



Written by [Selwyn Duke](#) on May 4, 2009

The Hoax That Is Hate-crime Laws

Back during Iraq's invasion of Kuwait, we became acquainted with the term "human shields." This was the name given to innocent citizens whom the Iraqis would place in buildings that were obvious military targets so as to confront the West with a dilemma: either refrain from bombing such facilities and handicap yourself militarily or endure a public-relations disaster for "targeting" innocent women and children.

While this is considered a most cowardly and underhanded tactic, it essentially is done on political battlefields all the time. To pass social-engineering legislation, proponents don't need to bother with intellectual appeals and logical argumentation. In fact, this would be counter-productive as such an approach would expose the fallacies that are their positions. So, instead, they just trot out some human-interest story, some poor, unfortunate soul who is emblematic of the supposed problem they promise to remedy.



This is easy to do, too, as there are eight million stories in the Naked City. Want to galvanize support for socialized medicine? Just find someone who developed cancer shortly after losing his health insurance. Want to enact more gun-control laws? Just find someone whose loved one was killed by a criminal wielding a Glock. Then, want to pass more hate-crime laws? Just use Matthew Shepard, the 21-year-old homosexual college student who, in a brutal and much-publicized 1998 Wyoming crime, was beaten and left for dead. You'll have a type of human shield of which Saddam Hussein could only dream.

Someone who is learning this the hard way is North Carolina Congressional Representative Virginia Foxx. While debating the new hate-crimes bill (H.R. 1913) — the Senate version of which is known as the "Matthew Shepard Act" — on the House floor, Representative Foxx said the claim that Shepard was targeted because he was a homosexual was a "hoax." Jim Morrill writing at [CharlotteObserver.com reports](#):

"The Matthew Shepard bill is named after a very unfortunate incident that happened where a young man was killed," Foxx, a Banner Elk Republican, said. "But we know that that young man was killed in the commitment of a robbery. It wasn't because he was gay.

"The bill was named for him ... but it's really a hoax that continues to be used as an excuse for passing these bills."

Not surprisingly, the media and homosexual activists (pardon the redundancy) have seized upon this. Keith Olbermann featured Foxx as his "Worst Person in The World" and said, "She is at best callous,



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insensitive, criminally misinformed. At worst she is a bald-faced liar. And if there is a spark of a human being in there somewhere, she should either immediately retract and apologize for her stupid and hurtful words or she should resign her seat in the House.” Not to be outdone, the liberal *Daily Kos* had the very irrational [headline](#), “Rep. Virginia Foxx Dishonors Memory of Matthew Shepard.” (How does asserting that a killer might have been driven by one dark motive and not another dishonor the memory of his victim? Well, I suppose that when you’re detached from truth and governed by emotion, you just disgorge whatever feels right at the moment.) And federal legislative director for the National Gay and Lesbian Task Force, Becky Dansky, said, “I haven’t ever heard anyone say before that Matthew Shepard’s death wasn’t a hate crime.”

Yet, Dansky must suffer from selective cultural deafness because that thesis has been around for quite some time now. In 2004, for instance, ABCNews published a [report](#) based on a 20/20 investigation indicating that Shepard’s killers, Aaron McKinney and Russell Henderson, were drug addicts who targeted Shepard for robbery and then murdered him while experiencing “methamphetamine rage.” Among the other facts [brought to light](#) by 20/20 are that the prosecutor and a detective working the Shepard investigation didn’t think his case was a “hate crime” and that McKinney and Henderson attacked another man in the same fashion a little while after brutalizing Shepard.

Yet, I’m not going to retry the case here in the court of journalistic opinion. For one thing, those bent on calling this a hate crime have their evidence as well, and, second, dwelling on such things is a distraction from the real issues.

As to this, let’s first discuss the thoroughly irrational reaction to Foxx’s comments. From the kind of vicious attacks leveled against her — Olbermann also said her remarks were “the most despicable thing said on the floor in decades” — you’d think she had said the murder itself was a hoax or that Shepard deserved his fate. Yet, all she did was cite information from a mainstream news source questioning the motive of his killers. She also alluded to my idea that Shepard is being used as a prop, as a human shield, for the purposes of greasing the skids for legislation.

