

The *Chris Herring* Case

Case Name: *Chris Herring Photography LLC v. Herring*

Case Action: Filed in federal court on June 30, 2020.

Significance: Whether artists are free to choose the messages they promote.



Background:

Chris Herring is a Virginia-based photographer, blogger, and the owner of Chris Herring Photography LLC. Chris has a passion to capture beautiful moments through adventure photography – depicting the diversity of people and lands across the world – and wedding photography – celebrating new marriages. As a Christian, Chris does not create photographs or blogs that contradict his beliefs, such as photographs excusing environmental harm, promoting drug tourism, or celebrating any marriage not between one man and one woman. But Virginia recently passed a new law, the so-called Virginia Values Act, that forces Chris to create photographs and blogs celebrating same-sex marriage or stop his wedding business altogether. The law also forbids Chris from publicly explaining on his studio’s own website his religious reasons for only creating artwork consistent with his beliefs about marriage. And the law threatens Chris with court orders forcing him to create artwork contrary to his faith, damages, attorneys’ fees, fines up to \$50,000 initially and \$100,000 per additional violation. All together, these penalties could easily bankrupt Chris. To avoid this result, Chris chose to challenge the law to ensure he could continue to operate his business consistent with his faith.

Key Points

- Chris works with all people, he just cannot promote all messages.
- Chris’s photography is broader than just weddings—he also offers “adventure photography” packages for travel agencies, tourism boards, coffee companies and more.
- Artists shouldn’t be censored, fined, or forced out of business simply for disagreeing with the government’s preferred views.

Key Facts

- The government must protect photographers’ freedom to choose which messages to express through their own projects.
- The Constitution and the Supreme Court have made clear—as recently as two years ago in *Masterpiece Cakeshop*—that the government cannot treat some people worse than others based on religion. It’s clear that’s what is happening here.
- Americans have the right to challenge unjust laws.

Should the government have the power to punish...

...an LGBT filmmaker for not creating a film against same-sex marriage for a church?

...an Atheist singer for not singing at a church’s Easter service?

...a Muslim print shop owner for not designing a Jewish synagogue’s flyer criticizing Islam?

...a democratic speech writer for not creating campaign speeches for Republican politicians?

The Bottom Line: Artists should be free to choose the messages they promote.