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<http://onfaith.washingtonpost.com/onfaith/panelists/willis_e_elliott/2009/10/hate_is_no_crime.html>

**Hate is no crime**

*Congress is expected to expand federal hate crimes laws to add "sexual orientation" to a list that already includes "race, color, religion or national origin." Is this necessary? Should there be special laws against crimes motivated by intolerance, bigotry and hatred? Isn't a crime a crime?*

1.....Being a very old white Anglo-Saxon heterosexual bald bearded 80%-blind male, I think there should be*laws against showing any form of disrespect*for (1) the elderly, especially the very elderly, (2) whites, (3) Anglo-Saxons, (4) heterosexuals, (5) baldies, (6) the bearded, (7) the blind, and (8) males. I know I know: other folks have other problems. But let them do their own complaining to the government.

2.....The other day, after 75 years of publishing, I got my first accusation of "hate speech." It was indirect. An Iranian woman told a friend that in something I'd written (I don't know what), I'd said something critical about Islam. Now, it seems these days that Islam is the only religion you're in danger of losing your life for criticizing, and so I'm in danger of losing my life to some radical jihadist for writing this sentence or even for reporting that somebody told me that somebody had told her that I'd written "hate speech" against Islam.

3.....Section 1 (above) ironically suggests that when any group succeeds in its appeal for *legislation silencing its critics*, the social effects are tragic. Inter-group tensions increase as one group is provided with special protection from other groups and/or the general society. Crime increases as members of one group see themselves as representatives of their group against "them" (another group, or a person perceived as representing another group). Law, whose function is to effectuate justice with an individual in the dock, loses dignity as it is dragged down into mediating intergroup conflicts, defining human emotions (e.g., "hate") and attitudes (e.g., "bigotry" and "tolerance") and culture-war terms (e.g., "politically correct," "pro-life / pro-choice," "marriage"), and expanding "equality" from individuals to groups. The upshot? Freedom shrinks as interpersonal and intergroup discomforts move from the dynamics of society to the specifics of jurisprudence, and government expands its controls over the populace as the people increasingly appeal to government to resolve their conflicts and solve their problems. In 1949, George Orwell vividly predicted-depicted - in his fantasy, "1984" - the result of a 35-year slide into totalitarian dystopia.

4.....In 1992, the U.S. Supreme Court ruled that hate-speech or speech-crimes legislation violates free-speech rights. Trials may factor in suppositions about an accused's motivation, but for laws to lock motivations into behaviors would be presumptuous. Here, there is no difference between "hate speech" and "hate crimes." The adjective is legally inapplicable to either. Speech is speech, and crime is crime. Government speech-control would easily slide down into government thought-control, mind-control - as Orwell put it in his NewSpeak, "thoughtcrime."

5.....The semantic shift from "*hate* speech/crime" or "*bias-motivated*speech/crime" does not improve the contra-case. What would free speech amount to if the speakers had no legal right to their biases?

6.....I believe that it is hateful to have on the books any laws criminalizing anything even remotely qualifying as "hate speech." As for "hate crime," it's in the same Orwellian category as "love crime": Big Brother gets to say what's acceptable, in the populace, in the spectrums of feelings as well as ideas. The Thought Police seize poor Winston (in "1984") and drag him to the Party's Love Ministry, where he's tortured to reveal his negative thoughts and feeling about the Party and Big Brother. Party members must daily see a "Two-Minute Hate" film of anti-Party badguys, so their hate muscles don't get flabby.

7.....To put some meat on the bones of my opinion on this issue, I'll tell the story of two of my friends at the University Chicago when "Pearl Harbor" happened (7 Dec 41). Japanese were being attacked on Chicago's streets, and for some time I took meals to my Japanese friend's room. My Chinese friend felt safe, and was murdered one night before he could reach campus. At the trial, the murderer said, "I'm sorry; I thought he was a Jap."
Hate is no crime. Murder is.

**BY WILLIS E. ELLIOTT  |  OCTOBER 19, 2009; 10:47 PM ET**

**Comments**

**Please report offensive comments below.**

I agree, I thought this is a free country. Our freedoms are taken away everday. When will people wake up? It is against the law to experience a certain feeling or emotion? Why not just enforce the laws we have? Why is it that if someone hates me it is not a crime, But if I were gay or minority, it is a crime? Why is it not a crime when people spew there hatred of certain Christian religons, but get bent out of shape if you criticize Muslims or athiests? It is all nonsense & politics.

**POSTED BY: KEEPTHECHANGE1 | OCTOBER 27, 2009 1:17 PM****REPORT OFFENSIVE COMMENT**

Just to amplify my point, below, Reverend, maybe why you're 80 percent blind on this \*issue\* is in fact that you're seeing this all from the point of view of some divine judge mostly concerned with sexual purity like racial, ethnic, and other 'purity' by your traditions, before being concerned with processes and effects and other things practical ol' civil Justice has to be about.

