

BACKGROUND GUIDE



SCOTUS

SUPREME COURT OF THE UNITED STATES

AGENDA

*Masterpiece Cakeshop vs Colorado Civil Rights
Commission*



EDITION XII

**CHIREC
MUN '24**

Represent • Reason • Resolve

LETTER FROM THE EXECUTIVE BOARD

Greetings, dear delegates.

This is a concise guide designed with the purpose of providing you a basic understanding of the agenda and the conduct of the simulation. Note that the perusal of this guide's content will be insufficient if you wish to enjoy a healthy and competitive debate. Use the information you find between these pages as just an accompaniment to your research efforts.

We shall be available to clarify any and all of your doubts before the conference. However, we would suggest you consider querying us as an option to be exercised as last resort, not first move.

Regards,

Justices,
Supreme Court of the United States of America

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ABOUT THE SUPREME COURT OF THE UNITED STATES OF AMERICA (SCOTUS)

What is SCOTUS?

“EQUAL JUSTICE UNDER LAW” – These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution.

Article III of the Constitution establishes the federal judiciary. Article III, Section I states that "The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." Although the Constitution establishes the Supreme Court, it permits Congress to decide how to organize it. Congress first exercised this power in the Judiciary Act of 1789. This Act created a Supreme Court with six justices. It also established the lower federal court system.

Over the years, various Acts of Congress have altered the number of seats on the Supreme Court, from a low of five to a high of 10. Shortly after the Civil War, the number of seats on the Court was fixed at nine. Today, there is one Chief Justice and eight Associate Justices of the United States Supreme Court. Like all federal judges, justices are appointed by the President and are confirmed by the Senate. They, typically, hold office for life. The salaries of the justices cannot be decreased during their term of office. These restrictions are meant to protect the independence of the judiciary from the political branches of government.

Source

Further reading:

https://constitution.congress.gov/browse/essay/artIII-S2-C2-1/ALDE_00013617/

<https://www.supremecourt.gov/about/constitutional.aspx>



Work of the SCOTUS

Article III, Section II of the Constitution establishes the jurisdiction (legal ability to hear a case) of the Supreme Court. The Court has original jurisdiction (a case is tried before the Court) over certain cases, e.g., suits between two or more states and/or cases involving ambassadors and other public ministers. The Court has appellate jurisdiction (the Court can hear the case on appeal) on almost any other case that involves a point of constitutional and/or federal law. Some examples include cases to which the United States is a party, cases involving Treaties, and cases involving ships on the high seas and navigable waterways (admiralty cases).

When exercising its appellate jurisdiction, the Court, with a few exceptions, does not have to hear a case. The Certiorari Act of 1925 gives the Court the discretion to decide whether or not to do so. In a petition for a writ of certiorari, a party asks the Court to review its case. The Supreme Court agrees to hear about 100-150 of the more than 7,000 cases that it is asked to review each year.

Most Supreme Court cases fall within the Court's appellate jurisdiction rather than its original jurisdiction. Congress has authorized Supreme Court review of decisions of the state courts and lower federal courts through two procedural mechanisms: appeals and petitions for a writ of certiorari. The Court has discretion to grant or deny review via a petition for a writ of certiorari; by contrast, the Court is required to exercise jurisdiction over cases properly before it on direct appeal. Over time, Congress has limited the types of cases subject to direct appeal to the Supreme Court, rendering more cases subject to discretionary review via certiorari.

Further reading:

<https://www.nolo.com/legal-encyclopedia/what-cases-does-the-us-supreme-court-hear.html>

<https://www.law.cornell.edu/constitution-conan/article-3/section-2/clause-2/supreme-court-appellate-jurisdiction>

<https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/supreme-1#:~:text=Appellate%20jurisdiction%20means%20that%20the,are%20appeals%20from%20lower%20courts.>



AGENDA: MASTERPIECE CAKESHOP, LTD., ET AL., PETITIONERS V. COLORADO CIVIL RIGHTS COMMISSION, ET AL.

Preface

For the purpose of this simulation, we shall be disregarding the current status of the case in the real-life SCOTUS. All representatives are expected to assume and act as if, as on session one of day one of the conference, thus far the Court has only granted the writ of certiorari of the petitioner and the briefs from both parties are to be submitted. From then on, as per the schedule provided in the rules of procedure document, your proceedings shall follow.

