courtney Gilligan Saleski<br>Ethan H. Townsend<br>Paul Schmitt<br>A dam Steene<br>Jeffrey DeGroot<br>DLA Piper LLP (US)<br>One Liberty Place<br>1650 Market Street, Suite 4900<br>Philadelphia, PA 19109<br>(215) 656-3300<br>ilana.eisenstein@dlapiper.com |

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| P | LEGAL SCHOLAR ADAM J. MACLEOD | Amicus legal scholar explicates the contours of the rights and obligations of individuals in the marketplace. A customer does not have a "right" ro a particular good or service. Similarly, a merchant does not have a "right" to deny service absent a sound reason. Rather, both parties have liberty to meet on the merchant's private property to discuss and to execute transactions as their interests dictate. The Colorado court conflated several legal precepts to arrive at an erroneous conclusion. Where conflicts will inevitably arise,and where an intention to discriminate must be discerned, Macleod advocates the return of cases like this to civil juries. | JENNIFER BURSCH<br>ADVOCATES FOR FAITH & FREEDOM<br>24910 Las Brisas Road<br>Suite 109<br>Murrieta, CA 92562<br>(951) 304-7583<br>jbursch@tylerbursch.com<br><br>ROBERT TYLER<br>Counsel of Record<br>ADVOCATES FOR FAITH & FREEDOM<br>24910 Las Brisas Road<br>Suite 109<br>Murrieta, CA 92562<br>(951) 304-7583<br>rtyler@tylerbursch.com |
| R | LEGAL SCHOLARS IN SUPPORT OF EQUALITY | Amici are academic specialists in LGBT rights who observe that petitioners' conduct-status distinction is one in a series of strategies implemented by opponents of equality. Amici submit that where conduct, such as marriage, is constitutive of status, no distinction between the two, as petitioners would demand, can be had without denying equal rights to LGBT citizens. Amici provide an historic overview of the denial and recognition of LGBT rights beginning in the mid-twentieth century. | KYLE C. VELTE<br>Visiting Assistant Professor,<br>TEXAS TECH UNIVERSITY SCHOOL OF LAW<br>3311 18th Street,<br>Box 40004<br>Lubbock, TX 79409<br>(806) 834-5470<br>kyle.velte@ttu.edu<br>Counsel of Record<br><br>BARBARA J. COX<br>Professor of Law,<br>CALIFORNIA WESTERN SCHOOL OF LAW<br>225 Cedar Street<br>San Diego, CA 92101 |

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| P | LIBERTY<br>COUNSEL IN SUPPORT OF PETITIONER<br>SEEKING REVERSAL | The state violated Free Exercise rights by compelling petitioners to participate in and to promote a same-sex union ceremony with no effort to accommodate sincerely held religious beliefs. Petitioners are being forced to sacrifice their Free Exercise rights to satisfy the state's demand that business owners participate in same-sex ceremonies. The state is impermissibly treating religious freedom as a personal preference that can be swept aside for convenience instead of an independent liberty occupying a preferred position. The operational effect of colorado's ada is to disparage those whose religious beliefs forbid them from promoting or celebrating same-sex unions as "marriages." The state is using its law as a club to chill religious free exercise of those who refuse to participate in same-sex ceremonies. The state has impermissibly expanded the definition of "public accommodation so that the law is a source of instead of a remedy for discrimination.The civil rights commission improperly broadened "discrimination" to include refusing to promote a particular message. | Mathew D. Staver<br>(Counsel of Record)<br>Anita L. Staver<br>Horatio G. Mihet<br>LIBERTY COUNSEL<br>PO Box 540774<br>Orlando, FL 327854<br>(407) 875-1776<br>court@lc.org<br>Attorneys for Amicus<br><br>Mary E. McAlister<br>LIBERTY COUNSEL<br>PO Box 11108<br>Lynchburg, VA 24506<br>(407) 875-1776<br>court@lc.org |
| R | MAIN STREET ALLIANCE,<br>AMERICAN INDEPENDENT BUSINESS ALLIANCE, SEATTLE METROPOLITAN CHAMBER OF COMMERCE, AND SAN FRANCISCO CHAMBER OF COMMERCE | Amici are small business and civic organizations who give voice to their members' concerns. They submit that public accommodations laws are central to a healthy business environment. Doubts among consumers concerning whether they will be treated fairly in the public square adversely affects the entire business community. The type of exception sought by petitioners would prove nearly limitless in practice. Public accommodations laws not only ensure stability in customer service but also provide a frame of reference with which employers may address employees' understanding of merchants' obligations "to serve all comers." | CHARLES C. SIPOS<br>Counsel of Record<br>N COLA C. MENALDO<br>LUKE R ONA<br>P ERKINS C OIE LLP<br>1201 Third Ave., Suite 4900<br>Seattle, WA 98101<br>(206) 359-8000<br>csipos@perkinscoie.com |
| P | MARK REGNERUS,<br>JASON S. CARROLL, JOSEPH PRICE, AND<br>DONALD PAUL SULLINS IN SUPPORT OF PETITIONERS | In *Brown v. Entertainment Merchants Association* (2011),the Court affirmed that it will not curb personal liberty on an assumption—even a logical probability—that actions implicating the First Amendment will have a deleterious impact on others' health and wellbeing. "The State must specifically identify an 'actual problem' in need of solving, and the curtailment of free speech must be actually necessary to the solution. That is a demanding standard." More than just showing the existence of an "actual problem," the government must "show a direct causal link between [the acts being regulated] and harm to [be avoided]. . . . [Ambiguous proof will not suffice." While appreciative of the struggle of members of the LGB community, the social scientist amici challenge the information relied upon by LGBT advocates, noting that agreed upon nomenclature and measurements are lacking, that at best correlation, but not causation, can be shown, and that there is no reliable social science information demonstrating that a merchant's conscientious abstention from making a custom wedding cake would precipitate damage to individuals or to the LGB community. | Joseph E. Holland<br>970 S. Main St.,<br>Suite A<br>Snowflake, AZ 85937<br>(925) 536-3001<br><br>Edward H. Trent<br>Counsel of Record<br>550 W. Main St., Suite 900<br>Knoxville, TN 37922<br>(865) 546-1000<br>etrent@wimberlylawson.com |

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| R | MASSACHUSETTS, HAWAII, CALIFORNIA, CONNECTICUT, DELAWARE DISTRICT OF COLUMBIA, ILLINOIS, IOWA, MAINE, MARYLAND, MINNESOTA, NEW M NEW YORK, NORTH CAROLINA, OREGON PENNSYLVANIA, RHODE ISLAND, VERMO VIRGINIA, AND WASHINGTON | Respondents' state amici seek to protect their residents and visitors from discrimination and support measures such as Colorado's public accommodations law. They reject any suggestion that the states do not have a compelling interest in eradicating discrimination. Amici argue that permitting the First AMendment to be used as a shield behind which discriminatory conduct might hide would permit irrational acts of discrimination and render civil rights laws unenforceable. Amici point to failed First Amendment challenges to laws intended to eradicate racial discrimination as evidence that petitioners cannot be permitted to prevail. The exemption petitioners seek, if allowed, would permit widespread self=selection out of general laws, permitting any citizen to become a law unto himself, eroding all cohesive regulation of commercial conduct. The states attest that the LGBTQ community is historically disadvantaged and that state intervention through civil rights regulation is necessary to avoid harm to their personal, social and economic well being. The states observe that it is incontrovertible that peitioenrs' discrimiante against LGBTQ persons and that any purported distinction between LGBTQ status as as such and behavior (marriage) is of no merit. The law has never, and should never, permit exception from neutral general law because of free speech concerns, 'creative' or otherwise. Prohibiting discrimination in commercial conduct does not implicate the First Amendment nor does it compel speech. Even if some expressive interests are presented here, the anti-discrimination laws do not target them nor do they unfairly restrict expression. Even if heightened scrutiny were applied, the Colorado law would survive, as there is not more effective means by which to eradicate discrimination than through the public accommodations laws that serve that compelling interest. Petitioners err in attempting to question whether consideration of dignitary rights is a substantial interest. More than shielding sensitive ears is at stake when individuals are denied access to goods and services because of who they are. The Supreme Court has already refused to apportion the applicability of the civil rights laws according to religious or secular interests, and it ought not do so now. A viewpoint based exception, even if grounded in religion, would undermine the efficacy of the public accommodations laws. The Court has never question the constitutional propriety of state public accommodations measures applied to commercial enterprise. The association cases cited by petitioners are inapposite. Petitioners' perception that petitioners are being particularly targeted fails because petitions may decline to produce any product provided they would uniformly decline to do so, while they may not decline to sell to any customers because of the customer's' status. | DOUGLAS S. CHIN,<br>Attorney General<br>State of Hawaii<br>CLYDE J. WADSWORTH<br>Solicitor General<br>KALIKO'ONALANI D. FERNANDES<br>Deputy Solicitor General<br>425 Queen Street<br>Honolulu, HI 96813<br>clyde.j.wadsworth@hawaii.gov<br>(808) 586-1500<br><br>MAURA HEALEY,<br>Attorney General<br>Commonwealth of Massachusetts<br>ELIZABETH N. DEWAR<br>State Solicitor<br>DAVID C. KRAVITZ<br>GENEVIEVE C. NADEAU<br>JON BURKE*<br>Assistant Attorneys General<br>One Ashburton Place<br>Boston, MA 02108<br>jonathan.burke@state.ma.us<br>(508) 792-7600 |

