

Testimony of  
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Written Statement of  
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To the  
Committee on Judiciary  
U.S. Senate  
Room 226  
Dirksen Senate Office Building  
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Honorable members of the Judiciary Committee:

I come before you as an Evangelical Christian, and an ordained minister of the Presbyterian Church (USA), seeking your support for the S. 909, the Matthew Shepard Hate Crimes Prevention Act of 2009.

Christians affirm, along with many other faith traditions, that every single human being is created in the image of God. That means every human being is entitled, as a divinely-given birthright, to the fundamental rights and dignity that go along with being an image of the Almighty and a fellow member of the one human family.

In this area, Christian teaching resonates with the dream that is America. Our forbearers wrote into the founding document of this republic the declaration that "All men are created equal [and] are endowed by their Creator with certain unalienable Rights."

Here our Declaration of Independence recognizes what Christians also affirm, that the ability for any of us to live out our calling as children of God requires respect for fundamental rights and freedoms which provide human beings with the space and the peace necessary for us to choose the good and reject evil, to develop our full human potential for the benefit of society as a whole, and to grow in love and our capacity to serve.

That space of freedom within which human life may flourish is taken away when people are subject to physical attacks and abuse, and when they are forced to live constantly under the shadow of fear and intimidation that are their counterpart. This is one of the areas where the church needs the government's help in order to do its work. We need you to create for us and for all citizens that safe space of freedom within which we can help people to embrace the good that is their destiny and calling as children of God.

As the name on this bill so eloquently testifies, that safe space has been tragically lacking for our lesbian, gay, bisexual and transgender ("LGBT") brothers and sisters. In 2007 alone, 1,265 hate crime incidents based on sexual orientation were recorded by the FBI. Though we obviously

have laws already on the books designed to protect people from violent assaults, the plain truth is that in areas where particular minority groups are widely disapproved, justice sometimes bends in response to local prejudices, or simply has too few resources to stand against the prevailing tides of public opinion. We saw it historically when black Americans sought equal protection under the law. And we see it today in attacks against people who are LGBT. These are the circumstances where we need the assistance of the federal government if the better angels of our collective conscience are to prevail. We need the resources and the resolve of our federal law enforcement system in order to make real that American promise of life, liberty and the pursuit of happiness for all our citizens, gay and straight alike.

The importance of this bill is not limited to the LGBT community. This bill also expands and updates federal jurisdiction over violent, bias-motivated crimes based on religion, race, color and national origin. The bill therefore protects religious liberty by addressing violence against individuals based on their religion. Current federal law addresses hate crimes based on religion in extremely limited circumstances. This bill would allow our federal government a greater capacity to assist state and local authorities in their efforts to combat religious violence. Such hate is all too common. Violence based on religion is second only to race as the most prevalent category of hate crimes, and many religious groups, such as mine, support this bill all the more strongly because it addresses violent acts motivated by religious bigotry. We have felt called to speak out on behalf of this legislation. Our letter of endorsement, signed by religious groups representing the broad range of faith traditions, is attached to my testimony.

Now some have worried that in passing this legislation we would be declaring illegal the considered religious opinions of many Americans who believe that homosexual behavior is contrary to the will of God. I will say to you that my own Presbyterian Church is passionately committed to preserving the right of all people to believe and follow their religious convictions freely without the interference of the Federal Government. If I believed for one minute that the effect of this bill was to curtail legitimate religious expression or observance, I would not touch it with a ten-foot pole.

But that is not the effect of this bill! Section 10 contains explicit language stating that "nothing in this Act shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities." Those constitutional protections are effective. We have had federal hatecrime

legislation on the books for forty years in this country, nearly my whole lifetime. And in the course of that time, I myself have heard vicious, hateful, awful racist speech spewed forth from certain dark corners of our social fabric. I do everything I can to shield my children from this poisonous filth. But not once in all of these forty years while we've had hate-crime laws on the books have I ever seen someone brought up on charges solely because of something they said.

The Matthew Shepard Act targets not speech or thought or religious expression, but violent crime. We are talking here about physical assault on the person of another solely because of who they are. Violent attacks on another person are not a legitimate expression of anyone's religious belief, Christian or otherwise. There is nothing in this legislation for law-abiding Christians to fear.

In fact, we need this bill for the health of our churches, our mosques, and our synagogues. I myself am a biblically-committed Presbyterian who has come to believe that we grievously misinterpret the Bible if we use it to condemn people solely on the basis of a sexual orientation they did not choose. A great many of our people have been coming around to that point of view, but many others aren't there yet, and so the Presbyterian Church is split right down the middle on this question. Like many religious bodies, we are engaged in active, vigorous debate with one another, working to find our way to God's truth together. Everybody needs to be able to speak their mind freely for that kind of debate to be productive. And that can't happen if people are worried that they are liable to get beaten up in a dark alley somewhere if they speak freely about who they are and what they believe. We need the protections that the Matthew Shepard Act provides.

So for the sake of my church's health, and for the sake of this country's promise to all its citizens, I urge you to do the right thing and pass this legislation.

Thank you for your time and attention.