

Sweet Cakes

#SweetJustice for **SweetCakes by Melissa**

A Recipe For Success





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MELISSA'S STORY



MELISSA KLEIN
Award Winning Cake Artist

Aaron and Melissa Klein were the owners of SweetCakes by Melissa, a bakery they opened in their home state of Oregon in 2007. The family spent the next six years slowly building SweetCakes into a flourishing business that provided a unique service to their community.

After years of hard work, they politely declined to create a custom wedding cake for a same-sex couple based on their religious beliefs and referred them to another bakery. While the Kleins were happy to serve every customer, they could not create every message.

THIS ONE TAKES THE CAKE



After facing discrimination for years, Aaron and Melissa Klein have a new recipe for success as we prepare to take their case to the United States Supreme Court. We've been fighting at all levels in the court system, for almost a decade - and now we plan to finally achieve Sweet Justice for the Kleins by going to the U.S. Supreme Court where it could become the next landmark case protecting religious liberty for all religious business owners.

This Recipe for Success booklet will walk you through the timeline of the case, the threats that Aaron and Melissa have faced, our next steps as we prepare to secure a victory and much more.



CASE TIMELINE

2013

2 women asked for a cake for their same-sex wedding. The Kleins politely declined and were fined \$135,000 & told to be "rehabilitated"

April 25, 2016

First Liberty files a brief with the Oregon Court of Appeals

June 21, 2018

The Oregon Supreme Court denies review of the case

June 17, 2019

The U.S. Supreme Court reverses Oregon's decision and send the case back to the lower court in light of Masterpiece

January 26, 2022

Oregon Court of Appeals reversed the state agency's damage award, yet sent it back to the same agency for a do-over on damages

OPEN

2007

The Kleins open their bakery SweetCakes by Melissa

February 23, 2016

First Liberty joins to fight to protect the Kleins

\$

December 28, 2017

The Oregon Court of Appeals upholds the fine and rules against the Kleins

October 22, 2018

FLI files a petition for writ of certiorari at the U.S. Supreme Court

January 9, 2019

FLI presents oral argument at Oregon Court of Appeals

Summer 2022

First Liberty seeks to return to the U.S. Supreme Court to seek Sweet Justice

VIDEOS



“

Oregon state officials said the way that I think, the way I choose to run my business, or the way that I run my life is wrong and needs to be rehabilitated.

Melissa Klein



In response to the Klein’s religious convictions, the Bureau of Labor and Industries in the State of Oregon punished them with a \$135,000 penalty—forcing them to completely shut down their business. This ripped away the labor of love that **SweetCakes** had

become and crushed their dream of passing the bakery on to their children.

In addition to being severely punished with a fine, the Kleins were told by government officials that they needed to be “rehabilitated”.

For the Kleins, **SweetCakes** represented not only their livelihood, but also their ability to freely live out their faith. The State of Oregon forced these two ideals into conflict with one another—something that is starkly anti-American. This penalty is a steep cost for standing up for what you believe, one that no person of faith should have to pay.



Not only did the Kleins face pressure from the government, but soon after, they began receiving hate mail and death threats—just for standing up for what they believe. **Here is just a small sample of some of the repugnant messages they received:**





THE KEY INGREDIENT

After a long legal journey through the Oregon state court system, First Liberty appealed the Klein's case directly to the Supreme Court. The Court granted the request and vacated the ruling by the Oregon Appeals Court saying the case must be re-examined in light of *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*.

While there was a not a full victory for the Kleins back at the Oregon courts, *Masterpiece* will remain a key ingredient in the future of SweetCakes. In *Masterpiece*, there was clear governmental prejudice against religious Americans, and we have seen the same happen to the Kleins.

If the case returns to the Supreme Court, we hope they will send the message that government officials cannot punish religious Americans simply because they hold different beliefs.



First Liberty is dedicated to obtaining a full victory for the Kleins. This case could set a whole new precedent for religious liberty in America.

If there isn't justice for the Kleins, soon the government will start to threaten YOUR religious freedom. The Kleins were forced out of business, issued a gag order, and told they needed

ALL EYES ON MELISSA

to be "rehabilitated." If we can't get justice for Aaron and Melissa, it means that bureaucrats can now force business owners to express government-mandated messages that go against their religious beliefs.

It's time to stand with the Kleins as they face continuing legal battles. Will you help be an integral part of this recipe for success?

The Kleins already lost their Oregon bakery for living out their faith, don't let future generations face the same costs.



