

Hate Crimes Measure Becomes Law

✖ A controversial hate crimes bill that some Christians fear will penalize ministers who denounce homosexuality was signed into law Wednesday.

President Obama enacted the 2010 National Defense Authorization Act at 2:30 p.m. The bill includes the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act as an attachment.

Wednesday evening, the president was to host a reception at the White House commemorating the signing of the hate crimes legislation, which adds sexual orientation to the list of federally protected classes. Attorney General Eric Holder and civil rights leaders were expected to attend.

Although bill supporters said the hate crimes measure criminalizes only violence against homosexuals, many conservative Christian leaders say the law could be used to prosecute pastors if an attendee of their church commits a crime and blames it on sermons about homosexuality. They point to cases in Canada and Sweden, where Christians have faced criminal prosecution for preaching that homosexual behavior is sinful.

Andrea Lafferty, executive director of the Traditional Values Coalition, also looks to the case of the so-called Philadelphia Eleven, a group of evangelists with Repent America who were arrested in October 2004 while preaching on public streets during the city's gay Outfest. The group spent 21 hours in jail and were charged under the state's hate crimes law. A Philadelphia judge later dismissed the criminal charges as being without merit.

"The intent of this bill is to silence people," Lafferty said

of the federal hate crimes law. “[Supporters] haven’t proven there is an epidemic of hate crimes against homosexuals. They want to use the force of law to make Americans accept the GLBT (gay, lesbian, bisexual, transgendered) lifestyle.”

Lafferty and other bill opponents see the hate crimes law as part of a growing assault on religious liberty in the U.S. They believe the new law will embolden supporters of the Employment Non-Discrimination Act (ENDA), a proposed law that would prohibit discrimination against employees on the basis of sexual orientation, gender identity and disability.

Attorney Matt Krause of the Christian legal firm Liberty Counsel said ENDA bills introduced this year in the House and Senate could force religious organizations to hire people who are homosexual, bisexual or transgendered even if it conflicts with their doctrinal statements.

“This just sets into place a whole body of law that seeks to protect a special group when there’s nothing that should be there in the first place to do that,” Krause said.

Although churches and some Christian schools may be exempt, Christian-owned businesses with 15 or more employees would likely be subject to the ENDA policies, Lafferty said.

Tony Perkins, president of the Family Research Council, said the new hate crimes law could also lead to repeals of the ban on homosexuality in the military and the Defense of Marriage Act.

“This hate crimes provision is part of a radical social agenda that could ultimately silence Christians and use the force of government to marginalize anyone whose faith is at odds with homosexuality,” Perkins said.

Lafferty also has concerns about Obama’s nomination of Chai Feldblum to head the Equal Employment Opportunity Commission. Lafferty said Feldblum claims the GLBT political agenda trumps

religious freedom issues and doesn't think traditional marriage is the best structure for sexual relationships.

"Feldblum comes across as a lesbian version of Katie Couric—perky and likeable—but her views and her goals are extremely dangerous to religious liberties and the traditional family," said Lafferty, who wants the Senate to hold hearings to examine Feldblum's views.

Other evangelical leaders say the hate crimes law is needed and that concerns about religious liberty infringements are overblown.

"I would think that the followers of Jesus would be first in line to protect any group from hate crimes," said Florida megachurch pastor Joel Hunter. "This bill protects both the rights of conservative religious people to voice passionately their interpretations of their Scriptures and protects their fellow citizens from physical attack."

Hunter joined Sojourners founder Jim Wallis and Tony Campolo, a popular author and founder of the Evangelical Association for the Promotion of Education, in supporting the bill earlier this year.

The nonpartisan reported that the bill would not prevent religious leaders from speaking disapprovingly about homosexuality.

The group said the First Amendment protects ministers' free speech, but it also pointed to language in the bill that says "nothing in this Act shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities ... including the exercise of religion." The measure, however, notes that the Constitution "does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence."

Factcheck notes that in another section the measure states

that nothing in the act “shall be construed to allow prosecution based solely upon an individual’s expression of racial, religious, political, or other beliefs or solely upon an individual’s membership in a group advocating or espousing such beliefs.”

Bill opponents said they plan to take a wait-and-see approach. Lafferty questions ‘s findings, and said the hate crimes act, and ENDA if it were to pass, could lead to more restrictive measures over time.

“Just because a bill passes a certain way doesn’t mean it’s going to stay that way,” Lafferty said. “They’re going to come back and come back and come back.”

Krause encouraged pastors not to alter their message. He said if the hate crimes law were ever applied against a minister, church or religious organization, Liberty Counsel would defend them.

“As the Bible speaks out against homosexuality, we encourage [pastors] to do the same thing and continue to be true to the Scriptures,” Krause said. “Because, again, if ... there are no consequences, then pastors shouldn’t have a reason to worry. If they do start getting into trouble, that will show the real nefarious intent behind this bill in the first place and all those promises will be for naught.”