

The *303 Creative* Case

Case Name: *303 Creative v. Elenis*

Case Status: On September 24, 2021, Alliance Defending Freedom attorneys asked the U.S. Supreme Court to hear a case that allows government officials to compel and restrict the speech of artists, designers, and other creative professionals.

Significance: Whether the government can force a web designer to create messages that violate her core beliefs.



Background: Alliance Defending Freedom attorneys represent web designer and graphic artist Lorie Smith and her studio, [303 Creative](#). In 2016, ADF attorneys filed a challenge on Lorie's behalf to the application of a Colorado's public-accommodation law, the same law the Colorado Civil Rights Commission used to punish Masterpiece Cakeshop owner and ADF client Jack Phillips. Lorie is happy to design websites and graphics for all people; she simply cannot pour her heart, imagination, and talents into creating and speaking messages that violate her conscience. Lorie's faith teaches her that marriage is between one man and one woman. So she cannot use her design skills to create websites and graphics celebrating same-sex weddings without violating her deeply held religious convictions. Yet Colorado interprets its law to compel Lorie to celebrate same-sex weddings and to prohibit her from explaining her religious beliefs on her website.

The U.S. Court of Appeals for the Tenth Circuit recognized that Colorado's law restricts Lorie's speech based on its content and drives out of the marketplace views that the Colorado government does not favor. Yet the court upheld the law as consistent with the Free Speech Clause of the First Amendment, concluding that the government has the right to compel artists to create and speak the government's preferred messages.

ADF attorneys have now appealed to the U.S. Supreme Court to defend the free-speech rights of everyone.

Key Points

- Colorado agrees that Lorie will work with all people; she simply can't promote all messages, no matter who requests them.
- Free speech is for everyone, not just those who agree with the government.
- Creative professionals should be free to create art consistent with their convictions without the threat of government punishment.
- Website designers and internet companies speak freely all the time. Lorie should have the same freedom.

Analogies: Should the government have the power to punish...

- ...an LGBT web designer for not creating a website criticizing same-sex marriage for a church?
- ...an Atheist singer for not singing Christian hymns at a church's Easter service?
- ...a Muslim printshop owner for not designing and printing banners for a pro-Israel rally?
- ...a Democratic speechwriter for not writing speeches promoting the Republican Party?

The Bottom Line: The government shouldn't threaten a web designer with fines to force her to create art that violates her beliefs.