

# Court sides with web designer in free speech case

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The U.S. Supreme Court ruled a Colorado Christian designer's free speech rights under the First Amendment mean she cannot be compelled to design websites for same-sex weddings she does not endorse.

In its 6-3 *Creative v. Elenis* decision on June 30, the court ruled the First Amendment prohibits Colorado from using antidiscrimination laws to force a designer to create message with which she disagrees.

Lori Smith, doing business as 303 Creative, sought an injunction to prevent the state from "forcing her to convey messages inconsistent with her belief that marriage should be reserved to unions between one man and one woman."

"All manner of speech—from 'pictures, films, paintings, drawings, and engravings,' to 'oral utterance and the printed word'—qualify for the First Amendment's protections; no less can hold true when it comes to speech like Ms. Smith's conveyed over the Internet," Associate Justice Neil Gorsuch wrote in the court's majority opinion.

"In this case, Colorado seeks to force an individual to speak in ways that align with its views but defy her conscience about a matter of major significance," he continued.

Gorsuch asserted "the opportunity to think for ourselves and to express those thoughts freely is among our most cherished liberties and part of what keeps our Republic strong."

Brent Leatherwood, president of the Southern Baptist Convention's Ethics

and Religious Liberty Commission, affirmed the ruling of the court's majority.

"If the government can compel an individual to speak a certain way or create certain things, that's not freedom—it's subjugation," Leatherwood said. "And that is precisely what the state of Colorado wanted.

"Thankfully, the court has stepped in to say that individual rights may not be paved over by a zealous government. Colorado's scheme of compulsion and coercion against creators has failed once more."

Leatherwood said the opinion's implications "extend throughout the nation: People are free to speak, create, and operate in ways that are consistent with their deepest-held beliefs—even when those beliefs are deemed culturally unpopular."

## **Voicing concern about broad exemptions**

Holly Hollman, general counsel for the Baptist Joint Committee for Religious Liberty, disagreed.

"While the prohibition on government-compelled speech is an essential part of the First Amendment's protections, it should not provide an end run around valid nondiscrimination laws that apply to businesses open to the public," Hollman said.

"Colorado's statute serves an important public interest in ensuring equal access to the commercial marketplace without regard to race, religion, sex, sexual orientation, national origin and other protected categories. BJC affirms the significance of laws like Colorado's and rejects any attempt to portray them as an infringement on religious liberty.

“While Americans are free to express their religious and secular views about marriage, including those that conflict with nondiscrimination protections for same-sex marriage, BJC continues to believe that protecting religious freedom does not require granting broad exemptions that would undermine expectations for fair treatment in the commercial marketplace.”

Rachel Laser, president and CEO of Americans United for Separation of Church and State, asserted the Supreme Court “handed Christian nationalists another victory” with the decision in *303 Creative v. Elenis*.

By “allowing religiously motivated discrimination” against LGBTQ people in the name of free speech, the court opened the door for discrimination against racial and religious minorities, Laser insisted.

“Everyone should have equal access to goods and services, regardless of whom they love, who they are, how they worship, or what they look like. This is the longstanding promise of our civil rights laws. But today, the court negated those protections,” Laser said.