



## H.R. 1592 - Local Law Enforcement Hate Crimes Prevention Act Of 2007

*The so-called 'hate crime' legislation begins to lay the legal foundation and framework to investigate, prosecute and persecute pastors, business owners, and anyone else whose actions are based upon and reflect the truths found in the Bible*

### Introduction

Congress is now considering the so-called Hate Crimes Bill, H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007, introduced by Congressman John Conyers (D-MI). The Senate introduced its version but renamed it the "Matthew Shepard Act".

Traditional Values Coalition (TVC) deplores any act of violence against innocent victims or bias-related violent crimes directed at anyone including homosexuals or transgenders etc. Furthermore, criminal actions should be vigorously and fairly prosecuted.

However, TVC strongly opposes any legislation that puts fundamental religious liberties at risk. Our laws should not provide extra legal protections for someone simply because of the way he/she engages in sex.

This so-called hate crimes bill, H.R. 1592, claims that there is a national epidemic of hate directed against homosexuals and transgenders. It claims this epidemic is so severe and widespread that these individuals flee to other states to escape persecution.

It is obvious that there is no need for this legislation. In Section 2 "Findings," the bill presents fraudulent statements to provide justification for this legislation. H.R. 1592 indicates local law enforcement officials are so overwhelmed by these hate crimes that federal involvement is needed to cope with this problem. This is an unfounded statement.

The main purpose of this legislation is to add the categories of "sexual orientation" and "gender identity," "either actual or perceived," as new classes of individuals receiving special protection by federal law. Sexual orientation includes heterosexuality, homosexuality, and bisexuality. Gender identity includes such gender confused behaviors as cross-dressing, she-male, drag queen, transvestite, transsexual or transgender.

The sexual behaviors considered sinful and immoral by most major religions will be elevated to a protected “minority” class under federal law. **The passage of H.R. 1592 will be a serious threat to freedom of religion and speech. It begins to lay the legal foundation and framework to investigate, prosecute and persecute pastors, business owners, and anyone else whose actions are based upon and reflect the truths found in the Bible, which have previously been protected by the First Amendment, resulting in a chilling effect on religious liberties.**

This bill is an incremental step toward the ultimate homosexual objective of criminalizing any speech or thoughts concerning homosexuals or transsexuals etc, which will be used by rogue judges and homosexual activists to target so-called “hate speech” as an incitement to violence. This has already occurred in Canada, Sweden and Britain.

Ultimately, a pastor’s sermon concerning homosexuality could be considered an incitement to violence and punished severely. Once the legal framework is in place, it will only be a matter of time before pastors and other Christian leaders will be persecuted for quoting from the Bible.

**Under the guise of “hate crime” prevention**, the so-called hate crimes bill H.R. 1592, will do the following:

- **Criminalize so-called “hate speech,”** which is any speech that is critical of homosexuality or gender confused behaviors. The suppression of free speech will be justified by the claim that such speech “incites” individuals to commit violence against homosexuals, cross -dressers etc. Any remarks about homosexuality, such as reading Bible passages, preaching on these passages, telling a person they can come out of the homosexual lifestyle, etc., may be deemed critical remarks and may be ruled to be outside the bounds of First Amendment protections for pastors, business -owners and individuals.
- **Elevate homosexuality and gender confused behaviors** such as cross-dressing, drag queens, transsexualism, she-males, etc., to the status of federally -protected minorities. *These behaviors will be considered equal to race and given the same protection under federal law.*
- **Interfere with local law enforcement and use scarce federal resources** by elevating every alleged incident of “hate” against a homosexual or cross -dresser into a federal crime. FBI agents should be dealing with terrorism and other federal crimes, not so -called “hate crimes” easily dealt with by local police and sheriff’s offices.
- **Fund unbalanced, bigoted and offensive anti -Christian curriculum and materials** for children K-12, colleges, and community groups etc.