People who commit brutalities, and I mean brutalities, against LBGT people, hear the words of someone like you, and they think, when sufficiently agitated in one way or another, that it's 'divinely OK' to target that oppression onto those that they believe society and or said 'Divine Judge' has left for 'fair game.' 'Not real souls.' 'Damned.' 'Needing to be beaten or raped till they're right with God.'

You \*do\* do this.

No, the law won't prosecute you for it, despite your legally-imaginary and much-touted \*fear\* of it.

But it's still wrong of you.

Like it or not, you \*teach\* that the usual rules don't apply to 'queers.' Tis results in your 'flock' thinking it's more important to try and 'fix' lesbians through rape than to observe any vague notion that rape is wrong for any reason other than a) it might violate another man's property, or b) It might violate the 'chaste purity' you claim LBGT people do not have whether they've ever actually had any kind of sex or not. Or c) Any vague notion they might have had hinted at in your churches that you might have to confess later for doing it to someone.

This is how your \*teachings\* bear \*fruit,\* Reverend.

It's not like it's the first time you've been told.

We got a law, now. Take the rest and work it out on your own time.

**POSTED BY: PAGANPLACE | OCTOBER 26, 2009 6:26 PM****REPORT OFFENSIVE COMMENT**

Eh. Hi, Evil Santa, did you miss me? (friendly tease.)

Listen, Reverend.

You trivialize what LBGT people go through in this society, egged on, in fact, by people like yourself at times, given your at-best-mixed signals as to the worthiness of various Americans to enjoy the basic and fundamental human rights supposedly guaranteed by our Constitution, but which you yourself try to make a case constantly are negotiable according to how 'religiously correct' a given person is according to your notions of 'the American mind....' Etc etc.

You say this:

"1.....Being a very old white Anglo-Saxon heterosexual bald bearded 80%-blind male, I think there should be laws against showing any form of disrespect for (1) the elderly, especially the very elderly, (2) whites, (3) Anglo-Saxons, (4) heterosexuals, (5) baldies, (6) the bearded, (7) the blind, and (8) males. I know I know: other folks have other problems. But let them do their own complaining to the government."

Actually, the law you're trying to disparage \*does\* protect you from attacks based on 1) being 80 percent blind, and a number of things otherwise counted as 'disability' among our elders, 2) Whites were always protected under racial aspects of the hate crimes laws, contrary to what some would tell you, including, apparently, yourself, 3) Anglo-Saxons, likewise, under ethnicity, 4) Heterosexuals are also now protected under sexual orientation, should you ever have to worry about that, (heterosexuality is a sexual orientation, too, you know) 5) Sorry, you're on your own, but Hair Club For men is on call, if that worries you, 6) Ditto for beards, which I personally think are underrated, 7) Again covered under the newly-introduced inclusion of disabilities in hate crimes laws, 8) Also covered under sex and gender identity.

Voila. You're protected. Save on style.

As for the worries about your respective Chinese and Japanese friends, vis-a-vis the conservatives trying to call hate crimes protection (merely) 'Thought-crimes,' well... Believe it or not, neither bigots nor the LBGT community take polls on who's 'really' gay or something before crimes based on hate become a factor.

Lots of people who are bashed for being LBGT actually are not. Maybe that's why straights run around so scared of appearing 'gay' in any way.

Which just goes to show... Hate hurts everyone.

Even you, sir.

**POSTED BY: PAGANPLACE | OCTOBER 26, 2009 6:12 PM****REPORT OFFENSIVE COMMENT**

I generally try to avoid using caps lock, it seems sort of juvenile and annoying. But there is a lot of text above this post, and likely to be a lot after, so I'm going to go for it.

HATE SPEECH IS DIFFERENT FROM A HATE CRIME.

Let me try that again just in case, THE PROPOSED LEGISLATION DOES NOT MAKE HATE SPEECH CRIMINAL, IT MAKES OTHER CRIMES MOTIVATED BY HATE A "HATE CRIME".

It blows my mind that no one gets that. I actually think most of the writers do understand that but choose to ignore the point.

HATE SPEECH: It is not currently illegal to engage in "hate speech" unless it incites imminent violence. That is NO different than any other speech, you can't incite violence regardless of the motivation, (by law for a long, long time, that type of speech receives lesser or no First Amendment protection.)

HATE CRIME: It is illegal to commit a crime, of course. If you commit a crime, (most notably an assault, battery, murder, vandalism, etc.) BECAUSE you "hate" a person for their race or religion, you sir, have committed a "hate crime". You'd go to jail either way, but since your crime was motivated by hatred, you go away for longer. All this legislation does is add sexual orientation to that list. Before the change, you beat up someone for being gay you get 10 years. After the change, you beat up someone for being gay you get 20 years. It's that simple.

And from a deterrence point of view it makes sense, people acting out because of strong feelings of hatred or contempt for a particular class will be harder to deter. . . . therefore demanding a harsher punishment. It isn't rocket science folks!

