

Houston's Pastors Score a Texas-Sized Victory at the State Supreme Court

Good news came from the Texas Supreme Court last week. As you may recall, Houston Mayor, Annise Parker, and the Houston City Council passed a controversial pro-LGBT ordinance in late May 2014. Among other things, the law, the Houston Equal Rights Ordinance – dubbed “HERO” – allowed transgendered persons to sue businesses that prohibited their use of *their* preferred bathroom. There was overwhelming opposition to the law in Houston and that triggered an effort by the citizens to repeal HERO by referendum. The repeal campaign was led primarily by a group of Houston pastors and churches who collected twice the number of signatures required to get the repeal option on the ballot. According to the city secretary, Anna Russell, the petitioners collected a sufficient number of signatures. However, the Mayor and the City Attorney, David Feldman, defiantly refused to recognize that a sufficient number of signatures had been collected. This decision led to the pastors and churches suing the City. Along the way, the city administration issued subpoenas in mid-October 2014 to the five Houston pastors who delivered the petitions. The First Amendment-crushing subpoenas instructed the pastors to provide documents in their possession – including sermons, emails, instant messages, text messages and other materials – that related to HERO. A national firestorm ensued. In fact on November 2, 2014, Family Research Council led an effort along with sponsoring organizations and other partners to support the pastors and those seeking repeal by holding a national simulcast from Grace Community Church in Houston. The “I Stand Sunday” event drew over 7,000 attendees and was joined by hundreds of thousands via the internet. The city rescinded the subpoenas in late October, but the litigation continued.

Amazingly, three months ago a Texas district court judge ruled that the petitioners had failed to gather enough valid signatures to get the repeal measure on the ballot. Things looked bleak. Well, today, the Texas Supreme Court overturned that decision. The Court concluded that the City Secretary had certified the petition and that brought the "City Council's ministerial duty" to go through the repeal process into effect. The Court held that the Houston City Council must stop enforcement of HERO and reconsider the ordinance. If it does not repeal HERO by August 24, 2015, then by that date "the City Council must order that the ordinance be put to popular vote during the November 2015 election." This is a tremendous victory for the rule of law in Houston. That said, this onerous anti-HERO of an ordinance is still on the books. The mayor and city government had acted dishonorably to thwart the will of the people when they disallowed petition signatures, but, more dangerously, the subpoenas issued to the pastors were meant to intimidate political opposition and free speech. Fortunately, Texas has a state supreme court with sufficient honesty and integrity to call a halt to this political thuggery. Many states, however, do not. In the meantime, the people of Houston need to mobilize for the repeal vote that lies ahead. But for today, this is a vivid reminder of Galatians 6:9, "And let us not grow weary while doing good, for in due season we shall reap if we do not lose heart."