### **Bill Summary:**

**H.R. 1592 Built On False Premises:** Makes the following fraudulent and ridiculous claims in Section 2:

- \*Homosexuals are fleeing across state lines to avoid persecution;
- \*Perpetrators are crossing state lines to commit crimes against them;
- \*Homosexuals are so persecuted they have trouble purchasing goods and services or finding employment.

These false claims about homosexuals fleeing across state lines are being used as a hook to justify federal involvement in local law enforcement through the Interstate Commerce Clause of the Constitution.

**No Epidemic Of Hate Crimes Exists!** H.R. 1592 falsely claims in Section 2, without any evidence, that “the incidence of violence motivated by the actual or perceived race, color, national origin, religion, sexual orientation, gender, or disability of the victim poses a serious national problem.”

FBI statistics from 2005 (the latest available) reveal that there is no national epidemic of hate against minority groups or against homosexuals.

*According to the FBI, in 2005 there were only 5,190 hate crimes directed against all persons. Of this figure, only 1,171 were sexual orientation bias crimes. Out of this 1,171:*

- *301 were listed as “intimidation.”*
- *333 were listed as “simple assault.”*
- *177 were listed as aggravated assault! There was one forcible rape and no murders based on sexual orientation in 2005.*
- *1 forcible rape; 30 robberies; 10 burglaries; 27 larceny -theft; 2 motor vehicle theft; 1 arson; 275 damage/vandalism; 3 other; 5 crimes against society.*

*Nationwide there were 862,947 aggravated assaults against all persons.* (Source: FBI Crime in the United States 2005, Aggravated Assault)

Out of 862,947 cases of aggravated assault, only 177 were motivated by sexual orientation bias. This is 0.000205 percent of all aggravated assaults in 2005.

*In a nation of 300 million, this is no epidemic of hate against homosexuals that needs federal involvement in local law enforcement.* (Source: Tables 2 and 4, FBI Hate Crime Stats, 2005)

## **What Do These Categories Mean in Legal Terms?**

**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.)

“Bodily injury,” the requirement for H.R. 1592, is an incredibly broad undefined term which could mean anything from a simple assault or a domestic assault to a rape or murder. It does not fit into the FBI categories upon which they base their statistics.

In criminal law, it is standard for an assault to be defined from the victim's point of view as opposed to being based only upon the facts of the case. In short, even if a reasonable person would interpret an action as unthreatening, under H.R. 1592, a victim could say they were in fear of bodily injury, thus triggering charges of a so-called hate crime. Local police and sheriffs are already effectively dealing with these crimes as a routine part of their jobs.

**Fake Hate Crimes Pose a Serious Problem.** Homosexual activists are well-known for having staged a number of fake hate crimes throughout the years.

In the U.S. homosexual activists have recently claimed that a 72-year-old homosexual named Andrew Anthos of Detroit was attacked by an African-American man who called him a "faggot" and struck him in the head with a metal pipe, killing him. Police later learned that Anthos had not been the victim of a hate crime. He had fallen because of a severe arthritic condition in his neck. He was also mentally ill.

In January, 2007, a homosexual student at Boise State University told police that a man had beaten him in the back of the head and swore at him. He later admitted to police that he'd faked the crime by using a stick and his fists to beat himself.

The faking of hate crimes by homosexuals goes back years. In 2000, *U.S. News & World Report* columnist John Leo documented case after case of faked hate crimes by homosexuals. One involved Jerry Kennedy, a homosexual student at the University of Georgia. Kennedy reported to police that he'd been the victim of nine hate crimes over a three-year period – including three acts of arson. He later admitted faking these.

The objective of these homosexual activists is to gain sympathy for the homosexual agenda or the passage of pro-homosexual legislation such as H.R. 1592. If H.R. 1592 passes, we can expect a flood of these phony hate crimes.

