



CASE SNAPSHOT ***Amy Lynn Photography Studio v. City of Madison***

Case summary

Amy Lynn Lawson is a 25 year-old evangelical Christian who seeks to honor God in everything she does, creates, and says. Amy is also a commissioned photographer and blogger and the sole owner of Amy Lynn Photography Studio, a photography studio that offers visual storytelling services to clients on a commission basis. These visual storytelling services include 1) taking and editing photographs for individuals, events, and organizations and then 2) posting those photographs on the studio's blog and social media sites and writing comments on those posts praising and celebrating the client's activities or event. Amy's posts can be seen on the studio's [blog](#), [Facebook page](#), and [Instagram account](#).

Amy has been photographing since childhood and photographed her first wedding in 2011. She started her business in a formal way in September 2015.

Since Amy's mother gave her a scrapbooking kit at age 13, Amy has loved preserving memories and telling stories. To create material for her scrapbooks, Amy started taking photographs and discovered her passion and skill to capture beautiful moments with a camera. As that skill grew, Amy eventually started her studio to tell stories through the beautiful moments she captured on camera and wrote about in her blog posts. As Amy says in the ["About Me" section](#) of the studio's website: "Photography and blogging about my photographs lets me tell stories in ways more powerful than words alone. They let me shine a light on beautiful stories and share that light with others." Thus, Amy's very purpose in operating the studio, as stated in the studio's operating agreement, is to "capture and convey beautiful, pure, and true moments in ways that help us stop, see, and savor the light God has given us."

The studio tells countercultural stories celebrating the sanctity of life and marriage

Because of her religious beliefs about marriage, Amy particularly enjoys capturing beautiful moments of a wedding and sharing those moments with others. Amy has photographed many weddings, posted those photographs on her blog, and written comments celebrating marriage with comments like, "It's been lovely getting to know these two a little better and a joy to be a part of their God-honoring ceremony." In the same way, because of her religious beliefs about life, Amy desires to photograph and post about pro-life pregnancy health clinics so that she can highlight the amazing work and people at these clinics as well as the precious joy of the lives they protect.

Amy's desire to create these photographs and posts has only grown over time as she has seen her generation reject Christianity's vision for the sanctity of life and marriage. To counteract this trend, Amy wants to offer counter-images that celebrate and promote one-man/one-woman marriage, the sanctity of life, and organizations that promote these views. Just as many other photographers create and promote visual images to promote their agendas, Amy hopes that others will see the beautiful, joyful moments of a marriage or the work of pro-life health clinics and be convinced that biblical marriage and life are worth pursuing, protecting, and valuing.

Madison and Wisconsin law compel Amy to take photographs and write words promoting abortion and same-sex marriage

To make clear to prospective customers that she could not promote same-sex weddings through her photography and words, Amy put a statement on her website in 2016 saying she wouldn't photograph same-sex weddings. One of Amy's wedding clients objected and said she wouldn't use Amy because of her beliefs. That, along with news reports of Christians being sued for not promoting same-sex marriage, caused Amy to take down the website statement for fear it might violate the law.

Amy's fears were justified. Madison's law makes it illegal for public accommodations to deny "equal enjoyment" because of someone's sexual orientation or political beliefs or to publish "any communication" that denies facilities or that conveys a person's patronage is "unwelcome, objectionable or unacceptable" because of someone's sexual orientation or political beliefs. Wisconsin's law does the same regarding sexual orientation. While these laws should not affect Amy because she accepts and declines projects based on the message that a project sends and not the status her clients hold, Madison and Wisconsin interpret their laws to compel and restrict Amy just because she objects to expressing messages promoting same-sex marriage and pro-abortion groups. The net result is that Amy (1) must create photographs and blog posts promoting pro-abortion groups and same-sex marriage because she will create photographs and blog posts promoting pro-life groups and opposite-sex marriage and (2) cannot publish a statement on the studio's website explaining her beliefs about abortion or opposite-sex marriage or explaining why the studio cannot create photographs and posts promoting abortion or same-sex marriage.

The penalties for violating these laws are severe. Violate the Madison law, and you can be punished with an injunction, out-of-pocket expenses, economic and noneconomic damages, costs, attorneys' fees, and a civil fine up to \$500. Every day that you do not comply with the Madison law constitutes a separate violation subjecting you to another such fine.

Violate the Wisconsin law, and you can be punished with out-of-pocket expenses, costs, attorneys' fees, cease-and-desist orders, re-education training, revocation of your business license, a fine up to \$1,000 for first-time violators, and a fine of up to \$10,000 for repeat violators. Also, if you violate the state law, anyone can sue you and obtain injunctive relief, damages (including punitive damages), costs, and attorneys' fees.

The lawsuit

Amy can't comply with the law because creating photographs and blog posts promoting pro-abortion organizations and same-sex marriage violate Amy's artistic, religious, and political beliefs and directly contradict her own message celebrating the sanctity of life and opposite-sex marriage. Amy also can't comply with the law because she wants to explain her religious and political beliefs about the sanctity of life and marriage on the studio's website.

Left with no viable option, Amy has stopped accepting all requests for weddings and organizations and refrained from posting a particular statement on the studio's website to avoid violating the law. Simply put, Amy has stopped speaking for fear of violating the law and loses her right to speak every day that she cannot obtain judicial relief.

What's at stake

- The freedom of creative professionals to create and publicize messages they choose without facing unjust punishment at the hands of government.
- Whether the government can compel creative professionals to promote political messages that violate their core beliefs.
- Whether the government can silence creative professionals from expressing political messages with which the government disagrees.