

# Editorial: Can a Baptist oppose Proposition 3?

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Outside our commitment to the lordship of Jesus Christ and the authority of Scripture, Baptists' greatest contribution to the United States—and maybe the world, if that's not too hyperbolic—is religious freedom.

Baptists historically have been religious liberty's greatest champions. We even played a significant role in religious liberty being enshrined in the First Amendment to our Constitution.

So, a new constitutional amendment promising to ensure religious liberty might be a no-brainer for a Baptist. Why, then, are Baptists not of one mind about Texas' Proposition 3?

## Proposition 3

If passed, [Proposition 3](#) would add the following to the Texas Constitution: "This state or a political subdivision of this state may not enact, adopt, or issue a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in this state by a religious organization established to support and serve the propagation of a sincerely held religious belief."

Prop 3 was drafted in response to [local orders](#) prohibiting or limiting large gatherings during the COVID-19 pandemic. Such gatherings included Sunday morning worship services.

Government of any kind prohibiting churches from meeting or limiting the

number of people gathering in person for religious services strikes at the heart of religious liberty. If we let government have that authority, what authority might it want next? Prop 3 promises to allay that fear.

## Differing views

Amanda Tyler, executive director of the Baptist Joint Committee for Religious Liberty, [contends](#) Prop 3 is “unnecessary, over broad.” She asserts Texas’ own Religious Freedom and Restoration Act “provides the right balancing standard” to protect religious liberty.

The Texas RFRA was added to the state’s Civil Practice and Remedies Code in 1999 and prohibits “a government agency [from] substantially burden[ing] a person’s free exercise of religion” unless that government can demonstrate such burden “(1) is in furtherance of a compelling government interest; and (2) is the least restrictive means of furthering that interest” ([Sec. 110.003](#)).

Scott Sanford—executive pastor of Cottonwood Creek Baptist Church in Allen, state representative for District 70, and author of the [Freedom to Worship Act \(HB 1239\)](#) passed by the 87th Texas Legislature in 2021—does not consider the Texas RFRA a sufficient safeguard against incursions on religious liberty. I asked him why, noting Tyler’s assertion to the contrary.

“Critics of religious liberty always use the argument that RFRA is adequate, and of course they would, because liberal courts have deliberately weakened it over time,” Sanford wrote in an email.

I would point out Amanda Tyler is not a critic of religious liberty. I would also point out serious doubts that city officials in places like Lubbock—which issued an [executive order](#) March 29, 2020, prohibiting large gatherings—are liberal or critics of religious liberty.

"If RFRA was adequate, why did so many churches receive orders to close their doors? Why did so many local government officials feel like they had the power to close places of worship?" Sanford added.

Local government orders in Texas were within the scope of RFRA, and they did not—in general—close churches or prohibit churches from worshipping. The concern must be something more specific.

"New circumstances and challenges present themselves and need different legislative solutions," Sanford wrote. "Obviously, the solution [here] is one of changing the state constitution and related code sections to further clarify the limitations on the powers of elected officials."

It seems the specific concern is that any government within the state of Texas might prohibit a church from gathering in person for any reason for any duration of time. In the minds of Prop 3 proponents, public interest and public safety are not sufficient grounds to do so.

## **Support vs. opposition**

Sanford and many others believe Prop 3 is necessary to safeguard religious liberty in Texas. Meanwhile, others—some Baptists among them—believe Prop 3 is unnecessary.

In our current political climate, those who oppose Prop 3 come in for criticism as themselves critical of or devaluing religious liberty. Which begs the question: Are Baptists allowed to disagree?

Let's be clear: Baptists across the political spectrum value religious liberty highly. It's at our core; it's in our DNA. To suggest Baptists who oppose Prop 3 are critical of religious liberty is to reflect political rhetoric more than Baptist principle.

Baptist principle tells us we are better Baptists when we try to understand

each other. Why do some Baptists oppose Prop 3? Tyler's concern about Prop 3 isn't about its spirit, but about its particulars—its language—and possibly unintended consequences in the future.

## Questions allowed?

I am sure Sanford and his legislative colleagues have heard every question, opposing view and criticism of Prop 3 in the book. Undoubtedly, some who line up opposite them are genuine critics, and maybe some are liberals.

At a certain point, I suppose genuine questions about something as important as a constitutional amendment on religious liberty may start to sound like “reaching for straws,” as Sanford suggested in his email response.

Legislation has consequences; Baptists know this full well. That's why they've championed religious liberty for centuries. Certainly included in that liberty is the freedom to question religious liberty protections.

Proponents of Prop 3 want to make sure no government tells a church it can't meet. As a Baptist, I'm all for that. Prop 3's sponsors and co-sponsors think it's the best way to achieve that end. If I were in their shoes, I might think so, too.

But I'm not in their shoes, even if I am one of their constituents. The shoes I'm in mean I'm not supposed to simply take their word for it. And I don't. I am for religious liberty, and I am for protecting it, but not without question.

Precisely because I take religious liberty so seriously, further consideration of the best way to protect it in Texas—guided more by forethought than by reaction—is warranted.

Can a Baptist oppose Proposition 3? Sure, but I think the question is more fundamental than that. Can a Baptist question it? And by “can,” I mean

“may.” Baptist principle tells us we don’t need permission to question. Ask away.

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