



To Honorable Members of the Texas Senate State Affairs Committee,

As someone who has spent almost 25 years fighting for religious freedom in Texas, I can honestly say I have never seen the attacks more vicious, dangerous and widespread as I am seeing now. From the Obamacare HHS mandate lawsuits (52 lawsuits so far) to our case just a few weeks ago where students were ordered to "Stomp on Jesus," we are sometimes adding a new lawsuit each day. Catholic and Protestant institutions, churches, pastors, priests, and individuals of faith are under attack like I have never seen. While some of this has not fully appeared yet in Texas, I am warning you that it is on its way.

Numerous legal groups nationwide saw this coming and made sure the language of HJR 110/SJR 4 was created to provide protection as long as possible in the states. It uses the test that was used in this country for almost 100 years in Constitutional law and that had been used since the 1960s in religious freedoms cases, until a bad Supreme Court decision in Washington, D.C. stripped that protection away. It simply allows Texas to say we want that fuller religious liberty protection back.

While I am sure there are good intentions, the argument made about this effort creating a religious right to an abortion is without merit. As I mentioned, this test (the compelling interest test) has been used for 100 years and never created mythical new rights to abortion. Under such an argument, one would have held up the passing of the Free Exercise Clause to the U.S. Constitution as well as any state "Right to Worship" Constitutional clauses as well. It's just an outrageous position.

To be sure, courts can create a "right of privacy" out of thin air, as we saw in *Roe v. Wade*. They don't need a religious freedom clause or anything else to do so. While they might grab one as an excuse that will never be the reason, as we all know. Endangering religious freedom protections for everyone because of such a mythical hypothetical is, in my view, a horrible mistake and may end up needlessly hurting many people in the future.

There is one lawyer, who is not head of any group, who backs this argument. These are some of the national groups who took part in authoring this current Religious Freedom Amendment: Mat Staver and Liberty Counsel, Beckett Fund and Anthony Picarello, who is now General Counsel of the U.S. Conf. of Catholic Bishops, to Alliance Defense Fund and all their attorneys to Liberty Institute and all our attorneys to Christian Legal Society, to the top law professors nationwide, and more. None of these groups have any fear of this Religious Freedom Amendment leading to any new abortion right. It is not a good argument.

Furthermore, the need for religious freedom protection in our state constitution is now. We are actively involved in numerous court cases inside Texas and outside of Texas where religious freedom is under attack like never before. The ACLU is viciously attacking Veterans Memorials that include any crosses or stars of David, school children are being censored and faith leaders are being threatened left and right for talking about their religious beliefs in their own houses of worship. Please do not be distracted by false hypotheticals. Please address the real problems of today regarding religious freedom and pass SJR4/HJR 110.

SJR 4 will add religious freedom and protection to every single Texan. It would be truly sad if this opportunity was missed.

Sincerely,  
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