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Statement of Gloria Allred

We are here today to react to the U.S. Supreme Court decision last week (303 Creative vs. Elenis) which has had a devastating impact on the rights of the LGBTQ+ community by opening the door to discrimination against them by businesses.

David Engel, who is here with me today, is particularly upset by this decision, because almost thirty years ago we won what was then a landmark decision by the California Court of Appeals against a publisher who had argued that his business, Worthington Reunion Photographers, had a right to deny Mr. Engel publication of the photo of Mr. Engel and his same sex life partner in the portrait section of Mr. Engel's high school reunion memory book.

David had been invited to the reunion of the University High School Class of 1977 and he was told that a memory book would be available. David was excited to attend his high school reunion and he submitted payment for himself and a guest to attend and to purchase the book.

During the evening of his reunion, David and his guest stood in line to have their photo taken for inclusion in the portrait section of the memory book.

Couples who were not same sex couples were having their photo taken for that section of the book.

However, David was told by the photographer that company policy disallowed same gender pictures of couples to appear in the portrait section of the book. The photographer suggested that David telephone Mr. Worthington if he was not satisfied.

David did call Mr. Worthington, and Mr. Worthington testified, "When the call came, I was very much aware that he was of the homosexual community, and

he made a demand at that time, at least I interpreted it as a demand, that his picture and his life mate be included in that book, and I said, 'I'm extremely sorry, but there's not the (sic) way it's going to happen 'that' it is my company and I don't choose to use that format in the publication of my books.'" [California Court of Appeals Decision 1993 Engel vs. Worthington Photographers]

Although the trial court decided in favor of Mr. Worthington, the California Court of Appeals reversed and decided that Worthington Reunion Photographers was a business establishment and that David Engel had been discriminated against in violation of California's Unruh Civil Rights Act.

We were extremely happy about the Court's protection for David and same sex couples. Then last week, the United States Supreme Court delivered a crushing blow to the rights of David and countless others throughout the nation. The question now is what, if anything, can be done to right this terrible wrong and restore whatever protection can be restored for this often persecuted minority of individuals in the LGBTQ+ community and for other minorities as well.

I believe that it is necessary for the legislature in California and in many other states to take action to pass legislation which will clarify the kind of protection from discrimination that is still available under state laws. The U.S. Supreme Court decision does not wipe out all laws which prohibit discrimination, but it does limit and restrict the protection that is available. I always say, "First we cry, then we fight."

Today is my 82nd birthday and I promise to spend the rest of my life fighting to protect vulnerable minorities and women from the stigma of second-class citizenship and denial of equal rights under the law.

Gloria Allred
Representing David Engel
July 3, 2023

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<https://www.latimes.com/archives/la-xpm-1987-09-01-me-5245-story.html>