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**NEW YORK CITY FILES AMICUS BRIEF ON BEHALF OF 65 JURISDICTIONS IN
SUPPORT OF ENFORCING COLORADO ANTI-DISCRIMINATION LAW**

Urges Supreme Court to deny Colorado baker's request to turn away LGBTQ customers

NEW YORK— New York City, Los Angeles, and Santa Clara County, together with a coalition of over 65 additional and the United States Conference of Mayors, filed an amicus brief urging the United States Supreme Court to deny a Colorado baker's claim that the First Amendment entitles him to turn away customers based on their sexual orientation in *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*. The brief argues that regardless of the baker's religious beliefs or personal convictions, he should not be exempt from violating Colorado's anti-discrimination laws.

"Regardless of their gender identity or sexual orientation, all Americans deserve the right to live freely and with dignity. New York City has long been a leader in the fight for equality, and we are proud to stand with LGBTQ Americans across the country in this fight against discrimination," said **Mayor Bill de Blasio**.

New York City Corporation Counsel Zachary W. Carter said: "Our coalition has been on the forefront of protecting people from the significant harms of discrimination by insisting that everyone—whatever their beliefs and however they conduct their private affairs—treat one another equally in employment, housing, public accommodations, and other areas of public life. In this brief we argue that granting petitioners an exemption from the Colorado Anti-Discrimination Act is contrary to First Amendment jurisprudence, significantly impairs the ability of amici cities to prevent discrimination in public accommodations, and would sanction discriminatory exclusion as a constitutional norm."

"In New York City, refusing to serve individuals because of their sexual orientation is a clear violation of the NYC Human Rights Law, one of the most robust civil rights laws in the nation," said **Chair and Commissioner of the NYC Human Rights Commission, Carmelyn P. Malalis**. "Anti-discrimination laws exist to protect everyone from discrimination and bias, including those with deeply held religious beliefs. The Commission fights every day to protect individuals from discrimination and bias and works to educate New Yorkers about the City's diverse communities so that everyone has the same opportunities and access to goods and

services. We look forward to continuing our work with the City's Law Department to bring greater attention to cases like this and empower victims of discrimination to seek help.”

The brief argues that New York City and other municipalities have a critically important interest in the enforcement of state and local non-discrimination laws to ensure that all citizens are treated fairly and equally. Discrimination against LGBTQ Americans has wide-ranging affects on the health and well-beings of the targeted individuals, and their communities at large, which is why these jurisdictions have enacted a series of local anti-discrimination laws. Therefore, recognizing a First Amendment right to engage in discrimination would enshrine into our laws a second class status for LGBTQ Americans, and undercut local jurisdictions ability to ensure equal treatment for all citizens. The full brief can be read [here](#).

New York City is home to one of the strongest anti-discrimination laws in the country, the NYC Human Rights Law, which protects individuals living, working, and visiting New York City from discrimination and bias in 22 protected categories, including sexual orientation, race, religion, gender and immigration status. The Law also protects individuals against bias-based profiling by law enforcement and discriminatory harassment.

The NYC Commission on Human Rights, which enforces the Law, has significantly increased its enforcement efforts to address discrimination based on sexual orientation and gender identity, more than doubling the number of investigations into discrimination in these areas over the last two years with 80 new investigations in 2016, up from just 31 in 2014.

The Commission has the authority to fine violators with civil penalties of up to \$250,000 for willful and malicious violations of the Law and can award compensatory damages to victims, including emotional distress damages and other benefits. The Commission can also order trainings on the NYC Human Rights Law, changes to policies, and restorative justice relief such as community service and mediated apologies. For more information on the NYC Human Rights Law, visit www.nyc.gov/humanrights.

New York City continues to lead the nation in protecting LGBTQ rights. Last month, the City launched the [NYC Unity Project](#) – the City’s first-ever, multi-agency strategy to deliver unique services to LGBTQ youth, including trainings and certification for more than 500 Health + Hospitals physicians, new drop-in centers for LGBTQ youth, as well as a public awareness campaign centered on LGBTQ youth and their families. Also this year, the de Blasio administration published New York City's first-ever [LGBTQ Healthcare Bill of Rights](#) which affirms LGBTQ individuals legal right to medical care without discrimination or bias.

“Brooklyn does not tolerate discrimination, and neither should any other corner of our country. I stand with our City’s Law Department in fighting for this most fundamental of standards as they are threatened in our nation’s highest court,” said **Brooklyn Borough President Eric L. Adams**.

“The Constitution doesn’t grant a license to discriminate,” said **Manhattan Borough President Gale A. Brewer**. “Once again, extremists are cynically trying to weaponize the courts against local laws upholding Americans’ civil rights – including our own New York City Human Rights

Law. Their attempt to wrap bigotry in the language of the First Amendment is as shameful as it is wrong.”

Assemblyman Matthew Titone said: “I’ve said this before and I’ll say it again, whether it’s cake or baked ziti, the for profit business of sales has absolutely nothing to do with the constitutionally protected practice of one’s religion. Don’t be fooled. The lawsuit is nothing more than slick gamesmanship on the part of one baker and his extremist right wing financial backers to openly engage in government sanctioned hate and discrimination - period. Not only is it a grotesque display of homophobia, it is also down right un-American.”

