

Right Sounds False Alarm On Hate Crimes Legislation

Religious Right leaders' portrayal of the hate crimes bill as an attack on religious liberty is false; it reflects a larger political strategy to portray equality advocates as enemies of faith and freedom.

Why the controversy over a hate crimes law?

Hate crimes are violent attacks on people who are targeted because of who they are. Thousands of Americans are physically attacked every year because of their race, religion, sexual orientation, gender or gender identity, or disability. These crimes are meant to intimidate entire communities. The Local Law Enforcement Enhancement Act – also known as the federal hate crimes bill – would direct federal resources to help local law enforcement fight violent hate crimes, and would let federal law enforcement step in when locals don't. Similar legislation passed both houses of Congress with bipartisan support during the last session, but never made it to the president's desk.

Religious Right leaders are vehemently opposed to federal hate crimes laws in large measure because they resist any legal recognition of LGBT people (Lesbian, Gay, Bisexual or Transgender). They know that most Americans support hate-crimes legislation, anti-discrimination laws, and legal protection for gay couples. So they create confusion by portraying these steps toward equality as dire threats to religious liberty. This is part of a larger political strategy by Religious Right leaders to advance their policy goals and mobilize supporters with alarmist claims that Christians in America are on the verge of being jailed for their religious beliefs.

As we have noted before, there's a dangerously cynical motive at the core of this strategy. It is easier to convince Americans to support discrimination – even to oppose laws designed to discourage violent hate crimes – if you have first convinced them that their gay neighbors want to shut down their church and throw their pastor in jail for reading the Bible.

Let's look at the lies that are the foundation of the Right's strategy to defeat hate crimes legislation and put the facts on the table.

What does the Religious Right say about hate crimes legislation?

When hate crimes legislation came before the House of Representatives in 2007, Religious Right leaders went ballistic. Family Research Council President Tony Perkins insisted that its only effect would be “to gag people of faith and conviction who disagree with the homosexual agenda.” Perkins' ally Bishop Harry Jackson recruited other African American pastors to appear at a press conference and in a newspaper ad claiming that hate crimes legislation would “muzzle” black preachers and deny them the freedom to preach about homosexuality. Rev. Ted Pike of the National Prayer Network called a hate crimes bill “the most dangerous legislation ever to come before Congress.” Not to be outdone, the Traditional Values Coalition's Andrea Lafferty said “Most Christians might as well rip the pages which condemn homosexuality right out of their Bibles because this bill will make it illegal to publicly express the dictates of their religious beliefs.”

The same combination of misinformation and willful deception is being rolled out this year, led by Tony Perkins and the Family Research Council. One alert to its members on March 31 claimed that a federal hate crimes law “could lead to the criminalization of the biblical view of homosexuality in sermons and elsewhere.” Said Perkins:

“A ‘hate crimes’ law is really a ‘thought crime’ law that punishes a person's *beliefs* – part of the Left's intolerant agenda to silence the voice of Christians and Conservatives in America and eliminate moral restraint.”

Perkins' messages to activists in March make it clear that the alarmist rhetoric against legislation to fight hate crimes is part of a larger political strategy to convince conservative Christians that President Obama and the Democratic Party are enemies of religion and religious freedom. One note urged activists to “Stop President Obama's Agenda to Silence Your Beliefs” and another spoke of an “Obama-Pelosi-Reid” agenda as “a blueprint

of their dangerous vision of an anti-faith, anti-family vision for America.”

The larger claim that equality is somehow the enemy of religious liberty is also being deployed by right-wing groups in response to recent advances on the marriage equality front. The Right’s distortion of the differences between civil and religious marriage were analyzed in another Right Wing Watch In Focus.

What’s the truth about hate crimes legislation?

It’s pretty simple. The federal hate crimes law doesn’t create something called a “thought” crime or somehow create “special rights” for a particular group of people. It strengthens law enforcement’s ability to fight violent crime – not vigorous debate, not sermons against homosexuality, not hateful speech, not the infamous “God hates fags” protesters, not the spreading of misinformation that thrives on constitutionally protected right-wing television, radio, and blogosphere.

