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EXPERT INSIGHT | Center for American Values

303 CREATIVE LLC V. ELENIS

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TOPLINE POINTS

- ★ *303 Creative LLC v. Elenis* Supreme Court decision protects religious freedom for all Americans.
- ★ Under this decision, the government cannot force individuals to produce speech that individuals do not want to produce.
- ★ Under the Colorado Anti-Discrimination Act 303 Creative LLC., would have been forced to produce messages the company did not agree with.

In June, the long-awaited decision on [*303 Creative LLC v. Elenis*](#) came down on the right side of history by upholding America's most cherished freedoms: religion and speech. As background, 303 Creative is a digital design company that makes websites and was looking to enter the wedding market. However, rules proposed by the [Colorado Civil Rights Division \(CCRD\)](#) would have compelled 303 Creative to produce messages that violated the owner's core religious convictions. This potential reality prompted the owner of 303 Creative, Lorie Smith, to challenge the CCRD and fight for her right to the freedom of speech.

303 Creative's legal challenge eventually reached the United States Supreme Court and received a favorable ruling. Framing the company's decision as a form of free speech, the Court held that no government is allowed to compel a person to speak in a way that violates their deeply held religious beliefs. The decision has made it absolutely clear that the government at both state and federal levels has no authority to dismantle the individual freedoms guaranteed to every American by the [First Amendment of the Constitution](#). In a time when [religious freedom is threatened on a global scale](#), and the right of each individual to adhere to his sincerely held religious beliefs is being challenged, this decision reaffirms protection for this fundamental freedom.



The case sets a strong precedent for both religious freedom and freedom of speech. Lorie Smith, a digital artist and website designer at 303 Creative, successfully fought to protect her personal religious beliefs in the face of government compulsion. Smith sought to expand her business into wedding website design while embracing a traditional view of marriage. However, under the [Colorado Anti-Discrimination Act \(CADA\)](#), her website design business and other similar businesses could be civilly fined for (1) failing to provide equal services on the basis of sexual orientation; and (2) publishing any message indicating a refusal of equal service on the basis of sexual orientation. Under CADA, Smith would have faced significant fines if she refused to design a wedding website for a gay or lesbian wedding.

Rather than folding to government pressure or choosing to shut down her new business and stay quiet, Smith decided to fight! Just like [Jack Phillips](#), the now famous baker who was sued for respectfully declining to create a wedding cake for a same-sex couple, Lorie fought the unconstitutional push by radical leftists to control her speech and control her beliefs.

The First Amendment is perhaps the most profound amendment in the United States Constitution. It guarantees a host of freedoms for individual American citizens, protecting them from impermissible government compulsion. In a free and open society, it is imperative that the freedom of speech and freedom of religion remain intact, safe from a government that could otherwise criminalize disfavored viewpoints or beliefs. The alternative is opening the door to authoritarianism. Without these enshrined and defended rights, a society removes safeguards that protect against the grim reality of persecution of Christians, Uyghur Muslims, and other religious groups, like what is happening in China and other nations.

America is a bastion of hope and freedom in the world. The only way it remains in that position and has the credibility to maintain that position in the free world is by upholding the constitutional freedoms that continue to safeguard the American public from the very things that would tear it down.

As [Ronald Reagan said](#), “Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected, and handed on for them to do the same, or one day we will spend our sunset years telling our children and our children's children what it was once like in the United States where men were free.”

Every American should be proud because our institutions upheld these freedoms and built yet another layer of protection for the American people to hold onto their sincerely held religious convictions.

