

# Nation

## SUPREME COURT

# Lawyer: Justices know designer rejects messages, not classes

By ALEX SWOYER  
THE WASHINGTON TIMES

A lawyer for a Colorado graphic web designer says some Supreme Court justices appeared to understand that her client doesn't discriminate against classes of people, only messages that oppose her Christian faith.

Kristen Waggoner, an attorney for the conservative Christian legal advocacy group Alliance Defending Freedom, argued for Lorie Smith before the Supreme Court this month in challenging Colorado's public accommodations law, which the web designer says violates her free speech rights.

Ms. Smith, owner of 303 Creative, has refused to design websites for same-sex weddings.

"Lorie bases her decisions on what the message is she is asked to create and not who the person is and we heard some of the

justices echo that as well," Ms. Waggoner said in an interview with The Washington Times. "Colorado has relentlessly pursued Lorie and others who share her beliefs, and we are looking forward to free speech being vindicated for everyone."

Ms. Smith has been caught up in the courts battling the law since 2016 as she has tried to get into the wedding website design business.

"This has certainly been a long journey. It's been over six years now and I have always remained hopeful and as we walked out of the court after oral arguments, I remain hopeful," Ms. Smith said in an interview with The Times. "I am looking forward to the court protecting everyone's right to speak freely."

At issue is Colorado's public accommodations law, which bans businesses from treating people differently based on their sex, sexual

orientation, race, disability, marital status or national origin.

The state of Colorado argued in its court filing that its public accommodation law is necessary to ensure all state residents can participate equally in the marketplace.

Colorado Solicitor General Eric Olson told the justices that the law only incidentally affects expression, saying that if the high court were to side with Ms. Smith, it would be giving businesses a "license to discriminate."

"What this company seeks ... is a total permission to turn away every same-sex couple," Mr. Olson told the justices. "It is status-based discrimination they seek from this court."

The justices spent hours in oral arguments grappling with how to balance free speech against LGBTQ rights. They struggled particularly with where to draw the line between an individual who offers services and

an artist who produces custom works of expression.

"How do you characterize website designers? Are they more like the restaurants and the jewelers and the tailors, or are they more like, you know, the publishing houses and the other free speech analogs?" Justice Brett M. Kavanaugh asked.

The lengthy debate included interesting hypotheticals about the impact of ruling in Ms. Smith's favor.

Justice Ketanji Brown Jackson asked if a photographer wanting to recreate a 1940s Santa theme could only photograph White kids with Santa. That prompted Justice Samuel A. Alito Jr. to ask if a Black Santa would be forced to take photographs with someone dressed in a Ku Klux Klan outfit.

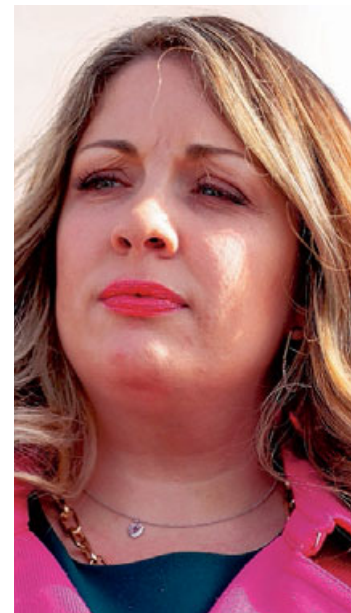
"The justices are naturally testing the limits," Ms. Waggoner told The Times. "Free speech is for everyone."

A ruling is expected by the end of June. The case is 303 Creative LLC v. Elenis.

It's not the first time Colorado's law has come under scrutiny from the high court. Four years ago, the Supreme Court heard a case after Colorado's civil rights commission penalized Jack Phillips, a baker, for declining to bake a wedding ceremony cake specifically for a same-sex couple.

The commission said Mr. Phillips was refusing a service, which violated Colorado's public accommodation law. Mr. Phillips argued that his cakes were First Amendment speech and that forcing him to create one for a same-sex wedding violated his rights.

The Supreme Court ruled that the commission showed undue animosity toward Mr. Phillips and sent the case back to be reheard, but the justices shied away from a big ruling on constitutional principles.



Website designer Lorie Smith's lawyer says Supreme Court justices know that she doesn't reject classes of people, only messages opposing her faith.

