



SPECIAL REPORT

HATE CRIME LEGISLATION: UNEQUAL TREATMENT UNDER THE LAW

Homosexual-instigated hate crime laws punish a person's thoughts and beliefs, and they violate freedom of religion and speech.

October 2005 — Pro-homosexual “hate crimes” language has been attached to the Children’s Safety Act, H.R. 3132. The Children’s Safety Act is designed to protect children from sexual predators. .

The “hate crimes” language, more accurately described as thought crimes language, is titled the **Local Law Enforcement Hate Crimes Prevention Act**. It was attached to H.R. 3132 in a stealth move by Rep. John Conyers (D-MI).

The Children’s Safety Act — with the “hate crimes” language — was passed by the House of Representatives on September 14 by a vote of 223-199.

The Children’s Safety Act is supposed to enhance efforts to deal with sexual predators. However, the “hate crimes” language is a direct threat to freedom of religion and speech and will provide special federal protection for homosexuals and cross dressers. The House version included “sexual orientation” and “gender identity” (code for transsexuals, drag queens, and cross dressers).

The Senate is considering similar sexual predator legislation and conservatives worry that this exact “hate crimes” language will be added to the bill.

This “hate crimes” language, if passed, makes homosexuals and transsexuals a protected minority class under federal law.

This amendment will provide increased penalties against a criminal who kills a homosexual than if a criminal kills a father of four who is not part of a federally-protected “class” under federal law.

This is unequal treatment under the law! **All crimes of violence are hate crimes**—and no one group should receive greater protection under the law than another group. The murder of a father should not be treated as less valuable than if a homosexual or drag queen is killed. Homosexuality and cross dressing are behaviors, not fixed un-

changeable characteristics like race. These behaviors do not merit federally-protected minority status!

Federal Hate Crime Legislation Interferes With Local Law Enforcement

According to a study published by the U.S. Senate Republican Policy Committee (July 15, 2003), a “hate crimes” bill sponsored by Sen. Ted Kennedy threatens to undermine and interfere with local law enforcement efforts. (Kennedy is attempting to reintroduce this legislation in 2005.)

Under this bill, every crime that has the potential of being a “hate” crime will be federalized and federal prosecutors will freely intervene in local law enforcement efforts.

As the study noted: “...this legislation risks undermining local law enforcement. In practice, every interracial crime with minority victims will automatically have to be considered a possible ‘hate crime’—as will every crime where the victim is a homosexual, a transsexual, a transvestite, dis-

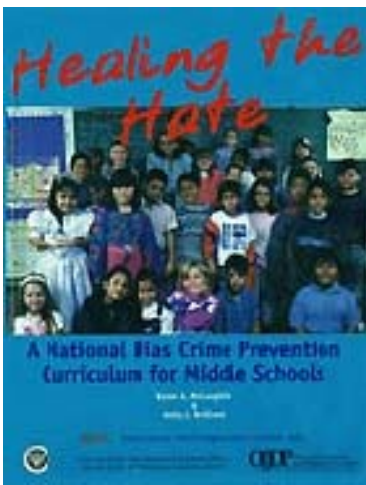
The Hate Crimes bill will add homosexual behavior and cross-dressing or transsexualism (gender identity) as protected minority classes under federal law. The views of millions of religious Americans will be violated if this legislation passes. It punishes the thoughts of a person!

abled, or a known member of a religion; such consideration will even extend to most crimes in which the victim is a woman. The bill would encourage police to treat victims differently depending on whether they fit into a special status created by Congress.”