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| R | NAACP LEGAL DEFENSE & EDUCATIONA FUND, INC. | The NAACP Legal Defense Fund, among the nation's oldest civil rights advocacy organizations, has been involved in many cases advancing equality for all in the public square. Noting that the relationship between religion and civil rights has been complex, and mixed, the Legal Defense Fund argues that precedent established during the civil rights era that refused to countenance religious exemptions from the civil rights statutes control the outcome in Masterpiece Cakeshop. Having presented an overview of historic civil rights litigation, amicus submits that there is no religious justification for segregation or discrimination. Similarly, there is no First Amendment speech-based justification for discrimination. Amicus sees petitioners' expression claim as part and parcel of the religious exemption claim and argues that the same acts which cannot be excused on religious grounds cannot be permitted simply because they have been recast as free speech claims. Amicus perceives no compelled speech in this case and asserts that the notion that there is a narrow class of cases for which exemption would be allowable is misleading: there would be no logical stopping point to the sort of exemption petitioners' claim, the result of which would be evisceration of the civil rights laws. | SHERRILYN A. IFILL<br>Director-Counsel<br>JANAI S. NELSON<br>SAMUEL SPITAL<br>NAACP LEGAL DEFENSE &<br>EDUCATIONAL FUND, INC.<br>40 Rector Street, 5th Floor<br>New York, NY 10006<br><br>COTY MONTAG<br>JOHN PAUL SCHNAPPERCASTERAS*<br>NAACP LEGAL DEFENSE &<br>EDUCATIONAL FUND, INC.<br>1444 I Street NW<br>Washington, DC 20005<br>202-682-1300<br>jschnapper@naacpldf.org |
| R | NATIONAL<br>LEAGUE OF CITIES, INTERNATIONAL<br>CITY/COUNTY MANAGEMENT ASSOCIATI<br>AND INTERNATIONAL MUNICIPAL<br>LAWYERS ASSOCIATION | Amici are local and county government organizations and counsel who support public accommodations laws, asserting that these laws work best without exceptions, arguing that exceptions would undermine the democratic choices of cities and states. Even if exceptions were advisable, the record in this case is inadequate to support a determination that an exception is advisable. Amici track the history of local government involvement in advocating civil rights. Currently 21 states and more than one hundred local governments include sexual orientation in public accommodations protections. Providing equal treatment for same sex couples enhances human dignity and ensures a vibrant marketplace. Amici assert that in the absence of concrete evidence other than a denial of service, the Supreme Court cannot reach a determination about compelled speech or Free Exercise exemptions in this case. | D. BRUCE LA PIERRE<br>WASHINGTON UNIVERSITY<br>SCHOOL OF LAW<br>APPELLATE CLINIC<br>One Brookings Drive<br>St. Louis, MO 63130<br>(314) 935-6477<br>lapierre@wulaw.wustl.edu<br>BRIAN C. WALSH<br>BRYAN CAVE LLP<br>211 N. Broadway<br>Suite 3600<br>St. Louis, MO 63102<br>(314) 259-2000<br>brian.walsh@bryancave.com<br><br>LISA E. SORONEN<br>Counsel of Record<br>STATE AND LOCAL<br>LEGAL CENTER<br>444 North Capitol Street NW<br>Suite 515<br>Washington, D.C. 20001<br>(202) 434-4845<br>lsoronen@sso.org |

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| P | NATIONAL BLACK RELIGIOUS BROADCASTERS AND THE NATIONAL HISPANIC CHRISTIAN LEADERSHIP CONFERENCE IN SUPPORT OF PETITIONERS | When the Court recognized a fundamental right to marriage that extends to same-sex couples, it acknowledged widespread, good-faith disagreement about the practice. *Obergefell v. Hodges*, 135 S. Ct. 2584, 2594 (2015). Specifically, the Court "emphasized that religions, and those who adhere to religious doctrines, may continue to advocate with utmost, sincere conviction that, by divine precepts, same-sex marriage should not be condoned." *Id.* The Constitution not only permits such convictions; it removes them from the realm of state coercion. "The First Amendment ensures that religious organizations and persons are given proper protection as they seek to teach the principles that are so fulfilling and so central to their lives and faiths, and to their own deep aspirations to continue the family structure they have long revered." Id. This is consistent with the "fixed star in our constitutional constellation," that "no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein." *West Va. Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943). Laws against miscegenation are not the equivalent of holding a view that marriage is between a man and a woman. | DAVID H. THOMPSON<br>Counsel of Record<br>COOPER & KIRK, PLLC<br>1523 New Hampshire Avenue, N.W.<br>Washington, D.C. 20036<br>(202) 220-9600<br>dthompson@cooperkirk.com |
| R | NATIONAL LGBTQ TASK FORCE, ET AL. | Amici include the nation's oldest such group and include in their focus discrimination suffered on the basis of sexual orientation and race. Amici submit that no less an insistence on fair treatment ought to be extended to gender orientation than the Supreme Court has demanded of the marketplace with respect to race. Permitting exceptions to civil rights laws on the basis of gender where exceptions are not permitted concerning other protected groups would cause both the protection and the protected genders to appear second rate, and the law's beneficiaries not worthy of the full protection of the law. Amici proffer personal accounts of incidents involving gender and racial issues. | CANDACE BOND-THERIAULT<br>NATIONAL LGBTQ TASK FORCE<br>1325 Massachusetts Ave.<br>Washington, D.C. 20005<br>(202) 639-6315<br>cbond@thetaskforce.org<br><br>MARC A. HEARRON<br>Counsel of Record<br>MORRISON & FOERSTER LLP<br>2000 Pennsylvania Ave., NW<br>Washington, D.C. 20006<br>(202) 778-1663<br>MHearron@mofo.com<br><br>Counsel for Amici Curiae<br><br>RUTH N. BORENSTEIN<br>MORRISON & FOERSTER LLP<br>425 Market St.<br>San Francisco, CA 94105<br>Counsel for Amicus Curiae National LGBTQ Task Force |

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| P | NORTH CAROLINA VALUES COALITION AND THE FAMILY RESEARCH COUNCIL AS AMICI CURIAE | The State of Colorado uses its anti-discrimination laws to impose crippling penalties on entrepreneurs who refuse to set aside conscience and create visual artwork that violates the owner's' faith and conscience. This application is a frontal assault on liberties americans have treasured for over 200 years—liberties no person should be required to sacrifice as a condition for owning a business. Colorado refuses to tolerate citizens who disagree with the state-sanctioned view of marriage. But the "personal choices central to individual dignity and autonomy" this court recognized in obergefell, "including intimate choices defining personal identity and beliefs," apply equally to the state's treatment of petitioner. *Obergefell v. Hodges*, 135 s. Ct. 2584, 2589, 2597 (2015). The Colorado ruling compels uniformity of speech, belief, and thought concerning the nature of marriage. Ironically, the colorado ruling weakens constitutional protection for everyone—including lgbt persons. Colorado may consider petitioner's view "rubbish," but that does not give the state a right to compel him to create visual artwork to promote a message he finds offensive: if Americans are going to preserve their civil liberties...They will need to develop thicker skin. One price of living in a free society is toleration of those who intentionally or unintentionally offend others. The current trend, however, is to give offended parties a legal remedy, as long as the offense can be construed as "discrimination." Preserving liberalism, and the civil liberties that go with it, requires a certain level of virtue by the citizenry. Among those necessary virtues is tolerance of those who intentionally or unintentionally offend, and sometimes, when civil liberties are implicated, who blatantly discriminate. A society that undercuts civil liberties in pursuit of the "equality" offered by a statutory right to be free from all slights will ultimately end up with neither equality nor civil liberties. | Tami Fitzgerald<br>North Carolina Values Coalition<br>9650 Strickland Road<br>Suite 103-226<br>Raleigh, NC 27615<br>(980) 404-2880<br>tfitzgerald@ncvalues.org<br><br>Deborah J. Dewart<br>Counsel of Record<br>620 E. Sabiston Drive<br>Swansboro, NC 28584-9674<br>(910) 326-4554<br>debcpalaw@earthlink.net<br><br>Travis Weber<br>Family Research Council<br>801 G Street NW<br>Washington, D.C. 20001<br>(202) 637-4617<br>tsw@frc.org |
| R | OUTSERVE-SLDN, INC., AMERICAN MILITARY PARTNER ASSOCIATION, AND AMERICAN VETERANS FOR EQUAL RIGHTS | Amici are advocacy organizations representing the interests of LGBT members of the military and their families. They argue that granting exceptions from the public accommodations laws as petitioners suggest would burgen LGBT individuals in the military, their families and, as the contribution of LGBT service persons are integral to the success of the military, exceptions that would impede access to public accommodations would impair the mission of the military. Opt-outs would impact the lives of LGBT military service persons and their families. Moreover,permitting discrimination by means of opt-outs would damage military moral, burden families, discourage recruitment, and interfere with retention. | NIMA H. MOHEBBI<br>LATHAM & WATKINS LLP<br>355 South Grand Avenue<br>Suite 100<br>Los Angeles, CA 90071<br>(213) 485-1234<br>SAMUEL DUIMOVICH<br>LATHAM & WATKINS LLP<br>12670 High Bluff Drive<br>San Diego, CA 92130<br>(858) 523-5400<br><br>MICHAEL E. BERN<br>Counsel of Record<br>MATTHEW PETERS<br>LATHAM & WATKINS LLP<br>555 11th Street, NW<br>Suite 1000<br>Washington, DC 20004<br>(202) 637-1021<br>michael.bern@lw.com<br>PETER PERKOWSKI<br>OUTSERVE-SLDN, INC.<br>700 12th St. NW, Suite 700<br>Washington, DC 20005<br>(800) 538-7418 |

