



Create Op Treach

A Publication of

Alliance Defending Freedom

Welcome to Create Freely,

a publication made for you as a Christian creative professional.

Esther and Nehemiah... you’re probably familiar with their stories. Elevated from relative obscurity to positions of influence as a queen and a cupbearer, they each faced an immense challenge: Esther faced the annihilation of the Jews, and Nehemiah faced the destruction of Jerusalem. They both knew that facing these challenges could mean death. But with prayer and fasting, they followed God’s prompting.

And God used them to deliver His people from grave harm, allowing them to continue living their lives in service to Him.

Here at Alliance Defending Freedom (ADF), we provide free assistance to people just like you who desire to live and work according to their faith. We’ve helped florists, cake artists, photographers, promotional printers, and other artists who have declined to create messages that conflict with their faith.

Our clients are like Esther and Nehemiah in many ways. Their art is their calling and their platform. Although they face risks simply for standing up for their faith, through prayer and God’s grace, they have the courage to engage in the fight.

Yet there is much work to be done.

Esther was posed a question before confronting her king: “[W]ho knows whether you have come to the kingdom for such a time as this?” (Esther 4:14)

So, now, we pose this question to you and ask you to prayerfully consider it as you read: “Who knows whether you have been called for such a time as this?”

—The Alliance Defending Freedom Team



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Editors
Kyle Hawkins and
Lorné McCutcheon

Art Director/Photography
Bruce Ellefson

Contributing Writers
James Arnold
Emily Conley
James Gottry
Katie Heller
Sarah Kramer
Jeremy Tedesco



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CreateFreely.org



In the beginning...



Darkness. Void. Blank page. White canvas.
Chapter one.

In the beginning, as the story goes, there was nothing. And then there was something, a lot of somethings. A sky. A morning, an evening. Lions, tigers, and bears. A garden. A man, a woman.

All created.

All made by a God, who before He'd be known as anything, was first known as Creator. Pablo Picasso once said: God was the only artist who didn't have a style. And maybe that's because He loved making all of it, creating everything.

But His best work, His magnum opus, came from the deepest part of Him. Like the reflective image of Rembrandt's self-portrait, He put Himself into us – His creation.

Man, handcrafted from the earth. Woman, sculpted from man's rib.

And the first thing He told them was to do what He did: create. Keep making. Make this world look like Me – full of life, wholeness, radiance, and beauty. Do this all over the earth. It's that important.

As old as time itself, it's a call, inextricably woven within every human being: the call to create.

Though the implications of this are as endless as the created world, this call is particularly and uniquely true for those endowed with artistic sensibilities.

The call to create is both innate and necessary, emanating from somewhere deep within. Jimi Hendrix described songs in his head as needing to come out. C.S. Lewis dreamt of lions while conceiving Narnia. And the poet Rilke challenged his writing protégé,

"In the deepest hour of the night, confess to yourself that you would die if you were forbidden to write. And look deep into your heart where it spreads its roots, the answer, and ask yourself, must I write?"

Must I create? Must you?

If you're reading this, the answer is probably yes. Not simply because you need to sing that song, paint that painting, or take that picture. But more so, because it's who you are, who God's made you to be, how you glorify Him, and the call He's placed deep within you. **CF**



What Does It Mean to Create Freely?

by Emily Conley

At first glance, it looked like an avalanche had just struck the living room: the couch, the coffee table, and the rug were practically buried in white drifts of copy paper.

“I need more paper for drawing, Aunt Emily. Will you go buy some more for me?” My niece looked up expectantly from the center of the disaster zone.

“But I just gave you more...” I sighed, while reaching down to excavate stray crayons before they were ground into the carpet.

“I used it already! See!” She scooped a stack of colorful butterflies, flowers, and ballerinas from the coffee table into my lap.

Every day of my niece’s visit, as long as there was more paper, there was more art. My niece created art with wild abandon. She had no fear of failure, of rejection, or of not being good enough. Her five-year-old self was completely content drawing princesses or horses or cats, without any expectations for what would happen next – exuberant in the act of creating.

Unfortunately, for the rest of us, we can’t go back to being five years old with a limitless supply of copy paper. We feel the pressure of expectations from others or that we put on ourselves, expectations about how our business should be run, or even what we should or shouldn’t create. How can we “create freely” when we’re feeling the pressure to please?

