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## Religion, Discrimination, and Government Funding: Enforcing Civil Rights Law After *Masterpiece Cakeshop* and *Trinity Lutheran*

Public Rights/Private Conscience Project  
*Columbia Law School*

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## **PRESS ADVISORY**

Columbia Law Scholars Issue Memorandum on Civil Rights and Antidiscrimination Laws: “Religion, Discrimination, and Government Funding: Enforcing Civil Rights Law After *Masterpiece Cakeshop* and *Trinity Lutheran*.”

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**NEW YORK:** The Public Rights/Private Conscience Project (PRPCP) at Columbia Law School has published a memorandum that clarifies the responsibility of state and local human rights agencies and commissions to robustly enforce civil rights laws—particularly in the context of government-funded social services—in the wake of the Supreme Court’s decisions in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* and *Trinity Lutheran Church of Columbia, Inc. v. Comer*.

PRPCP’s memorandum, “Religion, Discrimination, and Government Funding: Enforcing Civil Rights Law After *Masterpiece Cakeshop* and *Trinity Lutheran*,” is designed to provide guidance to state and local governments on the proper balance between civil rights enforcement and constitutional free exercise rights. It also offers legislative and administrative steps that states and localities may take to ensure that the civil rights of their citizenry are robustly protected.

The rulings in *Masterpiece Cakeshop*, *Trinity Lutheran*, and other recent high-profile cases have confused rather than clarified the contexts in which religious objectors can be exempt from compliance with antidiscrimination laws. The Court’s decisions have sent mixed signals to state and local human rights agencies about how to vigorously enforce antidiscrimination laws while also protecting religious liberty. Unfortunately, many misconceptions remain about the responsibility of private actors—including government-funded social service providers—to abide by civil rights laws to which they have religious objections.

Furthermore, the federal government has taken steps to grant broad religious exemptions to federal contractors while diminishing the religious rights of federal grant beneficiaries. In response to this confusion, PRPCP’s memorandum, “Religion, Discrimination, and Government Funding: Enforcing Civil Rights Law After *Masterpiece Cakeshop* and *Trinity Lutheran*,” clarifies the responsibility of state actors to uphold and enforce civil rights laws, including within taxpayer-funded social service programs.

**Access a .pdf of the Memorandum:** [https://www.law.columbia.edu/sites/default/files/microsites/gender-sexuality/PRPCP/civil\\_rights\\_guidance\\_11.26.18.pdf](https://www.law.columbia.edu/sites/default/files/microsites/gender-sexuality/PRPCP/civil_rights_guidance_11.26.18.pdf)

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## **The Public Rights/Private Conscience Project**

The Public Rights/Private Conscience Project is a law and policy think tank based at Columbia Law School that promotes social justice, freedom of religion, and religious plurality. We develop strategic thought leadership on the complex ways in which religious liberty rights interact with other fundamental rights.

Our mission is to ensure that laws and policies reflect the understanding that the right to free exercise of religion protects all religious beliefs and communities, including non-believers; requires respect for religious plurality and equality principles; and must be balanced against other liberty and equality rights where they are in conflict. Our work takes the form of legal research and scholarship, public policy interventions, advocacy support, and academic and media publications.

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