Conservatives often say they want judges to focus on exactly what a law says. Well, here’s exactly what the law says:

“Nothing in this Act, or the amendments made by this Act, shall be construed to prohibit any expressive conduct protected from legal prohibition by, or any activities protected by the free speech or free exercise clauses of, the First Amendment to the Constitution.”

Another section of the law makes it clear that federal courts could not rely on evidence of a person’s outlook or statements to convict someone of a hate crime unless those expressions were directly related to the commission of the violent crime in question:

“In a prosecution for an offense under this section, evidence of expression or association of the defendant may not be introduced as substantive evidence at trial, unless the evidence specifically relates to that offense. However, nothing in this section affects the rules of evidence governing the impeachment of a witness.”

Could it be any clearer that this has nothing to do with silencing preachers or punishing thoughts, and everything to do with discouraging and prosecuting violent hate crimes?

What about the Religious Right’s horror stories?

Religious Right leaders tell stories that they say back up their claims that hate crimes legislation would threaten their ability to speak out against homosexuality, and that the law would soon lead to pastors being hauled off to jail. A lot of those stories revolve around incidents in other countries. So even if the Right is sticking to the facts regarding those incidents (given the track record, a big “if”), they don’t apply here. None of those countries has the powerful free speech protections that the First Amendment gives Americans – the same First Amendment protections that are strongly endorsed and affirmed by the hate crimes legislation and its supporters.

One story Religious Right leaders like to tell revolves around the arrest of some Repent America protestors at a Philadelphia gay pride rally. This incident has become the stuff of mythology on the right, in part due to ads produced by Repent America in 2007 featuring a couple of grandmothers who were supposedly arrested for sharing the Gospel. The way they tell it, it’s understandable that it would concern people. So it’s worth finding out what really happened.

The kernel of truth under the pile of propaganda is that a group of Repent America activists were in fact arrested while protesting Philadelphia’s OutFest, and a local prosecutor did charge them with violations of several laws, including the state’s hate crimes law. But none of those charges were for “sharing the gospel.” Repent America – and the religious and political leaders who tell the same story – don’t mention that the police in fact were careful to protect their right to protest. The court found that among other things the protesters “blocked access to vendors, and disobeyed direct orders from the police, who were trying to preserve order and keep the peace.”

The First Amendment allows equality advocates to rally, and allows those with a different point of view to protest. But it doesn’t mean that the protesters have the right to disrupt the rally or drown out its speakers. It is universally recognized that public safety officials can place reasonable “time, place, or manner” restrictions on people exercising their First Amendment rights in order to preserve public order and prevent one group from trampling another’s rights. The court, which noted that Repent America did not get a permit for its protest, found that the police applied the law reasonably when the bullhorn-wielding Repent America protesters refused a request to move to another location and instead sat down in the street.

It's also important to note that the court ruled that the prosecutor's decision to file charges under the hate crimes law was a misapplication of the law – and charges against the protesters were dismissed. The court affirmed that the hate crimes law did not apply to the protesters' speech or even to their disruptive behavior and refusal to obey police requests. That's not exactly the impression you'll get from listening to Religious Right leaders. It's also important to note that federal courts rejected Repent America's claims that the city and Outfest organizers had violated their First Amendment rights.

The Bottom Line

Here's the bottom line: don't believe Religious Right leaders who say the hate crimes bill will be used to silence preachers, prosecute people for sharing their religious beliefs, or create a category of "thought crimes." It's not true, and their claims don't hold up under any reasonable scrutiny. The law being considered by Congress has clear, explicit, and unambiguous language that affirms and protects First Amendment guarantees for free speech and religious liberty.

Violent crimes that target people for who they are violate core American values. That's why federal hate crimes legislation has the overwhelming support of the American people and bipartisan support in Congress.