



(Aaron and Melissa Klein. Photo credit: First Liberty Institute. May be republished.)

OREGON BAKERS PENALIZED FOR NOT MAKING SAME-SEX WEDDING CAKE FILE BRIEF WITH OREGON COURT OF APPEALS

First Liberty Institute and Boyden Gray contend that the Oregon state government violated Aaron and Melissa Kleins' rights to religious liberty, free speech, and due process

PORTLAND, OR, April 25, 2016 – First Liberty Institute and Boyden Gray, former White House Counsel for President George H. W. Bush, filed a brief with the Oregon Court of Appeals on behalf of Aaron and Melissa Klein, an Oregon couple who lost their bakery for running their business according to their religious beliefs. [Read the full brief](#) | [Read a summary of the arguments](#)

In the brief, the Kleins' attorneys argue that the Oregon Bureau of Labor and Industries (BOLI) violated the Kleins' constitutional rights to religious freedom, free speech, and due process.

The attorneys note that, before hearing the Kleins' case, BOLI Commissioner Brad Avakian made numerous public comments on social media and in media interviews revealing his intent to rule against them. He stated that the Kleins had "disobey[ed]" Oregon law and needed to be "rehabilitate[d]." By failing to recuse himself from the case, while harboring a bias against the Kleins, Commissioner Avakian deprived the Kleins of their right to due process with a fair hearing before an impartial tribunal.

Additionally, the attorneys argue that the \$135,000 penalty levied against the Kleins was excessive and gratuitous. They conclude that the BOLI order is unjustified under Oregon law, the Oregon Constitution, or the U.S. Constitution.

“In America, you’re protected by the Constitution and you’re also innocent until proven guilty,” said Kelly Shackelford, President and CEO of First Liberty Institute. “Commissioner Brad Avakian decided the Kleins were guilty before he even heard their case. This is an egregious violation of the Kleins’ rights to due process. We hope the Oregon Court of Appeals will remedy this by reversing or dismissing the government’s case against the Kleins.”

“The Constitution guarantees the rights of free exercise of religion, free speech, and due process for every American,” Boyden Gray, former ambassador to the European Union and founding partner of Boyden Gray and Associates, says. “We hope the Oregon Court of Appeals will defend the Kleins’ rights in accordance with state and federal law.”

Case Background

First Liberty Institute, Boyden Gray, Tyler Smith, Anna Harmon, and Herbert Grey are representing Aaron and Melissa Klein, former owners of the bakery called “Sweet Cakes by Melissa,” in a legal case centering on the Oregon couple’s religious freedom. In 2013, a woman asked the Kleins to make a cake for her same-sex wedding. Aaron and Melissa had served the women before, but as devout Christians, the Kleins believed that participating in the wedding celebration would violate their faith, so they declined to design and create the custom cake. The Oregon government responded by punishing them with a \$135,000 penalty and ordering them never again to say certain things about their religious faith. As a result, the Kleins were forced to shut down their bakery. The Kleins appealed the ruling to the Oregon Court of Appeals on April 25, 2016. Oral arguments are expected later this year.

Read more about the Kleins’ case at FirstLiberty.org/Kleins

About First Liberty Institute

[First Liberty Institute](http://FirstLiberty.org) is the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

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