



# ***KLEIN V. OREGON BUREAU OF LABOR AND INDUSTRIES***

United States Supreme Court | June 30, 2023

## **CASE BACKGROUND**

In 2007, Melissa and Aaron Klein opened a family bakery called “Sweet Cakes by Melissa.” The Kleins specialized in custom-designed, artistically crafted cakes. In 2013, **Aaron and Melissa were asked to make a custom wedding cake to celebrate a same-sex wedding.** As devout Christians, Aaron and Melissa felt that crafting a cake to celebrate the wedding would send a message of support for the wedding in violation of their faith. For this reason, they declined to create the custom cake. In response, the State of Oregon imposed a financially devastating penalty of \$135,000 against the Kleins and issued a gag order against them, restricting the Kleins’ freedom to talk about their beliefs in public. The commissioner’s penalty—along with an internet-orchestrated boycott campaign against the bakery—forced Aaron and Melissa to close the bakery.

## **THE OPINION**

On June 30, the Court issued a ruling in *303 Creative v. Elenis* affirming that **governments may not force creative business owners to speak messages that violate their beliefs.** The work of creative artists is speech, the Court said, and it is no less speech because the artist receives a commission or compensation for her work. Compelling an artist to speak in violation of her conscience violates the Free Speech Clause. Any law that restricts speech based on the speaker’s viewpoint and the speech’s content is unconstitutional.

Additionally, governments may not use public accommodation laws or non-discrimination ordinances to force artists to speak messages that violate their religious beliefs. No public accommodations law is immune from the demands of the Constitution.

**The Court ordered the Oregon state court system to reexamine the Kleins’ case in light of *303 Creative*,** a decision that guaranteed all Americans have a First Amendment right to be free from coerced speech.

## **SUMMARY**

**The Supreme Court ordered the Oregon state court system to reexamine the Kleins’ case in light of *303 Creative*, a decision that guaranteed all Americans have a First Amendment right to be free from coerced speech.**

## **RELIGIOUS LIBERTY IMPLICATIONS**

*303 Creative* reaffirmed that all Americans have a constitutional right to be free from coerced speech. Federal, state, and local governments are on notice that they must protect First Amendment rights when they issue public accommodation laws and non-discrimination ordinances. Today, custom artists have greater protection to choose to create only the art they support. All Americans are free to speak only those messages that align with their beliefs.

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