PRECEDENT SETTING CASES



Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission

- Masterpiece Cakeshop is a Colorado business run by local baker Jack Phillips. When Jack’s shop refused to bake a cake for a same-sex couple, the Colorado Civil Rights Commission told him he had to violate his religious beliefs or stop baking wedding cakes altogether.
- Jack appealed his case to the U.S. Supreme Court where he WON in a 7-2 ruling that stated the Colorado Commission had discriminated against him in their ruling.
- While the case was a great first step for religious freedom and will be helpful for SweetCakes, it did not answer the underlying questions of religious freedom and compelled speech.
- SweetCakes can finally answer the question of whether faith-based businesses can be forced to create a government mandated message or live out their faith without worry of governmental retaliation.



Ingersoll & Freed v. Arlene’s Flowers, INC.

- Barronelle Stutzman is the sole owner of Arlene’s Flowers, a flower arrangement company in Richland, Washington. She has never shied away from serving members of the LGBTQ community but in 2015 she declined to create an arrangement for a same-sex wedding of a customer she faithfully served for 9 years.
- A Washington State attorney general decided to sue her even though there was no complaint. She lost the battle in Washington and her attorneys have asked the U.S. Supreme Court to review her case.
- If Arlene’s Flowers is taken by the Supreme Court, it could pave the way for a final victory for the Kleins. First Liberty has filed a “friend of the court” brief in this case so all business owners can live out their faith.



Arizona case, Brush & Nib Studio, City of Phoenix

- At the Supreme Court in Arizona, religious liberty was given a decisive victory when the Court ruled in favor of Jonna Duka and Breanna Koski, owners of Brush & Nib Studio.
- When a lawsuit was filed against them for choosing not to create custom work that conveyed a message contrary to their sincerely held religious beliefs, the women took a stand for their faith—and emerged victorious.
- This victory is yet another sign of hope for victory in SweetCakes.



Minnesota case, Carl and Angel Larsen

- Carl and Angel Larsen, owners of a video and film production company, use the power of film to tell stories about their clients that honor God. When the Larsens hoped to enter the wedding filming business, they were met with denial by Minnesota officials and state law who demanded that they celebrate same-sex weddings or no weddings at all.
- Failure to comply could result in damages up to \$25,000 and 90 days in jail. Thankfully, the 8th Circuit Court affirmed that the Larsen’s wedding videos were protected under the First Amendment.

WHO SUPPORTS THE KLEINS?



CLICK to stand for **#SweetJustice** for SweetCakes by signing our letter of support to Aaron and Melissa



Jack Phillips

Owner and operator of Masterpiece Cakeshop, a bakery protected in the *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission* Supreme Court case.



Franklin Graham

Graham has voiced his unwavering support to the Kleins on several different occasions:

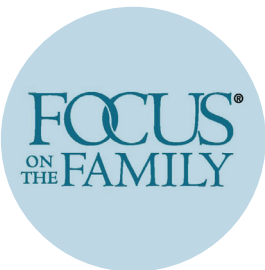
"They have done nothing wrong, and their lives, along with their five children, have been turned upside down by this persecution."



Attorneys General

11 attorneys general from across the country, led by Ken Paxton of Texas, wrote an amicus brief supporting the Kleins:

"States do not have a legitimate interest in compelling citizens to engage in state-favored expression... This compulsion of speech is constitutionally forbidden."



Focus on the Family

The longstanding organization has voiced its support, writing about the pain behind losing her store:

"Every time she makes a birthday cake for her children, Melissa remembers her shop and the dreams she had of passing it on to her children."



Cato Institute

The Cato Institute, an organization dedicated to individual liberty, has voiced its strong support of the Kleins:

"But freedom of expression, as protected by the First Amendment, doesn't only secure the ability to say what you wish. It also prevents the government from compelling you to say something you don't agree with."



Institute for Faith and Family

Filed a "friend of the court" brief in support of the Kleins:

"No American should ever have to choose between allegiance to the state and faithfulness to God as a condition of remaining in business."



THE NEXT MAJOR STEP IN DELIVERING #SWEETJUSTICE FOR MELISSA KLEIN



In early 2022, the Oregon Court of Appeals ordered reconsideration of the decision that forced the Klein family bakery, Sweet Cakes by Melissa, out of business by fining them \$135,000. The court concluded the Oregon Bureau of Labor and Industries—a bureaucratic state agency—acted with hostility against them because of their religious beliefs. The Court wrote that the state agency violated its duty to act in a religiously neutral way when it ordered the Kleins to pay \$135,000.

