

Judge dismisses ministers' suit against hate-crimes law

News in the [October 5, 2010](#) issue

A federal judge has dismissed a lawsuit filed by a Michigan man and three Michigan ministers challenging the constitutionality of a federal hate-crimes law enacted last October.

The suit against U.S. Attorney General Eric H. Holder Jr. was filed in February by Gary Glenn, a Midland resident and president of the American Family Association of Michigan; Levon Yuille, pastor of the Bible Church in Ypsilanti; Rene Ouellette, pastor of First Baptist Church in Bridgeport; and James Combs, pastor of Faith, The Point, The Rock and The River churches.

U.S. District Judge Thomas L. Ludington dismissed the suit in which the plaintiffs claimed that the Shepard-Byrd Hate Crimes Prevention Act violated their First Amendment rights to free speech. Specifically, the plaintiffs argued that the act impinged on their right to speak out against homosexual behavior "and the political agenda that promotes it."

The new law provides federal criminal penalties in cases of violence perpetrated against people because of their religion, race or sexual orientation.

In a 43-page motion to dismiss, the Justice Department called Glenn's arguments hypothetical and said Glenn and the ministers had no right to file a civil suit based on "conjectural" or hypothetical injuries or infringements.

"Plaintiffs do not allege that they have been prosecuted under the Act, that they have been threatened with such prosecution or that they intend to engage in any conduct prohibited by the Act," federal attorneys argued. —RNS