
Would hate-crime law threaten liberty?

Posted by dailyherald - 2007/06/10 01:03

May 3, 2007, will go down in history as either a civil rights milestone or a day of infamy -- depending on which side of the culture war you're on.

That's the day the U.S. House of Representatives voted 236 to 180 to pass H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007.

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Re: Would hate-crime law threaten liberty?

Posted by americanleader - 2007/06/10 11:22

Wow...this is an excellent article. The threat from pro-sodomy extremists is growing ever stronger. Elect Conservatives in 2008!

May 3, 2007, will go down in history as either a civil rights milestone or a day of infamy -- depending on which side of the culture war you're on.

That's the day the U.S. House of Representatives voted 236 to 180 to pass H.R. 1592, the Local Law Enforcement Hate Crimes Prevention Act of 2007. Among other things, the bill extends the definition of "hate crimes" to include violent attacks on people because of sexual orientation, gender, gender identity or disability.

After the vote, a coalition of some 200 gay and other civil rights organizations celebrated what one gay newspaper hailed as the first "free-standing gay and transgender civil rights bill" to pass either house of Congress.

Christian conservative groups are condemning the legislation with an outrage ranging from apoplectic to apocalyptic.

"Under the cover of fighting so-called 'hate crimes,'" writes Lou Sheldon of the Traditional Values Coalition, "H.R. 1592 will be used to fund anti-Christian, pro-homosexual/drag queen materials for children -- and divert scarce federal resources away from fighting Islamic terrorism."

Evangelical leader Chuck Colson warns the bill's intent is "to shut down freedom of speech, freedom of religion, and freedom of thought. Its passage would strike at the very heart of our democracy."

The civil rights coalition and Christian Right organizations could not have more divergent views on the meaning of H.R. 1592.

Proponents say violent attacks on people based on their sexual orientation or gender identity are a widespread problem affecting not only the victims but also an entire community of people and their families -- urgently requiring federal intervention.

Opponents counter that adding hate-crimes laws to existing criminal laws is an unnecessary and unconstitutional expansion of federal control -- and will do nothing to deter attacks.

But the biggest divide, and the source of the hottest debate, is the issue Colson raised: Will this law lead to restrictions on the religious freedom and free speech of religious people who oppose homosexuality?

To the bill's supporters, the answer is an emphatic no. H.R. 1592 applies only to violent acts, not to speech. To underscore this point, the authors amended the bill to make clear it wouldn't prohibit what the First Amendment protects.

Christian conservatives strongly disagree, arguing that hate-crimes laws in Europe and Canada are used to intimidate Christian pastors who preach against homosexuality. It is worth noting that the case most often cited -- the conviction of the Rev. Ake Green in Sweden -- ended with his acquittal by the Swedish Supreme Court in 2005.

However much or little religious speech is chilled abroad, the U.S. isn't Europe or Canada. The First Amendment protects all kinds of controversial speech for and against homosexuality -- religious and otherwise.

Nevertheless, Christian conservatives claim H.R. 1592 would weaken that protection by potentially criminalizing speech against homosexuality. They argue, for example, that the law could be used to prosecute a minister who preaches a strong sermon condemning homosexuality if someone in the pews goes out and commits a hate crime against homosexuals.

But unless the minister, in a manner likely to incite imminent lawless action, directs people to commit violence -- speech that isn't protected by the First Amendment now -- it's difficult to see how this law would restrict what is said from the pulpit, however strongly stated.

Moreover, the danger of hate-crimes laws to free expression isn't supported by our experience of living under such laws. Under the present federal hate-crimes law (which covers attacks based on race, ethnicity, national origin and religion) and the 45 state hate-crimes laws (32 of which include sexual orientation) nobody has been convicted of a hate crime solely on the basis of thought, belief or speech.

There is one American case some religious conservatives frequently invoke. In 2004, Christian activists protesting a Philadelphia gay-pride event were charged with offenses including ethnic intimidation under Pennsylvania's hate-crimes law. A state court eventually dismissed all charges, ruling that protesters were exercising First Amendment rights -- and had not violated the hate-crimes law.

Is this an isolated case or a harbinger of worse to come? It's certainly possible that another overzealous prosecutor could try using the hate-crimes law to stifle religious speech. But widespread misuse is highly unlikely given the record of prosecutions under existing hate-crimes laws over several decades.

For all of the First Amendment debate, the real concern among conservative Christians may be more symbolic than legal. After all, even if the bill passes the Senate, a likely presidential veto will keep it from becoming law.

