

Christian Photog Who Refused to Shoot Gay Wedding Finds Widespread Support

Prominent libertarian supporters of **redefining marriage** are among the parties that filed briefs with the U.S. Supreme Court Friday in support of a New Mexico photographer who declined to use her artistic expression to communicate the story of a same-sex ceremony. Also supporting the photographer in the Alliance Defending Freedom (ADF) case are 18 other professionals in her industry and attorneys general from eight states.

In August, a concurrence accompanying the New Mexico Supreme Court's ruling against Elane Photography said that the owners, Jon and Elaine Huguenin, must abandon their freedom as "the price of citizenship." Alliance Defending Freedom attorneys asked the U.S. Supreme Court last month to review the case.

"The First Amendment protects our freedom to speak or not speak on any issue without fear of government retaliation," says ADF senior counsel Jordan Lorence. "All Americans should oppose unjust laws that force citizens—under threat of punishment—to express ideas against their will. As those who filed supportive briefs in this case understand, a government that forces any American to create a message contrary to her own convictions is a government every American should fear."

The Cato Institute and legal scholars Dale Carpenter and Eugene Volokh filed one of the friend-of-the-court briefs. Wedding photographers from across the country and state attorneys general from the states of Alabama, Arizona, Kansas, Michigan, Montana, Oklahoma, South Carolina and Virginia filed the other two briefs.

The petition Alliance Defending Freedom attorneys filed with

the U.S. Supreme Court on Nov. 8 explains that the Huguenins “will serve anyone; they do not turn away any customers because of their protected class status. But they will decline a request, as the First Amendment guarantees them the right to do, if the context would require them to express messages that conflict with their religious beliefs.”

A July Rasmussen poll found that 85 percent of Americans believe a Christian photographer has the right to say no if asked to take pictures at a same-sex ceremony that conflicts with the photographer’s religious beliefs. The editorial boards of both *The Los Angeles Times* and *The Washington Times* have recently agreed.

In 2006, Huguenin declined Vanessa Willock’s request to photograph a commitment ceremony between Willock and another woman. Huguenin declined the request because her and her husband’s Christian beliefs conflict with the message communicated by the expressive event, which Willock asked Huguenin to help her “celebrate.”

Willock easily found another photographer for her ceremony, and for less money, but nevertheless filed a complaint with the New Mexico Human Rights Commission against Elane Photography. After a one-day trial, the commission ruled against the Huguenins and ordered them to pay \$6, in attorneys’ fees to Willock. The case then made its way through the New Mexico state court system as *Elane Photography v. Willock*.