But the state of Oregon is trying to have its cake and eat it, too. According to the court, the Kleins violated the law by operating their business in accordance with their beliefs. Incredibly, it sent the case back for further proceedings to the very same agency that showed anti-Christian bias toward the Kleins.

This means the fight for SweetCakes by Melissa is not over. Make no mistake, this ruling is dangerous to religious freedom. First Liberty appealed it to the Oregon Supreme Court (who subsequently denied review) and now are moving on to the U.S. Supreme Court.

This decision should have ended the state's hostility toward Aaron and Melissa. Instead, it ordered them to return to a government agency that acted as both prosecutor and judge—the same one that demonstrated anti-religious bias.

For the Kleins—and for all faith-based, small business owners—a win in this case would be immensely important.

The stakes in Sweet Cakes by Melissa could not be higher. At the core of this case is whether the government can force anyone in America to choose between her faith and her livelihood, and whether government officials have the legal authority to effectively force businesses to close if a person of faith declines to participate in an event that conflicts with her sincerely held religious beliefs.

Aaron and Melissa deserve justice after fighting through the courts for more than eight years. With your support, we can deliver a victory for them—and for many other business owners facing the threat of closure because of their beliefs.

A MESSAGE FROM MELISSA

For me, having that bakery was a dream come true. My husband Aaron and I literally built our bakery business from scratch. To us, SweetCakes was like a second home. It brought our family together, and someday, I hoped my kids would run it on their own. That it would become their legacy.

Losing SweetCakes was like losing a piece of myself.

But I wanted you to know, that as much as my family has endured we're NOT backing down.

In fact, we're standing stronger than ever in this fight. We know that our case could ultimately determine the future and fate of thousands of other Christian-owned small businesses like ours. And yours.

I know, and I want you to know, that First Liberty is doing everything they can to win our case. We have a team of the nation's best attorney's tirelessly working on our behalf; a team that prays for my family constantly, plus thousands of supporters like you who continue to send us letters of encouragement and continue to stand with us.

Thank you for your steadfast support. Every little "piece" that you provide sure goes a long way to help protect religious freedom for people of faith, like me.

With gratitude,

Melissa Klein



HERE'S AN *EXTRA SWEET* WAY TO SUPPORT MELISSA

Simply host a bake sale for Melissa using her famous Zesty Lemon Cupcake recipe below, and then donate the proceeds to her victory fund at FirstLiberty.org/BakeSale. Share photos of the bake sale on Facebook, Twitter and Instagram using the hashtag **#SweetJustice**, and together let's do everything we can to help Melissa win victory!

RECIPE FROM MELISSA



ZESTY LEMON CUPCAKES by Melissa

CUPCAKE INGREDIENTS

Makes 18 Cupcakes

- 2 cups sugar
- 2 cups unsalted butter
- 6 eggs
- 1 tsp. vanilla
- 4 tsp. lemon extract
- 2 $\frac{3}{4}$ cups flour
- 2 tsp. baking powder
- 2 Tbsp. lemon zest

FROSTING INGREDIENTS

- 16 oz. cream cheese
- $\frac{3}{4}$ stick butter softened
- 1 tsp. vanilla
- 4 $\frac{1}{2}$ cups powdered sugar
- zest of one lemon
- thin $\frac{1}{4}$ slice of lemon
- 18 mint leaves

STEPS FOR CUPCAKES

- 01** Cream sugar and butter together until smooth and fluffy
- 02** Add eggs, vanilla and lemon extract, mix until smooth
- 03** Add flour, baking powder and lemon zest, mix for 1 minute
- 04** Divide batter evenly amongst cupcake pans lined with cupcake liners
- 05** Bake at 350°F for 28 minutes or until toothpick comes out clean

STEPS FOR FROSTING

- 01** Cream butter and cream cheese together until smooth, add vanilla, lemon zest and mix until incorporated
- 02** Add powdered sugar and mix until smooth
- 03** Once cupcakes are cool, top with frosting
- 04** Garnish w/ slice of lemon and mint leaf

**ATTACKS ON FAITH-BASED BUSINESSES
ARE AT AN ALL-TIME HIGH.
FIRST LIBERTY IS HELPING YOU PROTECT YOUR LIVELIHOOD.**

Download First Liberty's FREE guide on religious liberty in the workplace. Assembled by First Liberty attorneys and our expert legal team, this resource contains 7 must-know facts that every American needs to protect their business and to counter religious discrimination in the workplace.

GET YOURS TODAY!

**Be the FIRST to receive case updates,
religious liberty news and expert cultural commentary.**



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