



Supreme Court Declines New Mexico Sex Discrimination Case

On Monday the Supreme Court [declined to hear](#) on appeal the case of *Elane Photography v. Willock*, giving tacit approval of the ruling by the New Mexico Supreme Court.

In 2006, Elaine Huguenin, co-owner of Elane Photography in Taos, New Mexico, received an e-mail from Vanessa Willock asking her to photograph her upcoming “commitment ceremony” with her same-sex partner, Misti Collinsworth. Huguenin respectfully declined and referred her to another photographer who handled the task. When Willock learned that Huguenin declined because of her Christian beliefs, Willock filed a complaint with the New Mexico Human Rights Commission. It was all downhill from there.



The commission not only ruled against Huguenin but required that she pay Willock’s attorneys’ fees, nearly \$7,000. When the Alliance Defending Freedom (ADF) attorneys appealed on her behalf, the appeal confirmed the commission’s decision. That decision was appealed to the New Mexico Supreme Court, which confirmed the commission’s ruling in stark and chilling terms:

At its heart, this case teaches that at some point in our lives all of us must compromise, if only a little, to accommodate the contrasting values of others. A multicultural, pluralistic society, one of our nation’s strengths, demands no less.

The Huguenins are free to think, to say, to believe, as they wish; they may pray to the God of their choice and follow those commandments in their personal lives wherever they lead. The Constitution protects the Huguenins in that respect and much more.

But there is a price, one that we all have to pay somewhere in our civic life.

In the smaller, more focused world of the marketplace, of commerce, of public accommodation, the Huguenins have to channel their conduct, not their beliefs, so as to leave space for other Americans who believe something different.

That compromise is part of the glue that holds us together as a nation, the tolerance that lubricates the varied moving parts of us as a people. That sense of respect we owe others, whether or not we believe as they do, illuminates this country, setting it apart from the discord that afflicts much of the rest of the world.

In short, I would say to the Huguenins, with the utmost respect: it is the price of citizenship.

Through the use of words such as “compromise,” “accommodate,” “channel,” and “multicultural,” the



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judge neatly avoided the real issues: Does the First Amendment mean what it says, or not? Does the 13th Amendment (no involuntary servitude) still apply? What about the right to contract in a free market, without coercion, including the right not to contract? Or are these relics of a world rushing after “relevance” and “progress” and “tolerance”? In the face of society’s mad and accelerating decline into moral relativity, do these judges still allow the Constitution to continue to inform those decisions, or is it to be discarded in the trash bin of history?

Amber Royster of the homosexual group Equality New Mexico was delighted with the ruling, without acknowledging that in its tacit approval, the Supreme Court opened the door to “relevance” that could come back and bite her and groups like hers. She exulted:

[The case is] about discrimination. It’s not religious rights versus gay rights.

We have a law on the books that makes it illegal to discriminate against LGBT persons. It makes it illegal for businesses to do that, and this business broke [that] law by discriminating against this couple.

The attorneys at ADF expressed dismay over the Supreme Court’s ruling, but did discern a small ray of light. Said senior attorney Jordan Lorence:

This is not the same thing as the Court affirming the decision below. All it means is that the Supreme Court decided not to hear the case.

They did mull this over ... three extra times at their conference, which is encouraging in a slight way [in that] it means the justices took this case seriously ... and gave it a lot of extra consideration.

He also referred to three other cases that are wending their way up to the Supreme Court over the same issue: the cake baker from Colorado, the florist from Washington State, and the t-shirt printer in Kentucky. And he added that often the high court won’t take the first case over an issue as contentious as this one, wanting instead to let the issue simmer (or fester) before taking it on.

But until these arrive on the Supreme Court’s doorstep, there are consequences from its non-ruling. Among them is the dampening effect of such a ruling on small business owners who take their faith seriously. They will have to “watch their language” and be very careful over expressing opinions that are increasingly unpopular for fear of getting sued by hyperactive homosexuals exulting in the high court’s decision.

Said Lorence about the Huguenins, “Obviously they’re going to be a target for others who want to humiliate them or make them take pictures that they don’t want to because of [the court’s ruling].”

In the past the Huguenins have declined other work, such as nude maternity photographs or bloody stills of bodies to be used to promote a horror movie. Will they now be forced to take on such work, despite their beliefs and faith?

That’s called involuntary servitude, the legal and constitutional term used for 150 years in this country as “the condition of an individual who works for another individual against his or her will as a result of force, coercion, or imprisonment.”

It also violates the 13th Amendment: “Neither slavery nor involuntary servitude ... shall exist within the United States.”

The New Mexico Supreme Court’s ruling also ignored a Supreme Court decision rendered last year —



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Agency for International Development v. Alliance for Open Society — wherein Chief Justice John Roberts wrote: “At the heart of the First Amendment lies the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression.”

Most importantly, and completely ignored by the judges in New Mexico or the homosexuals celebrating their non-ruling, the decision runs the risk of dismantling the rule of law designed to protect the freedoms of everyone, including those celebrating the court’s refusal to review. As noted by Sir Thomas Moore in the 1996 film *A Man for All Seasons* in his powerful soliloquy in response to William Roper:

Roper: So, now you give the Devil the benefit of the law?

Moore: Yes! What would you do? Cut a great road through the law to get after the Devil?

Roper: Yes! I’d cut down every law in England to do that!

Moore: Oh? And when the last law was down, and the Devil turned ’round on you, where would you hide, Roper, the laws all being flat?

This country is planted thick with laws, from coast to coast, Man’s laws, not God’s! And if you cut them down, and you’re just the man to do it, do you really think you could stand upright in the winds that would blow then?

Yes, I’d give the Devil benefit of law, for my own safety’s sake!

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