This “hate crimes” language will criminalize the thoughts

of those who commit the crime—as well as condemn the moral beliefs of millions of Americans who are critical of homosexuality, cross-dressing, or transsexualism. This legislation puts criticism of these deviant sexual behaviors in the same category as racism, misogyny, and anti-Semitism. According to the Senate study mentioned earlier, “*The bill declares that moral disapproval to be inappropriate and unacceptable. It condemns the religious beliefs of devout Christians, Jews, and Muslims who strongly believe in the teachings of their faiths, and it delegitimizes their reservations about homosexuality and unorthodox sexual practices by equating those reservations with the racist views of Nazis or Klansmen.*”

Hate Crime Legislation Will Fund Anti-Christian Bigotry



During the Clinton years, TVC exposed the federal government’s use of tax dollars to fund an “anti-hate” (actually anti-morality!) school curriculum. “**Healing the Hate: A National Bias Crime Prevention Curriculum for Middle Schools,**” actually did the following:

- Compared Baptists and Pentecostals to White Supremacist groups.
- Taught children to turn in their parents if they were

“bigoted.”

- Defined “prejudice” to include the “bigoted thoughts” of religious organizations. If a church teaches homosexual sex is wrong, you see, the curriculum calls it bigotry!
- Defined a “hate incident” as “harmful words or actions” motivated by “prejudice,” which specifically includes “religious beliefs.” In other words, if you have moral principles based on your religious faith, the curriculum says you’re prejudiced!

Other “anti-hate” curricula we uncovered taught kindergarten children -- **KINDERGARTEN CHILDREN** -- to think bisexuality and sex change operations were normal! These curricula -- blatant propaganda for radical homosexual practice -- were called “age appropriate.” In some twisted minds, you see, if you tell a little child about perverse sex using one-syllable words, that’s “age appropriate!”

Hate crime legislation will provide funding to create more pro-homosexual teaching materials in public schools to seduce children into this dangerous lifestyle—and to vilify Christians or others who oppose the homosexual agenda.

Out of 11.9 million crimes reported in 2003, only 1,430 were bias crimes against a person’s sexual orientation. Of those, 433 were listed as “intimidation,” or simple name-calling. This is hardly an epidemic of hate against homosexuals.

There Is No Epidemic of Hate Crimes Against Homosexuals Or Transsexuals! In the introduction to Ted Kennedy’s hate crime legislation, the following statement is made: “The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability of the victim poses a serious national problem.”

(The House version sponsored by Rep. John Conyers also includes gender identity [transgender] language in it.)

Kennedy’s statement is totally inaccurate. Statistics from the FBI indicate there is no serious “national problem” of hate crimes against homosexuals, cross-dressers, or transsexuals. Of those “hate crimes” that are committed on the basis of sexual orientation bias, at least a third of those are listed as “intimidation,” which is frequently nothing more than name-calling.

The most recent FBI hate crime statistics are from 2003. Out of a total of 11.9 million crimes in the United States in 2003, there were only 7,489 reported hate crimes against all categories: race, religion, gender, sexual orientation, etc. (FBI Hate Crime Statistics, 2003, online)

Of that 7,489 hate crimes, 1,430 were “sexual orientation” related crimes. There were six murders; three forcible rapes; 162 aggravated assaults; 446 simple assaults; and 433 cases of intimidation.

Nearly a third of these “hate crimes” are intimidation, which is primarily name-calling.

Intimidation is defined by the Bureau of Justice Statistics, U.S. Department of Justice, as: “...*verbal or related threats of bodily harm.*” This could be something as innocuous as name-calling and shouting.

Simple assault is defined as: “...*physical attacks without a weapon or serious victim injury.*” This frequently involves pushing or hitting.

Aggravated assault defined as: “*attacks in which the offender uses or displays a weapon and/or the victims suffers serious injury.*” (Kevin J. Strom, Bureau of Justice Statistics, U.S. Department of Justice Special Report, September, 2001: <http://www.ojp.usdoj.gov/bjs/pub/ascii/hcrn99.txt>.)

From these statistics, it is evident that there is no epidemic of

hate crimes directed against homosexuals or transsexuals—and thus no need for federal legislation to deal with a problem that doesn't exist.

Faked Hate Crimes Create Additional Problems For Law Enforcement!

