

Photog Who Refused Same-Sex Wedding Assignment Gets Day in Court

The New Mexico Supreme Court on Thursday agreed to review the case of an Albuquerque photographer forced to pay nearly \$7,000 for declining to use her artistic expression to help two women “celebrate” a same-sex “commitment” ceremony.

In June, attorneys with Alliance Defending Freedom (ADF) appealed a New Mexico Court of Appeals decision that upheld a New Mexico Human Rights Commission ruling against Christian photographer Elaine Huguenin.

The commission ruled that the company was guilty of “sexual orientation” discrimination under state antidiscrimination laws.

“Americans in the marketplace should not be subjected to legal attacks for simply abiding by their beliefs,” says ADF senior counsel Jordan Lorence. “We trust the New Mexico Supreme Court will agree because the government should not be allowed to force this photographer to promote a message that violates her conscience. The Constitution clearly prohibits the state from forcing unwilling artists to advance a message with which they disagree.”

In 2006, Vanessa Willock asked 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.

Huguenin declined because her and her husband’s **Christian beliefs** are in conflict with the message communicated by the ceremony. The two women found someone else to photograph their ceremony.

Although New Mexico law does not recognize either marriage or civil unions between persons of the same sex, 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.