



## License to Discriminate

SJR 10 - Campbell  
HRJ 55 – Villalba

In 1999 the Texas Legislature passed Senate Bill 138, which allows a person to bring a claim in court to disregard laws that limit their ability to practice their religion freely. SB 138 was a carefully considered and drafted law that passed with bipartisan support and with the support of diverse stakeholders. The proposed legislation would supersede those existing protections and create an exception that would allow individuals and religious institutions to disregard laws based on religious belief. Existing exemptions to protect municipal regulations on zoning and traffic flow, time limits to bring action under the provision, exemptions for civil rights legislation and protections for the tax-exempt status of religious institutions would be removed.

### Facts:

- The existing religious liberty protections were passed with the support of the Texas Baptists Christian Life Commission, Baylor University, Liberty Legal Institute, the Texas Historical Commission, The Texas Catholic Conference and the ACLU among others<sup>1</sup>.
- The existing religious liberty protections would be superseded by the proposed legislation<sup>2</sup>.
- Lax oversight of religious institutions can lead to public health and safety hazards such as the recent collapse of a Buddhist Temple<sup>3</sup> or the recent pool of blood found surrounding a halal butcher<sup>4</sup>.
- Arizona's conservative Republican Governor, Jan Brewer, vetoed similar legislation due to pressure from the business community who were concerned it would negatively affect their ability to attract new business to the state<sup>5</sup>.

### How to talk about this

- Nothing is more vital to Americans than the protection of religious liberty – that's why it's the first thing in the Bill of Rights and is protected by Texas Constitution and statute.
- Texas led the nation in protecting religious liberty when it passed our existing protections in 1999, which have been a model for other states.
- Passing new regulations on religion that allow one narrow religious interpretation to be imposed on the public would damage the freedom that all Texans currently enjoy to practice their faith in public and at home.
- Businesses seeking to form in or relocate to Texas are looking for an environment that will embrace and celebrate their diverse workforce. As we saw in Arizona, where Gov. Brewer vetoed similar legislation, businesses fear these new laws create an unstable business environment. If Texas is to continue to be an economic powerhouse we must maintain a stable environment that doesn't elevate one narrow religious interpretation over the ability of business to flourish.
- A law that conflicts with personal religious belief, no matter how deeply held, is not a violation of religious liberty.
- The argument that religious liberty should allow a person to deny service at a place of public accommodation is not new. It was used in the 1960's by businesses wishing to ignore the civil rights act. As Judge Simmons wrote in *Newman v. Piggy Park* (a suit against a Barbeque restaurant seeking to deny service to African-Americans based on the owners belief that races should not mix socially). "Undoubtedly [the defendant] has a constitutional right to espouse the religious beliefs of his own choosing, however, he does not have the absolute right to exercise and practice such beliefs in utter disregard of the clear constitutional rights of other citizens<sup>6</sup>."

<sup>1</sup> "Witness List." *Texas Legislature Online*. Texas Legislature, 25 Feb. 1999. Web. 14 Nov. 2014. <<http://www.legis.state.tx.us/tlodocs/76R/witlistmtg/html/C5701999022512301.HTM>>.

<sup>2</sup> "CIVIL PRACTICE AND REMEDIES CODE CHAPTER 110.009." *Texas Legislature Online*. 30 Aug. 1999. Web. 14 Nov. 2014. <<http://www.statutes.legis.state.tx.us/Docs/CP/html/CP.110.htm#110.009>>.

<sup>3</sup> Caserta, Gianna. "Portion of Southwest Houston Buddhist Temple Collapses." *Click2Houston*. KPRC - Houston, 30 Oct. 2014. Web. 11 Dec. 2014. <<http://www.click2houston.com/news/portion-of-southwest-houston-buddhist-temple-collapses/29425656>>.

<sup>4</sup> Christian, Carol. "Houston Slaughterhouse Sued over Blood Discharge, Other Violations." *Houston Chronicle*. Houston Chronicle, 25 Nov. 2014. Web. 11 Dec. 2014. <<http://www.chron.com/houston/article/Houston-slaughterhouse-sued-over-allegedly-5916773.php>>.

<sup>5</sup> Shoichet, Catherine, and Halimah Abdullah. "Arizona Gov. Jan Brewer Vetoes Controversial Anti-gay Bill, SB 1062." *CNN*. Cable News Network, 26 Feb. 2014. Web. 11 Dec. 2014. <<http://www.cnn.com/2014/02/26/politics/arizona-brewer-bill/>>.

<sup>6</sup> *Newman v. Piggy Park Enterprises Inc.* United States District Court D. South Carolina, Columbia Division. 28 July 1966. Print.