FBI statistics clearly prove there is no epidemic of “hate” against homosexuals or cross dressers. But homosexuals frequently file false “hate crime” reports in order to push forward the homosexual agenda or for personal gain. The homosexual newspaper, *Washington Blade* (Oct. 21, 2005) reported on a Florida homosexual who set his home on fire to collect the insurance money. He claimed it was a “hate crime” against homosexuals. The *Blade* wrote: “This is not the first incident to get widespread attention as a hate crime, only to be discovered a hoax.” It then listed other examples of homosexual faking hate crimes in order to gain sympathy for the homosexual agenda.

Once homosexuality and transgenderism are given protected federal status as minority groups, we can expect an epidemic of phony “hate crime” claims by troubled homosexuals.

Domestic Violence In Homosexual Relationships

If politicians are truly concerned about hate and violence against homosexuals, they should read *Men Who Beat The Men Who Love Them* by homosexual researchers David Island and Patrick Letellier. According to these activists, domestic violence within homosexual partnerships accounts for as many as 650,000 incidents of domestic violence. As Island and Letellier note: **“The probability of violence occurring in a gay couple is mathematically double the probability of that in a heterosexual couple ... we believe as many as 650,000 gay men may be victims of domestic violence each year in the United States.”** (Page 14)

If politicians truly wish to deal with violence against homosexuals, perhaps they should pass legislation banning same-sex cohabitation. Regrettably, politicians are more interested in caving in to homosexual political pressure, than dealing with facts.

Hate Crimes/Thought Crimes Will Violate Freedom Of Religion

“Hate crime” laws will eventually be used against pastors who preach against homosexuality from the pulpit.

In March, 2000, in Port Richmond, New York, Pastor Kristopher Okwedy put up two billboards with quotes from Leviticus about homosexuality. He was forced to remove the billboard quotes six days after posting them because they violated the city's pro-homosexual anti-

discrimination ordinance.

In Canada, a Christian was fined \$3,000 for publishing an advertisement containing Bible quotes about homosexuality in a newspaper. The Human Rights Commission said this exposed homosexuals to hatred and ridicule.

In Madison, Wisconsin, a Christian firefighter nearly lost his job for distributing “The truth about homosexuality” to his colleagues. He was suspended and ordered to attend a diversity training class for violating the city's anti-discrimination code.

These are just a few examples of how “hate crime” laws are being used to silence pastors and church attendees who oppose homosexuality on Biblical grounds.

Hate Crime Laws Are Bad Policy

There are numerous reasons why hate crime laws are bad public policy and are unneeded. Here are several reasons:

Hate Crime Laws Criminalize Thoughts and Feelings:

The effort to create a new category of crime, the so-called “hate crime,” is actually an effort to punish individuals who stray from the current politically correct orthodoxy. Employers and employees will lose freedom of speech and religion if hate crime legislation passes.

Typically, “hate crime” laws have prohibitions against “intimidating” or “coercing” an individual. This could be as simple a thing as quoting the Bible to a homosexual co-worker or leaving a tract about sexual orientation on his desk. The *Wall Street Journal* decried the tyranny of hate crime laws. As the *Journal* observed in “The Hate Politics”:

Like all restrictions on free speech, bans of “racist” or “homophobic” expression rests on a slippery slope. Some Christian denominations believe that homosexuality is a sin. Are their clerics to be silenced by law because this view is unacceptable? ... We aren't there yet. But when people can be given additional time in jail for what they were thinking while committing a crime we are approaching rule by a thought police. A good many people, even some supporters of hate-crime legislation, might find that a hateful outcome.”



The hoodlum who kills a cross-dresser—like the one shown above—will be given a greater prison sentence than if he had killed a father of four for his wallet. “Hate crime” laws add larger fines and prison sentences if the targeted person is part of a federally-protected class.

Political scientist Ronald J. Pestritto, a professor at St. Vincent College in Pennsylvania and an Adjunct Fellow with the Claremont Institute has observed that hate crime legislation is a political fad that “seeks to criminalize all feelings, thoughts, or attitudes that run contrary to the trends of the day.”