By the way, to cement the last point, consider this comment by Olbermann, “And adding to our shame, she [Foxx] said all that as Matthew Shephard’s mother sat in the House gallery.” This is a common sentiment among the left, and let’s be clear on what is being stated: whenever the left has one of its human shields present during a debate, we have to censor ourselves — and refrain from launching surgical strikes that could carry the day — lest we be thought “callous, insensitive, [and] criminally misinformed.”

Well, sorry, but this ploy is what’s outrageous. Just as I said when commenting on Cindy Sheehan, I have little patience for [grieving activists](#). If you want to grieve, grieve. But once you become a standard bearer for a cause and try to effect social change, you place yourself on the firing line and must expect to take flak. For you then cease to be a civie. You have donned a uniform, shouldered a rifle, and placed some fellow Americans in the crosshairs.

The reaction to Foxx also might lead one to believe that McKinney and Henderson escaped with a slap on the wrist. Yet the reality is that they both received life sentences. So what gives? Does the left want to see them subjected to a daily waterboarding as well? Why is it so important to many that their trespasses be labeled a “hate crime”? The last is a good question — and it has a good answer.

Clearly, this is a case where the left doth protest too much. After all, if they simply wanted to eliminate the violence in question, they would accept the following proposal: let’s just increase the penalties for a



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given crime to hate-crime levels regardless of the motivation. In other words, if you want “hate-crime” murderers to receive an extra 15 years, it can easily be accomplished by thus punishing all murderers. And if that level of punishment is needed to deter the behavior, doesn’t it make sense to apply it across-the-board?

The fact that leftists won’t do this is very telling. It indicates that eliminating crime isn’t nearly as important to them as making a statement. But what would that statement be?

The answer may be found in the fact that hate-crime laws punish thoughts and words. How? Well, consider this example: two crimes are committed, and they are identical in terms of the action undertaken. But they are prosecuted very differently. The perpetrator of the first crime is deemed to have been motivated by a politically correct sin, greed, and receives five years in prison. The criminal in the second crime, however, is said to have been animated by “hate” — as defined by oh-so loving social engineers — thus, the perpetrator is sent away for 15 years.

Now, we can conclude that the act itself warranted five years prison, as that is what was handed down when only the act was considered. So, we have to ask, what were the extra 10 years given to Mr. Hate for? Could they perhaps be for the thoughts expressed through the act?

This brings us to free-speech concerns. There is no doubt that hate-crime laws in general are a transitional phase on the road to hate-speech laws. To illustrate why, consider how it is that a criminal act is deemed a hate crime. It is thus labeled when the perpetrator expresses displeasure with a group his victim is identified with during the commission of the act. (And note that it isn’t just group-specific epithets uttered that would bring hate-crime charges but anything relating a negative opinion about the group in question. In other words, at issue is not just mindless profanity, not just style, but also substance.) But think about it: if the government can criminalize the expression of certain beliefs within one context, it is that much closer to criminalizing them within any context.

And I believe that the desire to do the latter is part of what animates hate-crime law proponents. They want to make a statement about the expression of certain ideas. Oh, don’t misunderstand me, I’m not so philosophically clumsy as to think that most of them are consciously aware of this factor. Yet some are that Machiavellian, and many of the rest will be amenable to the hate-speech laws that are sure to come down the pike.

This thinly veiled desire to slap an iron muzzle on unfashionable tongues is reflected in the attack on Virginia Foxx’s remarks. It also may help explain why leftists — who have been fighting for decades to reduce and even eliminate punishment in homes, schools and courts — become the Athenian lawgiver [Draco](#) where “hate crime” is concerned.

Hate-crime laws are less about eliminating crime than they are about eliminating hate. That is to say, the hate — and the love and indifference — that leftists hate.

— *Photo of Representative Virginia Foxx*



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