**H.R. 1592 Will Use Scarce Federal Law Enforcement Resources:** Section 4 of H.R. 1592, authorizes that the U.S. Attorney General (AG) may provide "technical, forensic, prosecutorial, or any other form of assistance" in the investigation of hate crimes. This is an unrestricted allowance. Also, Section 5 authorizes the AG to help with training programs for local law enforcement and authorizes "to be appropriated such sums as may be necessary to carry out this section." *These open-ended expenses could cost millions upon millions of federal tax dollars to deal with a "hate crime" problem easily dealt with by local law enforcement.*

This is a pot of gold for local law enforcement and prosecutors if they define more cases as "hate crimes." This should be kept in mind when reviewing endorsements for H.R. 1592.

There are certain crimes problems that only the Federal government can respond to because of the crimes' truly federal nature, and international terrorism are definitely one of them. The State of Michigan does not have the resources to monitor terrorist cell groups in Pakistan that are headed toward Detroit.

At a time when federal resources should be devoted to fighting Islamic terrorism, it is foolish for the Department of Justice to have to devote personnel and resources to dealing with name-calling, pushing or shoving, or even more violent "thought crimes" against homosexuals and cross-dressers. These crimes are already being dealt with by local law enforcement officials.

**So-called ‘Hate Crimes’ Automatically Dealt With By Local Law Enforcement Officials:** When a 911 dispatcher receives a phone call from a victim of a violent crime, the dispatcher doesn’t ask if this was a bias-motivated crime. The 911 dispatcher automatically sends a police officer to the scene of the crime to aid the victim. *Only after the fact* is there any discussion about the motivation of the criminal.

No one can claim with a straight face that local police departments don’t have the resources to deal with “hate crimes.” Police don’t know if a “hate” crime has been committed until the victim has been interviewed or the suspect admits he committed the crime because of his hatred of the person’s sexual orientation.

No prosecutor has turned down an aggravated assault case because “Oh, the victim is a homosexual – well I don’t have the money to prosecute that one.”

To claim, for example, that police departments lacked resources to deal with the 5,190 “hate crimes” committed in 2005 is absurd. Every crime is investigated. Police can only determine if “hate” was involved in a crime once the investigation is launched.

The claim that states lack resources to deal with hate crimes is also a bogus argument. A report in the *Wall Street Journal* (March 22, 2007) indicates that states are experiencing record tax revenues and surplus budgets! In 2006, states expanded their budgets by 9% .

**H.R. 1592 is based upon false premises--therefore is a waste of federal personnel and resources and is an intrusion into the right of local law enforcement officials to deal with violent crimes.**

All H.R. 1592 does is create a federally -protected minority status for homosexuals and cross -dressers and sets up a legal framework to be used to persecute Bible Speech and to prosecute pastors and other Christian leaders for opposing the normalization of homosexuality and cross -dressing in our culture.

This legislation will cost the American taxpayer millions of dollars to deal with what is essentially a non-existent crime problem already being dealt with efficiently by local law enforcement officials.

**H.R. 1592 Will Inevitably Fund Anti-Christian Bigotry — And Attack Bible Speech:** Homosexual activists have worked aggressively to promote the idea that Bible Speech (opposition to the homosexual agenda) will lead inevitably to violent “hate” crimes. Thus, the restriction of such speech is justified as a way of protecting homosexuals from violence. What they’re really targeting is speech against homosexuality that is based upon an understanding of what the Bible says about this behavior. In short, they’re targeting Bible Speech — not actual “hate speech.”

For example, the International Lesbian and Gay Association (ILGA) defines “hate crime” this way: “Hate crimes are criminal acts (such as [violent crime](#), [hate speech](#) or [vandalism](#) ) that are motivated by feelings of [hostility](#) against any identifiable group of people within a society. If systematic, rather than spontaneous, instigators of such crimes are sometimes organized into [hate groups](#) . The ILGA clearly defines hate crime to include so-called hate speech!

On the website “hatecrime.org,” homosexual activists claim that pro -family organizations are engaging in hate speech when they criticize homosexual conduct. This “hate speech” allegedly leads to hate crimes and must be suppressed.

