

Photographer Punished for Refusing Gay Marriage Gig Continues Paying the ‘Price of Citizenship’

The U.S. Supreme Court Monday declined to hear *Elane Photography v. Willock*, the case of a photographer who was told by the New Mexico Supreme Court that she must, as “the price of citizenship,” use her creative talents to communicate a message with which she disagrees or suffer punishment.

Nonetheless, Alliance Defending Freedom (ADF) attorneys representing Elane Photography and its owners, Jonathan and Elaine Huguenin, point out that the central concern in the case—government punishment of Americans for declining to create or promote messages with which they disagree—is alive in other ADF cases moving forward around the country.

“Only unjust laws separate what people say from what they believe,” says ADF senior counsel Jordan Lorence. “The First Amendment protects our freedom to speak or not speak on any issue without fear of punishment. We had hoped the U.S. Supreme Court would use this case to affirm this basic constitutional principle; however, the court will likely have several more opportunities to do just that in other cases of ours that are working their way through the court system.”

“Americans oppose unjust laws that strong-arm citizens to express ideas against their will,” adds senior counsel David Cortman. “Elaine and numerous others like her around the country have been more than willing to serve any and all customers, but they are not willing to promote any and all messages. A government that forces any American to create a message contrary to her own convictions is a government every

American should fear.”

A July Rasmussen poll found that 85 percent of Americans believe a Christian photographer has the right to say no if asked to create 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* agree.

Other cases in the legal pipeline that could potentially reach the U.S. Supreme Court include the following:

- *Ingersoll v. Arlene’s Flowers*: A long-time customer and friend of florist Barronelle Stutzman sued her because she could not in good conscience use her creative skills to beautify his same-sex ceremony. Both he, through his American Civil Liberties Union (ACLU) attorneys, and the Washington state attorney general have filed lawsuits against her in both her professional and personal capacities for unlawful discrimination, even though she has served and employed people who identify as homosexual and numerous other florists are willing to do the work.
- *Craig and Mullins v. Masterpiece Cakeshop*: Two men filed a legal complaint against Colorado cake artist Jack Phillips after he declined to use his artistic talents to create and decorate a cake for a same-sex ceremony. Although many other cake artists are willing to do the work and Phillips told the men he would be willing to make them any other type of baked good, the men nonetheless filed discrimination complaints against him through their ACLU attorneys.
- *Baker v. Hands On Originals*: The Gay and Lesbian Services Organization (GLSO) filed a legal complaint against a Kentucky T-shirt printer for declining to produce shirts that promote its pride festival. Managing owner Blaine Adamson of Hands On Originals told the GLSO he would gladly refer them to another shop that would do

the work for the same price, and, in fact, the GLSO easily found someone to produce the shirts for free. In addition, Hands On Originals both serves and employs people who identify as homosexual. Nonetheless, the complaint alleges the printer is guilty of discrimination.