

The U.S. House of Representatives passed the Religious Liberty Protection Act by a 306-118 vote on July 15.

The legislation sprang from a 1997 decision by the U.S. Supreme Court that struck down the Religious Freedom Restoration Act as being overly broad and exceeding congressional authority.

RLPA is an attempt to accomplish the same goals through a more constricted law. It aims to prohibit state and local governments from placing "a substantial burden" on individual exercise of religion, unless there is a compelling state reason for doing so.

The principle sponsor of RLPA is conservative Rep. Charles Canady, R-Fla.

As the vote tally indicates, the measure has wide bipartisan support, including a White House endorsement.

Some critics, including gay and lesbian rights advocates, fear the measure could undermine hard-won state and local anti-discrimination protections for minorities, gay people and the disabled by allowing individuals to claim religious reasons as justification for discrimination in housing, employment and other areas.

Elizabeth Birch, executive director of the Human Rights Campaign, a national gay and lesbian political group based in Washington, D.C., supports the principle behind the act but not its current language. She says it constitutes a "tramp[ing] on the civil rights of women, people of color, people with disabilities, and gay and lesbian Americans."

Christopher Anders, legislative counsel to the American Civil Liberties Union, calls the measure "a devastating piece of legislation on

## GOD TRUMPS DISCRIMINATION?

Religious liberty legislation passed by the House of Representatives—and likely to be approved by the Senate—could undercut civil rights protections by Bob Roehr

sexual orientation, marital status and the like that would upset the balance of civil rights laws at the state and local level."

Kerry Lobel, executive director of the National Gay and Lesbian Task Force, adds: "We don't have to play one critical civil right against another in order for both to prevail."

*"This bill forces us to choose between religious freedom and civil rights.*

*That's a false choice;*

*we can do better.*

*The Religious Liberty Protection Act should be a shield for the religious liberty of all—not a sword against the civil rights of some."*

—Rep. Jerrold Nadler



HRC and NGLTF were stung by the deflection of several of their usual allies.

Winner Stachelberg, HRC's political director, says: "It is terribly disappointing when our traditional allies—whether it is People for the American Way or the Religious Access Center,

or others who have stood by the gay and lesbian community through a lot of tough battles—have chosen to put religious liberties above the civil rights of gays and lesbians."

Rep. Jerrold Nadler, D-N.Y., had offered an amendment to rectify gay groups' concerns.

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gious freedom and civil rights. That's a false choice; we can do better," he said. "RLPA should be a shield for the religious liberty of all—not a sword against the civil rights of some."

During House floor debate, Rep. Patrick J.

Kennedy, D-R.I., charged that in opposing Nadler's amendment "the right wing of the Republican Party wants to discriminate against homosexuals."

Canady replied: "The gentleman has misunderstood the purpose of this bill."

After an hour of debate the amendment was rejected by a 234-190 vote, largely along party lines.

Although he earlier insisted the act is not anti-gay, Canady admitted July 17 on the C-SPAN program *Washington Journal* that it could counteract gay rights legislation.

"I believe there are contexts in which this bill could result in a claimant who is defending against the application of a local gay rights ordinance [being able] to raise a claim that would be successful because compliance with that ordinance was a violation of the free exercise of religion," he said.

"Canady's comments reveal how this bill in its current form might be used as a club against state and local ordinances protecting gay and lesbian Americans from discrimination," says Stachelberg. "This bill creates a huge loophole where people can use religion to justify discrimination."

The measure has moved to the Senate where, Stachelberg concedes, it has strong backing.

## SENATE PASSES HATE CRIMES BILL

The Hate Crimes Prevention Act passed the U.S. Senate July 22.

The measure, along with a more limited proposal, was adopted without debate, by unanimous consent, as an amendment to the appropriations bill for the departments of Commerce, State and Justice.

