

Houston, we have a problem

Angry over voter lawsuit, city demands to pick through sermons, other communications from pastors who aren't involved

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Attorney sound bite: Erik Stanley



HOUSTON – Alliance Defending Freedom attorneys have filed a motion in a Texas court to stop an attempt by the city of Houston to subpoena sermons and other communications belonging to several area pastors in a lawsuit in which the pastors are not even involved.

City officials are upset over a voter lawsuit filed after the city council rejected valid petitions to repeal a law that allows members of the opposite sex into each other's restrooms. ADF attorneys say the city is illegitimately demanding that the pastors, who are not party to the lawsuit, turn over their constitutionally protected sermons and other communications simply so the city can see if the pastors have ever opposed or criticized the city.

“City council members are supposed to be public servants, not ‘Big Brother’ overlords who will tolerate no dissent or challenge,” said ADF Senior Legal Counsel Erik Stanley. “In this case, they have embarked upon a witch-hunt, and we are asking the court to put a stop to it.”

“The city’s subpoena of sermons and other pastoral communications is both needless and unprecedented,” said ADF Litigation Counsel Christiana Holcomb. “The city council and its attorneys are engaging in an inquisition designed to stifle any critique of its actions. Political and social commentary is not a crime; it is protected by the First Amendment.”

In June, the Houston City Council passed its “bathroom bill,” which sparked a citizen initiative to have the council either repeal the bill or place it on the ballot for voters to decide. The public submitted more than three times the legally required number of valid signatures, which the city secretary, who is entrusted by law to examine and certify petitions, certified as sufficient. The mayor and city attorney defied the law and rejected the certification.

After the initiative supporters filed a lawsuit, *Woodfill v. Parker*, over the matter, the city's attorneys subpoenaed a number of area pastors, demanding to see what they preach from the pulpit and to examine their communications with their church members and others concerning the city council's actions.

The ADF brief accompanying the motion filed in the District Court of Harris County to quash the subpoena "discovery requests" explains that they are "overbroad, unduly burdensome, harassing, and vexatious," irrelevant to the lawsuit, and will have a profoundly negative effect on free speech and the electoral process should they be allowed to move forward.

"The message is clear: oppose the decisions of city government, and drown in unwarranted, burdensome discovery requests," the brief states. "These requests, if allowed, will have a chilling effect on future citizens who might consider circulating referendum petitions because they are dissatisfied with ordinances passed by the City Council. Not only will the Nonparty Pastors be harmed if these discovery requests are allowed, but the People will suffer as well. The referendum process will become toxic and the People will be deprived of an important check on city government provided them by the Charter."

Alliance Defending Freedom is an alliance-building, non-profit legal organization that advocates for the right of people to freely live out their faith.

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