

High court upholds hate-crimes penalties

BY DAVID G. SAVAGE
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WASHINGTON — The Supreme Court yesterday gave state and federal governments the power to punish hate crimes more severely, ruling that criminals can be given longer prison terms for physical assaults motivated by race, religion or sexual orientation.

The 9-0 ruling upholds laws in 26 states that permit judges to impose stiffer sentences on those whose crimes grow out of their biases.

Civil-rights and religious leaders breathed a sigh of relief at the ruling. A series of laws were enacted in the past decade to combat what was seen as a wave of hate crimes, but the constitutionality of those measures had stood in doubt.

Last year, the court struck down a St. Paul, Minn., law that made it a crime to burn a cross or display Nazi swastikas, and its majority opinion said expressions of racial and religious hatred are protected by the First Amendment.

Based on that opinion, state supreme courts in Wisconsin and

■ High court overturns a Florida city's ban on ritual animal sacrifices. Page A 14.

Ohio ruled their hate-crimes laws invalid because they imposed punishment on a "thought crime" or a racist utterance.

Chief Justice William Rehnquist drew a clear line between laws that primarily punish expression and those that punish conduct.

A law that makes it a crime to burn a cross or an American flag is "explicitly directed at expression," Rehnquist said, and is therefore invalid. In contrast, a law imposing extra punishment for an assault "is aimed at conduct."

"A physical assault is not by any stretch of the imagination expressive conduct protected by the First Amendment," he said.

The ruling is likely to spur Congress to enact a federal hate-crimes statute. Last year, a House bill was not taken up in the Senate.

In the case before the court, pros-

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ecutors had a clear statement from the defendant, a black man accused of assaulting a white youth. On the evening of Oct. 7, 1989, a group of young black men had gathered on a street in Kenosha, Wis. They had just watched a tape of the movie, "Mississippi Burning," in which a white man beat a young black boy who was praying.

"Do you all feel hyped up to move on some white people?" 19-year old Todd Mitchell asked his friends.

Soon after, a 14-year-old white youth came walking down the other side of the street. "There goes a white boy," Mitchell said. "Go get him."

The gang attacked the youth and beat him severely. He spent four days in a hospital in a coma.

Mitchell was convicted of aggravated assault, which under Wisconsin law carried a maximum two-year prison sentence. But prosecutors invoked the state hate-crimes

laws, which permits a higher sentence against someone who "intentionally selects" his victim because of race, religion, disability, national origin or sexual orientation. The judge sentenced Mitchell to four years in prison.

Last year, however, the Wisconsin Supreme Court heard Mitchell's appeal and rejected the enhanced sentence. It ruled that the hate-crimes law "threatens to chill free speech" because it imposes a punishment for loathsome comments such as Mitchell's.

Rehnquist noted that all manner of laws, including the federal civil-rights statutes, rely on motive.

For example, if an employer fires a subordinate because he does not like his personality, he acts within his rights. However, if he fires him because of his race, he violates federal civil-rights laws. A racist comment by the employer could be used to show that the firing was motivated by bias.

The chief justice also noted that in 1947 the court upheld a conviction for treason of a German-American who had made statements showing his devotion to Adolf Hit-

ler. No one suggested that such comments are entirely protected from punishment by the First Amendment, Rehnquist said.

Also, the court voted 5-4 in an Ohio case to let states give some

creditors priority over the federal government in claims against assets of bankrupt insurance companies.

Information for this story also was gathered by The Associated Press.

Court allows animal sacrifice rite

Associated Press

MIAMI — The Supreme Court yesterday unanimously overturned a city's ban on ritual sacrifices of chickens, ducks, goats and sheep by a church of the Afro-Caribbean religion Santeria.

The court said the Constitution's guarantee of religious freedom protects the right to sacrifice animals, no matter how offensive it is to others.

Justice Anthony Kennedy said the city of Hialeah improperly aimed the ban at Santeria believers.

"Religious beliefs need not be acceptable, logical, consistent or

comprehensible ... to merit First Amendment protection," he wrote.

"We are amazed by the decision," said Ernesto Pichardo, priest of the Church of the Lukumi Babalu Aye. "As an immigrant, as a Cuban, I feel a great honor. This is why we came to the United States."

Robert Peck, of the American Civil Liberties Union, said the ruling doesn't counter the court's recent willingness to allow some regulation of religion. The decision specifically cited the wording of a 1990 ruling allowing government to outlaw Indian religious use of the drug peyote, he noted.