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RIGHT WING WATCH

PEOPLE FOR THE AMERICAN WAY

As Senate Prepares to Take Up Hate Crimes Bill, Far Right's Inflammatory Claims Should Not Be Taken Seriously

Lies should be refuted as a matter of record, but demonstrably false and ridiculous attacks deserve to be dismissed

Anti-gay organizations have been fighting the steady advance of federal hate crimes legislation with rhetoric that is increasingly unhinged from reality. When the U.S. House of Representatives passed a hate crimes bill on April 29 with a bipartisan 74-vote margin, Religious Right leaders and some of their congressional allies were inspired to new heights (or depths) of literally incredible accusations.

Now, as the U.S. Senate prepares to take up its version of a hate crimes Bill, right-wing leaders are trying to crank up the volume even further on their propaganda campaign. Emblematic is a May 6 diatribe by Focus on the Family's James Dobson:

As I'm recording this video greeting, there's a so-called hate crimes bill that's working its way through the congress that contains no adequate safeguards to protect the preaching of God's word. Because the liberals in Congress would not define sexual orientation, we have to assume that protection under the law will be extended to the 30 sexual disorders identified as such by the American Psychiatric Association. Let me read just a few of them: bisexuality, exhibitionism, fetishism, incest, necrophilia, pedophilia, prostitution, sexual masochism, urophilia, voyeurism, and bestiality. Those are just a few. And I have to ask, have we gone completely mad?

Religious Right leaders have gotten undeserved support for their accusations from some members of Congress – notably Rep. Steve King (R-IA) and Rep. Louie Gohmert (R-TX) – and from right-wing media outlets and figures, like Fox's Sean Hannity. In the Senate, South Carolina's Jim DeMint in particular has distinguished himself as a purveyor of false information, and has promised anti-gay groups that he will launch a filibuster against the bill.

The Religious Right's campaign of distortions and outright lies about the hate crimes bill has been unfolding all year and has been well-documented by RightWingWatch.org and others; in April, we published "Right Wing Sounds False Alarm on Hate Crimes Legislation."

During Senate debate we hope that journalists and public officials will not treat the Right's false charges as if they represented one-half of a real policy debate on the legislation. The Right's wild allegations should be treated instead as evidence of the desperation and utter lack of credibility on the part of those who are opposed to extending legal protections to LGBT Americans.

It would take many pages to compile the lies and fear-mongering of the Right on the hate crimes bill. This memo will highlight some representative examples from the past 10 weeks or so, and compile some of the readily available documentation that Religious Right leaders are lying to the media, to Members of Congress, and to their own supporters.

Big Lie Number One: The End of Religious Liberty

For years, Religious Right leaders have been claiming that adding protections based on sexual orientation to the federal hate crimes bill would mean an end to free speech and religious liberty in America. It's never been true.

In fact, the current House and Senate hate crimes bills have such clear and explicit protections for First Amendment speech, it's hard to know how right-wing leaders can continue to make the argument with a straight face. But make them they do. Here are just a few recent examples:

- In mid-June, more than 60 people, including pretty much all the major Religious Right figures and friends like Tom DeLay, sent a letter to Senators claiming that the hate crimes bill would criminalize preaching the Gospel and would, among other evils, "Silence the moral voice of the Church," "Punish principled dissent from the homosexual agenda," and "Be a

savage and perhaps fatal blow to First Amendment freedom of expression."

- Janet Porter, a leading supporter of Mike Huckabee's presidential bid, helped boost a Flag Day (Sunday, June 14) effort involving pastors "standing for freedom by exposing this dangerous bill that could land them in jail for the 'crime' of reading from Romans." Porter, a WorldNetDaily columnist, was also behind a letter writing campaign to the Hill; its claims to have sent 700,000 letters sounds impressive until you read that people paid a lump sum to have 100 letters (one to each senator) generated over their name.

- The American Family Association's Donald Wildmon sent activists an alert in late June under a headline that screamed, "The 'Hate Crimes' bill will take away our religious freedoms."

- Pat Robertson recently told viewers of his 700 Club show that the bill would prevent pastors from preaching against homosexuality, claiming that "if anybody speaks out about homosexuality, says it's a sin, says its wrong, says it's against the Bible, that individual would be charged with a quote, hate crime."

- On the eve of the House bill's passage, GOP Representatives Louie Gohmert of Texas and Trent Franks of Arizona joined Bishop Harry Jackson and spokespeople from the Traditional Values Coalition and Concerned Women for America to claim that preaching against homosexuality would become a hate crime. Talking points handed out by Rep. Louie Gohmert's staff claimed that "The Hate Crimes bill creates a new Federal "Thought Crime."