This does not mean that you may not refer to the documents submitted to the Court by either party or use arguments from them. However, the results from such proceedings will not be the same. For instance, in the case in the actual Court proceedings, Jack Phillips, the petitioner, had the majority of the Court rule in his favour (this does not imply that his case was materially better on paper or that respondent's case was not) ¹ but it does not mean that the representatives representing petitioner will also be entitled to such judgement as a result of the proceedings at the conference, even if they make the exact same arguments as the ones that legal team of the petitioner did before the actual Court. The reason for this being very simple: we evaluate arguments independently in the context of the proceedings at the conference and also base our evaluations solely on the depth and clarity with which the arguments are presented. We shall not be prejudiced by the events that have occurred or will be occurring in the real world outside the conference.

Introduction and starting points

In order to remain neutral and not influence your research in any particular direction, this section shall provide information directly from the SCOTUS's documents as we deem it to be representative of objective facts that both parties may agree upon. We shall provide links to other resources that maybe of help to you in your research efforts in the further reading section but please bear in mind that we do not endorse those sources nor do we require you to use them. Those resources are given simply for your reference and to help you begin your research.



Background facts

Masterpiece Cakeshop, Ltd., is a Colorado bakery owned and operated by Jack Phillips, an expert baker and devout Christian. In 2012 he told a same-sex couple that he would not create a cake for their wedding celebration because of his religious opposition to same-sex marriages—marriages that Colorado did not then recognize—but that he would sell them other baked goods, e.g., birthday cakes. The couple filed a charge with the Colorado Civil Rights Commission (Commission) pursuant to the Colorado Anti-Discrimination Act (CADA), which prohibits, as relevant here, discrimination based on sexual orientation in a “place of business engaged in any sales to the public and any place offering services . . . to the public.” Under CADA’s administrative review system, the Colorado Civil Rights Division first found probable cause for a violation and referred the case to the Commission. The Commission then referred the case for a formal hearing before a state Administrative Law Judge (ALJ), who ruled in the couple’s favor. In so doing, the ALJ rejected Phillips’ First Amendment claims: that requiring him to create a cake for a same-sex wedding would violate his right to free speech by compelling him to exercise his artistic talents to express a message with which he disagreed and would violate his right to the free exercise of religion. Both the Commission and the Colorado Court of Appeals affirmed.

To Phillips, his claim that using his artistic skills to make an expressive statement, a wedding endorsement in his own voice and of his own creation, has a significant First Amendment speech component and implicates his deep and sincere religious beliefs. His dilemma was understandable in 2012, which was before Colorado recognized the validity of gay marriages performed in the State and before this Court issued *United States v. Windsor*, 570 U. S. 744, or *Obergefell*. Given the State’s position at the time, there is some force to Phillips’ argument that he was not unreasonable in deeming his decision lawful. State law at the time also afforded storekeepers some latitude to decline to create specific messages they considered offensive. Indeed, while the instant enforcement proceedings were pending, the State Civil Rights Division concluded in at least three cases that a baker acted lawfully in declining to create cakes with decorations that demeaned gay persons or gay marriages. Phillips too was entitled to a neutral and respectful consideration of his claims in all the circumstances of the case.

Further reading:

1. https://www.supremecourt.gov/opinions/17pdf/16-111_j4el.pdf



RELEVANT CASE LAW

Specific contentious rules

This section covers the Presidency's views on some of the contentious rules that usually create confusion, conflict, and consternation when not explicitly stated in advance. The judgement and scoring during the MUN will be based on the views expressed here.

Regarding this guide and evidence

Any resource presented as evidence shall be evaluated based on its own merit; it shall not be deemed admissible or authoritative simply owing to its reference in this background guide.

Why? – Because of the eclectic nature of the resources:

The guide has resources of wide variety. Some of the resources could be opinion-based articles, some may be from sources sympathetic to one party in the conflict, some could be outdated (we will try our best to not share such resources but we cannot control for things such as emergence of new facts post guide publication).

Plagiarism

Any and all submissions made to the Presidency shall be checked for plagiarism. Due to the nature of legal writing, a 20% plagiarism rate will be tolerated. But plagiarism of any higher rate will render the submission inadmissible. Citations and quotations shall be exempt from the plagiarism check.

Personal pronouns

This particular Presidency does not care very much about whether a representative uses personal pronouns to refer to herself/himself. As long as the language employed by the representative is diplomatic in both tone and content, we will not mind the usage of personal pronouns.



ARTICLES

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3389309

<https://journals.law.harvard.edu/jlpp/wp-content/uploads/sites/90/2019/06/Movsesian-Final.pdf>

https://www.yalelawjournal.org/pdf/NeJaimeSiegel_2nmca_wk2.pdf

