

Legislative Priority:

Religious Liberties & 1st Amendment Rights

chosen by the State Republican Executive Committee

Priority resolution language:

Protect the citizens of Texas from unlawful encroachments on their First Amendment rights, including Constitutional religious liberty and freedom of speech, and as specified in RPT Platform plank 153.

Plank 153

That legislation at the state and federal level be passed that concretely defines public accommodations as originally defined and understood in the Civil Rights Act of 1964, that it prohibit any expansion of that legal definition by any federal, state or local law to expand government control to restrict any First Amendment rights; and to proscribe any law that requires any private business or individual to create or provide a custom product or service, or any kind of expressive work, or enter into a contract, or be coerced into any speech that is not their own.

Delegate vote at convention: Yes: 7827.48 No: 538.86 (93.56% approval rate)

Background

- This is one of 3 priorities added by the SREC after the delegates' priorities were established at convention.
- The language of this priority is very broad.
- The Legislative Affairs Committee has identified two remaining areas that will enact this priority in its entirety.
 1. Privacy Act (similar to 85(R)'s SB 6)
 1. First Amendment Defense Act (FADA) (similar to 85(R)'s HB 1923)

Those two areas will be addressed separately below.

PRIVACY ACT - also a Special Session call item

Platform language:

Plank 87: We urge the enactment of legislation addressing individuals' use of bathrooms, showers and locker rooms that correspond with their biologically determined sex.

Delegate vote at convention: Yes: 7,623.31 No: 856.4 (89.90% approval rate)

Platform Breakdown:

- Platform language is open-ended.
- The issue is important, and Republicans want some action to be taken.
- This is about more than bathrooms. It is just as much about privacy in public showers and locker rooms (e.g., showers in public schools).
- Do not require that a private business or individual create or provide a custom product or service.

Background:

- This plank is a reaction to Houston's HERO ordinance in 2015 and a FWISD transgender bathroom policy in 2016. Both were rescinded due to citizen response.
- Previous legislation is a response to Obama threatening to pull school districts' funding if they required students to use bathrooms corresponding to their biologically determined sex.
- Some previous legislation included language affirming that governments (including local governments) are prohibited from telling private entities what to do regarding these areas.

FIRST AMENDMENT DEFENSE ACT (FADA)

What:

A governmental entity may not take any adverse action against any person who acts on the sincerely held religious belief or moral conviction that marriage is or should be recognized as the union of one man and one woman or that sexual relationships are properly reserved to marriage.

Examples - FADA is designed to offer protection to people in situations such as these:

- The County Clerk of Hood County, Katie Lang, was sued after she chose to have another government official issue a same sex marriage license. The same sex couple received the marriage license but still pressed legal action against her.
- Catholic Dallas County Justice of the Peace, Bill Metzger, has been pressured to resign because his Catholic faith tells him that marriage is between one man and one woman, and he chooses to follow this belief at work.
- In East Texas, a woman named Edie Derlome owns Kern's Bakery and has a belief that marriage is between a man and a woman. When that information became public, her son received threats of being violated and that the family's home would be burned down.
- Catholic nuns of the Little Sisters of the Poor recently had to go all the way to the U. S. Supreme Court when federal government chose to punish them for following their religious beliefs while serving the impoverished.
- Bed and breakfast owner and operator in the Texas Hill Country Angela Smith stated that she has been fearful to advertise that her business is open to host weddings because someone may use the government to punish her for her belief that marriage is between one man and one woman.