

H.R. 1913, the Conyers Hate Crimes Bill: A Dangerous Threat to Religious Freedom

The Hate Crimes bill will threaten religious teachings on morality and First Amendment rights

- The bill raises the possibility that religious leaders or members of religious groups could be prosecuted criminally based on their speech or protected activities
- In a 2004 case in Philadelphia, 11 individuals were arrested at OutFest, a gay pride festival. The individuals held signs and were reading segments of the Bible. They were arrested after protesting peacefully, charged with 3 felonies and 5 misdemeanors. Their felony charges included “possession of instruments of crime” (a bullhorn), ethnic intimidation (saying that homosexuality is a sin), and inciting a riot (reading passages from the Bible related to homosexuality). Whether or not a riot occurred involving the Christians was debatable. They faced \$90,000 in fines and possible 47 year prison sentences.
- Hate crimes laws have already been used to suppress speech disfavored by cultural elites – indeed, this may be their principal effect. Most of the reported hate crimes reported by the FBI were “intimidation,” a vague criminal concept. This vague concept is already being abused by some left-leaning local governments, which target speech in favor of traditional morality as “hate speech.”
- In San Francisco, the city council enacted a resolution urging local broadcast media not to run advertisements by a pro-family group.
- In New York, a pastor who had rented billboards and posted biblical quotations on sexual morality had them taken down by city officials, who cited hate-crimes principles as justification.

The Hate Crimes bill will result in unequal justice for crime victims depending on whether the victim is from a protected group

- The bill eliminates any concept of “equal justice” by injecting race into our criminal justice system. Justice will depend on whether or not the victim is a member of a protected category – the murder of a homosexual will be punished more than the murder of a heterosexual victim.
- A senseless act of violence will be punished less than if the killing involved a protected category.
- All victims should have equal worth in the eyes of the law, regardless of race or status.

The Hate Crimes bill creates a new Federal “Thought Crime”

- The Hate Crimes bill will require criminal investigations of a suspect’s philosophical beliefs, politics, biases, religion, membership in organizations, activities of those organizations, and any past statements.
- Members of an organization or a religious group may be called as witnesses to provide testimony as to ideas that may have influenced the defendant’s thoughts or motivation for his crimes, thereby expanding the focus of an investigation to include ideas that may have influenced a person to commit an act of violence.
- Religious organizations may be chilled from expressing their ideas out of fear from involvement in the criminal process.
- Hate-crimes laws improperly transform criminal prosecutions of personal beliefs, rather than actual conduct. Ordinarily, criminal law does not concern itself with motive -- why a person acted, but rather with intent whether the perpetrator intended or knew that he would cause harm.

The Hate Crimes Bill violates the basic principles of federalism and encroaches on issues traditionally reserved to the States.

- The bill is unnecessary: the *underlying offense* is already fully and aggressively prosecuted in all 50 States.
- The bill designates gender-identity for federally protected status, without evidence of any hate crimes occurring against these individuals. The Conyers Hate Crimes bill makes a federal offense out of any violent crime that is alleged to be motivated by “gender identity” – i.e. trans-sexuals, even though the Hate Crimes Statistics Act of 1990, as amended in 1994, never collected any data to show that such hate crimes are occurring.
- FBI statistics show that the incidence of hate crimes has declined over the last ten years for which we have data. In 1997, a total of 8,049 bias-motivated criminal incidents were reported to the FBI. Data for three of the last ten years, 2003 through 2005, demonstrated a steady decline in the number of hate crimes reported. In 2005, for example, only 7,163 hate crimes were reported. However, in the last two years, there has been a slight uptick in the number of hate crimes - 7,722 incidents in 2006 and 7,624 in 2007 – but fewer hate crimes are committed today than ten years ago.
- According to FBI data, there were 16,929 murders in the U.S. in 2007. Of that number, 9 murders were classified as “hate crimes”. By doing the math, we learn that “hate-crimes” murders make up less than one-tenth of 1% of the murders committed in the U.S. in 2007.
 - This begs the question of why Congress would pass legislation that ignores 99.9% of the murders in this country – especially when there is no indication that these

hate-motivated murders were not fully prosecuted.

- There is *zero* evidence that States are not fully prosecuting violent crimes involving “hate.” Every state in the nation prohibits a variety of violent crimes that constitute “willfully causing bodily injury.”
- 45 States and the District of Columbia already have specific laws punishing hate crimes, and federal law already punishes violence motivated by race or religion in many contexts.
- The bill will federalize virtually every rape and domestic assault, and any state and local crime with a weapon.