The Truth: Religious Liberty and Free Speech Carefully, Clearly, Explicitly Protected

As we and others have pointed out repeatedly, it could not be clearer that the hate crimes bills moving through Congress apply only when violent hate crimes have been committed against individuals. They have nothing to do with regulating speaking or preaching, which are protected by the First Amendment. But just to be clear, both House and Senate versions of the legislation include clear and explicit affirmations for speech and religious teaching. Here's language from the bill about to be taken up in the Senate:

> CONSTITUTIONAL PROTECTIONS- Nothing in this Act shall be construed to prohibit any constitutionally protected speech, expressive conduct or activities (regardless of whether compelled by, or central to, a system of religious belief), including the exercise of religion protected by the First Amendment and peaceful picketing or demonstration. The Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.
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> FREE EXPRESSION- Nothing in this Act shall be construed to allow prosecution based solely upon an individual's expression of racial, religious, political, or other beliefs or solely upon an individual's membership in a group advocating or espousing such beliefs.

Faced with that clear language, Religious Right leaders claim that some judge will somehow interpret the language to allow for prosecution of preachers if some member of their congregation responds to an anti-gay sermon by committing an act of violence. But unless a preacher is explicitly urging his parishioners to commit acts of violence against their gay neighbors, that scenario is nothing but the Right's paranoid fantasy.

As we pointed out in April, stories cited by right-wing leaders as evidence that their fears are justified are mostly from other countries, which do not enjoy the strong free speech and religious liberty protections granted by the First Amendment to the U.S. Constitution. And the American examples they cite, such as the supposed persecution of Christian grandmothers for sharing the gospel with gay people, don't hold up to scrutiny.

As Right Wing Watch has noted:

> The idea that hate crimes laws infringe free speech is ludicrous. Hate crimes protections for race and religion have existed for over a decade and racist or anti-religious speech has not been made illegal and nobody has been charged with a hate crime for engaging in such speech.

Big Lie Number 2: Hate Crimes Bill as 'Pedophile Protection Act'

Last month, in "Free Speech, Irresponsible Speech, and the Climate of Intolerance," we noted:

> One appalling development has been the return to public discourse of public officials openly equating gay rights with support for pedophilia, a false and hugely inflammatory charge that seemed to have faded somewhat as equality for gay people gained support among the American public. But in their

> desperation to defeat hate crimes legislation, Members of Congress joined James Dobson and other Religious Right leaders insisting that Democrats were giving rights to pedophiles at the expense of Christians. One WorldNetDaily story used the phrase "Pedophile Protection Act" no fewer than four times in referring to federal hate crimes legislation under consideration, once quoting Rep. Louis Gohmert of Texas using the term.

Accusations that the gay rights movement is a threat to children have typically been made in sleazy insinuations like this one from Donald Wildmon's *Speechless: Silencing the Christians:*

> Hate crimes laws have very little to do with hate or with crime. The primary goal of these laws is to silence Christians who object morally to sodomy and who object politically to the attempt of the secularist elite to dominate our culture and to subject our children to their own beliefs and to their own desires.

But in recent months they have gone well beyond insinuation to claim that a majority of the House of Representatives voted to grant pedophiles greater legal protections than Christians in America. Here's a characterization by the Traditional Values Coalition on the eve of the House vote: "the 'moral' of this law, if it has one, is that child molesters and those who only 'date' dead people need to be protected but is open season on pastors and churchgoers."

People like Sean Hannity find this shocking and unbelievable. Of course it's not believable because it is not true. But it gets repeated because supposedly credible people, like Members of Congress, repeat the claim.

Rep. Steve King of Iowa has emerged as the King of Congressional Demagogues on the issue . On a May 14 radio show with Focus on the Family's James Dobson, King claimed: "we have a record roll call vote that shows every Democrat on the Judiciary Committee voting to have pedophiles protected."

Right-wing media is now filled with variations on a bogus hypothetical scenario: that a woman who pushes away an exhibitionist, or a person who steps in to defend their daughter or nephew from a child molester, would be sent to jail for ten years under the hate crimes law.

The Truth: Pedophilia is in no way protected by the hate crimes bill.

Rep. King and his friends are lying. The Right's claims and the label they have slapped on the hate crimes bill — "Pedophile Protection Act" — are based on falsehood layered upon falsehood.

The first falsehood is that because the bill does not include an explicit definition of "sexual orientation," the term would be used to cover, depending on which Religious Right figure is speaking at any moment, either a list of 30 "paraphilias" listed in the American Psychicatric Association's current Diagnostic and Statistical Manual of Mental Disorders, or a much larger list of "547 sexual deviancies," as claimed by radio host Janet Porter and RightMarch.com PAC. The ever-memorable Pat Robertson suggested that it might protect "people who have sex with ducks."

