



Written by [Dave Bohon](#) on October 30, 2014

Houston Mayor Drops Effort to Access Pastors' Sermons

Following a firestorm of backlash from  across the political and cultural spectrum, Houston Mayor Annise Parker (shown) has dropped her legal efforts to force a group of area pastors to hand over their sermons and other private communications. Parker and city attorneys had hoped to prove that the pastors had used their sermons to lobby against the city's pro-homosexual "non-discrimination" ordinance. The ordinance, which was passed earlier this year, has been put on hold after opponents garnered over 50,000 signatures on a petition calling for a voter referendum to decide the fate of the law. In August a state judge ruled for a January civil trial to determine if the referendum can move ahead.

"I don't want to have a national debate about freedom of religion when my whole purpose is to defend a strong and wonderful and appropriate city ordinance against local attack," Parker said in a news conference, according to the [Houston Chronicle](#). "And by taking this step today we remove that discussion about freedom of religion."

Parker, who is openly lesbian, insisted that "I always supported the right of clergy to say what they want even if I disagree with them. It was never our intention to interfere with any members of the clergy and their congregants in terms of sermons, in terms of preaching what they believe is the word of the God that they serve."

Parker's stated concern for the First Amendment guarantees of area clergy appeared at odds with earlier statements made by city officials as they subpoenaed pastors who opposed the ordinance to hand over their sermon transcripts and tapes. Janice Evans, the mayor's chief policy officer, told reporters that subpoenaing the pastors to relinquish their communications was legally appropriate because they had "made their sermons relevant to the case by using the pulpit to do political organizing. This included encouraging congregation members to sign petitions and help gather signatures for equal rights ordinance foes. The issue is whether they were speaking from the pulpit for the purpose of politics. If so, it is not protected speech."

Similarly, City Attorney David Feldman, who was apparently behind the subpoena scheme, insisted that the city's legal team was justified in going after the communications of pastors they believed were involved in the referendum campaign. "We're certainly entitled to inquire about the communications that took place in the churches regarding the ordinance and the petitions because that's where they chose to do it," Feldman told a local reporter. "It's relevant to know what representations and instructions were given regarding these petitions."

The decision by Parker and Feldman to throw in the towel on the subpoenas appears to confirm the consensus among legal experts that First Amendment principles gave the city little chance of success in



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trying to force the pastors to hand over their sermons.

Attorney Christiana Holcomb of [Alliance Defending Freedom](#), which is representing the pastors in court, reflected that confidence early in the fight when she said that the “city’s subpoena of sermons and other pastoral communications is both needless and unprecedented. 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.”

Pastors at the center of the storm were clear that they had no intention of caving in to Parker’s legal intimidation. “We’re not afraid of this bully,” Dave Welch of the Texas Pastors Council told Fox News. “We’re not intimidated at all.... We are not going to yield our First Amendment rights. This is absolutely a complete abuse of authority.”

While dropping the subpoenas, Parker made it clear that she would continue to fight against the right of Houston voters to decide the fate of the pro-homosexual ordinance. “It is extremely important to me to protect our Equal Rights Ordinance from repeal,” Parker said. “We are going to continue to vigorously defend our ordinance against repeal efforts.”

ADF senior legal counsel Erik Stanley said that Parker had no choice but to drop the subpoenas, “which should never have been served in the first place. The entire nation — voices from every point of the spectrum left to right — recognize the city’s action as a gross abuse of power. We are gratified that the First Amendment rights of the pastors have triumphed over government overreach and intimidation. The First Amendment protects the right of pastors to be free from government intimidation and coercion of this sort.”

Parker’s decision came after a meeting October 28 with both local and national Christian leaders, who spoke candidly to the mayor about what they perceived to be an attack on constitutionally guaranteed religious freedoms.

One of the out-of-town pastors at the meeting, the Rev. Mike Crowder, told the *Houston Chronicle*, “What we did was to simply respectfully articulate our concerns [to] help her to understand a broader picture than what she might have seen before.”

Parker conceded that the clergies’ arguments were persuasive, “because to me it was, ‘What is the goal of the subpoenas?’ The goal of the subpoenas is to defend against a lawsuit and not to provoke a public debate.”

Parker’s decision to drop the legal ploy comes just days before a November 2 nationally televised event in Houston called “I Stand Sunday,” designed to build support for the Houston area pastors and the effort to place the pro-homosexual ordinance to a city-wide voter referendum.

“This Sunday night, thousands of Christians from across the nation will join ‘I Stand Sunday’ to support the pastors and Christians in Houston, Texas and their fundamental rights of religious freedom, freedom of speech, and the right to petition their government,” said Tony Perkins of the [Family Research Council](#), which is sponsoring the event.

Perkins emphasized that “the citizens of Houston have a right to vote, and Mayor Parker has denied them that right. America must see the totalitarianism that accompanies the redefinition of marriage and human sexuality, which results in citizens being denied their most fundamental rights.”

Photo of Houston Mayor Annise Parker: AP Images



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