To create freely, we have to be authentic. And that’s not easy. It requires risk and vulnerability. It requires first knowing who we are and our values, and then learning who Christ is and what He values. And making the necessary changes to pursue that. It’s not a pain-free process.

We have to realize that creating freely doesn’t mean saying “yes” to everything and everyone. In fact, although it seems counterintuitive, saying “no” often leads to more freedom. When we say “no” to expectations or requests that don’t line up with who we are and who we’re becoming, we’re free to let go of the “what ifs” and trust that God is working all things for our good.

When our creative work is true to who we are, and who we are is being transformed into the likeness of Jesus, our work becomes a reflection of the Gospel. Our creative work can communicate values, thoughts, and beliefs, challenging others to see the world in a new light – and discover the light of the world.

And that’s what we all want most.

To be authentic and true to who we are, we must be free to choose what messages we do and do not promote, without living in fear of this freedom being taken away. We must recognize the freedoms necessary for creative freedom to flourish, embrace our identity in Christ, and allow it to infiltrate our entire being, including what we create. **CF**

“A man whose life has been transformed by Christ cannot help but have his worldview show through.”

—C.S. Lewis

The Fight for Authenticity

As a creative professional, there are many choices you have to make for your business. You know that there are some projects you just can't say "yes" to. Sometimes it conflicts with your brand, or it's beyond your skill set, or it's a new type of product that you just aren't interested in pursuing. Sometimes it's bigger than that – a conflict with your values or beliefs.

The artists profiled on the following pages all found themselves facing a choice they never anticipated. They were asked to use their gifts to create something that conflicted with their faith.

While there are only a few people profiled within the next pages, creative professionals from all over the U.S. have been contacting us and asking questions about their ability to continue to create freely in a culture that is becoming increasingly hostile toward their Christian beliefs.

These artists and creative professionals aren't much different from you. Read their stories. And ask yourself what you will do when someone tries to take away your freedom to create authentically.



Jack Phillips is more than a baker – he is a “cake artist” in every sense of the term, applying his creativity and skill to every cake he designs in his Colorado bakery, Masterpiece Cake Shop. When two men asked him to make their wedding cake to celebrate their same-sex ceremony, Jack told them he would gladly make them any other type of baked item they wanted, but he could not in good conscience make a cake promoting a same-sex ceremony. The couple purchased the rainbow-themed cake they

“I’m not there just to make a buck. I do what I do because I love doing what I do, and it’s what I believe God has designed me to do.” - Jack Phillips





desired from a nearby baker, but still filed a discrimination complaint against Jack with the Colorado Human Rights Commission.

Not only did the commission find him guilty, but one commissioner expressed her view that Jack's desire to live consistently with his faith was the same reasoning used by slaveholders and Nazis to commit crimes against humanity. Not long afterwards, the same commission ruled that three other Denver bakeries were not guilty of discrimination when they declined an order from a Christian customer who asked for a cake decorated with Bible quotes that expressed his disapproval of same-sex marriage.

When Jack was asked whether he'd considered just backing down and making the cake, he said, "It's not about just making the cake, or the attention, or getting out from under pressure. It's that I don't feel I should participate in their wedding. And when I do a cake, I feel like I am participating in the event the cake is for." ^{CF}



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In 2006, Elaine Huguenin, a wedding photographer in New Mexico, received an email inquiry that changed her life. Elaine kindly declined a request to photograph a same-sex commitment ceremony because she and her husband, Jonathan, couldn't in good conscience use their artistic expression to tell the story of a same-sex ceremony that conflicted with their beliefs regarding marriage. The same-sex couple found another photographer, but nevertheless filed a discrimination complaint against Elaine with the New Mexico Human Rights Commission.

“It’s been a trial, literally and figuratively. It’s been something that has brought us a lot closer to God.”

- Elaine Huguenin





The commission ordered Elaine and Jonathan to pay almost \$7,000 to the women who filed the complaint.

Alliance Defending Freedom took their case without charging a dime for its services, but it was still a long, hard haul. Jonathan and Elaine committed to seeing it through, even after starting a family. Despite the media attention, the Huguenins believe this happened to them for a reason.

“It’s been a trial, literally and figuratively,” Elaine said. “It’s been something that has brought us a lot closer to God.... [T]he fact that we’ve been able to grow through this has been really ... encouraging.”