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| R | PROFESSOR TOBIAS B. WOLFF | Professor Wolff submits that the Supreme Court must reject petitioners' "discriminatory business conduct…[cloaked]...in the mantle of free speech. The sale of goods and services is not personal expression nor do customers pay to promote a vendor's message. The state may legitimately regulate commerce with measures such as the Colorado Anti-Discrimination Act: doing so merits no First Amendment scrutiny. Anti-discrimination laws target business conduct: the business regulated enjoy no affirmative constitutional protections. The sales of goods and services is a commercial service, not personal expression. The compelled speech doctrine prohibits forced expression of state orthodoxy or the intrusion of the state in private messages: neither circumstance is present in this case. | Tobias B. Wolff<br>Counsel of Record<br>UNIVERSITY OF PENNSYLVANIA LAW SCHOOL<br>3501 Sansom Street<br>Philadelphia, PA 19104<br>twolff@law.upenn.edu<br>(215) 898-7471 |
| P | PROFESSORS CHRISTOPHER R. GREEN AND DAVID R.<br>UPHAM SUPPORTING PETITIONERS | Amici are scholars of the reconstruction era amendments to the U.S. Constitution who posit that both sides to this controversy seek , yet the interests of each do not appear susceptible of being satisfied simultaneously. The scholars note that the Privileges and Immunities clause of the Fourteenth Amendment prohibits second class citizenship, a precept that applies with equal force to religious and racial questions. Colorado's ruling, which would exclude traditionalists from the marketplace, is reminiscent of anti-Catholic test acts. Where dignitary harms occur in a private setting, yet the market provides ample alternatives, legal intervention is unnecessary. | DAVID R. UPHAM<br><br>CHRISTOPHER R. GREEN<br>UNIVERSITY OF MISSISSIPPI<br>UNIVERSITY OF DALLAS SCHOOL OF LAW<br>1845 E. Northgate Drive 481 Chucky Mullins Drive<br>Irving, TX 75062-4736<br>University, MS 38677<br>(972) 721-5186<br>(662) 915-6837<br>davidrupham@yahoo.com<br>crgreen@olemiss.edu |

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| P | PUBLIC ADVOCATE OF THE UNITED STATES, U.S. JUSTICE FOUNDATION, CITIZENS UNITED FOUNDATION, CITIZENS UNITED, ONE NATION UNDER GOD FOUNDATION, CONSERVATIVE LEGAL DEFENSE AND EDUCATION FUND, AND CONSTITUTION PARTY NATIONAL COMMITTEE | *Obergefell* was an exercise of the 'blunt instrument' of legal power reflecting a campaign to coerce accession to positions anathema to Christians. No oppression of persons based on sexual orientation is present here, but rather state targeting of Phillips for holding Christian views. The Colorado court has exceeded the state's powers while violating inalienable rights. Colorado's position is totalitarian, although presented as secularism. | JOSEPH W. MILLER<br>Ramona, CA<br>Attorney for Amicus Curiae<br>U.S. Justice Foundation<br>MICHAEL BOOS<br>Washington, DC<br>Attorney for Amici Curiae<br>Citizens United and<br>Citizens United Found.<br>JAMES N. CLYMER<br>Lancaster, PA<br>Attorney for Amicus Curiae<br>CLDEF<br><br>WILLIAM J. OLSON*<br>HERBERT W. TITUS<br>JEREMIAH L. MORGAN<br>ROBERT J. OLSON<br>William J. Olson, P.C.<br>370 Maple Ave. W., Ste. 4<br><br>Vienna, VA 22180-5615<br>(703) 356-5070<br>wjo@mindspring.com<br>Attorneys for Amici Curiae<br>*Counsel of Record<br>September 7, 2017 |

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| P | PUBLIC ADVOCATE OF THE UNITED STATES, U.S. JUSTICE FOUNDATION, CITIZENS UNITED FOUNDATION, CITIZENS UNITED, ONE NATION UNDER GOD FOUNDATION, CONSERVATIVE LEGAL DEFENSE AND EDUCATION FUND, AND CONSTITUTION PARTY NATIONAL COMMITTEE | *Obergefell* was an exercise of the 'blunt instrument' of legal power reflecting a campaign to coerce accession to positions anathema to Christians. No oppression of persons based on sexual orientation is present here, but rather state targeting of Phillips for holding Christian views. The Colorado court has exceeded the state's powers while violating inalienable rights. Colorado's position is totalitarian, although presented as secularism. | JOSEPH W. MILLER<br>Ramona, CA<br>Attorney for Amicus Curiae<br>U.S. Justice Foundation<br>MICHAEL BOOS<br>Washington, DC<br>Attorney for Amici Curiae<br>Citizens United and<br>Citizens United Found.<br>JAMES N. CLYMER<br>Lancaster, PA<br>Attorney for Amicus Curiae<br>CLDEF<br><br>WILLIAM J. OLSON*<br>HERBERT W. TITUS<br>JEREMIAH L. MORGAN<br>ROBERT J. OLSON<br>William J. Olson, P.C.<br>370 Maple Ave. W., Ste. 4<br><br>Vienna, VA 22180-5615<br>(703) 356-5070<br>wjo@mindspring.com<br>Attorneys for Amici Curiae<br>*Counsel of Record<br>September 7, 2017 |
| P | REV. PATRICK MAHONEY AND FREE SPEECH ADVOCATES | Advocates for position developed in abortion rights case in which Supreme Court recognized conscience rights: good faith conscientious opposition to an idea is constitutionally permissible. Rev. Patrick Mahoney was one of the petitioners in *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263 (1993), a case in which this Court recognized that, when men and women of good conscience disagree over the propriety of a practice, such as abortion, good-faith opposition to that practice is not discriminatory animus. Rev. Mahoney urges the Court to adopt the same approach toward the practice of same-sex marriage. Rev. Mahoney, while opposed to same-sex marriage, has a long history of pastoral care for the LGBTQ community, especially in the area of bullying. He believes all human beings should be treated with love and respect. For 40 years, he has taught on the area of human sexuality and marriage from a Biblical and orthodox Christian perspective. Free Speech Advocates (FSA) is a legal defense project that exists to secure the First Amendment rights to engage in religious witness, peaceful sidewalk counseling, and protest of or conscientious objection to the destruction of innocent human life. FSA has appeared as amicus in the Court in previous cases addressing abortion and euthanasia. FSA is deeply concerned about the threat to conscience posed by a state's attempt to coerce a small business owner to become complicit in something he finds morally and religiously objectionable. | THOMAS P. MONAGHAN<br>Counsel of Record<br>WALTER M. WEBER<br>Free Speech Advocates<br>6375 New Hope Road<br>New Hope, KY 40052<br>(502) 549-5454<br>monaghanoffice@earthlink.net |

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| P | RICHARD LAWRENCE IN SUPPORT OF PETITIONERS | As Colorado has equated status with behavior, Colorado has transformed a statute intended to promote fair treatment into one that cabins religious practices, as this interpretation disregards the potential for an individual to respect the person, but not wish to join in celebrating the person's conduct, as a matter of conscience. Amicus argues that the Supreme Court erred in assuming subject matter jurisdiction in *Obergefell*, as matters of marriage and family are committed to the states, making federal intervention prohibited. | RICHARD LAWRENCE<br>Counsel of Record<br>ATTORNEY AT LAW<br>608 S. Hull Street<br>Montgomery AL 36104<br>(334) 263-2000<br>richard@rlawrencelaw.com |
| P | RYAN T. ANDERSON, Ph.D., AND AFRICAN AMERICAN AND CIVIL RIGHTS LEADERS | Opposition to interracial marriage was part of a racist system; support for conjugal marriage is not anti-anything. In *Obergefell v. Hodges*, the Court correctly noted that "Many who deem same-sex marriage to be wrong reach that conclusion based on decent and honorable religious or philosophical premises, and neither they nor their beliefs are disparaged here." 576 U.S. ___, 135 S. Ct. 2584, 2602 (2015). At stake here is whether these people and their decent and honorable beliefs may, consistent with the protections of the U.S. Constitution, be so disparaged by state governments. Advocates argue that if this Court finds a First Amendment right to decline to use one's artistic talents to create a cake for the celebration of a same-sex wedding,then this Court would also have to protect the choice to refuse to bake for an interracial wedding. But no such conclusion follows. Opposition to interracial marriage developed as one aspect of a larger system of racism and white supremacy. It is an outlier from the historic understanding and practice of marriage, founded not on decent and honorable premises but on bigotry. By contrast, support for marriage as the conjugal union of husband and wife has been a human universal until just recently, regardless of views about sexual orientation. A better comparison for this case is to laws that ban discrimination on the basis of sex. If a state were to apply such a law in a way that forced a Catholic hospital to perform abortions or a crisis pregnancy center to advertise abortion, this Court's ruling in favor of a right not to perform or promote abortion would not undermine the valid purposes of a sex nondiscrimination policy – such as eliminating the public effects of sexism – because pro-life medicine is not sexist. Pro-life convictions need not flow from or communicate hostility to women. A ruling in their favor sends no message about patriarchy or female subordination; it says that pro life citizens are not bigots and that the state may not exclude them from public life. A ruling to protect the liberties of citizens who support a conjugal understanding of marriage would do the same for those citizens. But if the Court were to rule against Phillips it would tar citizens who support the conjugal understanding of marriage with the charge of bigotry. This Court's refusal to grant First Amendment protections to Phillips would teach that his reasonable convictions and associated conduct are so gravely unjust that they cannot be tolerated in a pluralistic society. If *Obergefell* was about respecting the freedom of people who identify as gay to live as they wish, then that same freedom should be respected for Americans who believe in the conjugal understanding of marriage. No doubt many people are opposed to what Phillips believes. The Court noted in *Obergefell* that when that "personal opposition becomes enacted law and public policy, the necessary consequence is to put the imprimatur of the State itself on an exclusion that soon demeans or stigmatizes those whose own liberty is then denied." *Obergefell*, 576 U.S. ___, 135 S. Ct. 2584, 2602. | PAUL M. JONNA<br>JEFFREY M. TRISSELL<br>FREEDOM OF CONSCIENCE DEFENSE FUND<br>P.O. Box 9520<br>Rancho Santa Fe, CA 92067<br>(858) 759-9948<br>cslimandri@limandri.com |

