



Maggie Garrett
Legislative Director

(202) 466-3234
(202) 898-0955 (fax)
americansunited@au.org

1310 L Street, NW
Suite 200
Washington, DC 20005

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The Honorable Greg Abbott
Office of the Governor
P.O. Box 12428
Austin, TX 78711-2428

Re: Veto HB 45 – This Bill Is Unnecessary, Raises Constitutional Concerns, and Stokes anti-Muslim Sentiment

Dear Governor Abbott:

I write on behalf of Americans United for Separation of Church and State and its Texas chapters, members, and supporters to urge you to veto HB 45. The bill is unnecessary, raises constitutional concerns, and stokes anti-Muslim sentiment. For these reasons, we urge you to veto this bill.

Supporters of this bill argue that its goal is to prevent the Texas courts from enforcing foreign laws where such laws conflict with the Texas and U.S. Constitutions. But Texas judges are already empowered to do that.¹ And there is no evidence that courts are failing to fulfill that role.

Unfortunately, the real impetus for bills like HB 45 is rooted in anti-Muslim sentiment. HB 45 is modeled on legislation titled “American Laws for American Courts,” which was crafted by the American Public Policy Alliance supposedly “to protect American citizens’ constitutional rights against the infiltration and incursion of foreign laws and foreign legal doctrines, especially Islamic Shariah law.”² The group argues that “Shariah law principles” are “increasingly finding their way into US court cases.”³ But a thorough review of the cases cited by this organization reveals that proponents blatantly mischaracterize these cases: These cases, in fact, show that courts treat cases brought by Muslims or that address the Islamic faith in the exact same way they deal with similar claims brought by people of other faiths or that involve no religion at all.⁴

¹ See e.g., *Lauritzen v. Larsen*, 345 U.S. 571, 588-89 (1953) (finding that courts must honor parties’ choice of law except if prohibited by public policy).

² American Public Policy Alliance website, <http://publicpolicyalliance.org/legislation/american-laws-for-american-courts/>.

³ *Id.*

⁴ American Civil Liberties Union, *Nothing to Fear: Debunking the Mythical “Sharia Threat” to Our Judicial System* (May 2011) available at http://www.aclu.org/files/assets/Nothing_To_Fear_Report_FINAL_MAY_2011.pdf.

Further, the U.S. Constitution already protects against *any* religion “taking over” the courts. The Establishment Clause precludes courts from promoting or becoming improperly entangled with religion when considering cases involving religious issues. The legislation, therefore, is entirely unnecessary.

Passage of HB 45, however, could create real problems.⁵ This bill violates the principle of the U.S. Constitution’s Establishment Clause, which prohibits government from singling out one religion—and those who practice it—for disfavor. Although it does not explicitly mention Sharia law, the history and source of HB 45 convey disapproval and disparagement of Muslims.⁶ And even though this bill is neutral on its face, its aim is to impede the religious practice of one particular group of adherents—Muslims, and this would violate the Free Exercise Clause of the Constitution.⁷

Following the divisive rhetoric of the presidential campaign, anti-Muslim hate crimes are already on the rise.⁸ Legislation like this will only continue to stoke anti-Muslim sentiment. Discriminatory rhetoric and policies that target people based on their religion are harmful to us all. In truth, an attack on people who follow one faith undermines the protections that apply equally to all of us, no matter our religion or belief.

For all of the above reasons, we urge you to veto HB 45.

Sincerely,



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⁵ See generally American Bar Association H.D. Res. 113A (Aug. 8-9, 2011) available at http://www.americanbar.org/content/dam/aba/directories/policy/2011_am_113a.authcheckdam.pdf.

⁶ See *Awad v. Ziriax*, 754 F.Supp.2d 1298, 1306-07 (W.D. Okla. 2010).

⁷ *Church of Lukumi Babalu Aye, v. City of Hialeah*, 508 U.S. 520, 53-34 (1992).

⁸ See, e.g., Doug Criss, *This Map Shows How Many Mosques Have Been Targeted Just This Year*, CNN (Mar. 20, 2017), available at <http://edition.cnn.com/2017/03/20/us/mosques-targeted-2017-trnd/index.html>.