Jacobs and Potter believe that hate crimes laws actually criminalize a person's opinions and beliefs.

Writing in “The Ideology of Hate Crimes,” Pestritto says hate crime laws assume that “...there are more serious crimes out there than murder, or the taking of human life.”

James B. Jacobs and Kimberly Potter, writing in *Hate Crimes: Criminal Law & Identity Politics*, note that hate crime laws are actually aimed at criminalizing a person's personal opinions and beliefs. The authors note that the term “hate crime” is really not about hate at all, but about a person's beliefs about right and wrong.

According to Jacobs and Potter, “By linking hate speech prohibitions to generic criminal law, many well-meaning advocacy groups and politicians seek to shake a fist at the kind of ideas, opinions, and degenerate personalities that ‘right-thinking’ people abhor. But we must consider whether punishing crimes motivated by politically unpopular beliefs more severely than crimes motivated by other factors itself violates our First Amendment traditions.”

What about the bat-wielding bigot who attacks a homosexual and kills him? Should he be convicted not only for killing the victim but for his thoughts? Why should he receive a stiffer sentence for killing a homosexual than if he had beaten a woman to death for her purse? One can reasonably assume that he had hatred in his heart for the woman. There is no loving way to beat someone to death. Yet hate crime advocates would add a more severe penalty on to his sentence because of his thought crime against the homosexual.

Hate Crimes Violate Equal Protection: In March of 2001, the West Virginia Troopers Association went public with a demand that the state repeal its hate crime law. According to the trooper's executive director, David Moye, “We as police officers want to treat everybody equally. I don't think the public would expect us to distinguish between a black person or a white one or a handicapped person or a non-handicapped, gay or non-gay.”

According to Moye, the West Virginia “hate crime” law singles out specific groups of people for special treatment. Moye noted that his mother is Hispanic. Yet, says Moye, “I don't think there should be anything enhanced because someone commits malicious wounding against her rather than anyone else. Malicious wounding is malicious wounding.”

Hate crime laws provide special rights for favored groups or, in the case of homosexuality, over a politically favored sexual behavior. This is unequal protection under the law and should be vigorously opposed.

Daniel E. Troy, a scholar with the American Enterprise Institute, testified before the House Committee on the Judiciary in August of 1999 against proposed hate crime legislation. Troy told the committee that the fastest way for a group to achieve political power and status is to declare itself to be a victim. Troy writes: “Status as a disfavored group paves the way for special protections and special handouts. Thus, hate crimes legislation makes crimes into political footballs, further polarizing America on the basis of group and identity politics.”

Troy believes that special interest groups want to be proclaimed as victims so they can have special laws, special handouts, and special treatment.

Consider the highly publicized murder of homosexual college student Matthew Shepard. The killers, Russell A. Henderson and Aaron J. McKinney have already been sentenced to life in prison without parole.

Should extra penalties be applied because of what Henderson and McKinney *thought* when they were killing Shepard? No one brutally murders another person out of love. *Every violent murder is hate-motivated.*

As the late **National Journal** editor Michael Kelly observed in a **Washington Post** column in October of 1998, what Henderson and McKinney did was a terrible thing, but “would it have been less terrible if Shepard had not been gay? If Henderson and McKinney beat Shepard to death because they hated him personally, not as a member of a group, should the law treat them more lightly? Yes, say hate-crime laws.”

Kelly rightly observes that, “Hate crime laws require the state to treat one physical assault differently from the way it would treat another—solely because the state has decided that one motivation for assaulting a person is more heinous than another.”

U.S. News & World Report columnist John Leo agrees. In a 1998 column, Leo noted that “hate crime” laws are ostensibly created to provide special protections for minority groups. Yet this violates the principle of equality under the law. Leo says, “Equal protection should mean one law for all, pursued evenhandedly regardless of our differences, not separate laws invented because of them.”