“As a New York State Senator, I authored and introduced the first Marriage Equality legislation in 2001,” said **former State Senator Thomas K. Duane**. “During the next 10 years, the most compelling testimony from advocates were descriptions of the hardships faced by same-sex couples and their children as a consequence of their being denied equal access to marriage rights. We ultimately passed marriage equality here in New York in 2011, and nationally a few years later. The case before the Supreme Court now threatens to undermine marriage rights and basic civil rights that so many citizens, organizations and institutions have fought hard to achieve.”

"In seeking an exemption from his obligation to serve everyone equally, the business owner of Masterpiece Cakeshop is asking the Supreme Court to grant him a sweeping license to discriminate," said **Kasey Suffredini, Acting CEO and President of Strategy at Freedom for All Americans**. "The dozens of friend-of-the-court briefs filed this week and signed by thousands of experts, scholars, and organizations showcase the diverse support for equal treatment and fairness for all. Nondiscrimination laws allow states and local governments to protect their residents from unequal treatment. These laws ensure all of us can participate in public life, and nothing should undermine that promise in America."

“The cities’ brief is important. LGBT people and other vulnerable minorities need to be able to depend on municipal as well as state and federal civil rights protections. Municipal leadership on these issues has been instrumental for decades. It represents the values closest to home based on neighbors knowing neighbors. We appreciate these municipalities’ work to make sure the Justices are able to hear their voices as they decide this critical case,” said **Jenny Pizer, Lambda Legal Law and Policy Director**.

“This case could affect tens of thousands of older LGBT New Yorkers,” said **SAGE CEO Michael Adams**. “As we have stated in our own amicus brief, many LGBT elders are single. Many are poor. And many are in declining health. Most of these LGBT older adults are not looking to buy a custom cake, or purchase a floral arrangement, or have their picture taken. They are seeking non-discriminatory access to facilities – such as senior centers, long-term care facilities, and funeral homes – that they need to live out their later years in dignity. New Yorkers believe in treating all people equally and with respect. SAGE is proud to stand with Mayor de Blasio and the City of New York in opposition to allowing discrimination under the guise of religious freedom.”

“This brief demonstrates yet again that across our nation, cities big and small know that a business owner's personal beliefs should never be reason enough to discriminate against a

customer because of who they are or who they love,” said **HRC Legal Director Sarah Warbelow**. “We applaud these jurisdictions for standing up for their LGBTQ residents and affirming the equal dignity of every single American.”

"We are pleased to see the City of New York proudly take the lead in an effort to protect antidiscrimination laws nationwide from radical First Amendment theories that would devastate the LGBTQ community," said **Matthew Skinner, Executive Director of The LGBT Bar Association of Greater New York (LeGaL)**.

"This case again tries to take a slice out of the LGBTQ community's most basic civil rights, empowering those with a message of hate with a license to discriminate," said **Glennda Testone, Executive Director of The Lesbian, Gay, Bisexual & Transgender Community Center**. "We applaud New York City's progressive leaders who will not stand by and allow this kind of discrimination. We hope that New York City can serve as a model across the nation, protecting all residents, regardless of sexual orientation, gender identity or religious beliefs."

“We believe that allowing discrimination to continue under the guise of religious exemption only allows for the further acceptance of hateful and discriminatory rhetoric. This kind of government-sanctioned discrimination creates an environment in which hate violence can continue to thrive. We applaud the city's commitment to human rights in filing this amicus brief,” said **Beverly Tillery, Executive Director of NYC Anti-Violence Project**.

"Telling LGBTQ youth that members of our society have the right to close doors to them sends a disheartening and emotionally traumatic message to the next generation of potential leaders. We applaud the coalition standing opposed to this current wave of discrimination and encourage all civic leaders to consider how they too can stand on the right side of history, supporting LGBTQ youth,” said **Thomas Krever, CEO of Hetrick-Martin Institute**.

"Central to our collective liberty and the ability of cities like New York to be wonderfully diverse, is our shared commitment to equal and fair treatment of each other in the public sphere,” said **Gabriel Blau, Chair of Equality New York, New York’s statewide LGBTQI advocacy group**. "New York City has one of the most robust civil rights ordinances in the nation, resulting in a city that is safer for all with greater opportunities for all to succeed. The potential erosion of those protections should this case be decided in favor of discrimination would be devastating to what has made so many cities the great places they are. We are grateful for this city’s leadership and steadfast commitment to ever advancing equality and justice for our community."

“Advocating for religious exemption from discrimination law decimates our country’s commitment to a proud history of enforcing and extending Civil Rights and equal treatment to those who live in our country. For a bakery to refuse to bake a wedding cake for a same sex couple is clearly unlawful and therefore not tolerable. Using religion to employ discrimination flies in the face and can negate protection for all protected peoples. The baker must not be allowed to use religious bigotry to justify discrimination,” said **Allen Roskoff, President of Jim Owles Liberal Democratic Club**.

"The Masterpiece Cakeshop case could have devastating long-term ramifications on the rights of LGBTQ Americans around employment, housing, and public accommodations in every zip code. New York City and jurisdictions around the country joined forces to stand up for their constituents and send a clear message to the Supreme Court: there is no constitutional right to discriminate," said **Zeke Stokes, Vice President of Programs at GLAAD.**

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