In 2013, the New Mexico Supreme Court ruled against Jonathan and Elaine. One Justice stated that, as “the price of citizenship,” the Huguenins are “compelled by law to compromise the very religious beliefs that inspire their lives.” In 2014, the United States Supreme Court declined to take their case, allowing the New Mexico court’s ruling to stand. *CF*



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“The passion of what we do at Hands On Originals is to take a person’s message and make it better. We’ll try to make it more creative, so that it’s something people will pull out of the drawer, and actually wear,” Blaine Adamson says of his company, Hands On Originals, a Christian promotional printing business.

“We’ve had to turn down several jobs because of whatever the message may have been, even from customers we may have worked with for years. Because I’ll work with any person, no matter who they are, no matter what their belief systems are, but when they present

“If anything, I would want to stay as far away from [this] as possible.”

- Blaine Adamson



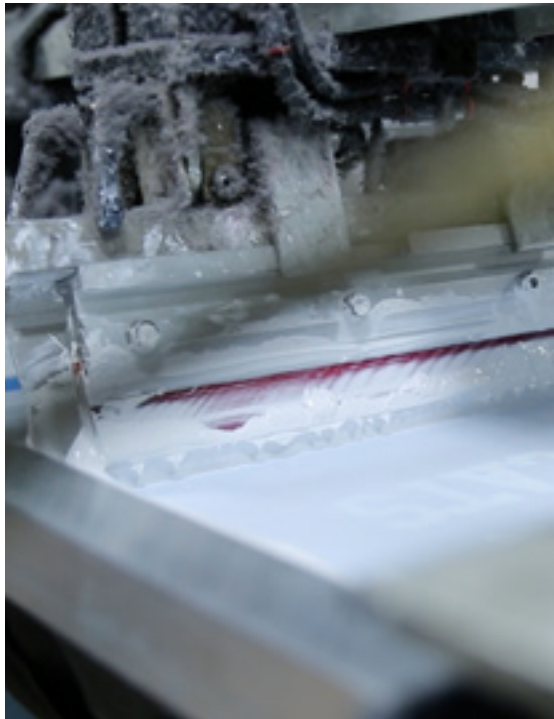


a message that conflicts with my convictions, it’s not something I can print,” he explained.

In 2012, Blaine politely declined an order from the Gay and Lesbian Services Organization (GLSO) for a shirt promoting the group’s upcoming Pride Festival, while offering to connect the organization to another printer who would match his price. Rather than accept his referral, the GLSO filed a discrimination complaint with the local Human Rights Commission, which ordered Blaine to print shirts with messages that conflict with his faith.

“We wrestled with the reality in this, that we may lose our business,” Blaine said. “Why would I, as a business owner, want to bring this on my company? If anything, I would want to stay as far away from that as possible. But there’s a cost – there’s something that calls out to me, that I’ve got to speak truth.”

Alliance Defending Freedom defended Blaine and appealed the commission’s order to the Kentucky trial court. In April 2015, that court ruled in favor of Blaine and his company, affirming their right to decline to promote messages that conflict with their religious beliefs. **CF**



“I’ll work with any person, no matter who they are, no matter what their belief systems are, but when they present a message that conflicts with my convictions, it’s not something I can print.”

Increasingly,

Christians are being told that they must compromise or change their beliefs in order to participate in the marketplace. Though the experiences of Jack, Blaine, or Elaine might seem extreme or isolated, the threat may be closer than you realize.

What About You?

Do you look for excuses to get out of requests to celebrate messages that conflict with your faith because you are afraid of what will happen if people know your beliefs?

Have you supported messages that conflict with your faith because you were afraid of the legal repercussions if you declined?

Are you afraid of the implications that the legalization of same-sex marriage will have for your business?

Have you considered giving up working in the wedding industry because of potential fallout around declining to participate in or celebrate marriages that are not consistent with your faith?

If you've answered "yes" to any of these, our attorneys have developed some practical resources to help you better protect yourself and your business. Check out our "5 Practical Steps" page and see how.

*Have any questions? We want to help!
Call us at 800-835-5233 for FREE legal assistance.*



Practical Steps

Every Creative Professional Can Take to Protect Themselves

While these five steps can help protect your ability to express and promote only those messages that coincide with your faith, it is best to have an attorney review your policies and documents. Call ADF at 800-835-5233 to have an attorney review these FOR FREE.

