

Court: Christians Can Be Ordered To Violate Beliefs

Refuse to photograph lesbians, get fined \$7,000

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Bob Unruh joined WND in 2006 after spending nearly three decades writing on a wide range of issues for several Upper Midwest newspapers and the Associated Press. Sports, tornadoes, homicidal survivalists, and legislative battles all fell within his bailiwick. His scenic photography has been used commercially, and he sometimes plays in a church

A ruling from Judge [Tim L. Garcia](#) in the New Mexico Court of Appeals says states can require Christians to violate their faith in order to do business, affirming a penalty of nearly \$7,000 for a photographer who refused to take pictures at a lesbian “commitment” ceremony in the state where same-sex “marriage” was illegal.

Judges Cynthia Fry and James Wechsler joined in the ruling by Garcia, which involved Elane Photography, whose owners, Elaine and Jonathan Huegeunin, are Christians and declined to do photography for lesbians Vanessa Willock and another woman.

The women complained under the state’s anti-discrimination requirements and a state commission, the New Mexico Human Rights Commission, imposed the penalty, which now has been affirmed by the appeals court judges. The judges explained in the 45-page ruling that the photography company is a “public accommodation” and those cannot discriminate under state law based on “sexual orientation.”

“The owners of Elane Photography must accept the reasonable regulations and restrictions imposed upon the conduct of their commercial enterprise despite their personal religious beliefs that may conflict with these governmental interests,” the judges wrote.

Officials with the [Alliance Defense Fund](#), which has been representing Elane, said there would be an appeal. “Americans in the marketplace should not be subjected to legal attacks for simply abiding by their beliefs,” said ADF Senior Counsel Jordan Lorence. “Should the government force a videographer who is an animal rights activist to create a video promoting hunting and taxidermy? Of course not, and neither should the government force this photographer to promote a message that violates her conscience. Because the Constitution prohibits the state from forcing unwilling artists to promote a message they disagree with, we will certainly appeal this decision to the New Mexico Supreme Court.”

It started in 2006 when Willock asked Elaine Huguenin to take pictures at her “commitment” ceremony. It was in 2009 when the ADF appealed a trial judge’s ruling in favor of the lesbians. In reaching their decision the judges aligned photography with those that are “an essential service” under state law.

“Services, facilities and accommodations are available to the general public through a variety of resources. Elane Photography takes advantage of these available resources to market to the public at large and invite them to solicit services offered by its photography business,” the judges explained.

They cited the idea of a KKK rally asking a black photographer to supply his work, and the photographer refusing. Could then the KKK cite racial discrimination? “The Ku Klux Klan is not a protected class,” opined the judges. “Sexual orientation, however, is protected.”

The judges continued...

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