This site compares opposition to homosexuality as equal to Adolf Hitler's slaughter of six million Jews in Europe before and during World War II.

Hatecrime.org also blames pro-family groups for the murder of homosexual college student Matthew Shepard. This effort to link criticism of homosexual conduct to the murder of Matthew Shepard is typical of the kind of thinking by the homosexual advocates.

The San Francisco Board of Supervisors passed a resolution blaming religious groups for so-called "hate crimes" such as the murder of Matthew Shepard. In addition, the Board approved a resolution urging the local media not to carry advertisements by pro-family organizations that addressed hope for homosexuals to change.

Traditional Values Coalition's Executive Director Andrea Lafferty was verbally attacked by the President of the Human Rights Campaign (HRC). HRC accused Mrs. Lafferty of being personally responsible for the killing of Matthew Shepard. This occurred at the local Washington DC Fox station.

In New York, a billboard with a Bible verse on it was taken down under pressure from city officials, who cited it as "hate speech."

In the hands of a rogue judge a pastor may even be questioned before a Grand Jury along with other members of the church who agree with the teachings in the Bible. The concern for protecting the church would cause a chilling effect on Biblical teaching.

**Pacific Justice Institute President Cites Cases Of Anti-Christian Bigotry:** In his testimony before the House Committee on Crime, Terrorism, and Homeland Security on April 17, 2007, PJI President Brad Dacus cited several examples showing how hate crime laws are inevitably used to silence freedom of speech and religion.

He noted, for example, that the 9<sup>th</sup> Federal Circuit Court in California has sided with homosexuals against a student in a high school in Poway who wore a T-shirt saying that homosexuality was shameful! The 9<sup>th</sup> cited California's "hate violence" statute as an excuse to silence this Christian student's religious viewpoint about homosexuality.

In addition, Slavic students in Sacramento wore anti-homosexual T-shirts to protest the homosexual-inspired Day of Silence on campus. They were punished for their views.

Dacus also notes that the Hindu American Foundation is attempting to compare opposition to Hinduism as "hate speech." The foundation claims that such hate speech could provoke a crazed gunman to attack Hindus in their temples!

The claim that hate crime laws against violence do not effect free speech or freedom of religion is bogus.

One of the most serious attacks on free speech and religious freedom came in Philadelphia in 2004.

[Eleven Christians were arrested](#) on felony charges for preaching the Word of God at a gay pride rally. Eight charges were filed against them: three felony charges and five misdemeanors. Charges were eventually dropped against six of the Christians, but the five left faced potential prison sentences of 47 years in jail and fines up to \$90,000!

They were charged under Pennsylvania's [hate crime law](#), which had recently added "sexual orientation" to their statute. The Christians were charged with: criminal conspiracy, possession of instruments of crime,

reckless endangerment of another person, ethnic intimidation, riot, failure to disperse, disorderly conduct and obstructing highways.

The “instruments of crime” were bull horns for witnessing!

*The “ethnic intimidation” section of the hate crime statute was used against the Christians for having preached to the homosexuals in the parade and rally. Their “speech” was considered ethnic intimidation.*

The charges were eventually dropped against the Christians for having no basis in fact – but their free speech and religious freedom were violated and they had to spend thousands of dollars on legal fees.

The bottom line is that hate crime laws supposedly designed only to combat violence, can easily be construed to suppress free speech as “intimidation” and an incitement to violence. The Christians arrested in Philadelphia are prime examples of this slippery slope.

### **9<sup>th</sup> Federal Circuit Court Says Homosexuality Trumps Free Speech In Oakland, California**

The far-left 9<sup>th</sup> Circuit Court in San Francisco has attacked freedom of speech and religion for the Christian employees of the city of Oakland, California.

The [court issued a memo](#) declaring that it sided with the city of Oakland in censoring the emails and posters of the Good News Employee Association that used words like “Natural Family,” “Marriage” and “Family Values” in their materials. The 9<sup>th</sup> Circuit said the city had the right to censor those words because it made homosexual employees uncomfortable and violated the city’s sexual orientation ordinance! These words were considered “statements of a homophobic nature” and “sexual -orientation-based harassment”!