–1–

Include a statement of faith and religious purpose in your bylaws or corporate policies to provide clear evidence of your religious beliefs

–2–

Adopt a policy statement on company expression that clarifies that your business engages in its own expression through the services it provides

–3–

On your company website, include language that describes the expressive nature of the services your company provides

–4–

Implement a personnel policy that requires employees to review and understand your statement of faith and religious purpose

–5–

Get informed about the public accommodation laws in the state, county, and city where your business is located



Most people, seeing the title of this article, might think: “Shouldn’t it be ‘My Ex-Friend Is Suing Me?’” But Rob Ingersoll will always be my friend. Recent events have complicated — but not changed — that fact for me.

I’ve been a florist in Richland for 30 years. You don’t work that long in a small town without getting to know your customers very well and counting many of them as friends. Rob and I hit it off from the beginning because, like me, he looks at flowers with an artist’s eye. We see not just potential bouquets, but how different combinations and just-right arrangements can bring a special beauty, memories, and even a little humor to someone’s birthday, anniversary — or wedding.

That’s why I always liked bouncing around creative ideas with Rob for special events in his life. He understood the deep joy that comes from precisely capturing and celebrating the spirit of an occasion. For 10 years, we encouraged that artistry in each other.

I knew he was in a relationship with a man, and he knew I was a Christian. But that never clouded the friendship for either of us or threatened our shared creativity — until he asked me to design something special to celebrate his upcoming wedding.



“I’m not ashamed of that, but it was a painful thing to try to explain to someone I care about – one of the hardest things I’ve ever done in my life.” –Barronelle Stutzman



If all he'd asked for were prearranged flowers, I'd gladly have provided them. If the celebration were for his partner's birthday, I'd have been delighted to pour my best into the challenge. But as a Christian, weddings have a particular significance.

Marriage does celebrate two people's love for one another, but its sacred meaning goes far beyond that. Surely without intending to do so, Rob was asking me to choose between my affection for him and my commitment to Christ. As deeply fond as I am of Rob, my relationship with Jesus is everything to me. Without Christ, I can do nothing.

I'm not ashamed of that, but it was a painful thing to try to explain to someone I care about — one of the hardest things I've ever done in my life. But Rob assured me he understood. And I suggested three other nearby florists I knew would do an excellent job for this celebration that meant so much to him. We seemed to part as friends.

But then I was sued.

For artists, creativity is the very core of who we are. Our ability to draw on our deepest beliefs and unique sensibilities enables us to create one-of-a-kind works of art and works of the heart. An artist really can't separate his or her work from the soul. Even if I'd tried to do that for Rob, some part of my heart would not really have been in what I was doing. A man with Rob's artistic eye would have seen that and been disappointed.

I've never questioned Rob and Curt Freed's right to live out their beliefs. And I wouldn't have done anything to keep them from getting married, or even getting flowers. Even setting aside my warm feelings for them, I wouldn't have deliberately taken actions that would mean the end of being able to do the work I love or risk my family's home and savings.

I just couldn't see a way clear in my heart to honor God with the talents He has given me by going against the word He has given us.

This case is not about refusing service on the basis of sexual orientation or dislike for another person who is preciously created in God's image. I sold flowers to Rob for years. I helped him find someone else to design his wedding arrangements. I count him as a friend.

I want to believe that a state as diverse as Washington, with our long commitment to personal and religious freedoms, would be as willing to honor my right to make those kinds of choices as it is to honor Rob's right to make his. That's not endorsing a negative thing, as I've been accused of doing. It's promoting good things: reason, fairness, and mutual tolerance.

I don't think that's too much to ask of a court of law — or from a friend I dearly miss. **CF**

Barronelle Stutzman is the owner of Arlene's Flowers in Richland, WA.

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Who Is ADF as an Organization?

I am not an attorney.

This disqualifies me from offering you legal advice, but it doesn't disqualify me from working at Alliance Defending Freedom. There is a lot of space, even in the legal world, for those of us who are creative professionals.

There's space elsewhere, too. Much like Alliance Defending Freedom is made up of all sorts of folks—from attorneys and legal assistants to video editors to writers to fundraisers to designers—so is society composed of a variety of individuals with differing specialties. Whether your craft is painting, printing, or photographing (or anything else), there is space in society for you.

by James Arnold

ADF has carved out a space in the legal world—we've fought cases up to the U.S. Supreme Court, funded many others, and won a majority of them. We've worked hard to earn credibility. This means more than just "being good lawyers," since credibility is more than just success in the court room. It entails meaningful advocacy. Not only are our attorneys good at what they do, they are skilled at communicating in the cultural space.

