

FOCUS ON THE FAMILY ACTION

Hate Crimes Fact Sheet

There has been no dramatic rise in sexual-orientation “hate crimes” in the United States.

- In 2007 (the most recent year reported), almost 51% of all "hate crimes" were motivated by racial bias. The next largest category is religion, at 18.4%. Sexual orientation is third at 16.6% and is fairly steady over the years both in percentage and raw numbers. There is no evidence of a dramatic rise in the number of reported sexual orientation "hate crimes".
- In 2007, a total of 7,426 incidents of "hate crimes" were reported in the U.S., including race, religion, gender and other categories. Of these, 1,265 (approximately 16.6 %) were classified as motivated by "sexual orientation" bias. Seventy-five percent of these fell into categories such as vandalism, name-calling, and pushing and shoving.
- In 2007, 855,856 cases of aggravated assault were reported. Of those, 242 were allegedly motivated by sexual orientation bias - approximately 3 out of every 10,000.

Hate crimes legislation treats victims of the same crime unequally under the law.

Although the 14th Amendment guarantees all citizens equal protection under the law, hate crimes legislation elevates some victims of violent crimes over others. If a person commits violence against a homosexual and the crime is motivated by perceived bias against the victim's sexual orientation, then the perpetrator will be charged with a federal "hate crime," in addition to being charged under a state criminal statute. If the same violent crime is perpetrated on a child, however, the act would not classify as a "hate crime."

Hate crimes legislation punishes thoughts, not actions.

Advocates of hate crimes legislation argue it only authorizes prosecution of someone who "willfully causes bodily injury" or "attempts to cause bodily injury." But such acts are already crimes under state law. What converts these acts into federal offenses are the thoughts or opinions of the perpetrators. Since every violent crime manifests some sort of "hate," it makes more sense to think of this as a "thought crimes" law.¹

Hate crimes legislation does not define the class it seeks to protect.

Definitions matter. Significantly, hate crimes legislation does not define "sexual orientation" and only loosely defines "gender identity." While some may argue that the definition of "sexual orientation" is limited to heterosexuality, homosexuality and bisexuality, the fact that the writers of this bill have deliberately and repeatedly refused to limit the understanding of this term to these three categories leaves the door wide open to judicial reinterpretation and/or a reframing of the term's meaning by those in activist communities and/or the mental health community.

¹ Tony Perkins, "Why Congress Should Reject Federal 'Hate Crimes' Bill." *Christianpost.com*, 4/21/09.

Hate crimes legislation paves the way for religious persecution.

Religious leaders and members of religious groups could be prosecuted under the federal "aiding and abetting" statute (18 U.S.C § 2). That law allows for prosecution of anyone who "aids, abets, counsels, commands, induces or procures the commission of a crime" done by another. On any given Sunday morning, there are hundreds, if not thousands, of pastors preaching on God's view of sexuality and marriage, and what the Bible has to say about homosexuality. How many hundreds of thousands, perhaps millions of people have heard such sermons? Is it possible that one of those millions of listeners at some point might commit an act of violence against a homosexual person and try to blame it on his pastor's teaching? Of course it is. And that puts the pastor in the crosshairs of this "hate crimes" bill.

Christian speech has been prosecuted under hate crimes laws in other countries.

In Sweden, Canada and Great Britain, "hate crimes" laws have been used to prosecute Christians speaking their disapproval of homosexual behavior, posing a serious threat to religious liberty and free speech. Even here in the United States, Christians peacefully protesting a gay-pride rally were arrested and jailed in Philadelphia under a local "hate crimes" provision.