



BACKGROUNDER ***303 Creative v. Elenis***

Short Summary

Lorie Smith and her company, 303 Creative LLC, specialize in designing graphics and websites. They sued Colorado state officials for using Colorado's Anti-Discrimination Act to force creative professionals to speak messages supporting same-sex marriage in violation of their religious beliefs and to silence them from expressing their religious beliefs about marriage.

What's at Stake

- The freedom of creative professionals to speak and publish their desired messages without facing unjust punishment at the hands of government.
- Whether the government can force creative professionals to promote messages that violate their core beliefs.
- The right of creative professionals to be treated equally under the law regardless of the popularity of their views.

Summary

Lorie Smith is a Christian graphic designer, website designer, and marketing specialist. She employs those skills in her role as the sole owner and operator of 303 Creative LLC, a Colorado business. Lorie started 303 Creative rather than continue to work for other companies so that she could enjoy greater freedom and flexibility to incorporate her faith into her work.

After observing a shift in society's understanding of marriage, and being dismayed by its move away from a biblical understanding of marriage, Lorie became convinced that God wanted her to use her artistic talents and business platform to publicly proclaim and celebrate His design for marriage as a life-long union between one man and one woman. She wants to do so by designing custom wedding websites celebrating and promoting marriages between one man and one woman. Lorie also wants to publish on 303 Creative's website her religious beliefs about God's design for marriage and explain that her faith prevents her from celebrating any contrary understanding of marriage, such as same-sex marriage.

But Colorado's Anti-Discrimination Act (CADA) makes it illegal for Lorie to express herself in this way. For instance, if Lorie creates custom wedding websites celebrating marriages between one man and one woman, Colorado officials interpret CADA to require her to also create websites celebrating and promoting same-sex marriages. It doesn't matter to Colorado officials that Lorie's religious beliefs prevent her from promoting same-sex marriage. Moreover, the law makes it illegal for Lorie to publish religious statements about God's design for marriage that "indicate," "directly or indirectly," that a request for Lorie to celebrate a same-sex marriage would be "unwelcome, objectionable, unacceptable, or undesirable." Practically speaking, this means the law bars Lorie from using her website to explain her religious reasons for promoting only God's design for marriage and for declining to promote any other type of marriage.

Lorie knows that Colorado officials are quite serious about using CADA to drive Christians out of the marketplace if they decline to use their artistic talents to celebrate same-sex marriage. The prosecution of Jack Phillips, a cake artist and owner of [Masterpiece Cakeshop](#), made that clear. Colorado officials subjected Jack to onerous investigations and orders after he politely declined to create a cake celebrating a same-sex marriage even though he was happy to provide the couple with any item that would not express a message he found objectionable. In addition to this burdensome ordeal, Jack can no longer create wedding cakes, the highest form of his art, to celebrate only marriages between one man and one woman without violating state law.

Colorado officials' treatment of Jack Phillips stands in stark contrast with their treatment of [three other Colorado bakeries](#). When those bakeries turned away a Christian who wanted them to make cakes expressing the religious view that same-sex marriage is wrong, the Colorado Civil Rights Commission ruled that they were not engaged in religious discrimination. Why? Because they simply objected to the religious message the Christian was asking them to create, not to serving Christians in general. Yet that defense is the same one Jack Phillips raised. The difference in outcome is attributable to the bakeries' differing views on marriage. Colorado allows bakeries that favor same-sex marriage to create freely, but those that disfavor same-sex marriage may not.

Given this history, Lorie had a choice to make. She could hide in the shadows, keeping her message about God's design for marriage to herself as she watches Colorado trample the expressive and religious rights of creative professionals like herself. She could also throw herself into Colorado's crosshairs by creating custom websites expressing only her religious message about marriage in violation of Colorado law. Or she could avoid both complacent surrender and illegality by asking a federal court—before she starts making custom wedding websites—to prevent Colorado's officials from disregarding the expressive and religious rights the U.S. Constitution guarantees.

For Lorie, only the last option seemed reasonable. That is why she brought this lawsuit asking a federal court to protect her right to state, celebrate, and promote her desired religious messages without the government hijacking her creative talents to promote its government-approved messages. Until she gets a favorable ruling, Lorie is refraining from making wedding websites through 303 Creative and muzzling her speech about God's design for marriage to avoid violating Colorado's law.

Our Role in the Case

Alliance Defending Freedom serves as legal counsel for Lorie Smith and 303 Creative in this challenge against Colorado's unjust and inequitable compulsion of morally objectionable speech and silencing of religious messages based on Colorado officials' politically-correct whims.

Related Cases

[*Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*](#)

[*Brush & Nib Studio, LLC v. City of Phoenix*](#)

[*Lexington-Fayette Urban County Human Rights Commission v. Hands On Originals*](#)

[*State of Washington v. Arlene's Flowers*](#)

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