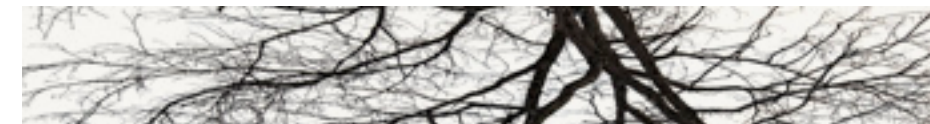
Our mission statement is about preserving religious freedom: We are here to "keep the doors open for the Gospel by advocating for religious liberty, the sanctity of life, and marriage and the family." We keep the doors open for the Gospel primarily through legal channels, which includes today, more so than ever before, protecting creative professionals from legal repercussions when they seek to live out their faith in their businesses.

You've worked hard to open up space for your own creative pursuits. We want to help protect your right to continue being creative. We're not in this for ourselves. We're in this to keep the doors open—to keep your doors open.

ADF Overview:

Launched in 1994 | 3000+ allied attorneys | 200+ allied organizations
\$43m+ in case funding | 233 ADF team members

Sometimes Later Is Too Late



From floral artists to cake artists, photographers to t-shirt designers, Christian creative professionals across the country are being told that their beliefs have no place in their businesses. If you are involved in virtually any expressive business, you risk facing punishment for your faith, unless you agree to leave your convictions at the door. One judge recently called this censorship the "price of citizenship."

If you are reading this article and have not yet been targeted for your beliefs, there are two things you should know. First, the day is coming when you may be forced to choose between your faith and your livelihood. Second, the best time to take a stand may be right now. Here are three reasons why:

- Though attacks against people of faith have grown in recent years, society as a whole continues to recognize that it's unjust when a citizen is punished for living out their faith. While a vocal minority—aided by the media—calls for less freedom to live out your faith in America, many of your fellow citizens remain supportive of your First Amendment rights.
- By taking the offensive, you can avoid going before a "Human Rights Commission," which are notoriously unfavorable venues for religious freedom cases, as Jack Phillips experienced. Moreover, challenging a law that directly threatens your rights before it has been enforced against you allows you to avoid the often severe civil or criminal penalties you would face if you waited and were prosecuted under the law.
- A victory can help all Christian creative professionals across the country, and Christian institutions and churches as well.

You can make a difference. Are you willing to stand for the ability to create freely for generations to come?



Here's what you can do.

A pre-enforcement lawsuit is exactly what it sounds like—a lawsuit filed before a law is actually enforced. These suits are based on a simple and logical principle: if a law exists that threatens your First Amendment rights, you should be able to challenge the law without first being subjected to prosecution.

Courts often allow pre-enforcement challenges when there is a high risk that the law will be enforced in ways that would violate a person's constitutional rights.

This often occurs when a law restricts free speech and people stop speaking to avoid penalties. This is known as a “chilling effect.”

Now, and due to the growing attacks on people of faith in recent years, Christians have the opportunity to use this legal mechanism to validate the First Amendment rights of all citizens to create freely.

Pre-enforcement lawsuits are an important tool to protect your God-given rights.

Not only are pre-enforcement lawsuits permissible, but in many instances they are ***absolutely vital*** to the preservation of First Amendment rights—not just for the person bringing the lawsuit—but also for the countless others affected by the law.



Here's why.

Imagine a law is passed that unconstitutionally restricts your First Amendment rights. Also, imagine that violating this law will result in large penalties to your business, to your private assets, or both. It is not hard to imagine that a person in that situation would be reluctant to exercise their rights for fear of being penalized.

This is the “chilling effect” mentioned previously. Pre-enforcement lawsuits exist to prevent precisely this effect.

You won't stand alone.

The prospect of bringing a lawsuit can be intimidating. You may have questions about how much attorneys cost or the time commitment involved. While these are real concerns, ADF is dedicated to alleviating much of these burdens.

First, as a donor-based ministry that exists to protect your religious freedom, we don't charge our clients a single cent for our attorneys' time. Faithful members of the body of Christ give sacrificially to ADF so that we can serve you.

Regarding your time, ADF is extremely sensitive to the pressures and obligations you face as a creative professional. We are also experienced in handling these types of cases. As a result, while your attendance at hearings or other litigation-related events may be necessary, we are able to keep your investment of time to a minimum.

