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State: It's Discrimination Photographer Refused to Shoot Gay Ceremony

By [Andrew Webb](#)

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The state Human Rights Commission ruled this week that an Albuquerque wedding photographer discriminated against her would-be client by refusing to shoot a same-sex commitment ceremony.

Vanessa Willock filed a civil complaint with the labor department's Human Rights Bureau in 2006, saying Elaine Huguenin, co-owner of Albuquerque's Elane Photography, told her in an e-mail that she only photographed "traditional" marriages and would not photograph same-sex ceremonies.

In an order issued Wednesday, a panel of commissioners ruled that Huguenin discriminated against Willock based on sexual orientation and ordered Elane Photography to pay Willock's attorney's fees of \$6,637.93.

An attorney for Huguenin promised to appeal in state District Court, contending the commission violated Huguenin's constitutional rights to practice her religion.

Jordan Lorence, senior counsel for the Alliance Defense Fund, said Huguenin



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declined the job because her and her husband's religious beliefs were in conflict with the ceremony's "message."

Willock, in an e-mailed statement issued through her attorney, said she was pleased with the ruling.

"I feel that it is an important decision towards defining the responsibilities of business when they offer their services to the public in this state," she said.

Lorence said the refusal "stemmed from the couple's evangelical Christian and ideological beliefs, and they didn't want to further a ceremony that defines marriage in a different way, just as Elane Photography would not want to photograph a polygamist wedding," he said. "This couple is free to have any ceremony they want, but they don't have the right to force unwilling people to participate in it."

Lorence represents a conservative religious organization that frequently enters court cases involving same-sex marriage, abortion and school prayer.

Until recently, Willock was an equal employment opportunity specialist with the University of New Mexico's Office of Equal Opportunity.

After considering the evidence, including e-mails, the Human Rights Bureau issued a determination of probable cause in June 2007, allowing the case to go before a panel of three of the state's 11 Human Rights Commissioners, all of whom are appointed by Gov. Bill Richardson.

State law prohibits discrimination based on sex, race, religion and sexual orientation in the areas of employment, housing, credit or public accommodation.

State law does not, however, recognize a marriage between two members of the same sex.

Francie Cordova, the bureau's labor relations director, said the case fell under public accommodation.

Although employment complaints are more common, she said, several public accommodation complaints are filed annually, typically when people feel they have been illegally denied service by a business.

This case was unique, she said, because Willock only sought a discrimination ruling and attorneys' fees.

"Normally, the complainant also asks for damages," she said.

Typically, a discrimination investigation takes about six months, Cordova said, but this case was delayed while a federal court considered a request from the defendant that it be removed from the commission's hands.

The court remanded the case to the commission early this year, she said, and hearings began in January.



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The case drew considerable attention from right-leaning blogs and publications, like the Washington Times and the National Catholic Register.

Some Internet commentators cited the case as erosion of their religious freedom, while others suggested Huguenin could have handled the situation better to avoid running afoul of anti-discrimination laws.

"Had the photographer ... simply said 'I don't think I would be a good fit for your ceremony,' or even said she had other obligations, that would have been the end of it," New Mexico blogger SJ Reidhead wrote on her blog, thepinkflamingo.blogharbor.com, which she describes as Republican, Christian, pro-immigration and pro-Bush.

Julie Sakura, an attorney for Santa Fe-based law firm Lopez & Sakura who represented Willock, said the case should not be considered precedent-setting.

"This is an appropriate application of existing New Mexico law to the facts of this case," she said.

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