“Hate crime laws create a legal apartheid or a new form of segregation where individuals are separate and not equal under our system of justice,” says Rev. Louis P. Sheldon, Chairman of Traditional Values Coalition. “Our laws should not provide extra legal protections for someone simply because of the way he engages in sex.”

Writing in his new book, *The Agenda: The Homosexual Plan To Change America*, Rev. Sheldon noted: “Why should someone who kills a homosexual receive a harsher sentence than someone who beats a woman to death while stealing her purse? It’s reasonable to assume that both killers were motivated by violence and hatred.” (Order information: <http://www.traditionalvalues.org/theagenda.php>.)

Hate Crime Laws Fracture Law and Society: AEI scholar Daniel Troy rightly fears that our nation’s emphasis on creating racial, religious, gender, and other special interest groups will further divide our nation rather than unite us with common concerns. In his testimony before Congress, Troy quoted liberal historian Arthur Schlesinger who decries separatism because it “*nourishes prejudices, magnifies, differences, and stirs antagonisms.*”

Daniel Troy notes that although he is Jewish, he does not insist that because another Jew is harmed, that his personal grievances must be written into law. He says that everyone belongs to a group, but the way we should deal with crimes is to penalize criminal conduct, not provide special legal protections for an aggrieved group. “...we should not give greater legal effect to the grievances of one group over those of another. Indeed, by further forcing society into

groups based on permanent status—racial, gender, religious, etc. — hate crime laws ultimately erode the core unifying values of our country. Instead of developing a civil society in which groups form and disband to advocate ever-changing interests, this sort of legislation encourages the maintenance of permanent groups along lines that should, ultimately, be irrelevant under the law.”

“Hate crimes,” notes educator Jonathan Kozol, “are symptomatic of society’s Balkanization [social fracturing]. They are futile in the long run. We cannot rebuild society by legislative penalties for insensitive acts and utterances.”

Hate Crime Laws Should Not Grant Special Rights to Homosexuals or Transgenders

As we have seen, there is no epidemic of “hate crimes” in the United States; “hate crime” laws criminalize a person’s feelings or thoughts; violate free speech; and create a permanent “victim class” that receives special rights not afforded other citizens. “Hate crimes” create an unequal system of justice in our country by providing enhanced penalties against a criminal who assaults a protected minority class. Hate crime laws are unjust and are simply part of the overall homosexual agenda seeking to silence opposition.

25 Reasons To Oppose Hate Crime Legislation

Dr. Robert Gagnon, Associate Professor of New Testament at Pittsburgh Theological Seminary is author of *The Bible and Homosexual Practice: Texts and Hermeneutics*, a brilliant textbook that refutes homosexual revisionism of the Bible has listed the following reasons why we must oppose hate crime legislation (<http://robgagnon.net/Hate-CrimesAmendment.htm>):

1. Large fines and eventually jail time for anyone who publicly speaks out against homosexual activity or transgenderism, even as a minister, if the state determines that one’s message arouses people to hate homosexual or transgendered persons. This includes messages that cite Scripture or refer to studies that show higher incidences of promiscuity and disease among homosexually active men.
2. Suspension without pay from one’s place of employment and even outright termination if one declares in any way one’s opposition to homosexual practice or transgenderism, even if, as a white-collar employee, one makes such a declaration in a “letter to an editor” outside the domain of the workplace; moreover, one will have to pay the court costs of his persecutors.
3. Termination from one’s job if one does not support “coming out” celebrations or “gay pride” observances in the workplace, or if one does not attend mandatory “sensitivity” or “diversity” training sessions that espouse acceptance of homosexuality.
4. Large fines if one owns a business and does not allow GLBT (“gay,” lesbian, bisexual, and transgendered) activists to make use of the business’s services to advance the GLBT agenda (e.g., if a privately owned print shop refuses to print materials for homosexual advocacy); moreover, having to pay the court costs of the government agency that prosecutes the case.
5. Corporations having to institute affirmative-hire programs for GLBTs as a necessary precaution against potential federal or civil lawsuits for “sexual orientation” discrimination.
6. Forced indoctrination of children as young as kindergarten in the public school systems into the acceptability of homosexual and transgendered behavior and the labeling of their parents’ contrary religious views as “bigotry” and “hatred,” through required readings, “GLBT studies,” and mandatory attendance at special diversity convocations or diversity workshops; also, mandatory “sensitivity training” for all teachers on the value of sexual orientation diversity.
7. Even parochial schools being required to accept “gay prom dates” and “gay clubs.”

