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**For Immediate Release: October 31, 2012**

## **AFLC Asks U.S. Supreme Court to Review Appellate Court Decision Upholding Federal “Hate Crimes” Law**

Washington, D.C. (October 31, 2012) — Today, the American Freedom Law Center (AFLC), a national nonprofit Judeo-Christian law firm, filed a petition for a writ of certiorari in the United States Supreme Court, asking the 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 federal “Hate Crimes” law, which 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. As Christian leaders with a duty to teach God’s Word on moral issues, such as homosexuality, Glenn and pastors Yuille, Ouellette, and Combs have “willfully” and actively engaged in expressive conduct regarding the morality of homosexuality—conduct that could subject them to investigation and prosecution under the Hate Crimes Act, which does not limit its prohibitions to *physical* acts of violence.

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. AFLC Co-Founder and Senior Counsel Robert 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.

Muise commented: “There is no doubt that this federal criminal statute violates the First Amendment on its face. Thus, the Act chills the exercise of free speech, specifically the free

speech of our clients, who speak out against homosexuality. This chilling effect is sufficient to confer standing to challenge the Act as a matter of law.”

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.”

In support of this legal challenge, Congressman Steve King (R-IA), wrote a letter 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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