

Reading Your Mind

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Family Leader – Wednesday, March 21, 2007
familyleader.net

Hate crimes laws are one of those ideas that sound good, but like a rattlesnake, have a poisonous bite. That's why you should be alerted that this week the Local Law Enforcement Hate Crimes Prevention Act will be re-introduced in the House of Representatives. Another hate crimes bill, H.R. 254, is already being considered in committee. The Democratically-controlled House considers passage of a hate crimes bill one of their key goals during this legislative season.

Beware and be alert.

Everybody is against hate, and certainly everyone wants to see violent crime punished, but these bills pack a lot more punch than meets the eye and **may affect the religious freedom of Christians**. The mainstream media has virtually been silent about these bills, so don't be surprised if you haven't heard about them.

Your Thoughts were Your Own Affair

Time was – or so the theory goes – when a person's thoughts (including emotions) were his or her own affair. Sure, society would frown upon certain thoughts and even punish actions that they believed arose from "bad" thoughts. Of course, in the end, society could only really prosecute what a man or woman **actually did, not what he or she thought or felt**.

Ideals aside, U.S. law never totally ignored the thoughts of American citizens. For example, the law distinguishes between premeditated murder and unintentional manslaughter when deciding how to treat the death of one person at the hands of another. Even so, the law relies on the killer's words and deeds as a guide to the killer's thoughts.

Putting a New Face on It

The 1990 Hate Crimes Statistics Act and the 1994 Violent Crime Control and Law Enforcement Act put a new face on **discerning thought** by introducing the concept of hatred.

How so? The 1990 Act (signed into law by Pres. H.W. Bush) required the attorney general to acquire data and publish an annual report on crimes committed based on prejudice of "race, religion, sexual orientation or ethnicity." The 1994 Act (signed by Pres. Clinton) furthered the idea of thought-based criminality by allowing sentencing judges to increase penalties for crimes determined to be motivated by hate. The Act defined a hate crime as:

"A crime in which the defendant intentionally selects a victim, or in the case of a property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person."

A Dangerous Step Farther

People look at this at a glance and say, what's wrong with that? Plenty. Here's the list leading up to the big one.

1. These bills **substantially expand the scope and reach of federal powers** to detect and prosecute crimes. Any suspicion of bias behind a crime will justify federal invitation of local law enforcement. As Reverend Ted Pike said, "The Constitution does not grant federal government the "police state privilege" of being your local law enforcement. Unless the government finds evidence

of slavery in the states, jury tampering, voter fraud, or crimes involving interstate commerce (where jurisdiction is unclear), the Constitution's message to the federal government is blunt and emphatic: 'Butt out of local law enforcement!'"

2. Violent crimes already carry stiff penalties, but something mandated as a hate crime justifies much higher penalties. The bills establish a new federal offense for hate crimes and mandate separate federal criminal prosecution for state offenses with the possibility of life imprisonment for crimes motivated by hatred of specific groups. Thus, these groups do not have equal protection under the law, but superior protection, a violation of the equal protection clause. **The law should stress the universality of its application**, not separately categorize victims by race, sex, sexual orientation or some other characteristic.

3. Here's the big one, not to be ignored. This bill opens the door to a hate crime not only being a violent act, but merely an expression of bias against these groups. If that bias motivates a crime, small or great, it becomes a "hate crime" deserving of triple penalties. It grants the federal government jurisdiction not just over violent "hate crimes" but over "hate crimes" generally - meaning that, in principle, a homosexual could claim to have suffered damages upon hearing a pastor condemn his lifestyle by reading passages from the Bible. Government in a free society should not be in the business of criminally punishing "bad" thoughts.

Does this last sentence sound extreme? It isn't. Reverend Pike said the bill is to "prevent and respond to alleged violations," meaning "the government does not even have to wait until a hate crime has been committed but may act pre-emptively to 'prevent' crime."

In both Canada and France, legislators have been fined for publicly criticizing homosexuality. In Sweden, where hate crimes laws were passed, with assurances that this would not affect religion, Pastor Ake Green, who preached that homosexuality is a sin, was put in jail for a month. Recently in Britain, a couple told how they were denied the chance to adopt because it was determined that their Christian faith might 'prejudice' them against a homosexual child put in their care. In Australia two pastors were convicted of "vilifying" Islam.

As Reed Hyde said, who helped write this report, "Hatred is a terrible thing and motivates any crime committed intentionally against another human being. In the end, however, the cure for hatred cannot lie in government sanction. Just this morning I listened to a radio preacher rail against my religion. (Am I a protected class under current and proposed hate crimes legislation?) I cannot tell if the preacher hates me or my church, but I do respect and defend his rights to say what he wants against my beliefs.

"Why? Do I like what he says? No, but such is the price of liberty and the freedom to think and to feel and, yes, to worship and speak as I desire. The same applies to the crimes people commit. The crime is bad enough. Let's not put our liberties at risk by empowering the government to decide whether we have right thoughts - and, eventually - right speech as well."