

Yesterday in Judiciary Committee, Congressman Pence offered an amendment to the Democrat hate crimes bill that would protect religious freedom from prosecution under hate crimes law. Click [here](#) to read a story about the debate. Congressman Pence's statement is pasted below:

Mr. Chairman, I have an amendment at the desk numbered MV_072.

The amendment that I offer today makes it clear that the hate crimes bill we are considering will not affect the constitutional right to religious freedom and will ensure that future courts will not construe this statute to infringe on a person's religious liberty.

First of all, I believe that a hate crimes bill is unnecessary and bad public policy. Violent attacks on people or property are already illegal regardless of the motive behind them, and there is no evidence that the underlying violent crimes at issue here are not already being fully and aggressively prosecuted in the states. Therefore, hate crimes laws serve no practical purpose and instead serve to penalize people for their thoughts, beliefs or attitudes.

Some of these thoughts, beliefs or attitudes such as racism and sexism are abhorrent, and I disdain them. However, the hate crimes bill is broad enough to encompass legitimate beliefs, and protecting the rights of freedom of speech and religion must be paramount in our minds as we consider this bill.

The First Amendment to the Constitution provides that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." America was founded upon the notion that the government should not interfere with the religious practices of its citizens. Constitutional protection for the free exercise of religion is at the core of the American experiment in democracy.

Of great concern to me is that hate crimes laws could be used to target religious groups. Of the 9,430 "hate crimes" recorded by the FBI in 1999, by far the largest group was labeled "intimidation." The "intimidation" category does not even exist for ordinary crimes. This vague concept is already being abused by some local governments, which target speech in favor of traditional morality as "hate speech."

The road we could be led down is one in which pastors, religious broadcasters and evangelical leaders who are speaking their own personal convictions could be prosecuted under hate crimes statutes.

For example, in New York, a pastor who had rented billboards and posted biblical quotations on sexual morality had them taken down by city officials, who cited hate crimes principles as justification.

In San Francisco, the city council enacted a resolution urging local broadcast media not to run advertisements by a pro-family group. No viewpoint should be suppressed simply because someone disagrees with it.

Finally, pro-homosexual activist groups such as the Human Rights Campaign have stated their

belief that an ad campaign by pro-family groups showing that many former homosexual people had found happiness in a heterosexual lifestyle, contributed to the tragic 1998 murder of homosexual college student Matthew Shepard. There is no evidence that his killers even knew about the ads, and Shepard's killers told ABC's 20/20 that they were motivated by money and drugs. However, the danger here is that people use a hate crimes bill to silence the freedom of religious leaders to speak out against homosexuality.

There is a real possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities under conspiracy law or section 2 of title 18, which holds criminally liable anyone who aids, abets, counsels, commands, induces or procures its commission; or one who "willfully causes an act to be done" by another.

It is easy to imagine a situation in which a prosecutor may seek to link "hateful" speech to causing hateful violent acts. For example, in a 2004 case in Philadelphia, 11 individuals were arrested at OutFest, a gay pride festival. The individuals held signs and were reading segments of the Bible. They were arrested after protesting peacefully, charged with three felonies and five misdemeanors. Their felony charges included "possession of instruments of crime" (a bullhorn), ethnic intimidation (saying that homosexuality is a sin), and inciting a riot (reading passages from the Bible related to homosexuality).

Whether or not a riot occurred involving the Christians was debatable, and even so they faced \$90,000 in fines and possible 47-year prison sentences.

To guard against the potential for abuse of hate crimes laws, this amendment clarifies and re-emphasizes the importance of religious freedom in our country and the respect of that freedom. It makes clear that people and groups will not have their constitutionally guaranteed right to religious freedom taken away.

As Thomas Jefferson once said, "Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legislative powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should 'make no law respecting an establishment of religion, or prohibiting the free exercise thereof,' thus building a wall of separation between Church and State." Let us follow Mr. Jefferson's lead and pass this amendment to make clear that this statute does not seek to criminalize religious thoughts.

Labels: [Hate crimes](#) , [Judiciary Committee](#) , [religious freedom](#)