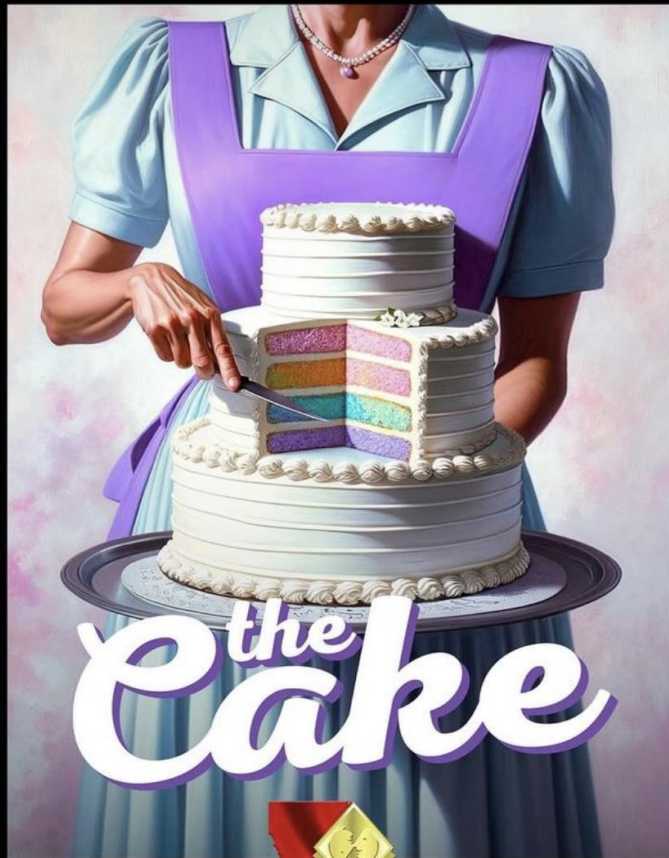


THEATRE BATON ROUGE PRESENTS



the
Cake



theatrebr.org



THEATRE
BATON ROUGE



CITY SERIES

The Cake Dramaturgy

Prepared by Mak Secret

About the Playwright

Bekah Brunstetter (1982-present)

Other plays: *F*cking Art, I Used to Write on Walls, Oohrah!, Be a Good Little Widow, Going to a Place Where You Already Are*

Screenwriting Credits: *Underemployed, Switched at Birth, American Gods, This Is Us*

She is a founding member of the Kilroys, a group of playwrights, producers, and directors committed to ending the systemic underrepresentation of female, trans, and non-binary playwrights in the American theatre industry.



Production History

In 2015, Brunstetter began writing *The Cake*. The play was inspired by real-life events that eventually led to the *Masterpiece Cakeshop v. Colorado Civil Rights Commission* Supreme Court case, and by her father's opposition to same-sex marriage, a view with which she disagrees.

***The Cake* premiered at the Echo Theatre Company in Los Angeles.**

The play has been widely produced, including shows at the La Jolla Playhouse, Houston's Alley Theatre, and an Off-Broadway premiere at the Manhattan Theatre Club.

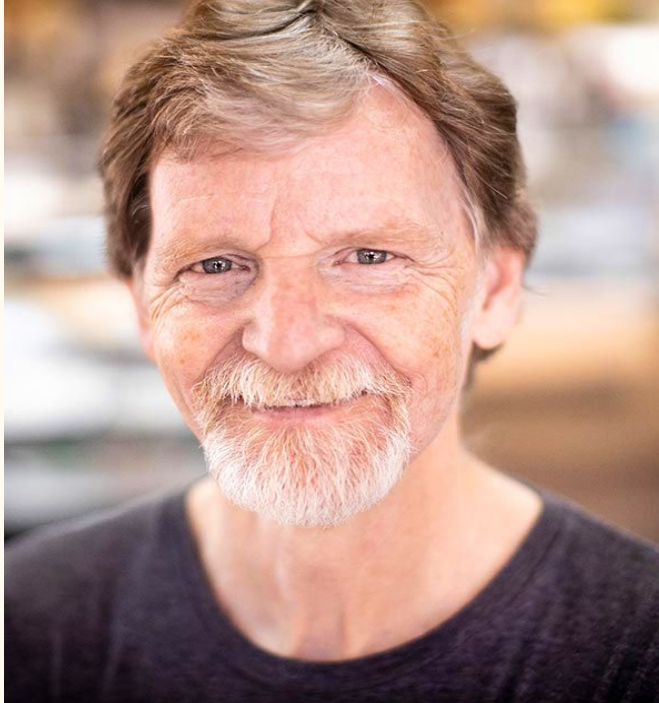
The Plaintiffs

In 2012, same-sex couple Charlie Craig and David Mullins from Colorado made plans to be lawfully married in Massachusetts and return to Colorado to celebrate with their family and friends. At that time the state constitution prohibited same-sex marriage in Colorado.

By 2014 the state had allowed same-sex marriages, and the Supreme Court of the United States would affirm that gay couples have the fundamental right to marry in *Obergefell v. Hodges* (2015).



The Defendant



Craig and Mullins visited Masterpiece Cakeshop in Lakewood, Colorado, in July 2012 to order a wedding cake for their return celebration.

Masterpiece's owner Jack Phillips, who is a Christian, declined their cake request, informing the couple that he did not create wedding cakes for marriages of gay couples owing to his Christian religious beliefs, although the couple could purchase other baked goods in the store.

The Lawsuit

Craig and Mullins filed a complaint to the Colorado Civil Rights Commission under the state's public accommodations law, the Colorado Anti-Discrimination Act, which prohibits businesses open to the public from discriminating against their customers on the basis of race, religion, gender, or sexual orientation.

Craig and Mullins's complaint resulted in a lawsuit, *Craig v. Masterpiece Cakeshop*. The case was decided in favor of the plaintiffs; the cake shop was ordered not only to provide cakes to same-sex marriages, but to change its company policies and provide comprehensive staff training regarding public accommodations discrimination.



The Appeal

Masterpiece appealed the decision to the Colorado Court of Appeals and refused to comply with the state's orders.

The state's decision was upheld on the grounds that despite the nature of creating a custom cake, the act of making the cake was part of the expected conduct of Phillips's business, and not an expression of free speech nor free exercise of religion.



The Supreme Court Case



Masterpiece Cakeshop petitioned the U.S. Supreme Court for review, under the case name *Masterpiece Cakeshop v. Colorado Civil Rights Commission*.

The case explores one of the most debated areas of constitutional law under the First Amendment's Free Exercise Clause—the potential conflict between First Amendment protections and antidiscrimination laws.

The Verdict

The Court issued its ruling on June 4, 2018, ordering a reversal of the decision made by the Colorado Civil Rights Commission.

The Court determined that Phillips' religious justification for his refusal to serve Craig and Mullins was not afforded the neutral treatment mandated by the Free Exercise Clause and that members of the Commission showed clear and impermissible hostility toward his religious beliefs.

Because of the existence of hostility in the case, the Supreme Court could not rule on the broader issue regarding anti-discrimination law and the free exercise of religion.

Recent Updates

In June 2017, Masterpiece Cakeshop declined to make a blue and pink cake for Autumn Scardina once she disclosed that the pink-and-blue design reflected her transition from male to female.

On January 26, 2023, the Colorado Court of Appeals ruled that a pink-and-blue cake was not a protected form of speech and that the state nondiscrimination law did not violate the baker's freedom of religion. Phillips appealed to the Colorado Supreme Court in oral arguments in June 2024.

The Colorado Supreme Court's verdict has not yet been announced.