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| R | SCHOLARS OF BEHAVIORAL SCIENCE AND ECONOMICS | Amici dispute the neoclassical theories supporting petitioners' economic amici's view that the market will rationally address the issues at hand: respondents' economic amici are behavioral economists whose observations lead them to believe that market behavior is not infrequently far from rational. Petitioners' economists argue that discrimination will not occur in the unregulated market because the adverse consequences of discrimination will impede that conduct as it discrimination would be contrary to self interest. This rational approach would work unless there were a monopoly in place impeding it. The new economists on the block, the behavioral taxonomies supporting respondents, see economic choices as routinely guided by short sightedness, bias, or cognitive limitations. The presence of emotional predisposition in economic choices indicates that market correction may not be worthy of the confidence it once enjoyed. Respondents' economists do not support the notion that the perceived current absence of economic circumstances that supported racial segregation means that discretion on the basis of sexual orientation will rationally fade from view. Petitioners' economists' view that the market will self-correct in the absence of civil rights laws is "nakedly normative," unscientific, and unworthy of confidence. | Adam W. Hofmann<br>Counsel of Record<br>Josephine K. Mason<br>HANSON BRIDGETT LLP<br>425 Market Street<br>26th Floor<br>San Francisco, CA 94105<br>(415) 777-3200<br>ahofmann@hansonbridgett.com |
| R | SCHOLARS OF THE CONSTITUTIONAL RIGHTS AND INTERESTS OF CHILDREN | Amici posit that harm will befall children of LGBT parents if petitioners prevail. As Obergefell and Windsor recognized discrimination potential to harm children of LGBT parents, and as this cases addresses the rightful place of LGBT people and families in the public square, exemption from the public accommodations law on religious grounds will undermine the rights of LGBT children as will their parents, as all will be perceived as less than worthy of the full protections of the Constitution. Exclusion of children from the public square would impair associations, precipitate psychological harm, and impair the family. | CATHERINE E. SMITH<br>Professor of Law<br>Counsel of Record<br>UNIVERSITY OF DENVER<br>STURM COLLEGE OF LAW<br>2255 E. Evans Ave.<br>Denver, CO 80208<br>303.871.6180<br>csmith@law.du.edu<br><br>LAUREN FONTANA<br>Lecturer, SCHOOL OF<br>PUBLIC AFFAIRS<br>UNIVERSITY OF COLORADO<br>DENVER<br>ANGELA ONWUACHI-WILLIG<br>Chancellor's Professor of Law<br>BERKELEY LAW<br>TANYA M. WASHINGTON<br>Professor of Law<br>GEORGIA STATE UNIVERSITY<br>COLLEGE OF LAW<br>BARBARA BENNETT WOODHOUSE<br>L.Q.C. Professor of Law<br>Director, Child Rights Project<br>EMORY UNIVERSITY<br>SCHOOL OF LAW |

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| R | SERVICE EMPLOYEES INTERNATIONAL UNION | Amicus labor union claims that the petitioners' view of the First Amendment, if adopted, would distort the balance of power between legislatures and the courts. Amicus notes that precedent has established that only inherently expressive conduct, objectively perceived, is protected by the First Amendment. Petitioners'' argument that the retail sales of custom cake making is worthy of First Amendment protection to it expansive beyond all practical bounds Strict scrutiny cannot be the appropriate analytic test where only incidental expression is involved. Petitioners' view is contrary to settled law, which permits neutral and general business regulation: even where speech is involved, regulation is permissible so long as it does not interfere unduly with an enterprise's expressive elements. The limitless scope of "expression" would burden the courts with endless analyses of sincerity and merit, and foreclose effective state administration of laws intended for the general welfare. Where First Amendment concerns are in issue, civil rights laws receive rational basis review and intermediate scrutiny only if the civil rights law would "substantially interfere with the expressive elements of inherently expressive conduct."<br><br>Analysis of "inherent expressiveness" need be neither deep nor complex: generally, the expressive nature of any activity is immediately apparent to any objective observer. Ordinary commercial activity is not seen as expressive in itself, and simply saying that conduct is expressive will not make it so. Only where a neutral and general law hinders expression unduly<br>may it be found constitutionally deficient. Regulatory action may survive intermediate scrutiny where an important governmental interest could not otherwise be as effectively attained. However, if a government interest is not important or if the government is particularly targeting speech, its exercise of regulatory power violates the First Amendment. Petitioners' expansive view of compelled speech, which reaches far beyond established doctrine, would permit any individual to avoid regulation by declaring that any law represents a compelled, but personally unsupported, endorsement. All regulation would be susceptible of vitiation were this view adopted.<br><br>Very few, if any, observers believe that a vendor endorses or participates in sharing the views of those seeking wedding services. Discontinuing discriminatory conduct would have no impact on expression but merely require that what is sold to one must be sold to all. Absent some sort of limitation on or requirement of speech, neither of which is present here, the First Amendment is not offended. The presence of artistic qualities in goods or services provided will not, without more, suffice to excuse any artist from ordinary commercial regulation. Finally, as courts have been disinclined to use the Fourteenth Amendment Due Process Clause as a mechanism with which to evaluate the economic wisdom of state action, the same should be true of attempts to press the First Amendment into service for similar ends. | NICOLE G. BERNER<br>CLAIRE PRESTEL<br>SERVICE EMPLOYEES INTERNATIONAL UNION<br>1800 Mass. Ave., N.W.<br>Washington, DC 20036<br>(202) 730-7383<br><br>STACEY LEYTON<br>Counsel of Record<br>REBECCA LEE<br>ALTSHULER BERZON, LLP<br>177 Post St., Ste. 300<br>San Francisco, CA 94108<br>(415) 421-7151<br>sleyton@altber.com |

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| R | SERVICES AND ADVOCACY FOR GAY, LESBIAN, BISEXUAL AND TRANSGENDER ELDERS AND AMERICAN SOCIETY ON AGING | Amici represent the interests of older members of the LGBT community. The brief presents an overview of the needs of this population and the necessity of equal application of the public accommodations laws to meet those needs. Amici submit that petitioners are not mindful of the likely widespread erosion of access to public accommodations that granting the petitioners an exemption would precipitate. | Jonathan Jacob Nadler<br>Counsel of Record<br>Marques P.D. Richeson<br>Dylan J. Yépez<br>SQUIRE PATTON BOGGS (US) LLP<br>2550 M Street, N.W.<br>Washington, D.C. 20037<br>202-457-6000<br>jack.nadler@squirepb.com |
| P | SHERIF GIRGIS SUPPORTING PETITIONERS | The Court ought not undermine constitutional principles in order to shield individuals from distress, which would not only erode overarching legal traditions but also do nothing to alleviate distress. | Robert P. George<br>Counsel of Record<br>Robinson & McElwee PLLC<br>700 Virginia Street East<br>Suite 400<br>Charleston, West Virginia 25301<br>(304) 344-5800<br>rpg@ramlaw.com |
| P | SOUTHEASTERN LEGAL FOUNDATION AND INTERNATIONAL LAW SCHOLARS IN SUPPORT OF PETITIONERS | Cites examples of prosecution of clergy and street advocates in Europe for espousing views about marriage that conflict with support for homosexual equality and marriage. Cites example in Canada of expansion of potential for speech prosecution for “hate” speech. | KIMBERLY S. HERMANN<br>SOUTHEASTERN<br>LEGAL FOUNDATION<br>2255 Sewell Mill Rd.,<br>Ste. 320<br>Marietta, Georgia 30062<br><br>JOHN J. PARK, JR.<br>Counsel of Record<br>STRICKLAND BROCKINGTON<br>LEWIS LLP<br>1170 Peachtree St.,<br>Ste. 2200<br>Atlanta, Georgia 30309<br>(678) 347-2208<br>jjp@sbllaw.net |
| R | TANENBAUM CENTER FOR INTERRELIGI | Amicus is dedicated to religious pluralism. Amicus observe that the public accommodations law in issue here also protects against religious, as well as other, discrimination, thereby enhancing the force of the Free Exercise Clause. That Free Exercise Clause, however, may not be transformed from shield to sword, particularly not to impede the uniform applicability of public accommodations laws. This is neither desirable nor possible in that it is well established that the Free Exercise Clause offers no protection from neutral and generally applicable laws. The interests of the anti-discrimination laws and the Free Exercise Clause are coterminous. Recognition of the exemption petitioners seek would open the door to many forms of discrimination, including infringement on religious interests prohibited by the Free Exercise Clause. The Colorado statute survives any form of judicial scrutiny, even strict scrutiny, it is of generally applicably but is narrowly tailored, applying only to secular entities and permitting exemption for religious organizations. | DANIEL LAWRENCE GREENBERG<br>Counsel of Record<br>ROBERT J. WARD<br>HOLLY H. WEISS<br>JENNIFER M. OPHEIM<br>RANDALL ADAMS<br>MARK GARIBYAN<br>BRIAN LANCIAULT<br>SCHULTE ROTH & ZABEL LLP<br>919 Third Avenue<br>New York, New York 10022<br>(212) 756-2000<br>daniel.greenberg@srz.com |