I'm going to say it one last time since it is hard to read through these things. THERE IS A LEGAL DIFFERENCE BETWEEN HATE SPEECH AND A HATE CRIME - YOU SHOULD BE TALKING ABOUT HATE CRIMES. IF YOU FEEL THE NEED TO USE THE WORD "THOUGHTCRIME" YOU'VE HORRIBLY CONFUSED (OR INTENTIONALLY MISREPRESENTED) THE ISSUE.

**POSTED BY: JPPC | OCTOBER 21, 2009 2:29 PM****REPORT OFFENSIVE COMMENT**

fr the article:

>........I believe that it is hateful to have on the books any laws criminalizing anything even remotely qualifying as "hate speech."

Oh really??? So fred phelps or "pastor" steven anderson are perfectly free to preach their HATE to everyone. You know anderson. He's the one who is praying for President Obama to DIE and idiot phelps is the nutball who goes and protests at PRIVATE military funerals. Tell that load of twaddle to Matthew Shepard's family, or Dianne Whipple's, or James Byrd's. I warrant it will only get you shown the door in short order, and it should.

**POSTED BY: ALEX511 | OCTOBER 21, 2009 12:11 PM****REPORT OFFENSIVE COMMENT**

Although I generally agree with the article, it's ironic to find Christendom now opposed to hate crime after its thousand year reign of terror against those who's views don't comport with theirs.

With limited exceptions, prosecutors may not introduce evidence of other crimes to prove the commission of the one with which the defendant is on trial. For instance if a driver receives a ticket for running a red light, evidence that he has run one before can't be used to prove the the present charge.

The First Amendment protects racism as well as cultural and religious sanctimony. To use it as an element of a crime separate from the actual crime which was committed crime requires the jury to use a crystal ball to determine if the defendant's racism motivated the specific crime for which he is on trial, which is tantamount to requiring him to prove his innocence as to that element of the crime.

It is proper to criminalize the ACT and the intent which engendered the ACT, but to criminalize the thought suggests that there can proper and improper motives for committing it, which poses the danger that, if for instance, enough people agreed, killing an abortion doctor could be a legal defense to the ACT of murder because of the number of potential "babies" saved by the act.

**POSTED BY: SAMSCRAM | OCTOBER 21, 2009 5:59 AM****REPORT OFFENSIVE COMMENT**

When I was a kid my father told me that when you hate, you are the only one who suffers because half the people you hate don't know it, and the other half doesn't care.

**POSTED BY: JIMMYKRAKTOV | OCTOBER 21, 2009 3:47 AM****REPORT OFFENSIVE COMMENT**

hi i did take my time to read your somtise wise, maybe somtimes . pleaz exxxcuse me in my ig-nor-ants failed 2 sea your axe-she-hukk truth and lodddd-jicked.. maybe sorta in a good christian like weigh.. dew you really fig-your that the laws al;ready inn place kned 2 be thare oar if they are a miss-guided attempt bye well mean-ing christian floks to axe-he-aww-robert-lee make the world better 4 evry 1 you seas.. oar should the hommo-sexxxiyou alls bee allowed to bee equel .....while under... the current law on your church of krist est-tea-may-shun idw realize i ain't to britie and in tlla-haze-hee-ee flwa-ridd -ahhh ha ha ey am expected as a hillbilly in my actual roots to shut up spend my money and move along thanyou .. we know just what we are doing ...inn reality ..has there ever been a tyme in his-story where there was no actual room at the innn eye wander

**POSTED BY: ARTISTKVIP1 | OCTOBER 20, 2009 10:38 PM****REPORT OFFENSIVE COMMENT**

Hi Rev. Elliott,

Hope you are well. I disagree with you, but what else is new? The problem with your argument is that it does not account for the potential affects of hate violence on society, society, as a whole.

Hate speech and hate crime are symptoms of widespread hate discourses. Said discourses, historically have led to what?

Farnaz :)

**POSTED BY: FARNAZ1MANSOURI1 | OCTOBER 20, 2009 7:10 PM****REPORT OFFENSIVE COMMENT**

"Hate is not a Crime."

Note: "Sticks n Stones can break me bones but Hate/Thinking or sounding so, can never break-me."

..........From Caterpillar to Butterfly we-go.......X...........O..........

**POSTED BY: PEACE-TIME | OCTOBER 20, 2009 6:32 PM****REPORT OFFENSIVE COMMENT**

Hate is not a crime, but hate crimes are not the same as other crimes.

A bank robbery serves the purpose of putting money in the robber's pocket. While forcibly taking another's money is most certainly not an act of love, it is also not an act of generalized hatred. It's about one person - the robber.

Back in the days of Jim Crow, a lynching was not specifically about the guy at either end of the rope. It was about instilling fear in an entire group of people - the black population of the area. And as word spread of the lynching, fear would spread as well.

Gay-bashings serve the same purpose - instilling fear in an entire group of people.

There's a word for violent acts whose purpose is to instill fear into groups of people - it's called terrorism. Hate crimes are a form of terrorism, and need to be dealt with as such.

**POSTED BY: LEPIDOPTERYX | OCTOBER 20, 2009 4:37 PM****REPORT OFFENSIVE COMMENT**

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