

The *Emilee Carpenter* Case

Case Name: *Emilee Carpenter Photography v. James*

Case Action: Filed in federal court on April 6, 2021. Appealed to 2nd Circuit Court of Appeals on Jan. 12, 2022. Oral argument held at the 2nd Circuit Court of Appeals on Sept. 28, 2022.

Significance: Whether the government can force Americans to speak contrary to their core beliefs.



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 not 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 law also forbids 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.

Key Points

- Emilee works with everyone. She always considers *what* a requested photograph and blog communicates, not *who* is make the request.
- Artists don’t surrender their freedom of speech when they choose to create art for a living.
- Artists should be free to create art consistent with their convictions without the threat of government punishment.

Key Facts

- All Americans should be free to express ideas even if the government disagrees with those ideas.
- The Supreme Court clearly stated in *Masterpiece Cakeshop v. Colorado Civil Rights Commission* that the government cannot treat some people worse than others based on their religious beliefs.
- ADF’s case *303 Creative v. Elenis* presents a similar issue now pending before the U.S. Supreme Court.

This is like forcing...

- ...a Muslim print shop owner to design a synagogue’s flyer criticizing Islam.
- ...a pro-choice graphic designer to create art for a pro-life organization.
- ...a lesbian cake artist to create a custom cake condemning same-sex marriage.

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