

Hate Crimes Amendment Added to Defense Bill

✖ The Senate voted Thursday night to attach a controversial hate crimes bill to a must-pass defense-spending bill that is expected to be completed next week.

If the Defense Authorization Act passes, the accompanying Matthew Shepard Hate Crimes Prevention Act would add sexual orientation to the list of federally protected classes, and give states and local jurisdictions federal assistance to prosecute hate crimes.

In order for the defense-spending bill to pass, it would have to be reconciled with the House version of the act, which does not include funding for F-22 jets, as the Senate bill does. President Obama has threatened to veto the defense bill if it funds the F-22.

Opponents of the hate crimes bill, which passed in the House in April, say it would lay the groundwork to prosecute Christians who express biblical opposition to homosexual practice.

“Ultimately, a pastor’s sermon concerning religious beliefs and teachings on homosexuality and gender-confused behaviors could be considered to cause violence and will be punished or at least investigated,” Andrea Lafferty, executive director of the Traditional Values Coalition (TVC), said when a similar bill was being considered by the House.

“Once the legal framework is in place, political pressure will be placed on prosecutors to investigate pastors or other religious leaders who quote the Bible or express their long-held beliefs on the morality and appropriateness of

homosexuality and other sexual behaviors," she added.

In comments on the Senate floor Wednesday, Republican Sen. John McCain said it would be "absolutely wrong" to force police officers or prosecutors to treat identical crimes differently based on their determination of the political, philosophical or religious beliefs of the offender.

"Our legal system is based on identifying, capturing and punishing criminals, and not on using the power of government to try to divine biases," McCain said. "Crimes motivated by 'hate' deserve vigorous prosecution, but so do crimes motivated by absolute wanton disregard for life of any kind."

He also rebuked fellow lawmakers for adding a nonrelated amendment to a bill that seeks to provide a pay raise for military personnel, new equipment and billions of dollars for new technologies that could improve troops' safety. "Are members willing to jeopardize these essential provisions for our troops by pushing unrelated amendments?" he asked.

On Thursday, Republican Sen. Sam Brownback of Kansas filed an amendment to the hate crimes amendment to ensure that it does not infringe on First Amendment rights.

Brownback's amendment, which passed in a 78-13 voice vote, says the hate crimes law shall not be applied in a manner that infringes First Amendment rights or "substantially burdens any exercise of religion ... speech, expression, [or] association, if such exercise of religion, speech, expression, or association was not intended to ... plan or prepare for an act of physical violence; or ... incite an imminent act of physical violence against another."

But Liberty Counsel, a Christian legal firm, said even with that language, the hate crimes measure discriminates against some classes of crime victims and gives special rights based on sexual orientation and gender identity.

In a statement issued Friday, the group also said that if the hate crimes amendment ultimately passes in the defense-spending bill, gay advocates could use it to push for the addition of "sexual orientation" and "gender identity" to existing employment nondiscrimination laws.

Mathew D. Staver, founder of Liberty Counsel and dean of Liberty University School of Law, said the push to pass hate crimes legislation is part of a "radical and immoral agenda" being forced on the American people.

"The [Obama] administration and the Democratic-led Congress are out of touch with the mainstream," Staver said. "They represent the most fringe extreme elements of America. They will not be able to continue their efforts to undermine moral values, socialize the economy, and trash American pride and heritage. The people will not remain silent forever."