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| R | THE AMERICAN PSYCHOLOGICAL ASSOCIATION, NATIONAL ASSOCIATION OF SOCIAL WORKERS, AND NATIONAL ASSOCIATION OF SOCIAL WORKERS COLORADO CHAPTER | Amici mental health professionals submit that homosexuality is a normal variant of human sexual behavior. While attitudes toward homosexuality have changed in the past few decades, homosexuals remain stigmatized and suffer adverse health consequences as a result. For these reasons, this population is in need of the anti-discrimination protections that Colorado's public accommodations law provides. | Nathalie F.P. Gilfoyle<br>Deanne M. Ottaviano<br>AMERICAN PSYCHOLOGICAL ASSOCIATION<br>750 First Street, NE<br>Washington, DC 20002<br>Anne B. Camper<br>NATIONAL ASSOCIATION OF SOCIAL WORKERS<br>750 First Street, NE<br>Suite 800<br>Washington, DC 20002<br><br>Jessica Ring Amunson<br>Counsel of Record<br>Emily L. Chapuis<br>Tassity S. Johnson<br>JENNER & BLOCK LLP<br>1099 New York Avenue, NW<br>Suite 900<br>Washington, DC 20001<br>(202) 639-6000<br>JAmunson@jenner.com |
| P | THE BECKET FUND FOR RELIGIOUS LIBERTY<br>IN SUPPORT OF PETITIONERS | The Becket Fund argues that forced participation in religious ceremonies or forced participation in speech cannot be constitutional. The Becket Fund asserts that strict scrutiny analysis is required in this case. No compelling interest can be found in proceeding against Phillips individually. Even if a compelling interest could be found, the state's approach would not be the least restrictive means of supporting that interest. The central issue is not whether a particular view is permissible, or not, but whether a particular view must be adopted by all, to the exclusion of all other views. | ERIC C. RASSBACH<br>Counsel of Record<br>MARK L. RIENZI<br>ERIC S. BAXTER<br>HANNAH C. SMITH<br>DIANA M. VERM<br>STEPHANIE HALL BARCLAY<br>THE BECKET FUND FOR RELIGIOUS LIBERTY<br>1200 New Hampshire Ave., NW<br>Suite 700<br>Washington, DC 20036<br><br>erassbach@becketlaw.org<br>(202) 955-0095 |

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| P | THE CATO INSTITUTE,<br>REASON FOUNDATION, AND INDIVIDUAL RIGHTS FOUNDATION AS AMICI CURIAE IN<br>SUPPORT OF PETITIONERS | This case is largely controlled by *Wooley v. Maynard*, 430 U.S. 705 (1977). Wooley, the New Hampshire "Live Free or Die" license-plate case, makes clear that speech compulsions are as unconstitutional as speech restrictions. Wooley's logic applies to custom wedding cakes and other types of visual art, not just verbal expression. It also applies to compulsions to create cakes and other works (including for money), not just to compulsions to display such works. The Court has numerous times reaffirmed that the First Amendment prohibits compelled speech just like speech restrictions: "The right to speak and the right to refrain from speaking are complementary components of the broader concept of 'individual freedom of mind.'" *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (quoting *Barnette*, 319 U.S. at 637). The First Amendment protection offered by Wooley is limited in scope: It extends only to people who are compelled to engage in expression. Under *Wooley*, wedding-cake bakers' First Amendment freedom of expression protects their right to choose which designs to create. But caterers, hotels, and limousine companies do not have a right on that basis to refuse to deliver food, rent out rooms, or provide livery services, respectively, for use in same-sex weddings or otherwise. | Manuel S. Klausner<br>LAW OFFICES OF MANUEL S. KLAUSNER<br>One Bunker Hill Building<br>601 W. Fifth St., Suite 800<br>Los Angeles, CA 90071<br>(213) 617-0414<br>mklausner@klausnerlaw.us<br>September 6, 2017<br><br>Ilya Shapiro<br>Counsel of Record<br>David McDonald<br>CATO INSTITUTE<br>1000 Mass. Ave. N.W.<br>Washington, D.C. 20001<br>(202) 842-0200<br>ishapiro@cato.org |
| R | THE CENTER FOR INQUIRY, THE SECULAR COALITION FOR AMERICA, AND AMERICAN ATHEISTS | Amici self-define as the fastest growing demographic in the United States, the "nones," those who have no religious affiliation. Amici argue that petitioners have asked the court to recognize a new right, the right of a for-profit business to discriminate in defiance of state law, which if recognized would offend the First Amendment. If petitioners' 'hybrid' rights argument were successful, and petitioners were afforded a religious exemption, Smith v. Division of Employment Services, 494 U.S. 872 (1990), would be overturned. This result ought not be permitted where petitioners opened to the public for business with full knowledge of the law governing their operations. Amici argue that because there was no discussion with respondents about any cake they might wish, that petitioners' assertion that the same sex celebration and not the respondents' sexual orientation status is the core issue must fail. Amici state that Phillips is like an artist who will not create portraits of African Americans. Amici note that agreement with petitioners' compelled speech argument would permit an exemption from the law by the expressive members of the population that would not be enjoyed by others. Amici observe that where religious exemptions are afforded to people like petitioners, they are afforded under the Religious Freedom Restoration Act (RFRA), a federal law which does not control state action, and which has no counterpart in Colorado law. Amici submit that the hard-fought rights won by the LGBT community indicate that the cases relied upon by petitioners have been overtaken by events, and would not be decided the same way today. Even were that observation disregarded, the conduct of a for-profit business differs from the obligations of nonprofit associations in ordering their affairs. Recognizing Phillips' interests would invite the "specter of a Balkanized America." Amici observe that by recognizing a free exercise right in Phillips, the Court would be privileging religion in violation of the Establishment Clause. | NICHOLAS J. LITTLE<br>CENTER FOR INQUIRY<br>1012 14th Street, NW<br>Washington, DC 20005<br>(202) 734-6494<br>legal@centerforinquiry.net<br><br>EDWARD TABASH<br>Counsel of Record<br>11500 West Olympic Blvd.<br>Suite 400<br>Los Angeles, CA 90064<br>(310) 279-5120<br>etabash@centerforinquiry.net |

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| R | THE CENTRAL CONFERENCE OF AMERICAN RABBIS; THE ROCKY MOUNTA THE UNITED CHURCH OF CHRIST; THE R RABBINICAL ASSOCIATION; THE UNION F JUDAISM; UNITARIAN UNIVERSALIST ASS COVENANT NETWORK OF PRESBYTERIA LESBIAN, GAY, BISEXUAL, TRANSGENDE CONCERNS; METHODIST FEDERATION F MORE LIGHT PRESBYTERIANS; MUSLIMS VALUES; THE OPEN AND AFFIRMING COA UNITED CHURCH OF CHRIST; RECONCIL NETWORK; RECONCILINGWORKS: LUTHE PARTICIPATION; RELIGIOUS INSTITUTE, I REFORM JUDAISM; AND NEARLY 1,300 IN FAITH LEADERS | Amici are more than 1300 'religious stakeholders' from diverse denominations who have been identified in an eighty-one page appendix to their brief. Amici support the universal and unexcepted application of public accommodations laws. Inherent human dignity is a theological precept that supports fair treatment of the LGBTQ community. There is broad civil and religious support for LGBTQ persons' full enjoyment of the public square. Continued unexcepted application of public accommodations laws will not interfere with beliefs or practices or the practice of differing religious views on marriage. Refusal to sell wedding cakes to same sex couples is not directly related to ritual and cannot be an undue burden. Even if some religious expression were to be found in creation and sale of a wedding cakes, there can be no exception to generally applicable neutral laws, and the mere fact that the law applies to petitioners will neither make them especially targeted nor make the law not neutral. The exception envisioned by petitioners would know no logical limits. Ad hoc, self-selected exemptions would undermine the efficacy of public accommodations laws. | JEFFREY S. TRACHTMAN<br>Counsel of Record<br>NORMAN C. SIMON<br>JASON M. MOFF<br>KURT M. DENK<br>EVIE SPANOS<br>TIMUR TUSIRAY<br>Attorneys for<br><br>KRAMER LEVIN NAFTALIS<br>& FRANKEL LLP<br>1177 Avenue of the Americas<br>New York, New York 10036<br>(212) 715-9100<br>jtrachtman@kramerlevin.com |
| R | THE CIVIL RIGHTS FORUM | Amici are a group of sixty California plaintiffs' civil rights attorneys. Amici see all individual's abilities to participate fully in civic life to be central to our nation's principles, which are reflected in civil rights statutes. Amici observe that petitioners' arguments have already been advanced and rejected by the courts, and that the Supreme Court's recognition of the sort of exception sought by petitioners --- which has no logical stopping point -- would upend the administration of many civil rights laws, including employment laws. Petitioners err in arguing that the state's prohibiting of discrimination compels speech. Moreover, the law has not -- and ought not -- permit the assertion of "religious liberty" as a defense to violations of anti-discrimination laws. | LAWRENCE A. ORGAN*<br>NAVRUZ AVLONI<br>JULIANNE K. STANFORD<br>NOAH B. BARON<br>CALIFORNIA CIVIL RIGHTS LAW GROUP<br>332 San Anselmo Avenue<br>San Anselmo, CA 94960<br>(415) 453-4740<br>Larry@civilrightsca.com |
| P | THE FIRST AMENDMENT LAWYERS ASSOCIATION | Amici routinely defend unpopular speech causes, making them attuned to the intersts of those who are marginalized or disfavored. While not in agreement with petitioners' views, neither do amici support the notion that the government might dictate to petitioners what speech may be uttered, or not, or what creative effort may be compelled. The First Amendment embraces, in a larger sense, freedom of mind. As anti-discrimination laws could not be used to compel speech, neither can they be used to compel creative work, as art has longstanding First Amendment protection, which cannot be forfeited by recasting artistic expression as conduct. The Court's focus in this case should be on speech, which will fully address the issue presented, rather than expansively considering the Free Exercise clause. | D. Gill Sperlein<br>The Law Office of<br>D. Gill Sperlein<br>345 Grove St.<br>San Francisco, CA 94102<br>(415) 404-6615<br><br>Robert Corn-Revere*<br>Ronald G. London<br>Davis Wright Tremaine LLP<br>1919 Pennsylvania Ave., NW<br>Suite 800<br>Washington, DC 20006<br>(202) 973-4200<br>bobcornrevere@dwt.com<br>Counsel for Amicus Curiae<br>*Counsel of Record |

