



**To: Editors and Reporters**

**From: Ralph G. Neas, President, People For the American Way**

**Date: March 29, 2007**

**Re: Hate Crimes, Religious Liberty, and the Right's Propaganda Campaign**

On March 15<sup>th</sup>, the body of Ryan Keith Skipper, 25, was found bloodied and abandoned on a roadside in Wahneta, Florida. Police have charged two men with first degree murder and announced that witness testimony makes clear that Skipper was killed because he was gay. The sad reality of brutal crimes motivated by hatred is the impetus for bipartisan federal hate crimes legislation recently introduced in Congress.

The American public has shown that it wants Congress to pass hate crimes laws, which are designed to prevent and punish violent acts that target individuals from a particular part of the community for intimidation and physical harm. But Religious Right groups are so eager to prevent any legal recognition or protection for gay and lesbian Americans that they are waging an aggressive disinformation campaign against these legal protections. Their strategy? Create a distraction from the reality of violent crimes by claiming that such laws are really designed to criminalize Christianity.

The campaign is, of course, dishonest to the core. But it is part of a larger strategy that has been politically and financially useful to Religious Right leaders over the years. They tell millions of Americans, week after week, that gay rights advocates are out to silence conservative Christians, criminalize the reading of the Bible, and force people to choose between their faith and public service. It's not true. But it serves the radical right's political goals: 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.

### **Lies about Religious Liberty**

Family Research Council President Tony Perkins insists that the “only effect [hate crimes legislation] will truly have is to gag people of faith and conviction who disagree with the homosexual agenda.”

Rev. Ted Pike, Director of the National Prayer Network, called a hate crimes bill sponsored by Rep. Sheila Jackson-Lee “the most dangerous legislation ever to come before Congress,” and claimed that “it leads directly to an end of free speech.”

Former judge and far-right activist Roy Moore has claimed that “the day is rapidly approaching and perhaps is already here when speaking out in love against sin or contending for our faith by opposition to false religions like Islam will become criminal conduct.”

Andrea Lafferty of the Traditional Values Coalition makes a similar claim, asserting that, “if a pastor stands up in the pulpit and says homosexuality is a sin ... it will be considered hate speech. And if this law passes, the federal government will go after people who say those kinds of things.”

These are just a few examples of the exaggeration, misinformation, and willful deception that make up the campaign to portray hate crime legislation as contrary to free speech or freedom of religion.

The First Amendment clearly and incontrovertibly guarantees the right to freedom of religion and freedom of speech. At People For the American Way, we are committed to the preservation of both of these core constitutional principles. We recognize the right of religious leaders and other individuals to speak openly about their personal religious convictions, including their conviction that homosexuality is sinful. We recognize the right of those who oppose legal equality for gays and lesbians – and those who oppose hate crimes legislation – to participate freely and fully in public debate.

Hate crimes legislation is not targeted at any of this constitutionally protected activity. It targets only those who commit violent crimes against persons intentionally selected because they belong to, or are perceived to belong to, certain groups in our society.

### **Repent America: Mythology Grounded in Half-truths**

In support of their claim that hate crime legislation will abridge free speech or freedom of religion, the far right group Repent America and its allies continue to push a misleading and one-sided version of events that took place at a Philadelphia gay pride festival in 2006. The story as told by Repent America and other Religious Right groups – most recently in two videotaped ads by grandmothers who participated in the Repent America protest against the festival – is that people were arrested merely for “sharing the gospel” on public property. The arrest of the protestors and subsequent charges against them on several counts – some under Pennsylvania’s hate crimes law – is, in the mythology of Repent America, proof that the goal of gay rights activists in general, and hate crimes laws in particular, is to outlaw the gospel.

The kernel of truth at the bottom of the propaganda pile is that the two grandmothers and others 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 doesn’t mention that a federal court later found that the women “insulted individual attendees, blocked access to vendors, and disobeyed direct orders from the police, who were trying to preserve order and keep the peace.” The police arrested the protesters only after “their presence disrupted public order.” Unlike the organizers of OutFest, Repent America leaders failed to obtain a permit from the city. The city and the police gave the women great leeway, but they still overstepped the bounds of peaceful protest.

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 protestors 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, and 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 their protest, found that the police applied the law reasonably when the bullhorn-wielding Repent America protestors refused a request to move to another location and instead sat down in the street.

It is also important to note that the court dismissed the hate crimes charges in this case. In fact, the resolution of the situation proves the opposite of what the Right claims – despite their disruptive behavior and refusal to obey police requests, the protestors were neither convicted nor sentenced for breaking hate crimes laws.

### **The Specious “Special Rights” Argument**

Opponents of hate crimes legislation have been spreading the false assertion that it somehow creates “special rights” for LGBT Americans and others who would be protected by the law. Typical is the claim by Matt Barber, Policy Director for Cultural Values at Concerned Women for America, that hate crimes legislation “elevates one group of Americans above others, creating a special class of victims.”

Hate crimes laws do create a category of violent crime that is motivated by a desire to harm or intimidate a person intentionally selected because of his or her membership in a certain class of people. There is a clear public good to justify policy that punishes and prevents crimes designed to sow fear and division by singling out individuals based on characteristics like race or sexual orientation. When a gay or lesbian person is attacked or harassed because of his or her sexual orientation, the threat of continued violence is felt by all those who could be singled out in the future. Just as terrorist attacks are designed to cause fear as much as destruction, anti-gay hate crimes are designed to send the message that gays and lesbians should feel constantly endangered because of their sexual orientation.

Opponents of hate crimes laws frequently claim that this is an Orwellian change in legal principles – the equivalent of criminalizing thought. Nonsense. The laws would apply to the commission of violent crimes and the motivation behind those crimes. That kind of distinction is familiar to anyone with knowledge of our criminal justice system. Our laws make distinctions, for example, between first degree murder, second degree murder, voluntary manslaughter, and involuntary manslaughter. In each case, the tragic result is the same – someone has died – but the legal system administers different punishments depending on the intent of the killer. Moreover, freedom from violence and harassment should never be considered a “special right” for any American, and myriad laws have been passed to protect those very basic rights. In specific circumstances, the proposed legislation would allow the federal government to step in and prosecute hate crimes in instances when local law enforcement can’t or won’t.

### **A Clear and Present Need for Hate Crimes Legislation**

It was nearly a decade ago that Matthew Shepard’s brutal murder brought national attention to the issue of hate crimes; it is a sad reality that too little has been done since then to bring that kind of violence to an end. Surveys make clear that the public supports legislation against hate

crimes. And it appears that bipartisan majorities in both Houses of Congress are prepared to pass this legislation. It is a moral imperative as well as a popular policy. We urge Congress to swiftly pass hate crimes legislation to help ensure that every American can live free from violence and harassment.

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