

TALKING POINTS:
"HATE CRIME"
LAWS MEAN UNEQUAL PROTECTION

PENALIZING THOUGHTS INSTEAD OF ACTIONS.

This would have a chilling effect on free speech by making unpopular ideas a basis for harsher treatment in criminal proceedings.

Proponents frequently assert that federal "hate crime" legislation such as HCPA would prohibit only acts of violence, not speech. However, HCPA would incorporate current federal law, which already specifically includes speech, making it unlawful to injure, intimidate, or interfere with any person because of his or her "race, color, religion, or national origin."

The Hate Crimes Reporting Act of 1990 mandated that the FBI include "intimidation." Nearly half the "hate crimes" in the 1997 FBI statistics are in this category. Passage of HCPA would make name-calling literally a federal offense.

RAPE NOT A "HATE CRIME"? Commenting during a Senate Judiciary Committee hearing on "hate crimes," Sen. Edward Kennedy (D-Mass.), sponsor of legislation amending the HCPA to include sexual orientation, said that some rapes would not qualify as "hate crimes" because "gender" is not a primary motive in some attacks. If "gender animus" is not a factor, stated Kennedy, then the rape is not a "hate crime."

THE MYTH THAT "HATE CRIMES" ARE NOT BEING PROSECUTED. Proponents of HCPA have not substantiated the assertion that state and local authorities are failing to prosecute such crimes. Deputy Attorney General Eric Holder, when queried before both House and Senate committees considering "hate crime" legislation, provided no specific demonstrable examples of "hate crimes" that went unpunished.

EQUAL PROTECTION UNDER THE LAW.

Respondents to a 1999 poll conducted by Wirthlin Worldwide revealed the following:

Ninety-eight percent think the murders of a homosexual and a heterosexual are equally serious, and should both be prosecuted to the full extent of the law.

Ninety-two percent said criminals should be punished for their actions alone, not their beliefs, and that their victims should receive equal protection under the law.

MAJORITY OF CRIMES AGAINST HOMOSEXUALS NOT BY HETEROSEXUALS.

The vast majority of violence against homosexuals is committed by other homosexuals, not by heterosexuals. According to the National Coalition of Anti-Violence Programs, the number of "gay-on-gay" domestic violence cases is 14 times greater than the number of violent "anti-gay" attacks. (See Steven A. Schwalm, "Facts Contradict 'Gay' Party Line on Hate Crimes," InFocus, Family Research Council, IF98K1HS.)

- Timothy J. Dailey, Ph.D.