8. Home-schooled children not being allowed to receive certification if their parents do not teach a curriculum that incorporates appreciation for "sexual diversity."
9. Loss of federal funds, including hundreds of thousands of dollars in federal funds for student loans, for any Christian college or seminary that does not hire homosexually active teachers, or that forbids students to engage in homosexual practice, or that allows a teacher at its institution to speak against homosexual practice.
10. Ultimately, the threat of loss of accreditation for Christian colleges that do not condone homosexual behavior and transgenderism.
11. Students and employees required to get counseling for the alleged mental health condition of "homophobia" or risk expulsion.
12. Imposition of national gay marriage by the courts, through appeal to this newly formed federal civil liberties category of "sexual orientation."
13. Being forbidden by a judge in a separation or divorce settlement from ever speaking against homosexual practice to one's child if one's ex-partner or spouse is openly homosexual.
14. Having one's child (whether a foster child, adopted child, or, eventually, one's biological child) removed from one's house if the parent opposes the child's declaration of homosexual identity and activity.
15. Private civic organizations, as well as Christian camps and retreat centers, being fined or shut down if they do not allow their facilities to be used by persons or groups for homosexual activities (e.g., to host a "wedding" by a homosexual couple or for a meeting of a "gay choir").
16. Fines for any person responsible for a newspaper ad critical of homosexual practice or transgenderism, even if the advertisement merely quotes Scripture; also, fines for the newspaper that prints it.
17. Fines for any persons with rooms for rent in their home (e.g. a bed & breakfast) if they refuse to rent to a homosexual couple intent on having homosexual sex on the premises.
18. Mayors taken to court for refusing to declare Gay Pride Days in their cities and being forced to declare such celebrations.
19. Loss of charitable status for churches that seek to influence their members to oppose pro-homosexual legislation or that refuse to marry homosexual persons.
20. Fines and/or loss of license for any broadcasting corporation that criticizes, or allows its broadcasting facilities to be used for criticism of, homosexual practice over the airwaves.
21. Adoption and foster agencies forbidden to give any priority to heterosexual married couples over homosexual couples on the grounds that such priority would be discriminatory.
22. Refusing the Boy Scouts and Salvation Army the use of public facilities because of their opposition to homosexual practice and transgenderism; moreover, censuring professionals who support such organizations in their private lives (e.g., prohibiting judges from involvement in any organization that "discriminates" on the basis of "sexual orientation").
23. Banning from university campuses Christian organizations that disapprove of homosexual practice (e.g., InterVarsity Christian Fellowship, Campus Crusade).
24. Making it illegal for members of mental health professions to counsel persons against a homosexual life.
25. Eventually special civil rights protection for other "sexual minorities" who can claim oppression for their "orientation": 'polysexuals' (those who are in multiple partner unions), participants in adult consensual incest, and perhaps even pedosexuals' (persons sexually oriented toward young adolescents or children).

Dr. Robert Gagnon has published additional information on hate crimes and what the Bible says about homosexuality on his web site: <http://robgagnon.net>. Dr. Gagnon's statement is reprinted by permission.

Learn more about the homosexual agenda by accessing TVC's web site and subscribing to TVC's free weekly email. Our special reports section features numerous reports on the homosexual agenda and other issues of importance to conservative Christians.