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| P | THE FOUNDATION FOR MORAL LAW | Principles enunciated in the Constitution should not be set aside by principles that are not. The Foundation believes marriage and the family are the most fundamental institutions of society, and that freedom of religion and freedom of expression are among the most fundamental rights guaranteed by the First Amendment to the United States Constitution. As such, the Foundation believes these rights should be accorded strict scrutiny, especially when asserted in tandem as a hybrid right. Those most fundamental rights should not be abridged to accommodate a claimed state interest in protecting same-sex marriage which is not explicitly granted by any provision of the Constitution and which was first recognized by this Court only two years ago. Furthermore, the Foundation believes the courts and the State of Colorado must not communicate a "message of exclusion" to those members of society whose sincere religious beliefs prohibit participation in same-sex marriage. | JOHN EIDSMOE<br>Counsel of Record<br>FOUNDATION FOR MORAL LAW<br>One Dexter Avenue<br>Montgomery AL 36104<br>(334) 262-1245<br>eidsmoeja@juno.com |

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| R | THE GENERAL SYNOD OF THE UNITED CHURCH OF CHRIST, THE BAPTIST JOINT COMMITTEE FOR RELIGIOUS LIBERTY, THE PRESIDING BISHOP OF THE EPISCOPAL CHURCH , THE EVANGELICAL LUTHERAN CHURCH IN AMERICA, AND THE CHICAGO THEOLOGICAL SEMINARY | Leaders of several Christian entities observe that a case may emerge justifying exemption from public accommodations laws on religious grounds, but Masterpiece Cakeshop has not presented that case. *Obergefell* understood the distinction between religious principles, on which people may disagree, and civil rights, which guarantee equal treatment to respondents Craig and Mullins. Amici argue that civil rights laws promote liberty by protecting against discrimination because of religion and by promoting human dignity, itself a religious value. The Colorado public accommodations law strikes a respectful balance, including i its scope commercial enterprises, but excluding houses of worship. Permitting an exception for Phillips would come at too great a cost to equal protection and would change expectations of equality. Once a proprietor holds his business out as a public accommodation, he has relinquished refusal of service on religious grounds. Respect for the proprietor's beliefs does not require an exemption based on the proprietor's disapproval of the use of his services. | HEATHER E. KIMMEL<br>UNITED CHURCH OF CHRIST<br>700 Prospect Avenue East<br>Cleveland, OH 44115<br>K. HOLLYN HOLLMAN<br>JENNIFER L. HAWKS<br>BAPTIST JOINT COMMITTEE<br>FOR RELIGIOUS LIBERTY<br>200 Maryland Avenue, NE<br>Washington, DC 20002<br><br>DOUGLAS HALLWARD-DRIEMEIER<br>Counsel of Record<br>EMERSON SIEGLE<br>ROPES & GRAY LLP<br>2099 Pennsylvania Avenue, NW<br>Washington, DC 20006<br>202-508-4600<br>Douglas.Hallward-Driemeier<br>@ropesgray.com<br>JOHN MCCLAIN<br>ROPES & GRAY LLP<br>1211 Avenue of the Americas<br>New York, NY 10036<br><br>MARY E. KOSTEL<br>COUNSEL TO THE<br>PRESIDING BISHOP OF<br>THE EPISCOPAL CHURCH<br>c/o Goodwin Procter LLP<br>901 New York Avenue, NW<br>Washington, DC 20001<br>DONALD C. CLARK, JR.<br>CHICAGO THEOLOGICAL<br>SEMINARY<br>1407 E. 60th Street<br>Chicago, IL 60637<br><br>PHILLIP H. HARRIS<br>EVANGELICAL LUTHERAN<br>CHURCH IN AMERICA<br>8765 W Higgins Road<br>Chicago, IL 60631 |

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| P | THE NATIONAL LEGAL FOUNDATION, PACIFIC JUSTICE INSTITUTE, AND CONGRESSIONAL PRAYER CAUCUS FOUNDATION | Amici are involved in First Amendment advocacy, including advocacy about those who hold traditional views of marriage. The wedding parties and the state are communicating a message with a same sex marriage. Phillips must be permitted to refrain from using his creative and association freedoms in support of that message, as it is unconstitutional for the state to compel both his expressive speech and association in participation in same sex ceremony. | Frederick W. Claybrook, Jr.<br>Counsel of Record<br>Claybrook LLC<br>1001 Pa. Ave., N.W., 8th Floor<br>Washington, D.C. 20004<br>(202) 250-3883<br>rick@claybrooklaw.com |
| R | THE NATIONAL WOMEN'S LAW CENTER AND OTHER GROUPS | Amici observe that the arguments submitted concerning LGBT rights are similar to those historically advanced against women. The public accommodations law is straightforward and applies to all, and all who enter commerce do so with knowledge of what the law requires. Public accommodations laws are central to the removal of barriers to full participation in society. No provision of the First Amendment permits an exemption from public accommodations laws. There is no basis in the constitution for treating the LGBT community differently from other groups protected by the civil rights laws. Accepting the notion that exemption ought to be granted on endorsement or expressive grounds would undermine the efficacy of the civil rights laws. | Fatima Goss Graves<br>Emily J. Martin<br>Gretchen Borchelt<br>Sunu Chandy<br>Sarah David Heydemann*<br>NATIONAL WOMEN'S LAW CENTER<br>11 Dupont Circle, NW<br>Washington, DC 20036<br>*Admitted in New York only; supervised by D.C. Bar Members.<br>Counsel for Amici Curiae<br><br>Anna P. Engh<br>Counsel of Record<br>Lauren K. Moxley<br>COVINGTON & BURLING<br>850 Tenth Street, NW<br>Washington, DC 20001<br>AENGH@COV.COM<br>(202) 662-6000<br>Melissa Murray<br>Alexander F. and May T. Morrison Professor of Law<br>UNIVERSITY OF CALIFORNIA, BERKELEY SCHOOL OF LAW<br>Berkeley, CA 94720 |

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| P | THE RESTORING RELIGIOUS FREEDOM PROJECT AS AMICI CURIAE IN SUPPORT OF PETITIONERS | Amici constitutional law scholars assert that Colorado has attempted to use a statute to create a loophole in the First Amendment, a manuever that defies established principles of legal hierarchy, which would prefer the principles of the Constitution to those embodied in any statute. When there is a confluence of speech and religious rights, the resulting hybrid requires constitutional, and judicial, protection. It is not proper to analogize Phillips' objection to compelled participation in a ceremony that is counter to his conscience with denials of service on racial grounds. Associational rights recognized by the Court ought to be extended to commercial marketplaces. | MARK GOLDFEDER<br>ANTON SORKIN<br>Restoring Religious Freedom Project<br>Emory University<br>School of Law<br>Gambrell Hall,<br>Suite 310<br>1301 Clifton Road<br>NE<br>Atlanta, GA 30322<br><br>DAVID I. SCHOEN<br>Counsel of Record<br>2800 Zelda Road<br>Suite 100-6<br>Montgomery, AL 36106<br>(334) 395-6611<br>Dschoen593@aol.com |
| P | THE STATES OF TEXAS, ALABAMA, ARIZONA, ARKANSAS, IDAHO, LOUISIANA, MISSOURI, MONTANA, NEBRASKA, NEVADA, NORTH DAKOTA, OKLAHOMA, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, UTAH, WEST VIRGINIA, AND WISCONSIN, THE COMMONWEALTH OF KENTUCKY, BY AND THROUGH GOVERNOR MATTHEW G. BEVIN, AND PAUL R. LE PAGE, GOVERNOR OF MAINE | Twenty three states assert without equivocation that government compulsion of speech is constitutionally forbidden as it is at odds with freedom. Artistic expression enjoys full constituional protection and is not to be diminished by confusion with conduct that is only partially expressive, such as burning a draft card. Expressive conduct analysis does not apply to visual art or content restrictions but even if applied would not support Colorado. Art does not lose constitutional protection when commission. State compulsion to create art against the artist's conscience violates the Free Exericse clause. | KEN PAXTON<br>Attorney General of Texas<br>JEFFREY C. MATEER<br>First Assistant Attorney General<br><br>SCOTT A. KELLER<br>Solicitor General<br>Counsel of Record<br>J. CAMPBELL BARKER<br>Deputy Solicitor General<br>MICHAEL P. MURPHY<br>JOHN C. SULLIVAN<br>Assistant Solicitors General<br>OFFICE OF THE ATTORNEY GENERAL<br>P.O. Box 12548 (MC 059)<br>Austin, Texas 78711-2548<br>scott.keller@oag.texas.gov<br>(512) 936-1700 |