But the larger message of the House vote is that a majority of representatives may now be ready to enact other laws protecting people from discrimination based on sexual orientation and gender identity. More than threats to free speech, it is the mainstream acceptance of gay, lesbian, bisexual and transgender people that many Christian conservative groups most fear.

That's why victory bells on one side are answered by alarm bells on the other.

Charles C. Haynes is senior scholar at the Freedom Forum's First Amendment Center. He can be reached at chaynes@freedomforum.org. And although I dislike some of the pro-sodomy extremist bias, it is largely fair and balanced. Very well done.

Re: Would hate-crime law threaten liberty?

Posted by morallysuperior - 2007/06/10 11:27

americanleader wrote:

The threat from pro-sodomy extremists is growing ever stronger. Elect Conservatives in 2008!

No thanks, I'll take more important, relevant, and pertinent issues to base my vote on than sodomy.

Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/10 11:41

dailyherald wrote:

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If a religious people believe that violent attacks are a form of free speech I would like to limit free speech and the freedom of that religion. Speech includes words and images, not actions. Inciting violence is already an unprotected form of speech. You may decry homosexuality all you want, but you may not incite/committ violence against gays any more than someone of another faith may incite/committ violence of those of your faith. If you are concerned that protecting people from violence is limiting your rights as a Christian you aren't a very good Christian anyway.

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Re: Would hate-crime law threaten liberty?

Posted by americanleader - 2007/06/10 11:43

Can't you leftists read? Please debate the issues, don't ALWAYS resort to fallacious ad-hom attacks, as you both have done above...

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Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/10 11:44

gopherus wrote:

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Gopherus, you are a far moral man than the religious charltan, AmericanLeader. However, you are protected by the due process clause of the 14th Amendment, as are AL, me, and every other citizen in America.

This law can be used to abuse minorities and protect majorities. Brigham Young would have loved to have a law like this in Utah Territory that would have made mockery of Mormonism a hate crime.

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Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/10 11:45

americanleader wrote:

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AL, you are the drag-queen of ad hom, baby.

=====

Re: Would hate-crime law threaten liberty?

Posted by morallysuperior - 2007/06/10 11:54

americanleader wrote:

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Me thinks you is a hippokrit

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Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/10 11:55

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This law can be used to abuse minorities and protect majorities. Brigham Young would have loved to have a law like this in Utah Territory that would have made mockery of Mormonism a hate crime.

I didn't read anything in the article suggesting it protected gays from speech (I did skim it). The article suggested it added those categories of individuals to a list protected from violent acts. Personally I think that hate crime legislation is simply an extension of anti-terrorism legislation. Violent acts committed because of a persons class (however you wish to define it), as opposed to their individual nature or because of opportunism, are acts designed to produce terror within that segment of the population. I have no problem protecting Mormons from violence with such motivation but I do not support protecting Mormons or gays (or anyone else) from words. If there is something I've missed I'll alter my position, but so long as the hate crime is an act of violence I will support such legislation.

I am aware of the potential slippery slope. I will not let such arguments prevent action, but will reserve the right to ensure that the passing of some legislation does not produce an unstoppable slide (just as I support some abortion restriction but will fight against those who suggest complete bans and those who suggest we cannot provide any limitations).

=====

Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/10 11:56

americanleader wrote:

Can't you leftists read? Please debate the issues, don't ALWAYS resort to fallacious ad-hom attacks, as you both have done above...

No one has resorted to an ad-hom attack. Do you need to look ad-hom up again? I believe that we both stated our opinion about the appropriateness or importance of hate crimes legislation or sodomy.

=====

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/10 11:57

I disagree with your reasoning. The hate crime law criminalizes thought, and that is anti-American, in my opinion.

But if we can't agree, then we can agree to disagree agreeably.

=====

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/10 11:58

AL, Orator, et al., pictures are next to the definition for ad hom in the dictionary.

=====

Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/10 12:04

Wren wrote:

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But if we can't agree, then we can agree to disagree agreeably.

I do understand your position. I have agonized over hate crime legislation for that very reason. It does not criminalize thought unless that thought has led to action (I know that this seems like a small difference and I do like the idea of equal penalties for equal crimes regardless of motivation with some important exceptions). I believe that it is terrorism that has caused me to adopt my current position. I also think about race. Is there a difference between burning a bag of dog poop on someones porch and burning a cross on their lawn? I think that there is, but I wish that there were not. While I don't accept your position I do not think that you are a bad person for promoting it (though there are some who have your position for a different motivation that may well receive such judgement). I am willing to watch the impact of such legislation and backtrack if your concerns prove valid and/or the legislation fails in its purpose. I hope neither is the case.

