

Photographer's Refusal to Photograph Same-Sex Ceremony Ruled Illegal

A New Mexico event photographer's refusal on religious grounds to shoot the commitment ceremony of a same-sex couple amounted to illegal discrimination, the state's highest court ruled on Thursday.

New Mexico, along with 20 other states and the District of Columbia, has a law that explicitly protects individuals from being discriminated against on the basis of their sexual orientation. Another 29 states have no such protection.

In refusing to photograph the ceremony, Elane Photography violated the New Mexico Human Rights Act in the same way that it would have if the company had refused to photograph an inter-racial wedding, the New Mexico Supreme Court said.

"We conclude that a commercial photography business that offers its services to the public, thereby increasing its visibility to potential clients, is subject to the anti-discrimination provisions of the act and must serve same-sex couples on the same basis that it serves opposite-sex couples," the court ruled.

Jordan Lorence, a lawyer with the Alliance Defending Freedom who represented Elane Photography, said he is likely to appeal the case to the U.S. Supreme Court.

"We believe that the First Amendment protects the right of people not to communicate messages that they disagree with," he said in a telephone interview.

Joshua Block, an attorney with the American Civil Liberties Union, which represented the couple, said the ruling rejected

a “frighteningly far-reaching” argument for allowing private companies to discriminate against gays and lesbians.

“The Constitution guarantees religious freedom in this country, but we are not entitled to use our beliefs as an excuse to discriminate against other people,” said Louise Melling, also of the ACLU.

The ruling came as at least two lawsuits by same-sex couples seeking the right to marry are working their way through the New Mexico court system. So far, the New Mexico Supreme Court has declined to rule on whether gay marriage should be allowed in the state, sending the matter to lower courts.

Thirteen U.S. states, plus the District of Columbia, now allow same-sex marriage.

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