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| R | THE TRANSGENDER LAW CENTER, SOUTHERNERS ON NEW GROUND, GSA NETWORK, AND TRANSLATINA NETWORK | Advocates for transgender and gender nonconforming individuals (TGNC) describe pervasive discrimination by TGNC individuals in commerce, housing, and health care, note the prevalence of violence against TGNC persons, and submit that these conditions will not be ameliorated if the Court permits carve-outs to antidiscrimination laws. Permitting exceptions to anti-discrimination laws will only compound the difficulties faced by TGNC individuals. Amici analogize to cases in which the Supreme Court rejected First Amendment exceptions to racial equality mandates in civil rights laws. They submit that religion has been used as a pretext for discrimination. | Flor Bermudez<br>Lynly S. Egyes<br>TRANSGENDER LAW CENTER<br>P.O. Box 70976<br>Oakland, CA 94612-0976<br><br>Clifford M. Sloan<br>Counsel of Record<br>Caroline S. Van Zile<br>Brendan B. Gants<br>Sydney P. Sgambato<br>SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP<br>1440 New York Ave., NW<br>Washington, DC 20005<br>(202) 371-7000<br>cliff.sloan@skadden.com |

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| P | THE UNITED STATES AS AMICUS CURIAE FOR PETITIONERS | The United States has a substantial interest in the preservation of constitutional rights of free expression. It also has a substantial interest in the application of such rights in the context of the state statute here, which shares certain features with federal public accommodations laws. The application of Colorado's public accommodations law to petitioners implicates two strands of doctrine interpreting the Free Speech Clause of the First Amendment. On the one hand, this Court has repeatedly held that the "freedom of speech prohibits the government from telling people what they must say." *Agency for Int'l Dev. v. Alliance for Open Soc'y Int'l, Inc*., 133 S. Ct. 2321, 2327 (2013) (citation omitted). On the other hand, the Court has made clear that content neutral laws targeting conduct ordinarily do not violate the First Amendment. *See R. A. V. v. City of St. Paul*, 505 U.S. 377, 390 (1992). Although those two First Amendment principles typically operate in separate spheres, they came into conflict in *Hurley v. Irish-American Gay, Lesbian & Bisexual Group of Boston, Inc*., 515 U.S. 557 (1995), and the Court unanimously reconciled them in favor of freedom of expression. In that case, the Court explained that public accommodations laws aimed at discriminatory conduct "are well within the State's usual power to enact." *Id*. at 572. But because the application of such a law to a parade would have altered "speech itself," the First Amendment prevented the law's enforcement. *Id*. at 572-573. *Hurley* illustrates that an application of a public accommodations law that fundamentally alters expression and interferes with an expressive event triggers heightened scrutiny, notwithstanding the law's content-neutrality. In the view of the United States, a comparable First Amendment intrusion occurs where a public accommodations law compels someone to create expression for a particular person or entity and to participate, literally or figuratively, in a ceremony or other expressive event. Such application of a public accommodations law exacts as great a First Amendment toll as the application in *Hurley*. The First Amendment's Free Speech Clause bars the appplication of Colorado's public accommodatons law to petitioners in this case. A public accommodations law receives heightened scrutiny where it compels both creation of expression and participation in an expressive event. Public accommodations laws ordinarily do not require First Amendment scrutiny This case involves two competing interests: an individual's right to speak or remain silent according to the dictates of his or her conscience, and the government's desire to combat discrimination in commercial transactions. Both interests are undeniably important. And both interests generally coexist without difficulty. The First Amendment of the Constitution, applicable to the States under the Fourteenth Amendment, protects "the freedom of speech." U.S. Const. Amend. I. That "term necessarily compris[es] the decision of both what to say and what not to say." *Riley v. National Fed'n of the Blind of N.C., Inc.*, 487 U.S. 781, 796-797 (1988). The Court thus has long held that it is "a basic First Amendment principle that 'freedom of speech prohibits the government from telling people what they must say.' " *Agency for Int'l Dev. v. Alliance for Open Soc'y Int'l, Inc*., 133 S. Ct. 2321, 2327 (2013) (quoting *Rumsfeld v. Forum for Academic & Institutional Rights, Inc.*, 547 U.S. 47, 61 (2006) (FAIR)). "At the heart of the First Amendment lies the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence." *Ibid.* (quoting *Turner Broad. Sys., Inc. v. FCC*, 512 U.S. 622, 641 (1994)). Just as the government may not compel the dissemination of expression, it equally may not compel the creation of expression. Compelling a creative process is no less an intrusion—and perhaps is a greater one—on the "individual freedom of mind" that the First Amendment protects. | JEFFREY B. WALL<br>Acting Solicitor General<br>Counsel of Record<br>CHAD A. READLER<br>Acting Assistant Attorney General<br>JOHN M. GORE<br>Acting Assistant Attorney General<br>HASHIM M. MOOPPAN<br>Deputy Assistant Attorney General<br>MORGAN L. GOODSPEED<br>Assistant to the Solicitor General<br>ERIC TREENE<br>Special Counsel<br>BRINTON LUCAS<br>Counsel to the Assistant Attorney General<br>LOWELL V. STURGILL JR.<br>Attorney<br>Department of Justice<br>Washington, D.C. 20530-0001<br>SupremeCtBriefs@usdoj.gov<br>(202) 514-2217 |

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| R | THIRTY-SEVEN BUSINESSES AND ORGANIZATIONS | Amici are a multi-industry group voicing support for nondiscrimination laws. Amici suggest that the exemption petitioners seek will burden businesses and their employees, promote marketplace uncertainty and inefficiencies, and impose costly burdens on employers. Public accommodations laws serve to protect human dignity in the public square. The speech based exemption sought by petitioners would disrupt commerce, lead to unpredictable results, and detract from the efficacy of the public laws. Although petitioners' assert that the provision of goods to same sex couples would endorse same sex marriage, amici suggest that there is no general cultural understanding that a merchant who sells goods or provides services to a customer endorses the customer's views by so doing. Permitting employers -- and employees -- to self-select concerning objectionable customers or goods would precipitate inefficient business administration. Encouraging interrogation of customers to discern whether the customer is in harmony with a business' views would strain consumer relationships. Amici worry that opt-outs would expose their employees to marketplace discrimination, and would undermine the diversity and well being of the workforce. | JONATHAN B. SALLET<br>Counsel of Record<br>SARAH D. GORDON<br>LAURA LANE-STEELE<br>STEPTOE & JOHNSON LLP<br>1330 Connecticut Avenue, N.W.<br>Washington, D.C. 20036<br>(202) 429-8124<br>jsallet@steptoe.com |
| P | THOMAS MORE SOCIETY | CADC did not consider protections of speech but leapt to consider expressive conduct. Instead of considering whether the First Amendment protection afforded artistic expression as pure "speech" extends to the creation of custom wedding cakes, the Colorado Court of Appeals considered only whether the creation of wedding cakes is protected as expressive conduct. This flawed analysis constitutes a dangerous, unprecedented contraction of the First Amendment's critical protection of such non-verbal art forms to only "inherently expressive" forms of artistic expression that convey a particularized message likely to be understood by those who view it. The unwarranted expansion of public accommodation law is incompatible with the expressive protections of the First Amendment. This case illustrates how modern public accommodation laws have been expanded well beyond their salutary purposes to the point that they are in profound conflict with the ideal of free expression enshrined in the First Amendment. Indeed, they have become a widespread justification for the very antithesis of First Amendment ideals: compelled speech. Unwarranted expansion of public accommodation laws directly threatens fundamental rights of expression in numerous commercial activities. Modern public accommodation laws, by contrast, have greatly expanded the scope of what is a "public accommodation" as well as the categories of groups that may not be refused. The result is a widespread sacrifice of fundamental rights to control expression as the entry price to join the market. Such a price offends every principle of individual freedom cherished throughout this country's history. | THOMAS BREJCHA<br>Counsel of Record<br>President and Chief Counsel<br>Thomas More Society<br>19 South LaSalle Street<br>Suite 603<br>Chicago, IL 60603<br>(312) 782-1680<br>tbrejcha@<br>thomasmoresociety.org<br><br>JOAN M. MANNIX<br>JOAN M. MANNIX, LTD.<br>135 South LaSalle Street<br>Suite 2200<br>Chicago, IL 60603<br>(312) 521-5845<br>jmannix@joanmannixltd.com<br><br>JOCELYN FLOYD<br>Special Counsel<br>Thomas More Society<br>19 South LaSalle Street<br>Suite 603<br>Chicago, IL 60603<br>(312) 782-1680<br>jdfloydjd@gmail.com |