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Posted by Wren - 2007/06/10 12:18

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I remember telling the anti-abortion crowd in our community that they should not be supporting the RICO legislation fifteen years ago, because it could and would be used against them. It has been. It has been used against the liberals.

I think the legislation penalizes free speech, but if the legislation does succeed and then "fails in its purpose", I hope a quick remedy is found.

=====

Re: Would hate-crime law threaten liberty?

Posted by rolandkayser - 2007/06/10 20:57

Wren wrote:

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I think the legislation penalizes free speech, but if the legislation does succeed and then "fails in its purpose", I hope a quick remedy is found.

The bill clearly states that speech can not be penalized. I think you are worrying about nothing.

=====

Re: Would hate-crime law threaten liberty?

Posted by feffifob - 2007/06/11 00:36

Fourteenth Amendment to the United States Constitution

Section 1. ...nor deny to any person within its jurisdiction the equal protection of the laws.

Can some people be protected more than others?

=====

Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/11 06:25

feffifob wrote:

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Can some people be protected more than others?

No one is more protected, but some are punished more than others. Ever notice that we have several different categories for murder and that they depend on the intent of the person committing the murder? Hate crimes are a little like that, though they are more like terrorism.

Re: Would hate-crime law threaten liberty?

Posted by rolandkayser - 2007/06/11 06:37

fefifofob wrote:

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No one is more protected because everyone can potentially be the victim of a hate crime. If a group of African-American lesbian bikers goes on a rampage against white male Mormons, the white male Mormons would be the victims, and the African-American lesbian bikers would be guilty of a hate crime.

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/11 08:45

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But why the need for punishment enhancement because it was a hate crime? Crime is hateful intrinsically, is it not? Let the law act normally.

Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/11 08:49

Wren wrote:

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But why the need for punishment enhancement because it was a hate crime? Crime is hateful intrinsically, is it not? Let the law act normally.

Wren,
Do you think it is appropriate to have a category for terrorism under the law, or can we just rely on our other laws to punish terrorists for crimes they have committed or conspired to committ (as we would for conspiring but failing to committ murder)?

=====

Re: Would hate-crime law threaten liberty?

Posted by Phantom Cat - 2007/06/11 09:00

The march toward Sodom continues! Congress and the Courts will not be happy until they force everyone to engage in sodomy so we can all prove how "open minded" we are. Pathetic! Start voting the libs out!!! Otherwise, prepare for more of the same stupidity from our political leaders!

=====

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/11 09:52

Vlad Tepes wrote:

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What a silly statement that our leaders want to "force every one to engage in sodomy. . .".

=====

Re: Would hate-crime law threaten liberty?

Posted by mevnmart - 2007/06/11 10:14

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Ridiculous.

=====

Re: Would hate-crime law threaten liberty?

Posted by XR4_IT - 2007/06/11 10:41

So my question is; would the people who are agents this bill want to have the protection already given to people because of religion or race removed from law books?

Should we take away the deterrents that are in place that keep people from forming mobs to stop religionists, and African Americans from voting?

=====

Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/11 11:09

Wren wrote:

Vlad Tepes wrote:

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What a silly statement that our leaders want to "force every one to engage in sodomy. . .".

Not silly, the statement is rather stupid or delivered for another purpose entirely. Vlad is not as stupid (perhaps I give too much credit) as he appears, but is delivering this statement to incite and provoke. He is the type of "conservative" that uses fear to keep the flock from voting for those he terms liberal. He assumes that because he would like to force us to be like him that all others have the same end goal rather than a desire to preserve individual choice. He is wrong, but that much was obvious.

=====

Re: Would hate-crime law threaten liberty?

Posted by RangerGordon - 2007/06/11 13:44

americanleader wrote:

Wow...this is an excellent article. The threat from pro-sodomy extremists is growing ever stronger. Elect Conservatives in 2008!

Yeah, look what a great job they've been doing for the last seven years!

=====

Re: Would hate-crime law threaten liberty?

Posted by RangerGordon - 2007/06/11 13:46

Vlad Tepes wrote:

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Yeah, that's right, Vlad. Congress is trying to make you have naughty sex. ::)

Wow, it's vigilant people like you that keep keep this country free for God-fearin' hetero Merkins!

=====

Re: Would hate-crime law threaten liberty?

