



Written by [Selwyn Duke](#) on July 20, 2009

Hate-crime Laws Expand, Freedom Contracts

The Senate has just passed the greatest expansion of federal hate-crime “protections” since the legislation’s inception in 1968. While the original law was limited to crimes motivated by race, religion, and ethnicity, the current measure will increase federal scope to cover “sexual orientation,” “gender,” “gender identity,” and disability.



With even some conservatives accepting the concept of hate crime, such an expansion is not unexpected. But it also should be lamented. I’ve pointed out in the past that, as it is generally used, “hate crime” is a misnomer. And the Senate bill is a good example as to why. If the goal is to eliminate crimes motivated by hate (most crime?), why specify categories of people at all? Why not just say that if hate is the motivating factor in a crime, the perpetrator will be punished more harshly?

The reason is that hate-crime laws have little to do with punishing hate — they are designed to punish what leftists hate. This is why they’re generally applied to politically incorrect crimes and in defense of politically favored targets.

Others need not apply.

As an example, there recently was the case of the Marshalls in Akron, Ohio. A white family, they were attacked by 30-50 black youths who chanted “This is a black world!” while beating the father, Marty, severely enough to put him in the hospital for four days with a concussion and multiple face and head injuries. And what was the police’s reaction?

They’re not sure if it’s a hate crime.

No, Dorothy, we’re not in Kansas anymore.

Yet, while this double standard isn’t unusual, the worst aspect of hate-crime law is something even more ominous: it is an effort at thought control. Now, rightists have devoted much ink to this, but even some leftists now sense the danger. One of them is columnist Donna Trussell, who must be credited with making a very effective case against hate-crime laws. She writes:

Perhaps you’ve had this conversation with a boyfriend in a previous life:

Him: “I don’t think you’re a piece of furniture.”

Her: “I didn’t say you did. I said I *feel* like a piece of furniture when I’m around you. I don’t care what you think. I care how you treat me.”



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Thus began my own personal de-criminalization of thought crime.

I have a problem with the whole concept of hate speech and hate crime. Prosecution based on someone's thoughts would be right at home in the totalitarian state depicted in George Orwell's novel 1984.

Of this there is no question. To understand this more deeply, let's consider the following scenario. Two crimes are committed, and they're identical in terms of the actions undertaken. In the first case, the act is thought a greed crime, and the perpetrator receives 10 years in prison. Because the second case is deemed a hate crime, however, the perpetrator is sent away for 20 years. Now, it would appear that the act itself warranted only 10 years, since that was the punishment handed down when only the act was considered. So, we must ask, what was the extra 10 years in the second case for?

Could it be the thoughts supposedly expressed through the act?

It's certainly hard to deny. This is especially true given the basis on which they determine that hate was the motive in a crime: what was *said* during the commission of it. And is this really a road we want to travel? Doesn't the criminalization of speech within one context (crime) bring us at least one step closer to criminalizing that speech within any context?

Some would say that the sinister motivations in hate crime lie with those who would legislate against it. This is true in certain cases. There are those who are bent on social engineering, and there are others who simply have an axe to grind with those infernal "oppressor" groups. Yet, more than anything else, hate-crime laws reflect the spirit of the age.

Every civilization defines its sins. Civilizations also tend to have incomplete moral compasses, being oblivious to many authentic sins while blowing others out of proportion. And sometimes they even are creative with their definitions, defining virtue as vice (welcome to third millennium America). In our case, we treat the Seven Deadly Sins like a smorgasbord: we take only what we like. But, then, as much of it as we darn well please.

And we do have a selective palate. Lust can be sent to the church soup kitchen, as it's now recreation; sloth is lathered in the gravy of welfare; and pride is self-esteem. On the other hand, we indulge contempt for gluttony with things such as proposals to prohibit restaurants from serving, well, let's just say, their best customers. Greed is certainly in favor, but we're never actually greedy ourselves — it's always that rapacious raider on Wall Street. Then again, envy isn't paid much mind; after all, it's hard to hate the CEO without it. Ah, and now that I mention it, this brings us to wrath.

If you peruse the Internet, you'll notice that accusations of hatred are today's last refuge of a scoundrel — and that of assorted nominal thinkers. It's become reflexive with many; disagree with them, you're a hater. A particularly grating response is the now widely embraced ghetto refrain, "Stop hatin' on ____ (fill in the blank)!" And then there is our specific hang-up relating to wrath: our racism on the brain.

We are truly obsessed. Many people behave as if the absence of racism alone constitutes being a good person. And many of them see a hood and a sheet around every corner and believe racism is the end-all and be-all, the source of all our woes.

Consequently, they'll often stop at nothing to root out the closet racists among us. This is why a public official was persecuted for using the word "niggardly" — which means stingy and miserly — at a meeting, why university student Keith John Sampson was charged with "racial harassment" for reading an anti-Ku Klux Klan book, and why Illinoisan David Gonzalez was fired from his job for mentioning his



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“clan” badge (Scottish clan, that is). It seems, though, we have no problem with the stupidity of never having heard of a homophone.

Such obsessions aren’t unusual. It’s much as when Muslims go overboard regarding modesty and cloak their women in full-length burkas or when Massachusettsans sought to root out witches in 1692 (and at least they perhaps had the excuse of ergot poisoning). Likewise, our modern inquisitors parade about, sure of their own dogmas and righteousness and striking hate from the hearts of Americans. Hate, that is, as defined by them.

Of course, it never occurs to these inquisitors that they have made little things big and big things little. They have caricatured morality, exaggerating the parts they like to strike and diminishing those they don’t want struck, which, it just so happens, they have an affinity for. They are much like some people they complain about, that 18th-century set that lumped good sexuality in with the bad and called it all dirty. They lump good political incorrectness in with the bad and call it all hate. And we just have to wonder how much of it is really projection.



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