Emily Perry

Dr. Carroll | Media Law COM 416 WI

Style: APA

**Paper Topic**: Compelled Speech: The dilemma for the free speech clause of the First Amendment posed by anti-discrimination laws?

**Key Words:** Compelled speech, First Amendment, free speech, anti-discrimination, business, LGTBQ

**Peer-Reviewed Articles (Secondary Sources)**

Bihlear, E. (2018) A Cake by Any Other Name: An Analysis of Masterpiece Cakeshop and the Delicate Balance Between Sexual Autonomy and Reglious Freedom. *Rutgers Journal of Law & Religion*, *19*, 355-381.

Cappucci, V. (2020) The Cost of Free Speech: Resolving the Wedding Vendor Divide. *Fordham Law Review*, *88*, 2585-2617.

Carmella, A. C. (2017) When Businesses Refuse to Serve for Religious Reasons: Drawing Lines Between “Participation” and “Endorsement” in Claims of Moral Complicity. *Rutgers University Law Review*, *69*, 1593-1626.

Day, T. R. (2019) Revisiting Masterpiece Cakeshop -- Free Speech and the First Amendment: Can Political Correctness Be Compelled? *Hofstra Law Review*, *48*, 47-80.

Greene, A. S. (2019) Barnette and Masterpiece Cakeshop: Some Unanswered Questions. *FIU Law Review*, *13*, 667-688.

Holik, H. (2015) You have the Right to Speak by Remaining Silent: Why a State Sanction to Create a Wedding Cake is Compelled Speech. *Regent University Law Review*, *28*, 299-318.

Karlan, P. S. (2018) Just Desserts?: Public Accommodations, Religious Accomodations, Racial Equality, and Gay Rights. *Supreme Court Review*, 145-177.

Knox, B. (2016) A Fundamental Standoff Post-Obergefell: Which Fundamenal Right Should Prevail When Claims of Free Exercise Clash with Claims of Discrimination in the Pricate Marketplace? *Alabama Law Review*, *68*, 583-603.

Reyes, R. (2020). *Masterpiece Cakeshop* and *Ashers Baking Company*: A Comparative Analysis of Constitutional Confections. *Stanford Journal of Civil Rights & Civil Liberties*, *16*, 113-146.

**Court Cases (Primary Sources)**

*303 Creative LLC v. Elenis* (2022)

*Abrams v. United States*, 250 U.S. 616 (1919)

*Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, 515 U.S. 557 (1995)

*Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. (2018)

*Obergefell v. Hodges*, 576 U.S. 644 (2015)

*Texas v. Johnson*, 491 U.S. 397 (1989)

*United States v. O’Brien*, 391 U.S. 367 (1968)

*West Virginia State Board of Education v. Barnette*, 319 U.S. 624 (1943)