

Law signed extending hate crime protections: Obama adds sexual orientation and gender identity as protected categories

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With the stroke of a pen, President Obama expanded federal hate-crime laws to include sexual orientation and gender identity as protected categories, a goal for which gay-rights activists have been working for more than a decade.

Obama's action on October 28 came after Congress approved the provision over the objections of some conservative religious groups, who viewed it as the first step down a slippery slope toward abridging religious speech against homosexuality.

Supporters of the bill—including many moderate and liberal Christian leaders—say it will make it easier for federal and local authorities to investigate violent crimes motivated by bias against the victim's sexual orientation, racial background, gender and other characteristics.

Since 1968, federal hate-crime laws have provided extra protection for crimes motivated by a victim's religion or ethnic background. The new law expands those categories to include sexual orientation, gender identity and disability. It also provides additional resources to state and local law-enforcement officials, who investigate and prosecute the vast majority of bias-motivated crimes.

Most states already have hate-crime laws, and several dozen of them include protections for disability, gender and sexual orientation. Laws in a handful of states and the District of Columbia also protect transgendered persons.

Religious right groups opposed to the new federal law said it could ultimately lead to prosecution of traditional Christians for expressing their beliefs about homosexuality.

“This law is a grave threat to the First Amendment because it provides special penalties based on what people think, feel or believe,” said Erik Stanley, senior counsel for the conservative Christian legal group Alliance Defense Fund. Stanley said some Christian ministers in other countries with hate-crime laws have been charged for inciting hatred against gays by preaching.

But church-state experts, such as Charles C. Haynes, senior scholar at the Freedom Forum’s First Amendment Center, say those other countries do not have a First Amendment protecting speech. They also point out that already existing hate-crime laws on the books for more than 40 years have not led to legal restrictions on free speech regarding racial or religious matters.

[Likewise, Craig Parshall, senior vice president and general counsel for the National Religious Broadcasters, wrote in the NRB online newsletter in mid-October that the charge that pulpit preachers and religious broadcasters could be prosecuted for opposing homosexual practice is not accurate.

[Parshall said that a religious liberty amendment introduced by Senator Sam Brownback (R., Kan.) and adopted by the Senate July 16 spelled out further that protection of speech. Parshall said it “survived the [Senate-House] conference committee substantially intact” before the bill was signed by Obama.]

Earlier in the year, a joint statement of some Christian leaders said the bill did not stand at odds with freedom of expression.

Joel Hunter, pastor of the multisite Northland Church in Orlando, Florida, joined as a signer of the statement. “I would think that the followers of Jesus would be first in line to protect any group from hate crimes,” he said. “This bill both protects the rights of conservative religious people to voice passionately their interpretations of their scriptures and protects their fellow citizens from physical attack.”

The full name of the law honors Matthew Shepard, a gay college student murdered near Laramie, Wyoming, in 1998, and James Byrd Jr., an African-American man dragged to his death while chained to a pickup truck in Jasper, Texas, also in 1998. – *Associated Baptist Press*