“I therefore, a prisoner for the Lord, urge you to walk in a manner worthy of the calling to which you have been called.” - Ephesians 4:1

Why Should You Take This Bold Stand?

A common theme I hear from creative professionals is that they love the freedoms that come with running their own business: the freedom to take on the projects they want, the freedom to decline the projects they don't want, the freedom to be their own boss, and the freedom to use their artistic talents in a way that honors God.

However, as our culture grows more hostile to biblical teachings, especially on marriage and sexual morality, I've seen these very freedoms come under attack. Right now, Christian creative professionals across the country are being compelled to create expression that celebrates and condones conceptions of marriage that are contrary to God's design.

Business owners like Jack Phillips, Barronelle Stutzman, and Blaine Adamson have all been targets of lawsuits that demand that they use their businesses and artistic talents to create or promote messages contrary to their Christian faith. Because they are "on defense," i.e., they were sued and are defending against allegations that they violated the law, they face the prospect of having significant penalties imposed on them if they lose.

But as this publication discussed on previous pages, filing a pre-enforcement challenge can put Christian creative professionals in the best position to avoid the penalties our other clients face and place the government on the defensive. We hope to win cases that will help Christians across the country honor God with their businesses without fear of government coercion or punishment.

Why should you take this bold stand?

Because we are witnessing an unprecedented attack on religious freedom in this country and, like it or not, Christian creative professionals are on the front lines. Same-sex marriage proponents have aggressively sued Christian business owners who simply want to remain faithful to their religious convictions about marriage. Their goal is to either force Christians to promote messages about marriage that violate their beliefs or to force them out of business. Taking a "wait-and-see" approach will only delay the inevitable—a lawsuit against you. But if you step forward now, in faith, and proactively defend your rights, you could make a huge difference for yourself and for Christian business owners across the country.

We're looking for all types of creative professionals such as photographers, videographers, wedding planners, graphic and web designers, marketing professionals, printers, painters, singers, and musicians who are willing to boldly and courageously defend their constitutional rights. It would be my privilege to talk with you about your business and how you can be a part of the mission to reclaim the freedom to live your faith through your work. CF

by Jeremy Tedesco
ADF attorney





Jeremy Tedesco

The ADF attorney leading the initiative to defend your rights as a creative professional

My faith is the source of everything I do. It inspired me to enter law school and influenced me to search for a job where I could apply my legal skills to protect Christians' rights to freely exercise their faith. As an attorney at ADF, it has been my joy and privilege to represent people like Pastor Clyde Reed at the U.S. Supreme Court in the *Reed v. Town of Gilbert* case, where we won a 9-0 victory that benefits free speech all over the nation. I am currently representing Barronelle Stutzman, a florist, and Jack Phillips, a cake artist. I have learned first-hand how they put their heart and soul into everything they create, which is why they can't use their God-given abilities to promote something that is contrary to their faith. As a result of these experiences, it has become my goal to secure the right to create freely for all creative professionals.

Meet the Team



Jonathan Scruggs

From a young age, I wanted to be an attorney. I've always enjoyed engaging in big ideas like justice and morality and explaining them in persuasive ways. I hope to help creative professionals by educating them about their legal options so that they can pursue their creative visions in a way consistent with their faith.



Caleb Dalton

My childhood dream was to become an army ranger, but God had other plans. As an attorney, my faith in God and my clients' grace and courage to stand up for truth encourages me each day. At the heart of every creative professional is the desire to share beauty with others. I thoroughly enjoy serving them and preserving their right to freely create art that reflects their faith.



Samuel Green

At around the age of nine, I set my sights on becoming an attorney. While the work can be daunting at times, I am motivated and encouraged through my faith and hope in Jesus. Although culture often demands that creative people choose between their faith and their art, I work to ensure that they don't have to make that choice.



Katherine Anderson

Practicing law lets me serve clients from all walks of life. It is my joy to journey with them during challenging times. I desire to live out my love for the Lord in all my work – my faith is at the core of everything I do. As an attorney, I hope to provide the support that will allow creative professionals to freely use their God-given talents.



Matt Sharp

Inspired by a sermon my father gave when I was young, I became an attorney to fight for the freedom of every Christian. Creative professionals shouldn't have to worry about whether they will be targeted for trying to operate their business in line with their Christian faith. I hope to help them take steps to protect their business and defend their constitutional right to decide how they run it.

CreateFreely.org

