

Pro-Family Leaders Say Hate Crimes Bill Threatens Religious Freedom

✖ **April 21, 2009** – Pro-family groups warn that a hate crimes bill that goes before the House Judiciary Committee on Wednesday could silence Christian opposition to homosexuality and jeopardize religious freedom.

Introduced early this month, H.R. 1913, or the Local Law Enforcement and Hate Crimes Prevention Act of 2009, seeks to add sexual orientation and gender identity to the list of protected classes under federal hate-crimes laws. Currently, race, religion, color and national origin are the only protected classes. The legislation would also allow the federal government to be more involved in investigating alleged hate crimes.

While condemning violence against homosexuals, Christian leaders said the bill would inhibit pastors from condemning homosexual behavior and bar speech against the gay lifestyle. They point to hate crime laws in Canada, England and Sweden, where Christians have been prosecuted for calling homosexuality sinful.

“The so-called hate crimes bill will be used to lay the legal foundation and framework to investigate, prosecute and persecute pastors, business owners, Bible teachers, Sunday school teachers, youth leaders, Christian counselors, religious broadcasters and anyone else whose actions are based upon and reflect the truths found in the Bible,” said Andrea Lafferty, executive director of the Traditional Values Coalition (TVC).

The House passed a similar bill in 2007, which was widely decried by Christian groups such as the Family Research Council and Focus on the Family Action. The legislation did not receive enough support to go before the Senate, but the hate crimes legislation later was attached to a Senate defense-spending bill. President George W. Bush, however, vetoed the legislation, saying the defense bill and the hate crime legislation were unrelated issues.

TVC is urging bill opponents to call their representatives, even if they are not on the House Judiciary Committee.

Democrats outnumber Republicans on the committee 23-16. In a statement released earlier this month, Rep. Barney Frank (D-Mass.), co-sponsor of the 2007 bill and an openly gay congressman, said he expected the bill to pass the committee this week and go before the House floor for a vote before Memorial Day. President Obama is expected to sign the bill if passed.

Liberty Counsel, which released a legal memorandum explaining how the bill could infringe on religious liberty, said the legislation is not really about preventing crime but about giving "sexual preference" the same legal status as race.

"Hate crimes laws that include sexual orientation are a bad idea because they elevate homosexuality to the same status as race and do nothing to prevent violent crimes," said founder Mathew Staver, who is also dean of the Liberty University School of Law. "All crimes are motivated by hate. Hate crimes laws will not be used to punish the perpetrators but will be used to silence people of faith, religious groups, clergy and those who support traditional moral values."

Supporters said the bill would apply only to violent crimes and would not infringe on free speech rights. But Staver said the court can overturn exemptions or parts of the legislation can be targeted later for removal.

Lafferty agreed, saying Rep. Artur Davis, who supported the 2007 legislation, admitted in a debate that a minister could be charged with inciting a hate crime if a congregant later committed violence against a homosexual after hearing a sermon condemning the behavior.

“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,” Lafferty said.

“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. “Religious teachings and common beliefs will fall under government scrutiny, chilling every American’s right to worship in the manner they choose and to express their religious beliefs.”

Lafferty disputes view that there is an epidemic of violence against gays and transgendered persons that needs federal intervention, saying FBI statistics from 2007 show no such trend.

In a letter sent to Congress urging rejection of the bill, Lafferty and TVC founder Lou Sheldon said the bill presents a “serious problem” because Congress has failed to define “sexual orientation.” As a result, the 30 sexual orientations identified by the American Psychiatric Association could be used to determine protected classes.

“Those 30 sexual orientations include behaviors that are felonies and misdemeanors in most states,” the letter said, listing necrophilia, pedophilia and zoophilia among the possible “orientations.”

Wendy Wright, president of Concerned Women for America, sent a

letter urging Congress to reject the legislation. She said in addition to potentially infringing on religious liberty, the bill allows the government to overreach into state authority.

“Forty-five states currently have ‘hate crimes’ laws on the books and have effectively exercised their jurisdiction to prosecute crimes,” she said. “A federal ‘hate crimes’ law would signify that if the Department of Justice did not like a verdict in a state they can intrude to trump a state’s ruling. Yet there is no evidence to suggest that states are discriminating against any particular victims.”