



(Melissa Klein, former co-owner of Sweet Cakes by Melissa.  
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Access full resolution photos at [KleinFacts.com](http://KleinFacts.com) under “Photos and Videos.”)

## **Oregon Bakers Urge State Court to Protect Their Right to Free Exercise After U.S. Supreme Court Vacated Earlier Decision**

*In June, the U.S. Supreme Court vacated an earlier Oregon court decision that allowed the state to penalize bakers for exercising their faith*

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**Portland, OR**—Today, First Liberty Institute and Boyden Gray & Associates filed a [brief](#) with the Oregon Court of Appeals on behalf of Aaron and Melissa Klein. In June, the Supreme Court of the United States vacated an earlier decision by the state court that effectively forced bakers Aaron and Melissa Klein out of business by penalizing them \$135,000 for refusing to create a government-approved message in conflict with their sincerely held religious beliefs. The Supreme Court sent the case back to Oregon courts for further review in light of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*.

“In its *Masterpiece* decision, the Supreme Court reminded government officials everywhere, that they must be neutral toward and respectful of the religious beliefs of its citizens,” said Stephanie Taub, Senior Counsel to First Liberty. “The Oregon decision against the Kleins was polluted by the same anti-religious bias that caused the U.S. Supreme Court to rule in favor of *Masterpiece Cakeshop*. It’s time for the Oregon courts to adhere to the Supreme Court’s precedent.”

Former Ambassador to the European Union, C. Boyden Gray and Adam Gustafson of Boyden Gray & Associates are the lead appellate counsel for the case.

The State of Oregon’s Bureau of Labor and Industries (BOLI) found that the Kleins had violated Oregon’s public accommodations statute after Aaron and Melissa declined to design and create a wedding cake celebrating a same-sex marriage. In the brief filed today, attorneys for the Kleins argue: “Abandoning the constitutional requirements of neutrality, tolerance, and respect, BOLI’s Commissioner, Brad Avakian, spoke dismissively of the Kleins’ religious

objections before their case even came before him.” The brief goes on to say, “Commissioner Avakian’s statements about the Kleins’ religious beliefs—which he uttered *before* BOLI had even completed its investigation or had filed formal charges—show that his anti-religious bias led him to prejudge the Kleins’ arguments that their art is protected speech and that they are entitled to a religious exemption”

In addition to the \$135,000 penalty for “emotional damages,” BOLI issued a gag order, limiting the Kleins’ ability to talk publicly about their beliefs. After BOLI’s decision, the Kleins were forced to shut down their bakery.

To learn more about the case, visit [KleinFacts.com](http://KleinFacts.com).

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### **About First Liberty Institute**

[First Liberty Institute](http://FirstLibertyInstitute.org) is a non-profit public interest law firm and the largest legal organization in the nation dedicated exclusively to defending religious freedom for all Americans.

To arrange an interview, contact Lacey McNiel at [media@firstliberty.org](mailto:media@firstliberty.org) or by calling 972-941-4453.