

Texas Interfaith Center
for Public Policy



TEXAS IMPACT

people of faith working for justice



Three Religious Liberty Principles for Legislation

JOSHUA HOUSTON
GENERAL COUNSEL
JANUARY 30, 2017

Three principles for any legislation

2

1. Government must not prefer or disadvantage one faith relative to another faith, or no faith at all. (Establishment)
2. Government must not force any person to act against their conscience unless there is a state interest that compels it. (Free Exercise)
3. Gov't must not permit adherents of one faith to harm others as an expression of faith. (Both)

First Principle

3

- Government must not prefer or disadvantage one faith relative to another faith, or no faith at all.
 - Separation of Religion & State
 - Government neutrality toward religion
 - All religion is equal before the law
 - No special treatment; No discrimination
 - No proselytizing with taxpayer dollars
 - Issues: vouchers; faith-based initiatives; foster care; contracting; Anti-Muslim legislation

Second Principle

4

- Government must not force any person to act against their conscience unless there is a state interest that compels it.
 - Laws regulate conduct. Never belief
 - Freedom of belief is absolute
 - Laws can only regulate conduct if
 - ✦ State has a compelling interest, and
 - ✦ Regulation uses “least restrictive means”
 - Laws can’t have a hidden discriminatory intent
 - Issues: Guns, Refugees, Immigration, border ministries

Third Principle

5

- Government must not permit adherents of one faith to harm non-adherents as an expression of faith
 - Liberty is not “might makes right”
 - Liberty is equally shared by every human being
 - “Your right to swing your arms ends, where my nose begins”
 - Religion is not a license to discriminate
 - Issues – gov’t employees & businesses refusing service; foster care

Thank You!

For more information, contact:

Joshua Houston

josh@texasimpact.org

(512)472-3903 x108