These are only a few examples that show how sexual orientation and hate crime laws can be used to suppress religious freedom and free speech!

### **This Hate Crime Bill Will Lead To Increased Pro-Homosexual Propaganda In Our Public Schools:**

This legislation provides \$5,000,000 yearly during 2008 and 2009 to fund so-called anti-hate programs. This includes a series of \$100,000 grants to organizations allegedly fighting “hate” in their communities.

If signed into law, this so-called hate crimes bill will be used to fund pro-homosexual teaching materials for our nation’s public schools. It will be a replay of what occurred during the Clinton Administration.

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. No mention was made that it is only a fringe element of American’s who believe this way.
- 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!
- Defined institutionalized prejudice as widely accepted including in religious organizations.

U.S. Attorney General Janet Reno actually had a Department of Justice website for children K-5 teaching them to turn in their parents if they were “bigoted.”

The Washington State Safe Schools Coalition produced, for their Anti-Violence Documentation Project, curricula for 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.”

Under this guise of hate crime prevention, \$100,000 a pop will be given to homosexual groups to create more anti-Christian pro-homosexual materials for public schools and communities, teaching children to accept homosexuality, bisexual and transgender etc as normal behaviors.

Under Section 4, the Office of Justice Programs is empowered to ensure compliance with “the local infrastructure developed under the grants.” Affected parties include “community groups and schools, colleges, and universities.”

Another flaw in the bill is that affected parties are not defined. Also, will traditional values once again be denigrated with taxpayer dollars?

**Bill Invokes the Commerce Clause Of The Constitution :** In order to create federal authority over local law enforcement concerns, H.R. 1592 claims that federal involvement is needed based upon the Commerce Clause of the Constitution.

Section 2 does this by making the absurd claim that the persecution of homosexuals (and other groups) is so pervasive that many of them have had to move across state lines to avoid injury. Section 2 goes on to claim — without a shred of evidence — that these individuals are so persecuted that they are limited in their ability from “purchasing goods and services, obtaining or sustaining employment or participating in other commercial activities.” In addition, Section 2 claims there is a crisis epidemic of “perpetrators crossing State lines to commit such violence” against homosexuals and cross-dressers.

These are ridiculous and false claims, but are being used by liberals to justify federal involvement in local law enforcement through the Commerce Clause.

If liberals were truly concerned about the alleged persecution of homosexuals fleeing across state lines, they should have called for amending the 14th Amendment. Under Section 5, it grants the federal government the power to make certain that states do not deprive persons protected by the 14th Amendment the right to life, liberty and property.

*By invoking the Commerce Clause, however, they have tacitly admitted that homosexuals are not a protected class under the Constitution.* If liberals really wanted to make homosexuals and cross-dressers into special protected classes, they should amend the 14th Amendment. They know, however, that Americans would never permit this — so they invent nightmare scenarios and use the Commerce Clause to justify federal intervention into local law enforcement affairs.

## **Conclusion**

Homosexuals and their allies in Congress have repeatedly claimed that our nation is experiencing an epidemic of hate crimes against homosexuals , and gender confused individuals etc. They claim that states and local communities are incapable of dealing effectively with this wave of crime , so the federal government must step in to protect homosexuals and gender confused individuals from this assault. This, of course, is untrue.

In anecdote after anecdote offered by those who favor this misguided legislation, someone has murdered, assaulted or said something unkind to another person because of his or her “sexual preference .” And in anecdote after anecdote, each time a crime like murder or assault is involved we learn that arrests were made, convictions secured and heavy sentences including life prison sentences were handed down by juries or a court.

Our society’s rule of law is designed to punish actual crimes and, with a few notable exceptions, it punishes bias-motivated crimes equally with all other forms of crime.

H.R. 1592, the so-called hate crimes bill, violates the letter and intent of the First Amendment.