The second falsehood is that the House Judiciary Committee, by rejecting an inflammatory and unnecessary amendment by the grandstanding Rep. King, was somehow voting to extend new legal protections to pedophiles.

Here's the simple fact regarding a definition of sexual orientation: Pedophilia is not a sexual orientation by anyone's definition – only in the imagination of Religious Right organizations and political figures trying to derail the legislation with the most inflammatory charge they can come up with. As Rep. Tammy Baldwin pointed out during debate, sexual orientation is explicitly defined in the federal hate crimes statistics act as "consensual heterosexuality and homosexuality. And in spite of the Right's claims about paraphilias, the American Psychiatric Association defines sexual orientation very clearly as homosexuality, heterosexuality, or bisexuality.

Jim Burroway, who blogs at boxturtlebulletin, interviewed Dr. Jack Drescher, a member of the APA's DSM-V Workgroup on Sexual and Gender Identity Disorders, who, asked about the Right's claims regarding the hate crimes bill, said:

> Pedophilia is not a sexual orientation, nor would pedophiles be covered by a law protecting people for their sexual orientation. Religious social conservatives who oppose gay rights are using terms that sound like science, as opposed to actual science, to make unwarranted and malicious comparisons between homosexuality and pedophilia. Not only is this scare tactic untruthful, it reveals how little respect some religious conservative leaders have for the intelligence of the people they are trying to persuade.

And regarding Rep. King's claims – touted by folks like Sean Hannity – that House Democrats supposedly voted to extend protection to pedophiles in the bill, here's what really happened. While legislation was being considered in the House Judiciary Committee, Republicans introduced

a series of amendments that were designed to distort the intent of the legislation and create an opportunity for divisive debate. Among them was an amendment by Rep. King to exempt pedophilia from the legislation. As Rep. Baldwin made clear during the mark-up of the legislation, the amendment was not necessary, because sexual orientation is defined in federal law as heterosexuality or homosexuality, and the act already had nothing to do with peodphilia. King's amendment was one of a series of grandstanding efforts voted down by Democrats.

Strange Auxiliary Lie: Hate Crimes Bill Would Target Pro-Life Military Personnel

The Religious Right has even tried to claim that hate crimes legislation would somehow be used to target pro-life military personnel. This one is so bizarre and convoluted that it merits little attention on the substance. It does, however, shed light on the credibility of Focus on the Family and other groups desperately grasping for ways to slow the momentum of hate crimes legislation. Here's a claim from Focus on the Family:

> House Hate-Crimes Bill May Target Pro-Life Servicemen and Women
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> Senate Republicans have called a hearing Thursday to discuss proposed hate-crimes legislation. The contentious language would elevate some victims of violent crimes over others.
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> The U.S. House of Representatives has already passed a hate-crimes bill, and is trying to take the concept one step further.
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> Florida Congressman Alcee Hastings has added language that would ban the recruitment, enlistment or retention of military personnel affiliated with "hate groups." Just a month ago, the Department of Homeland Security issued a study listing pro-life advocates as potential national security threats.

And here's how Right Wing Watch dispatched it:

> Does this make any sense at all? Focus is claiming that passage of hate crimes legislation will somehow prevent anti-choice individuals from joining the military by stirring together three completely separate issues into one steaming mass of nonsense.
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> First of all, hate crimes legislation has already passed in the House and contains no such language regarding military recruitment, nor does the version being debated in the Senate. And considering that the legislation has already passed in the House, there is no way that Rep. Hastings could have "added language" to it.
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> Secondly, what Hastings has done is add an amendment to the National Defense Authorization Act for Fiscal Year 2010 that "would prohibit the recruitment, enlistment, or retention of individuals associated or affiliated with groups associated with hate-related violence against groups or persons or the United States government." The language of the amendment can be found here [PDF] and defines "hate groups" as groups that advocate violence against others based on race, religion, or ethnicity, engage in criminal activity, or advocate armed revolution against the government.
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> Thirdly, these two things have nothing to do with one another and neither has anything to do with the recent Department of Homeland Security report.
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> Yet, somehow Focus on the Family's Steve Jordahl has managed to combine all three of these issues into one claim that hate crimes legislation would somehow lead to pro-life members of the military being targeted. And even though this claim is utterly incoherent and fundamentally nonsensical, I wouldn't be the least bit surprised to see it get picked up by others in the right-wing echo chamber and quickly establish itself as part of the narrative.

More resources on hate crimes

People For the American Way has compiled a resource page on the hate crimes bill which includes links to several letters to Congress from progressive African American clergy debunking right-wing lies and calling for the bill's passage: http://site.pfaw.org/hate_crimes_resources