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Freedom: Another Casualty of the Gay Agenda

By Frank Turek, CP OP-ED Contributor

If you think that same sex marriage and "non-discrimination" laws are all about love and tolerance, you couldn't be more wrong. A decision out of the New Mexico Supreme Court last week clearly shows why. The decision is itself intolerant and discriminatory.

According to the Court, Christian photographer Elane Huguenin violated New Mexico's "non-discrimination" law by politely declining to photograph a same-sex commitment ceremony. Although the lesbian couple that brought the complaint easily found another photographer, Elane Photography now must pay nearly \$7,000 in court costs for merely exercising her First Amendment rights.

The First Amendment of the U.S. Constitution was put in place to prevent exactly what the New Mexico Supreme Court has done: using the strong arm of government to force citizens to advocate (not just tolerate) ideas and behaviors that contradict their religious or moral convictions. Forcing people to support same sex weddings or commitment ceremonies is forcing them to advocate same sex behavior.

The First Amendment protects not only the right to free speech, but also the right not to be coerced into speech. Former Chief Justice of the U.S. Supreme Court, Warren Burger wrote, "The right of freedom of thought protected by the First Amendment against state action includes both the right to speak freely and the right to refrain from speaking at all. . . . A system which secures the right to proselytize religious, political, and ideological causes must also guarantee the concomitant right to decline to foster such concepts." [Wooley v. Maynard, 430 U.S. 705, 714 \(1977\)](#). Even the U.N. Human Rights Committee recognizes a universal human right not to be coerced into advocating any idea. (You know our country is stuck on stupid when our courts are getting human rights lessons from the U.N.!) 

Now, if you justify this decision because you disagree with Elane Photography's religious or moral position, you're not thinking like an American (or a U.N. person). Imagine a homosexual videographer being forced to video a speech that a conservative makes against homosexual behavior and same sex marriage. Should that homosexual videographer be forced to do so? Of course not! Then why Elane Photography?

It is important to understand that Elane Photography was not refusing service because of the "sexual orientation" or sexual attractions of the couple. In fact, Elane Photography was happy to work with lesbian clients on other projects that did not involve advocating homosexual behavior (for example, taking professional head shots). In this case however, she declined service because she did not want to use her artistic talents to advocate sexual actions that went against her moral and religious beliefs.

But isn't this just like a white photographer refusing to photograph a black wedding?

I know it's very fashionable to compare homosexuality to race, but the comparison is completely fallacious. And as Chesterton said, "Fallacies do not cease becoming fallacies when they become fashions."

First, homosexuality, unlike race, is a behavior, and [statistically a harmful behavior](#). As a result, people have good moral reasons-even beyond religious beliefs-for opposing or not wanting to advocate homosexual behavior. But since race hurts no one, there is no moral justification for refusing to serve someone merely due to race. Second, people are born into their race but not their sexual behavior. *Sexual behavior is always a choice, race never is.* You will find [many former homosexuals](#), but you will never find a former African American. (I know whom you're thinking about. Let him rest in peace!).

Now, some believe there is a gay gene for homosexual *attractions*. But there's not only no evidence for a gay gene, identical twin studies suggest it doesn't exist. Yet even if we one day find some kind of genetic component to homosexual attractions, that would not mean that homosexual *actions* must be advocated by anyone. Being born with certain tendencies doesn't necessarily justify acting on those tendencies. If it did, Elane Huguenin could have justified her actions by simply claiming that she was born with the anti-gay gene!

New Mexico Justice Richard C. Bosson justified his actions this way: "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."



I have a newsflash for Justice Bosson: People in North Korea and Iran are free to think, believe and pray to the God of their choice too! But that's not freedom of religion. The "free exercise" of religion means that you can actually live according to your religious beliefs. Justice Bosson and his misguided colleagues are essentially saying, "You can be a Christian as long as you don't act like a Christian. It's fine if your pastor or the Bible tells you to do something, as long as you don't actually do it." So we can't obey God anymore? Is that the "price" we have to pay, Justice Bosson? Looks like the time for peaceful civil disobedience is here. Jail anyone?

Despite his inane ruling, Justice Bosson does seem to recognize the chilling implications of his decision. He wrote: "...the Huguenins... now are compelled by law to compromise the very religious beliefs that inspire their lives. Though the rule of law requires it, the result is sobering. It will no doubt leave a tangible mark on the Huguenins and others of similar views."

This is only one of many "tangible marks" that the mainstream media continues to ignore as they cheer on [intolerance disguised as "gay rights"](#). There is a [long and growing list of marks](#) tattooed on people of faith and people of conscience who are being discriminated against beyond just the Huguenins. This is not tolerance or "non-discrimination." It is exactly the opposite. It is totalitarianism-do what we say, or else!

Our country has a choice to make: either maintain the value of freedom enshrined in our Constitution, or usurp the value of freedom by mandating conformity to the gay agenda. Unless the church and other freedom-loving people begin to speak up and get involved – and by that I mean in politics, education, the media, and law—we will lose the very freedoms our founders spilled their blood to secure.

Yes, there is a price to pay. But the price isn't giving up your Constitutional rights as the New Mexico Supreme Court mandates. The price is getting involved to protect those rights.

P.S. Click here and go to the top of the list to hear my in-depth interview with Jordan Lorence, the [Alliance Defending Freedom](#) (ADF) attorney who argued the case for Elane Photography. You can also see Jordan interviewed by Shannon Bream [here](#). ADF is considering an appeal to the United States Supreme Court.

Frank Turek is an award-winning author/coauthor of "I Don't Have Enough Faith to Be an Atheist," "Legislating Morality," and "Correct, Not Politically Correct." His work can be seen at <http://www.CrossExamined.org>.

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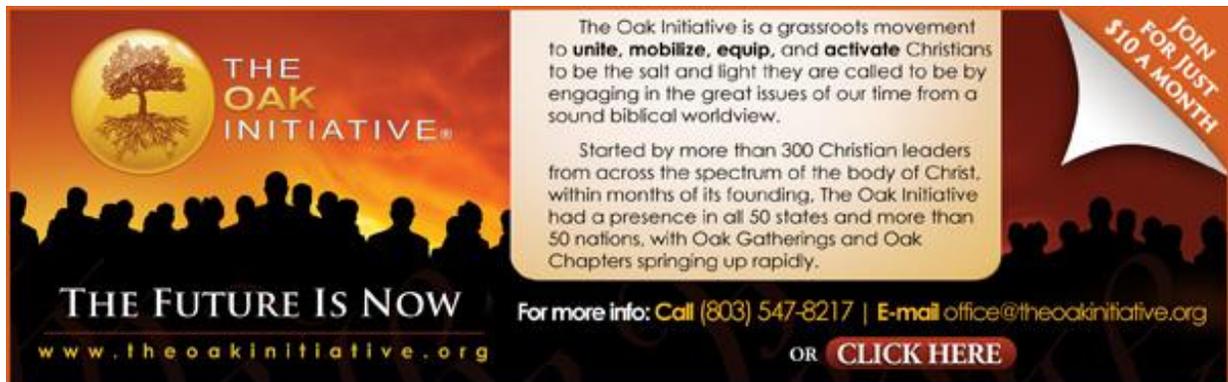
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