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## **AFLC Files Brief in Support of Its Petition for Supreme Court Review of Federal “Hate Crimes” Law**

Washington, D.C. (March 7, 2013) — Today, the American Freedom Law Center (AFLC), a national nonprofit Judeo-Christian law firm, filed a reply brief in the U.S. Supreme Court in support of its petition for a writ of certiorari, which asks the high court to review an appellate court decision which held that several Michigan pastors and a family values advocate lacked standing to challenge the constitutionality of the controversial federal “Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.” AFLC’s brief is in response to the Solicitor General’s opposition to the petition, which was filed on February 4, 2013. The Supreme Court Justices are scheduled to hold a conference on March 15, 2013, to determine whether to grant the petition.

The “Hate Crimes Act,” which was signed into law by President Obama in October 2009, criminalizes so-called “bias” crimes motivated by a person’s “actual or perceived” “sexual orientation” or “gender identity.” Violators of the Act are subject to ten years in prison.

In February 2010, Gary Glenn, president of the American Family Association of Michigan, and Michigan-based pastors Levon Yuille, Rene Ouellette, and James Combs filed a federal lawsuit against U.S. Attorney General Eric Holder, challenging the Act’s constitutionality. The Act does not limit its prohibitions to *physical* acts of violence, but also includes expressive conduct that may cause “bodily injury,” which is broadly defined under the statute. As Christian leaders who actively oppose homosexual activists, Glenn and pastors Yuille, Ouellette, and Combs could be subject to investigation and prosecution under the Act.

AFLC Co-Founder and Senior Counsel Robert Muise commented: “This federal criminal statute violates the First Amendment on its face. There is little doubt that this draconian law was passed to chill the exercise of free speech of those who oppose the radical agenda of homosexual

activists. It is yet another assault by the Obama administration on our Constitution and the freedoms it protects.”

In September 2010, a federal district court judge in Michigan granted the Attorney General’s motion to dismiss the lawsuit on standing and ripeness grounds, thus avoiding a decision on the merits of the constitutional challenge. Muise appealed that ruling to the U.S. Court of Appeals for the Sixth Circuit, where he argued the case before a three-judge panel in January 2012. In August 2012, the Sixth Circuit ruled that the plaintiffs lacked standing to challenge the law and dismissed the case.

David Yerushalmi, Co-Founder and Senior Counsel of AFLC, commented: “Criminalizing religious opposition to homosexuality while elevating those who engage in homosexual acts to a protected class under federal law is a clear violation of the Constitution and a frightening abuse of federal power.”

The case has drawn strong support from national leaders who oppose such frontal attacks on our Constitution, including Congressman Steve King (R-IA), who wrote a letter in support of the challenge, stating, “I want to commend you for your courage to challenge the constitutionality of the Hate Crimes Prevention Act of 2009. As a Member of the House Committee on the Judiciary, I worked hard to stop this legislation in Committee and on the floor of the House of Representatives. . . . Like you, I believe this ‘Hate Crimes’ Act is unconstitutional and marks an unprecedented move to regulate and criminalize thoughts.”

The *American Freedom Law Center* is a Judeo-Christian law firm that fights for faith and freedom. It accomplishes its mission through litigation, public policy initiatives, and related activities. It does not charge for its services. The Law Center is supported by contributions from individuals, corporations, and foundations, and is recognized by the IRS as a section 501(c)(3) organization. Visit us at [www.americanfreedomlawcenter.org](http://www.americanfreedomlawcenter.org).

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