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| R | TRANSGENDER LEGAL DEFENSE AND EDUCATION FUND | Amicus, representing the interests of transgender people, opines that the transgender way of life, which involves vulnerability to discrimination, would not be possible without civil rights protections. Public accommodations laws relieve stressors and adverse health consequences associated with discrimination in the marketplace. With roots in common law, modern public accommodations laws have now begun to explicitly include transgendered persons. Amicus rejects the notion that respondents' experience at Masterpiece Cakeshop can be reduced to one of market economics, rendering the denial of service immaterial provided goods may be obtained elsewhere. Dignitary harms are at the core of the civil rights laws concerning public accommodations.Where the exemption sought by petitioners essentially seeks First Amendment protection of discrimination, a position firmly rejected by the Supreme Court in the past, this precedent must remain in effect, lest the First Amendment negate what the Fourteenth Amendment compels. The associational cases cited by petitioners are not on point: the commercial sphere and private associations differ, and the expressive element of a parade is not the same as that in the sale o f goods. Incidental expressive elements attached to conduct, such as selling gods, cannot be transformed into accepting merchants from public accommodations laws. There is cause for concern that the sort of exemption petitioners seek, which is without perceptible limits, would upend the administration and enforcement of civil rights laws. Transgender amicus points out that the speech exception petitioners seek cannot be reconciled with the religious exemption sought: speech is not afforded preference based on its religious or secular nature. Amicus fears the "constitutionalization of animus" that religious exemptions, which could violated the Establishment Clause, would precipitate. Any exemption would infringe on transgender persons' expressive interests. | JOHN D. WINTER<br>Counsel of Record<br>JEFFREY S. GINSBERG<br>LAUREN M. CAPACCIO<br>PETER SHAKRO<br>PATTERSON BELKNAP WEBB<br>& TYLER LLP<br>1133 Avenue of the Americas<br>New York, New York 10036<br>(212) 336-2000<br>jwinter@pbwt.com<br><br>JILLIAN T. WEISS<br>AMY K.W. HELFANT<br>DONNA M. LEVINSOHN<br>SEAN P. MADDEN<br>TRANSGENDER LEGAL DEFENSE<br>AND E DUCATION F UND , I NC .<br>20 West 20th Street, Suite 705<br>New York, New York 10011<br>(646) 862-9396<br>dlevinsohn@transgenderlegal.org |
| P | UNITED STATES<br>CONFERENCE OF CATHOLIC BISHOPS,<br>COLORADO CATHOLIC CONFERENCE,<br>CATHOLIC BAR ASSOCIATION,<br>CATHOLIC<br>MEDICAL ASSOCIATION, NATIONAL<br>ASSOCIATION OF CATHOLIC NURSES-U.<br>S.A.,<br>AND NATIONAL CATHOLIC BIOETHICS<br>CENTER<br>IN SUPPORT OF REVERSAL | The Court of Appeals reached its conclusion based in part on *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), which was read as equating any opposition to same-sex marriage as the equivalent of discrimination based on sexual orientation. Pet. App. 16a–17a. In so holding, the Court of Appeals overlooked *Obergefell's* observation that the belief that marriage is "a union of man and woman" continues to be held by countless religions and people of faith as a "reasonable" conviction based on "decent and honorable . . . premises." 135 S. Ct. at 2594, 2602. Phillips sought this Court's review, seeking to protect the right of himself and others to respectfully exercise their religious beliefs in their daily lives, not just on Sundays. A ruling upholding Phillips' right to speak and act in accord with his conscience would vindicate the First Amendment and protect a rapidly shrinking American pluralism. People of faith should not be forced to violate their beliefs as a condition of expressing themselves in public or participating in the marketplace. This Court's reaffirmation that the Free Exercise Clause protects individuals and organizations not only in places of worship but also in the marketplace will enable the continuation of religiously motivated public works. And when religion flourishes, so does society. Costs of non-conformity with law noted -- loss of adoption services of Catholic Charities | ANTHONY R. PICARELLO, JR.<br>General Counsel<br>JEFFREY HUNTER MOON<br>Solicitor<br>MICHAEL F. MOSES<br>Associate General Counsel<br>HILLARY E. BYRNES<br>Assistant General Counsel<br>UNITED STATES CONFERENCE<br>OF CATHOLIC BISHOPS<br>3211 Fourth Street, N.E.<br>Washington, D.C. 20017<br>(202) 541-3300<br><br>JOHN J. BURSCH<br>Counsel of Record<br>BURSCH LAW PLLC<br>9339 Cherry Valley Ave.,<br>SE, Suite 78<br>Caledonia, MI 49316<br>(616) 450-4235<br>jbursch@burschlaw.com |

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| P | UNITED STATES SENATORS AND REPRESENTATIVES | More than a clash of interests is involved. The critical issue is that of government compelled speech, which cannot be permitted without decimating the guarantees of the First Amendment. Strict scrutiny analysis provides some assurance that the government will abstain from interference in speech rights absent a compelling interest, and using the narrowest means necessary. Smith cannot be extended to create a forced choice between one's faith and one's livelihood. | Jonathan R. Whitehead<br>Counsel of Record<br>LAW OFFICES OF JONATHAN R. WHITEHEAD, LLC<br>229 SE Douglas St., Suite 210<br>Lee's Summit, Missouri 64063<br>(816) 398-8305<br>jon@whiteheadlawllc.com |
| P | UTAH REPUBLICAN STATE SENATORS IN SUPPORT OF PETITIONERS AND REVERSAL | Utah state senators urge compromise between LGBT and religious interests and provide an overview of state efforts to fashion public accommodation laws. They submit that permitting exception on religious grounds to public accommodations laws will expand rather than contract LGBT rights. | MICHAEL K. ERICKSON<br>WILLIAM C. DUNCAN<br>RAY QUINNEY & NEBEKER P.C.<br>SUTHERLAND INSTITUTE<br>1868 N 800 E<br>Counsel of Record<br>36 S. State Street, Ste. 1400<br>Lehi, UT 84043<br>Salt Lake City, Utah 84111<br>(801) 367-4570<br>(801) 323-3351<br>billduncan56@gmail.com<br>merickson@rqn.com |

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| R | WASHINGTON LAWYERS' COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS, PUBLIC INTEREST LAW CENTER, CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS, AND MISSISSIPPI CENTER FOR JUSTICE | Amici trace developments in civil rights from the 19th century to the present and dispute the notion that racial and sexual orientation inequities are dissimilar. Amici note that state public accommodations laws provide accessibility and permit local adjudication. Amici argue that Phillips' position that respondents could obtain the cake they sought from another baker as smacking of "separate but equal" and "your kind isn't welcome here." No First Amendment right attaches to invidious private discrimination nor should any in this case, where there was no discussion of what was sought by respondents and where it is not likely that a wedding cake would be interpreted as a sign of the cake maker's endorsement of same sex marriage. Adoption of Phillips' position would undermine the efficacy of public accommodations laws and render administration and enforcement unmanageable. | Jonathan M. Smith<br>Matthew Handley<br>WASHINGTON LAWYERS COMMITTEE FOR CIVIL RIGHTS AND URBAN AFFAIRS<br>11 Dupont Circle, N.W.<br>Suite 400<br>Washington, D.C. 20036<br>(202) 319-1000<br><br>Matthew J. MacLean<br>Counsel of Record<br>Michael S. McNamara<br>Jessica T. Nyman<br>PILLSBURY WINTHROP SHAW PITTMAN LLP<br>1200 Seventeenth Street, N.W.<br>Washington, D.C. 20036<br>(202) 663-8000<br>matthew.maclean@pillsburylaw.com<br><br>Jennifer R. Clarke<br>PUBLIC INTEREST LAW CENTER<br>1709 Benjamin Franklin Parkway 2nd Floor<br>Philadelphia PA 19103<br>(215) 627-7100<br><br>Beth L. Orlansky<br>MISSISSIPPI CENTER FOR JUSTICE<br>5 Old River Place Suite 203<br>Jackson, MS 39215-1023<br>(601) 352-2269<br><br>Bonnie Allen<br>Aneel Chablani<br>CHICAGO LAWYERS COMMITTEE FOR CIVIL RIGHTS<br>100 North LaSalle Street<br>Suite 600<br>Chicago, IL 60602<br>(312) 630-9744 |

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| P | WILLIAM JACK AND<br>THE NATIONAL CENTER FOR LAW AND POLICY IN SUPPORT OF PETITIONERS | William Jack was denied bakery services because his requested cakes would appear to carry messages that were disparaging of some sexual orientations. The Colorado Commission Against Discrimination denied Jack's charge that he was discriminated against because the messages requested were seen as hateful Jack and the Law and Policy advocates argue that the unequal application of the Colorado public accommodations law argues against finding it to be a neutral law of general applicability. Colorado's uneven enforcement undermines the dignity of religious persons. | MICHAEL LEE FRANCISCO<br>Counsel of Record<br>MRD LAW<br>620 N. Tejon St., Suite 101<br>Colorado Springs, CO 80903<br>(303) 325-7843<br>michael.francisco@mrd.law |