## TRAVEL PICKS UP AHEAD OF STORM, HOLIDAYS

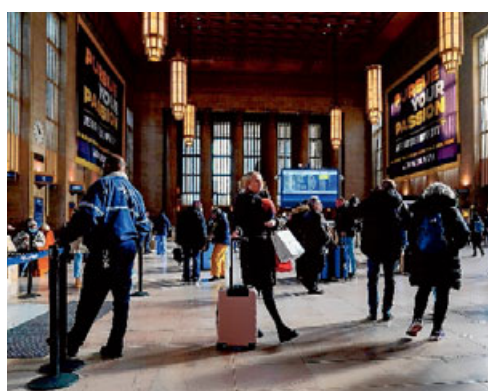


ASSOCIATED PRESS PHOTOGRAPHS

Travelers wait to go through security Wednesday at Minneapolis St. Paul Airport, where flight delays due to snow and wind gusts were possible.



Travelers walk in New York's LaGuardia Airport. Bad weather led to airlines waiving change fees.



Train-goers wait at 30th Street Station in Philadelphia. Amtrak canceled service in three U.S. cities.

## FOOD

# New label law putting sesame in more foods

## Allergen list add has unintended effect

By JONEL ALECCIA  
ASSOCIATED PRESS

A new federal law requiring that sesame be listed as an allergen on food labels is having unintended consequences — increasing the number of products with the ingredient.

Food industry experts said the requirements are so stringent that many manufacturers, especially bakers, find it simpler and less expensive to add sesame to a product — and to label it — than to try to keep it away from other foods or equipment with sesame.

As a result, several companies — including national restaurant chains like Olive Garden, Wendy's and Chick-fil-A and bread makers that stock grocery shelves and serve schools — are adding sesame to products that didn't have it before.

While the practice is legal, consumers and advocates say it violates the spirit of the law aimed at making foods safer for people with allergies.

"It was really exciting as a policy advocate and a mom to get these labels," said Naomi Seiler, a

consultant with the Asthma and Allergy Foundation of America whose 9-year-old daughter, Zoe, is allergic to sesame. "Instead, companies are intentionally adding the allergen to food."

The new law, which goes into effect Jan. 1, requires that all foods made and sold in the U.S. must be labeled if they contain sesame, which is now the nation's ninth major allergen. Sesame can be found in obvious places, like sesame seeds on hamburger buns.

But it is also an ingredient in many foods from protein bars to ice cream, added to sauces, dips and salad dressings and hidden in spices and flavorings.

Advocates for families coping with allergies lobbied for years to have sesame added to the list of major allergens. Congress in 2004 created labeling requirements for eight: milk, eggs, fish, shellfish, tree nuts, peanuts, wheat and soybeans.

More than 1.6 million people in the U.S. are allergic to sesame, some so severe that they need injections of epinephrine, a drug used to treat life-threatening reactions.

## CALIFORNIA

# Quake leaves tens of thousands in the dark

## Damage minor despite strong tremors

By ADAM BEAM AND JOHN ANTCAK  
ASSOCIATED PRESS

**RIO DELL, CALIF.** | Tens of thousands of homes and businesses along the Northern California coast remained without power as of Tuesday evening, nearly a day after a powerful earthquake jolted people awake and shook homes off foundations, injuring at least 12 and leaving many without water.

The magnitude-6.4 earthquake occurred at 2:34 a.m. near Ferndale, a small community about 210 miles northwest of San Francisco and close to the Pacific coast. The epicenter was just offshore at a depth of about 10 miles. Numerous aftershocks followed.

Pacific Gas & Electric had restored power to about 40,000 customers — more than half of the original 72,000 that had been affected — by late Tuesday.

The utility said it expected electricity to be fully restored within 24 hours. Residents in the area known for its redwood forests, scenic mountains and the three-county Emerald Triangle's legendary marijuana crop are

accustomed to earthquakes. But many said this was more violent and unnerving than the usual rolling motion they experience.

"You could see the floor and walls shaking," said Araceli Huerta, who was still rattled some 10 hours later. "It sounded like a freight train was going through my house."

