

Christian Photographer Who Refused Gay Wedding Gig Pays 'Price of Citizenship'

Alliance Defending Freedom attorneys representing a Christian photographer asked the U.S. Supreme Court Friday to reverse a New Mexico Supreme Court decision that required her to abandon her freedom as the "price of citizenship."

On Aug. 22, the New Mexico high court upheld a decision against Elane Photography after its co-owner, Elaine Huguenin, declined to use her artistic expression to communicate the story of a same-sex ceremony. A concurrence accompanying the opinion concluded that Huguenin and her co-owner, husband Jonathan, "now are compelled by law to compromise the very religious beliefs that inspire their lives," adding "it is the price of citizenship."

"The idea that free people can be 'compelled by law to compromise the very religious beliefs that inspire their lives' as the 'price of citizenship' is a chilling and unprecedented attack on freedom," says senior counsel Jordan Lorence. "We are asking the U.S. Supreme Court to make it clear that no American has to abandon their constitutionally protected freedoms just to make a living. No American should be punished or put out of business simply for disagreeing with the government's opinion on a moral issue."

"Every artist must be free to create work that expresses what he or she believes and not be forced by the government to express opposing views," adds legal counsel Jim Campbell. "Should the government force an African-American photographer to take pictures of a KKK rally? A government that can force anyone to promote messages against his or her will is a government out of control."

The petition filed with the U.S. Supreme Court 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. The New Mexico Supreme Court ... held that the Huguenins do not have a constitutional right to be free from compelled speech because they create expression for paying customers. That decision conflicts with this Court’s compelled-speech precedent.”

A July Rasmussen poll found that 85 percent of American adults 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.

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*.