

# Same-sex marriage and clergy rights dominate discussion of House bill

April 23, 2015

AUSTIN—The degree to which clergy and congregations might need protection from being compelled to participate in same-sex marriage ceremonies dominated discussion as the Texas House State Affairs Committee heard several hours of testimony on a bill proponents label the “pastor protection bill” and opponents dub the “religious refusal bill” or “license to discriminate bill.”

[HB 3567](#), Rep. Scott Sanford introduced by Rep. Scott Sanford, R-McKinney, relates to the rights of religious organizations and their employees with regard to involvement in a marriage ceremony that violates their beliefs.

In addition to serving as a state legislator, Sanford also is executive pastor of [Cottonwood Creek Baptist Church in Allen](#), formerly First Baptist Church in Fairview, a congregation dually aligned with the Baptist General Convention of Texas and the Southern Baptists of Texas Convention.

As filed, the bill says: “A religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister may not be required to solemnize any marriage, provide services, accommodations, facilities, goods or privileges for a purpose related to the solemnization, formation or celebration of any marriage, or treat any marriage as valid for any purpose if the action could cause the organization or individual to violate a sincerely

held religious belief.”

### **Protect from civil or criminal penalties**

The bill also includes provisions to protect religious organizations and their employees from civil or criminal penalties—as well as loss of tax-exempt status or government contracts, grants or licenses—if they refuse to provide services or use of facilities.



Gus Reyes, director of Texas Baptists’ [Christian Life Commission](#), testified in support of HB 3567, emphasizing Baptists’ historic support for religious liberty for all people and belief in the soul competency of each individual.

“We believe in freedom of conscience—that all people are competent to determine what they believe about ultimate reality,” Reyes said. “In other words, God gives people the ability to make choices about what they believe.”

Christians freely proclaim what they believe to be truth as revealed in Scripture, he noted.

“We function within the laws of our land, but we also hold certain beliefs that the majority may not like,” Reyes said.

“True religious freedom is not needed much by those who hold views

supported by the majority of people. Religious freedom is needed most by those who hold views that are in the minority.”

## **Benefits of freedom of religion**

Speaking in support of the bill, Kris Segrest, pastor of [First Baptist Church in Wylie](#), emphasized the benefits to society when freedom of religion flourishes, drawing a clear distinction between limited religious toleration and robust religious liberty.

“We find ourselves in a day and time in our country when religious liberty is being infringed,” he said.

Kyle Henderson, pastor of [First Baptist Church in Athens](#), agreed, citing increased fear among people of faith in the United States their religious liberties guaranteed in the Bill of Rights “seem to be up for grabs.”

“Our society seems to be wavering on the value of freedom of religion. ... We need the legislature of the state of Texas to take a strong stand for this most basic of human rights—the freedom of religion,” Henderson said.

In an email “action alert” sent April 21, the advocacy arm of [Texas Values](#)—a nonprofit organization that describes itself as “dedicated to standing for faith, family and freedom in Texas”—urged clergy around the state to gather at the Texas Capitol for a rally prior to the committee hearing. Many ministers from around the state testified during the committee hearing.

“Pastors and churches should not have to live in fear that the government will force them to perform marriages that violate their religious beliefs,” the Texas Values email said. “With the Supreme Court set to take up marriage later this year, many faith leaders are now concerned about the threat of continuing government intrusion and infringement on these issues. HB 3567 makes it clear that Texas should be a place where

government respects the rights of pastors and churches to hold the biblical view of marriage.”

### **A ‘solution in search of a problem?’**

In contrast, [Texans Equal Under Law](#)—an initiative launched by the Texas Freedom Network and the American Civil Liberties Union of Texas—called HB 3567 “a solution in search of a problem.”

“This is yet another example of an ill-conceived bill that pretends to protect religious freedom but, in truth, opens the door to real harm,” said Kathy Miller, president of the [Texas Freedom Network](#). “And it invites to Texas the same uproar and condemnation we’ve seen with similar bills in Indiana and other states.”

Her organization and the ACLU of Texas insist the First Amendment to the U.S. Constitution and the Texas Religious Freedom Restoration Act afford ministers and religious organizations the right to decide which marriages they will solemnize, depending on their beliefs. Texans Equal Under Law asserts HB 3567 goes further than current law.

“It would allow any religiously affiliated entity to pick and choose which lawful marriages it will recognize for any purpose,” said Rebecca Robertson, legal and policy director for the ACLU of Texas. “That would open the door to discrimination even in secular contexts, not just against same-sex couples, but also against interfaith couples, couples that include a previously divorced spouse and even interracial couples.”