

**Texas Conservative Grassroots Coalition
Supporting Senate Concurrence on HB 45 –
Safeguarding Texans' Constitutional Rights
from Encroachment by Foreign Law**



May 10, 2017

The Honorable Dan Patrick
Lieutenant Governor, State of Texas



Texas Eagle Forum

Texas Senate GOP Caucus:

- The Honorable Paul Bettencourt
- The Honorable Brian Birdwell
- The Honorable Dawn Buckingham, MD
- The Honorable Konni Burton
- The Honorable Donna Campbell, MD
- The Honorable Brandon Creighton
- The Honorable Craig Estes
- The Honorable Bob Hall
- The Honorable Kelly Hancock
- The Honorable Don Huffines
- The Honorable Joan Huffman
- The Honorable Bryan Hughes
- The Honorable Lois Kolkhorst
- The Honorable Jane Nelson
- The Honorable Robert Nichols
- The Honorable Charles Perry
- The Honorable Charles Schwertner, MD
- The Honorable Kel Seliger
- The Honorable Larry Taylor
- The Honorable Van Taylor



Hand-delivered Communication

Re: Request for Senate Concurrence with HB 45

Flynn/Leach/ Burkett/Parker/ Laubenberg	Relating to requiring the Texas Supreme Court to adopt rules and provide judicial instruction regarding the application of foreign laws in certain family law cases.
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Dear Governor Patrick and Members of the Senate GOP Caucus:

Passage of “American Laws for American Courts” has been a priority for conservative grassroots leaders in Texas for several sessions. We are delighted

that Rep. Dan Flynn's efforts were successful with passage of HB 45 last Saturday, and we appreciate the outstanding leadership of Rep. Jeff Leach for his assistance on this legislation.

Rep. Matt Rinaldi's writings on this topic perfectly sum up the need for HB 45: "ALAC would codify areas of common law to provide greater protection from the application of foreign law that threatens discrimination against women and violations of fundamental Constitutional rights in family law cases. The most notable of these threats is posed by Sharia or Islamic law.

Texas state courts, such as the Fort Worth Court of Appeals in *Jabri v. Qaddura*, for example, allow parties to choose Sharia or Islamic law, subject themselves to the jurisdiction of Islamic tribunals in family law matters, enforce their decisions in Texas courts, and waive appeal. ***This effectively allows an Islamic family court system to operate parallel to our own state court system and with little oversight.***

This parallel Sharia court system puts Texas women at risk of being subjected to laws that treat them unequally or sanction violence. For example, in the case of *Ashfaq v. Ashfaq*, the Houston Court of Appeals upheld the application of Islamic law that allowed a husband to divorce his wife by saying "I divorce you" three times, outside of her presence.

Legal arguments subjecting individuals to the abuse and discrimination allowed or even prescribed by Sharia law, like that in *Ashfaq* are not uncommon in Texas. For example, in the 1991 case of *Blackstone v. Aramco Services Co.*, the Houston Court of Appeals applied the Islamic law of Saudi Arabia, but denied on jurisdictional grounds the plaintiff's request under Islamic law that the district court imprison and torture the alleged tortfeasor. Certainly more protection should be afforded to litigants in such situations than mere jurisdictional arguments and common law rules.

ALAC provides an opportunity to provide additional protection to family litigants from applications of Sharia and other foreign law that would violate public policy. It would create a statutory basis for already existing common law which would prohibit legal arguments like those made in *Blackstone* and *Asfaq* from ever prevailing in the courts of Texas."

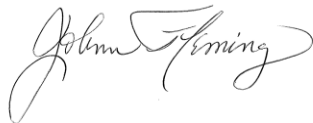
Governor Patrick and Senators, some 241 years ago, America's founders gathered in Philadelphia to debate and write a unique document – the Declaration of Independence. This document declared the birth of a new nation – one that would no longer be ruled from a faraway foreign power. Many of these same men gathered eleven years later to construct our system of government embodied in the United States Constitution. **The US Constitution was intended to be the supreme law of the land and never subjugated by any foreign laws.**

HB 45 helps safeguard Texans' constitutional rights from encroachment by foreign law. ***After overwhelming support in the TX House with 135 votes, we urge the Senate to swiftly concur with the House to allow this bill to proceed to Governor Abbott.***



Thank you for your service to the people of the great state of Texas.

Sincerely, the undersigned supporters of HB 45 as passed by the Texas House,*



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Ray Myers, Chairman, Kaufman County TEA Party

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Liz Theiss, Founder, Stop the Magnet



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Terri Hall, Founder/Director, Texans Uniting for Reform and Freedom (TURF)

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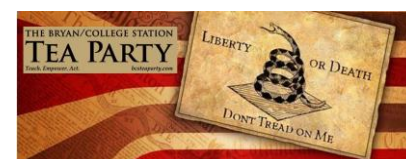
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CC: The Honorable Greg Abbott, Governor, State of Texas

* Organizations are listed for identification purposes.
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