

OPPOSE “THOUGHT CRIMES” (“HATE CRIMES”) LAWS

Peter Sprigg

In October 2009, Congress passed - and President Obama signed - a bill which created a broad federal “hate crime” law. For the first time, it allowed the federal government to step in and prosecute any violent crime anywhere in the country that “is motivated by prejudice” against a number of protected characteristics, including “sexual orientation” and “gender identity” (that is, cross-dressing and sex changes). A number of states and localities have passed similar laws, while others are still considering them.

All violent crimes should be vigorously prosecuted – but this novel legal approach violates several core principles and holds a number of dangers.

- 1) **It violates the “equal protection of the laws” by protecting some victims more than others.** This is a principle which is guaranteed by the 14th Amendment to the U.S. Constitution and is even carved above the entrance to the Supreme Court (“Equal Justice Under Law”). Do we somehow care *less* about a victim who is violently assaulted because of a robbery or personal dispute than we do about a victim who is assaulted because they belong in a federally protected category?
- 2) **It punishes thoughts and not just actions.** Advocates of these laws insist that they only authorize prosecution of someone who (as the federal statute puts it) “willfully causes bodily injury” or “attempts to cause bodily injury.” But such acts are *already* crimes. What converts such acts into “hate crimes” are the thoughts or opinions of the perpetrator alone. Since *every* violent crime manifests “hate,” it makes more sense to think of this as a “thought crimes” law.
- 3) **It shows contempt for the moral and religious views of millions of Americans by including “sexual orientation” and “gender identity” as protected categories.** By distinguishing between an ordinary crime and a so-called “hate crime” solely on the basis of the perpetrator’s disapproval of homosexual conduct or sex changes, the bill sends a message that such disapproval alone – even if expressed peacefully and



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COUNCIL

801 G STREET NW
WASHINGTON DC
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(202) 393-2100

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Lovingly – constitutes a form of “hate” that is equivalent to racial bigotry. This is an insult to many compassionate individuals who sincerely object to such conduct, not only based on religious and moral boundaries which are thousands of years old, but also based on well-founded concerns about the serious health risks of such conduct.

- 4) **It sets us on a slippery slope toward serious infringements of freedom of speech and freedom of religion.** In some jurisdictions that have adopted these laws, “hate crimes” have been defined to include not just violent physical acts, but merely verbal activity as well, using terms like “hate speech,” “intimidation,” and even verbal “assault.” By ratifying the “thought crimes” mentality, this bill paves the way for future expansions of its scope. Indeed, Christians have already been prosecuted under thought crime laws for peacefully expressing disapproval of homosexual behavior in Sweden, England, Canada, and even in Philadelphia. Even under current federal law, the 1990 “Hate Crime Statistics Act” defines “hate crimes” much more broadly as “crimes that manifest evidence of prejudice,” and the statistics collected under that law include even non-violent offenses such as “intimidation.” It would be a very simple matter for legislators or a future Congress to change the definition of a “hate crime” subject to prosecution to match this more sweeping definition.