

Artist Fined For Refusing to Photograph Same-Sex Ceremony

A Christian photography company was found guilty of “sexual orientation” discrimination under New Mexico state anti-discrimination laws for declining to photograph a same-sex “commitment ceremony.”

The Alliance Defense Fund (ADF) is appealing the New Mexico Court of Appeals’ decision that upheld a ruling by the New Mexico Civil Rights Commission against an Albuquerque photography company. New Mexico law does not recognize either marriage or civil unions between persons of the same sex.

ADF senior counsel Jordan Lorence said Americans in the marketplace should not be subjected to legal attacks for simply abiding by their beliefs.

“Should the government force a videographer who is an animal rights activist to create a video promoting hunting and taxidermy? Of course not, and neither should the government force this photographer to promote a message that violates her conscience,” Lorence said. “Because the Constitution prohibits the state from forcing unwilling artists to promote a message they disagree with, we will certainly appeal this decision to the New Mexico Supreme Court.”

Here’s the backstory: In 2006, Vanessa Willock asked Elaine Huguenin—co-owner with her husband, Jon Huguenin, of Elane Photography in Albuquerque—to photograph a “commitment ceremony” that Willock and another woman wanted to hold in Taos. The two women eventually held their ceremony using a different photographer.

Elaine Huguenin declined because her and her husband’s Christian beliefs are in conflict with the message communicated by the ceremony. Willock filed a complaint with

the New Mexico Human Rights Commission, accusing Elane Photography of discrimination based on sexual orientation.

The commission held a one-day trial and then issued an order in April 2008 finding that Elane Photography engaged in "sexual orientation" discrimination prohibited under state law, ordering it to pay \$6, in attorneys' fees to Willock.

In December 2009, ADF appealed a trial judge's ruling that upheld the commission's decision in the case, *Elane Photography v. Willock*.