

The *Emilee Carpenter* Case

Case Name: *Emilee Carpenter Photography v. James*

Case Status: Filed in federal court on April 6, 2021. Appealed to 2nd Circuit Court of Appeals on Jan. 12, 2022. Oral arguments held at 2nd Circuit Court of Appeals on Sept. 28, 2022. Currently awaiting decision from the 2nd Circuit Court of Appeals.



Background: Emilee Carpenter is a New York-based photographer, blogger, and owner of Emilee Carpenter Photography. Emilee creates unique photography to promote messages consistent with her Christian convictions, including through wedding photography. And while Emilee serves all people, she cannot create photographs, write blogs, or participate in events that contradict her beliefs, such as content promoting certain political causes or celebrating same-sex weddings. But New York state’s laws force Emilee to choose between creating content that violates her religious beliefs about marriage and closing her photography studio altogether. The laws also forbid Emilee from publicly explaining on her business’ own website the religious reasons for only creating artwork consistent with her beliefs about marriage. Penalties for violating the laws include fines of up to \$100,000, a revoked business license, and up to a year in jail. Emilee is challenging these laws to protect the rights of all artists—whether they agree with her or not—to operate their businesses consistent with their faith and values. Alliance Defending Freedom filed a lawsuit on behalf of Emilee to protect her right as an artist to create without the threat of government punishment. A federal district court dismissed Emilee’s case, and ADF appealed that ruling to the 2nd Circuit Court of Appeals.

Key Points

- Emilee works with people from all walks of life, including those who identify as LGBT. She always considers *what* a requested photograph and blog communicates, not *who* is make the request.
- In *303 Creative v. Elenis*, the Supreme Court reaffirmed that the government cannot compel artists like Emilee to speak messages that are inconsistent with what they believe.
- All Americans should be free to speak consistent with their beliefs even if the government disagrees with those beliefs.
- Free speech is essential to a free country and benefits everyone. Artists don’t surrender their free speech rights when they choose to art for a living.

Analogies: Should the government have the power to force...

- ...an LGBT blogger to write a blog post promoting the Catholic Church’s beliefs about marriage?
- ... a pro-choice graphic designer to create art for a pro-life organization?
- ...a Jewish designer to create another faith’s promotional flyers because he’d design one for a synagogue?
- ...a Democratic artist to design posters promoting the Republican Party?

The Bottom Line: Free speech is for everyone. Every American should be free to create consistent with what they believe without fear of government punishment or coercion.