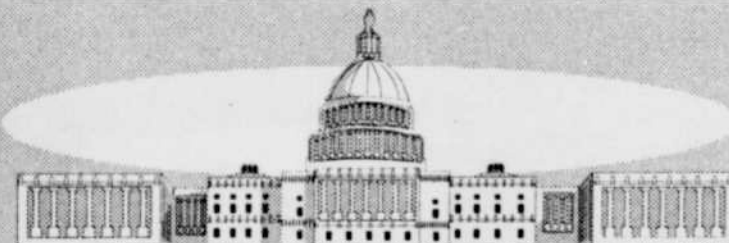
The second bill was drafted by Senate Judiciary Committee Chairman Orrin Hatch, R-Utah, and introduced only the previous day.

A parallel funding measure has yet to emerge from the House. When one does, it is unlikely to contain either of the hate crimes amendments, so the issue will be worked out in conference between the two chambers.

"I think this is an enormous victory. It shows that there is incredible support for hate crime legislation," says Winnie Stachelberg, political director of the Human Rights Campaign,

a leading advocate for the Hate Crimes Prevention Act. "This is recognition on the part of the Senate that there is a problem, there is a federal response, and we have to act quickly."

President Bill Clinton said he was "gratified" by the action and pledged continued support for the act.



The act would add crimes motivated by bias against a victim's gender, sexual orientation or disability to the list of offenses that are punished with harsher sentences under current federal law. It would offer legal grounds for federal assistance for investigations into these types of crimes when local authorities request help, or federal intervention when there is reason to believe local officials are not adequately pursuing such crimes.

Its principle sponsors are Sens. Ted Kennedy, D-Mass., and Gordon Smith, R-Ore.

The stripped-down measure offered by Hatch does not include disability or sexual orientation, but does add gender and age. It would allow for federal assistance in some instances and a federal presence when there is interstate travel associated with the hate crime.

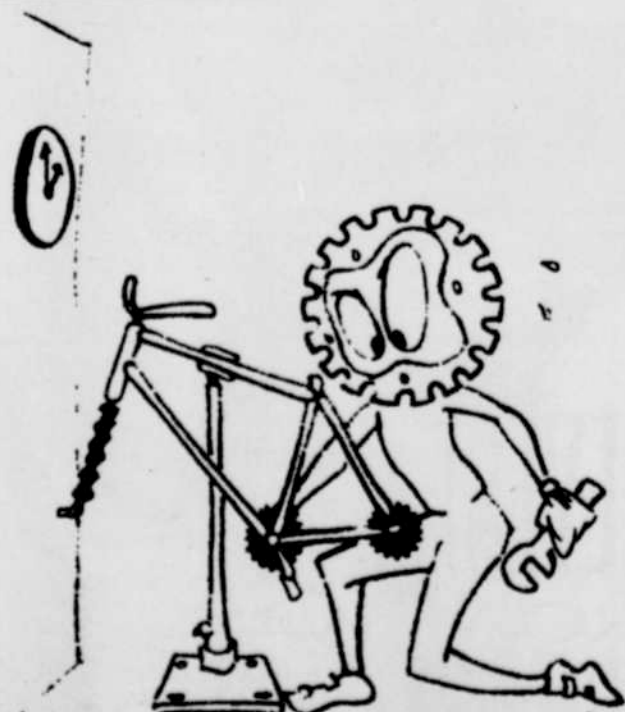
"Hate crime legislation that doesn't cover sexual orientation and disability is a farce," says Kerry Lobel, executive director of the National Gay and Lesbian Task Force.

Stachelberg says she welcomes "Hatch's commitment to the problem" but said his proposal simply doesn't go far enough. She also concedes it's going to be very difficult to get the stronger bill through conference. She believes that continued strong support from the White House will be crucial to success.

The right wing, meanwhile, continued its attack on the Hate Crimes Prevention Act, calling for its defeat in conference.

"Hate crime laws are based on the faulty premise that some victims are worthy of more government protection than others victimized by similar crimes," says Janet Parshall, spokeswoman for the Family Research Council.

■ Reported by BOB ROEHR



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