

13 States Actively Working to Protect Pastors From Radical Left

As the nation anxiously awaits the Supreme Court's decision later this summer in the marriage case *Obergefell v. Hodges*—which could redefine marriage and lead to the violation of the religious liberty and free speech of people of faith—new federal and state laws are already on the way to help people of faith win in court.

Attorneys for Liberty Institute—who know that winning courtroom cases often depends on exact wording of laws—have advised more than 13 states and the federal government to make sure these laws have maximum sturdiness against challenges by the radical Left. These are laws that will make it easier to win in the ongoing battle for religious freedom—including the new Pastor Protection Bill (HB 3567) in the state of Texas.

The Pastor Protection Bill ensures that the government:

- May not force a pastor, a clergy member or a church to perform a marriage or related ceremony that would violate their sincerely held religious beliefs;
- Safeguards pastors and churches from having to live in fear that the government will force them to perform marriages that violate their religious beliefs; and
- Helps Texas respect the rights of pastors and churches to hold the biblical view of marriage.

Clergy Members Shouldn't Have to Live in Fear

The bill explicitly states that the government may not force a pastor, other clergy member, or a house of worship to perform a marriage or related ceremony that violates their sincerely held religious beliefs.

Further, it states that refusal “to provide services, accommodations, facilities, good(s) or privileges ... is not the basis for a civil or criminal cause of action or any other action” by the state or a political subdivision of the state.

The bill was written by Texas State Representatives Scott Sanford (R-McKinney), Byron Cook (R-Corsicana), Debbie Riddle (R-Houston), J.M. Lozano (R-Kingsville), and Patricia Harless (R-Houston).

Of course, writing the bill is one thing. Passing it is another, even in a state like Texas.

Expert Legal Witness Justin Butterfield Testifies

Testimony at the Texas House State Affairs Committee hearing on HB 3567 last week included legal expertise as well as pastors.

Liberty Institute Senior Counsel and Director of Research and Education, Justin Butterfield, testified in support of the proposed legislation. He said it will provide more protection-needed protection-than the Religious Freedom Restoration Act (RFRA), and help safeguard clergy members like Liberty Institute client Chaplain Wes Modder, an ordained minister, from being punished or forced to act against their faith.

The Liberty Institute attorney shared why federal and state RFRAs needed to be augmented:

“Chaplain Wes Modder is a Navy chaplain that Liberty Institute represents. As a federal employee he is protected by federal RFRA, and as such as a chaplain should be allowed, should be protected in his sermons, in his pastoral counseling. And yet he is today been relieved from his position and is facing a Board of Inquiry because he follows the teachings of the Assemblies of God, which is his religious denomination, in his

pastoral counseling on issues of sexual relations and same-sex relations as far as what the Bible says about that.

“Liberty Institute’s representing him, but we shouldn’t have to be representing him. That should be a clear-cut case of religious freedom and it should be clear that as a pastor, as a chaplain, that’s protected. But unfortunately even many government officials when they’re dealing with a law as general and vague as RFRA don’t apply it in the correct way. They don’t see how that applies.

“What this [Pastor Protection Bill] does is it clarifies that the government cannot force a church or pastor to participate in a wedding that would violate their sincerely held religious belief”

Village Parkway Baptist Church Senior Pastor Dr. Steve Branson, who is also the pastor and friend of Liberty Institute client Senior Master Sergeant Phillip Monk, also attended the hearing, and shared about his experience walking alongside SMSgt. Monk and the career-threatening punishment he experienced with the U.S. Air Force because of his sincerely held religious beliefs.

“We’re being tested at Village Parkway mainly probably because of my public stand [with SMSgt Monk],” said Branson. “I’m the least likely guy to be in that position, but that’s where I find myself now. ... I’d rather just be doing my job. I love what I do. I’ve been [pastoring] for 40 years, but it’s becoming more difficult for me to do it.”

Witnesses include pastors and clergy members from the State of Texas (as well as nationally known leaders from two Dallas, Texas area mega-churches, Dr. Tony Evans of Oak Cliff Bible Fellowship, and Dr. Jack Graham of Prestonwood Baptist Church, who provided written endorsements of the bill).

Who Would Attack a Pastor?

Pastor Protection Bill co-author Rep. Sanford greatly understands the need for the proposed legislation, as he is also executive pastor of Cottonwood Creek Baptist Church in Allen, Texas. He saw fellow members of the clergy and churches across the state begin to wake up to the growing threat toward their religious liberty when in October 2014, five pastors in Houston, Texas, (dubbed "The Houston Five") came under attack by the City of Houston.

"Five pastors in Houston were recently subpoenaed by the mayor for discussions that included biblical interpretations related to marriage on church property," Sanford says. "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 remain a place where government respects the diversity of religious beliefs on these matters of faith and marriage."

Liberty Institute President & CEO Kelly Shackelford, along with Senator Ted Cruz, R-Texas, also spoke out in support of the Houston Five at a press conference last fall. Shackelford said:

"This is an outright attack ... on the fundamental, God-given rights of pastors and our churches. It's a blatant assault on religious freedom which jeopardizes all our freedoms. We must boldly stand and defend these religious liberty rights and fight back on behalf of the pastors in Houston, Texas, and the precedent will impact pastors nationwide.

It's Bigger Than Texas

Threats against pastors, clergy members and the church aren't just isolated to Texas, as pastors in other states and countries are being forced to violate their beliefs or suffer the consequences:

- In Idaho: Christian pastors were told that they were required to perform same-sex ceremonies or face

months in jail and/or thousands of dollars in fines.

- In New Jersey: The Christian Ocean Grove Camp Meeting Association was sued for not allowing a same-sex couple to have a civil service union in their facility.
- In England: The Church of England is currently facing legal action, attempting to force churches to perform marriages that violate the church's religious beliefs.

Liberty Institute will continue to speak out in support of pastors, other clergy members and churches and looks toward the passage of the Pastor Protection Bill in Texas in the next few weeks.

Other states currently considering similar bills include Oklahoma, where the bill recently passed their State House on a vote of 88-7. Additionally, many states already have the protections that Texas is considering in place—including Connecticut, Delaware, Rhode Island, Vermont, Washington and Washington, D.C.

For more information about the legal rights of churches, please download Liberty Institute's free "Church & Government: Know Your Legal Rights" one-page fact sheet [here](#).