Damage to buildings and infrastructure was still being assessed. Two Humboldt County hospitals lost power and were running on generators, but the scale of the damage appeared minimal given the strength of the quake, according to Brian Ferguson, a spokesperson for the California Governor's Office of Emergency Services.

Gov. Gavin Newsom proclaimed a state of emergency for Humboldt County on Tuesday evening.

About 12 people were reported as suffering injuries, including a broken hip and head wound, the Humboldt County Sheriff's Office said at a news conference interrupted by a jarring aftershock.

Two people died — an

83-year-old and a 72-year-old — because they couldn't get timely care for "medical emergencies" during or just after the quake.

Damage was mostly focused on the small communities of Rio Dell, Ferndale and Fortuna, Emergency Services Director Mark Ghilarducci said at a news conference in Sacramento.

In Rio Dell, a hamlet of about 3,000 people where destruction was worst, at least 15 homes were severely damaged and deemed uninhabitable and 18 others were moderately damaged, officials said after a partial assessment. They estimated that 30 people were displaced and said that number could rise to 150 after a full tally of damage.

The city's water system was shut down for repairs for as long as two days because of leaks. Portable toilets were set up at City Hall and water was being handed out at the firehouse.

A bridge over the Eel River built in 1911 that is the main route into Ferndale was damaged and closed to traffic, requiring a longer detour through the mountains to reach the quaint Victorian town, where all of Main Street is on the National Register of Historic Places.

The earthquake came just days after a small, magnitude-3.6 earthquake struck the San Francisco Bay Area, waking up thousands of people before 4 a.m. Saturday and causing minor damage.

## MICHIGAN

# Atmospheric carbon may raise lakes' acidity

## Chemical shift could affect fish, plants

By JOHN FLESHER  
ASSOCIATED PRESS

**TRAVERSE CITY** | The Great Lakes have endured a lot the past century, from supersized algae blooms to invasive mussels and bloodsucking sea lamprey that nearly wiped out fish populations. Now, another danger: They — and other big lakes around the world — might be getting more acidic, which could make them less hospitable for some fish and plants.

Scientists are building a sensor network to spot Lake Huron water chemistry trends. It's a first step toward a hoped-for system that would track carbon dioxide and pH in all five Great Lakes over multiple years, said project co-leader Reagan Errera of the National Oceanic and Atmospheric Administration.

"If you change things chemically, you're going to change how things behave and work and that includes the food web," said Ms. Errera, a research ecologist with NOAA's Great Lakes Environmental Research Laboratory in Ann Arbor, Michigan.

"Does that mean your favorite fish might not be around anymore? We don't know that, but we know things will change. Maybe where and when they spawn, where they're located, what they eat."

Oceans are becoming more acidic as they absorb carbon dioxide that human activity pumps into the atmosphere — the primary cause of climate change. Acidification endangers coral reefs and other marine life.

Studies based on computer models suggest the same thing may be happening in big freshwater systems. But few programs are conducting long-term monitoring to find out — or to investigate the ecological ripple effects.

"This doesn't mean the waters are going to be unsafe to swim in. It's not like we're making super acid battery liquid," said Galen McKinley, a Columbia University environmental sciences professor. "We're talking about long-term change in the environment that to humans would be imperceptible."

A 2018 study of four German reservoirs found their pH levels

had declined — moving closer to acidity — three times as fast in 35 years than in oceans since the Industrial Revolution.

Researchers say Great Lakes could also approach acidity around the same rate as in oceans by 2100. Data from the Lake Huron project will help determine if they're right.

Two sensors have been attached to a floating weather buoy at Thunder Bay National Marine Sanctuary near Alpena, Michigan. One measures carbon dioxide pressure in the water column and the other pH. In addition, crews are collecting water samples at varying depths within the 4,300-square-mile area for chemical analysis.

Besides disrupting aquatic life and habitat, acidification could deteriorate hundreds of wooden shipwrecks believed resting on the bottom, said Stephanie Gandulla, the sanctuary's resource protection coordinator and a study co-leader.

Other monitoring stations and sampling sites are planned, Ms. Errera said. The goal is to take baseline measurements, then see how they change over time.

Data is also needed from lakes Erie, Michigan, Ontario and Superior, she said. All are part of the world's largest surface freshwater system but have distinct characteristics, including water chemistry, nutrients and other conditions needed for healthy biological communities.