

Supreme Court vacates ruling against Christian bakers punished for not making gay wedding cake

By [Michael Gryboski](#), Christian Post Reporter | Monday, June 17, 2019



Aaron Klein talked before those gathered at the Omni Shoreham Hotel about the fallout from he and his wife's refusal to make a same-sex wedding cake. | (Photo: Family Research Council/Carrie Russell)

The **United States Supreme Court vacated a ruling against a Christian couple forced to pay \$135,000 for refusing to make a gay wedding cake.**

[In an order released Monday morning](#), the high court vacated an earlier ruling against Aaron and Melissa Klein, a Christian couple from Oregon who lost their bakery and were ordered to pay \$135,000 in damages for refusing to

make a cake for a same-sex wedding in 2013.

The Supreme Court sent the case back to the Court of Appeals of Oregon “for further consideration” due to the 2018 decision in *Masterpiece Cakeshop v. Colorado Civil Rights Commission*.

In *Masterpiece*, the court ruled 7-2 that Colorado had shown an unconstitutional anti-religious animus toward Jack Phillips of Masterpiece Cakeshop when it punished him for refusing to make a cake for a gay wedding.

“To describe a man's faith as 'one of the most despicable pieces of rhetoric that people can use' is to disparage his religion in at least two distinct ways: by describing it as despicable, and also by characterizing it as merely rhetorical—something insubstantial and even insincere,” [wrote Justice Anthony Kennedy for the majority in *Masterpiece*](#).

“This sentiment is inappropriate for a Commission charged with the solemn responsibility of fair and neutral enforcement of Colorado's anti-discrimination law—a law that protects discrimination on the basis of religion as well as sexual orientation.”

Last October, the Klein family filed an appeal with the Supreme Court, arguing that they were wrongly punished by the Oregon Bureau of Labor and Industries for refusing for religious reasons to bake a cake for the wedding of Rachel and Laurel Bowman-Cryer.

The Bureau fined the Kleins \$135,000 for refusing to make the cake, forcing them to close their bakery Sweetcakes by Melissa. The Oregon Court of Appeals upheld the BOLI order while the Oregon Supreme Court refused to hear their appeal.

"The Kleins seek an exemption based on their sincere religious opposition to same-sex marriage; but those with sincere religious objections to

marriage between people of different races, ethnicities, or faiths could just as readily demand the same exemption," [argued Judge Chris Garrett for the Oregon Court of Appeals in 2017](#).

"The Kleins do not offer a principled basis for limiting their requested exemption in the manner that they propose, except to argue that there are 'decent and honorable' reasons, grounded in religious faith, for opposing same-sex marriage."

Kelly Shackelford, CEO of First Liberty Institute, a national legal group aiding the Kleins in the case, said in a statement last October that the case involved freedom of speech.

“Freedom of speech has always included the freedom not to speak the government's message,” [stated Shackelford at the time](#). “This case can clarify whether speech is truly free if it is government mandated.”