



Written by [Bob Adelman](#) on July 1, 2023

Denver Website Designer Wins in Landmark First Amendment Case

The Supreme Court's ruling yesterday in [303 Creative v. Elenis](#) continues the dismantling of the "wall of separation" atheists have used successfully to remove the Christian faith from the culture.

At issue is Lorie Smith's First Amendment guarantee of freedom of speech, rendered through her talent and ability for creative graphic design.

She makes her position on this crystal clear on her website:

As a Christian who believes that God gave me the creative gifts that are expressed through this business, I have always strived to honor Him in how I operate it....

Because of my faith ... I am selective about the messages that I create or promote — while I will serve anyone, I am always careful to avoid communicating ideas or messages, or promoting events, products, services, or organizations, that are inconsistent with my religious beliefs.

In an [interview with Fox News](#), Lorie explained that it wasn't about including or excluding certain individuals in her business:

I think it's important for people to understand that I love and welcome the opportunity to work with all people. My case has never been about choosing which client to work with, but about choosing the message that I'm being asked to promote.

When far-left liberals seized control of the Colorado Legislature and passed the Colorado Anti-Discrimination Act (CADA) in 2016, the state's Civil Rights Commission saw Smith's position as a threat to the law's real purpose: to remove from the public square any reference to Christ or His teachings. Smith filed a preemptive lawsuit after the law was passed, knowing that she would be a prime target of the commission.

She was. Lower courts ruled against her, and the Supreme Court accepted the case on appeal.

Supreme Court Justice Neal Gorsuch wrote for the 6-3 majority:



AP Images
Lorie Smith of 303 Creative



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The First Amendment prohibits Colorado from forcing a website designer to create expressive designs speaking messages with which the designer disagrees.

He referred back to the Founders of the Republic, who deliberately and intentionally put in place restrictions on the government from interfering with an individual's right to speak freely. He cited several precedents to back up his point:

The framers designed the Free Speech Clause of the First Amendment to protect the "freedom to think as you will and to speak as you think." ...

The freedom to speak is among our inalienable rights. The freedom of thought and speech is "indispensable to the discovery and spread of political truth." ...

For these reasons, "[i]f there is any fixed star in our constitutional constellation," ... it is the principle that the government may not interfere with "an uninhibited marketplace of ideas."

Justice Gorsuch expanded, noting that the Colorado Civil Rights Commission sought to eliminate Smith's Christian beliefs from the marketplace:

Ms. Smith seeks to engage in protected First Amendment speech; Colorado seeks to compel speech she does not wish to provide. As the Tenth Circuit observed, if Ms. Smith offers wedding websites celebrating marriages she endorses, the State intends to compel her to create custom websites celebrating other marriages she does not.

Colorado seeks to compel this speech *in order to "excis[e] certain ideas or viewpoints from the public dialogue."* [Emphasis added.]

Exactly. That's why the decision of the high court in 1977 in *Everson v. Board of Education*, written by liberal Justice Hugo Black, was so destructive. He wrote for the majority of the court at the time, claiming that the Founders intended to keep religion out of the marketplace, in direct contravention of their purpose:

In the words of [former President Thomas] Jefferson [in his private letter to the Danbury Baptists in 1802, 13 years after the U.S. Constitution was ratified] the clause against establishment of religion by law was intended to erect "a wall of separation between Church and State." ...

The First Amendment has erected a wall between church and state.

That wall must be kept high and impregnable.

The writers of the First Amendment intended no such thing. Rather, the Founders built a constitutional republic, giving government the limited power to protect its citizens from criminals. Those citizens otherwise, ingrained with a firm religious conviction of their own, were left to run their lives as they saw fit.

In still other words, the citizens were limited from destructive actions and behaviors by their internal convictions of morality infused with and informed by their religious beliefs. The American Republic was designed, as John Adams said, "only for a moral and religious people."



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This was the roadblock against tyranny that the Founders relied upon for the success of their grand experiment.

It is clear that those foundations must be dismantled and destroyed for tyranny to arise. That such efforts are demonic were clearly demonstrated when [protesters clashed outside](#) the Supreme Court building last December when it appeared that the high court was going to rule in Smith's favor. On one side, advocates for Smith carried blue and white balloons that read "Create Freely 303 Creative," while those on the other side were members of the American Atheists and the Satanic Temple, with signs reading "Racist, Sexist, Anti-Gay, Christian Fascists Go Away!" and "The Future Is Satanic."

Smith was personally targeted by them:

I've had my home address put on social media, I have received many threats — death threats, threats of bodily harm.

The security system at my home, my child's school has been on alert.

I've lost business, my clients have been harassed and my website ... people attempt to hack into it, almost regularly by the hour.

With the assistance of Alliance Defending Freedom, Smith says that, after six long years, the fight has been worth it: "The right to speak freely is guaranteed to all of us ... it's been hard at times. While it has come at a cost, it's a right worth protecting."

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