

## Testimony on House Bills 4474 and 4475

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Good morning, Madame Chair and members of the Committee.

Thank you for the opportunity to provide testimony on HB 4474 and 4475. My name is Eileen McNeil, and I am the President of Citizens for Traditional Values and come before you to express our opposition to these bills.

This is an important discussion to have as it would have broad legal ramifications that will impact the lives and the livelihoods of many around the state. In essence, these bills declare that words and speech can be prosecuted as violent acts.

We can agree, along with many other diverse communities of faith who believe strongly that hate is unacceptable and wrong. HOWEVER, this proposed legislation grossly and vaguely expands the definition of what a "Hate Crime" is and will have the opposite effect on our state as it penalizes and criminalizes free speech and the freedom to exercise our religious conscience.

I won't repeat all of the language in this bill – but some of the most egregious under House Bill 4474 is that one will be "guilty of a hate crime" if you intimidate or harass someone, cause severe mental anguish, or use force or violence if you — **regardless of the existence of any other motivating factors** — intentionally target a victim based "on the actual or **perceived** characteristics" of another individual from a list of protected categories, including race, religion, sexual orientation, and gender identity or expression.

The phrase "regardless of the existence of any other motivating factors" means that if, based upon your religious faith and conscience, you are peacefully speaking against a policy or a person advocating a position with which you disagree, that will be no defense. This is unconstitutional on its face and clearly violates the First Amendment's Free Speech and Free Exercise of Religion clauses.

**What does it mean to "intimidate, harass or cause severe mental anguish" to another individual?** The statutory definitions used here make it clear those words mean whatever the victim wants them to mean. This law will not act as a shield to stop so-called hate crimes, rather, it will be used as a sword to destroy and muzzle any debate in the public sphere over critical cultural issues we currently face in our society.

**These bills will in essence authorize government action** forcing businesses, churches, schools and citizens of faith of all backgrounds (e.g., Muslim, Jewish, Christian, etc.), to make a terrible choice: act against their Constitutionally protected consciences and their sincerely held religious identity or **be silent** – unless they are willing to face the full force of the state’s governmental and regulatory power in expensive legal battles because it **also creates** a new civil cause of action against alleged perpetrators of the “so-called” hate crime, even if someone is found not guilty in a criminal trial. What better way to silence your critics!

**We agree wholeheartedly with Professor Wagner’s testimony that included, among other things:**

“The test of a properly functioning republic is not whether the government protects the speech and religious rights with which it agrees – it is whether it will protect the speech, religious rights, and liberty of those citizens with whom it **does not agree**. Instead of censuring or punishing speech and religious rights, the answer is always to have more speech and the free exchange of ideas – at least in a republic that values true freedom, pluralism, and diversity. Selective enforcement and punishment of citizens under these proposed policies sends a bitter chill throughout our country. Promulgating vague policies that allow for arbitrary and selective enforcement is never an appropriate public policy for any institution that values good governance under the rule of law.”

**Representatives** - you are here to serve ALL of your constituents and surely as members of this committee you are committed to ensure every Michigander has equal protection under the law. I hope that ALSO includes religious churches and schools and everyday citizens who believe in traditional ideas of family and human sexuality and their rights to have a deeply held religious identity and expression—**WITHOUT fear of retribution** from an activist who disagrees with that identity and expression.

It is important for the Legislature and policy makers to take a serious look at the interests of all the citizens of this state before making such sweeping changes to Michigan law.

Thank you for your time and consideration.

Eileen McNeil

President

Citizens for Traditional Values