



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

CLARE E. CONNORS
ATTORNEY GENERAL

For Immediate Release
July 2, 2021

News Release 2021-46

Hawaii Attorney General Connors Joins a Coalition of 21 Attorneys General in Defending Constitutionality of New York's Anti-Discrimination Law

HONOLULU – Attorney General Clare E. Connors today joined a coalition of 21 attorneys general in filing an amicus brief in support of the constitutionality of New York's anti-discrimination law. The brief was filed with the United States District Court for the Western District of New York in the case of *Emilee Carpenter, LLC v. James*. The case was brought by a photography business refusing to offer its services to same-sex couples. Specifically, the plaintiffs, Emilee Carpenter and her business Emilee Carpenter LLC, are seeking to post an online notice stating that their services are not for LGBTQ+ couples. Plaintiffs claim New York's anti-discrimination law violates their First Amendment rights to freedom of speech and exercise of religion. Today's brief supports New York's motion to dismiss the lawsuit and its opposition of the plaintiffs' request for a preliminary injunction.

"The First Amendment does not provide commercial businesses with an exemption from state public accommodations laws," said Attorney General Connors. "Every person has the right to be free of unlawful discrimination when seeking out goods and services."

In the brief, the attorneys general argue that states across the country have enacted laws to prohibit discrimination against LGBTQ+ people in places of public accommodation to prevent severe economic, personal, and social harm. Discrimination by places of public accommodation "denies equal access to important goods and services and, by segregating the market, has a well-established 'substantial and harmful effect' on the economy."

According to the brief, a majority of Americans – 189 million – now live in communities that expressly prohibit places of public accommodation from discriminating on the basis of sexual orientation. Twenty-two states, including Hawaii and the District of Columbia, have such laws. The brief further argues that prejudice "on account of sexual orientation 'has severely limited or actually prevented access to employment, housing and other basic necessities of life, leading to deprivation and suffering' and fostered a general climate of hostility and distrust, leading in some instances to physical violence." The

Page 2

brief points out that the Supreme Court has long held that discrimination in public accommodations is a “unique evil.”

The attorneys general argue that the First Amendment does not allow a business to exclude customers in violation of anti-discrimination laws. It also does not protect the speech in advertisements that give notice that places of public accommodations will refuse service on the basis of a protected characteristic.

Finally, the attorneys general call on the Court to follow the Supreme Court’s instruction to ensure that LGBTQ+ individuals are not subjected to “indignities when they seek goods and services in an open market.”

Joining AG Healey in filing the amicus are AG Connors and the attorneys general of California, Connecticut, Delaware, the District of Columbia, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

A copy of the brief is available [here](#).

#####

Gary H. Yamashiroya
Special Assistant to the Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813