Posted by rolandkayser - 2007/06/11 17:25

Wren wrote:

Roland Kayser wrote:

fefifob wrote:

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Let me ask you a question Wren. Do you think that burning a cross on a black person's lawn should be prosecuted as simple vandalism? If you do then you are ignoring the entire history of this act. It has always been used as an act of intimidation against blacks in general. An encouragement to move out of a "white" neighborhood. Warning blacks not to get too "uppity", like trying to register to vote, or trying to enroll their children in a "white" school. It has served as a warning that more severe retaliation (rapes, beatings, lynchings, etc.) would follow if they chose to ignore the burning cross. So it is a hate crime? or just simple vandalism?

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Re: Would hate-crime law threaten liberty?

Posted by morallysuperior - 2007/06/11 17:28

Roland Kayser wrote:

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Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/11 17:34

slickback wrote:

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Then make the act of cross burning the center of legislation with specified penalties severe enough to deter the act.

But there's thousands of other scenarios- should thousands of specific laws be drafted? Or just umbrella them all under - hate crimes-

=====

Re: Would hate-crime law threaten liberty?

Posted by anonymous - 2007/06/11 17:41

Vlad Tepes wrote:

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Vlad, what's with your constant fixation with anal sex? Are you afraid you're gonna like it?

=====

Re: Would hate-crime law threaten liberty?

Posted by rolandkayser - 2007/06/11 17:44

slickback wrote:

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Let me ask you a question Wren. Do you think that burning a cross on a black person's lawn should be prosecuted as simple vandalism? If you do then you are ignoring the entire history of this act. It has always been used as an act of intimidation against blacks in general. An encouragement to move out of a "white" neighborhood. Warning blacks not to get too "uppity", like trying to register to vote, or trying to enroll their children in a "white" school. It has served as a warning that more severe retaliation (rapes, beatings, lynchings, etc.) would follow if they chose to ignore the burning cross. So it is a hate crime? or just simple vandalism?

You totally stole the example I always use on hate crimes. But you explained it better than I ever did.

Then make the act of cross buring the center of legislation with specified penalties severe enough to deter the act.

Wren, I'll make you a deal. If this law is ever used to prosecute anyone for speech alone, I will join with you in getting it overturned.

Re: Would hate-crime law threaten liberty?

Posted by Arty - 2007/06/11 22:21

Roland, you've made a very good argument. I can see the validity of a law to help with situations like you described. I have a couple of questions though.

First, why is this a federal issue instead of one to be handled by the states?

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I get the feeling that these laws are less about protecting victims/punishing criminals and more about pandering to certain political groups by our congress.

=====

Re: Would hate-crime law threaten liberty?

Posted by rolandkayser - 2007/06/11 22:48

Arty wrote:

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I get the feeling that these laws are less about protecting victims/punishing criminals and more about pandering to certain political groups by our congress.

You raise some excellent points and I wish I had a good answer for all of them. I only reluctantly came around to supporting hate crimes legislation because I adamantly support freedom of speech, and as I said, I would oppose any law that penalized anyone for the content of their speech.

Utah has had a hate crimes law on the books which does not specify any protected groups. The courts have ruled that the law is too vague and therefore, unenforceable. The groups specified in the current law are broad enough, however, that the law protects anyone, not just minority groups. If a gay group set out to intimidate heterosexuals, they would be guilty of a hate-crime, as would a black group that was trying to intimidate whites. As to your point on the state/federal issue; if all states protected hate crime victims equally, there would be no reason for the federal government to get involved.

Your questions have made me think, which is a good thing. I hope I clarified my position for you.

=====

Re: Would hate-crime law threaten liberty?

Posted by feffifob - 2007/06/12 05:51

Roland Kayser wrote:

Wren wrote:

slickback wrote:

Roland Kayser wrote:

Wren wrote:

Roland Kayser wrote:

fefifofob wrote:

Fourteenth Amendment to the United States Constitution

Section 1. ...nor deny to any person within its jurisdiction the equal protection of the laws.

Can some people be protected more than others?

No one is more protected because everyone can potentially be the victim of a hate crime. If a group of African-American lesbian bikers goes on a rampage against white male Mormons, the white male Mormons would be the victims, and the African-American lesbian bikers would be guilty of a hate crime.

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"However, Lonnie Rae, a WHAM, was charged with a hate-crime in Idaho when his temper got the best of him and he used the n-word when confronting the black male who assaulted his wife. White Michigan housewife Janice Barton was jailed when a deputy sheriff overheard her using the word "spic" in a private conversation with her mother."
<http://www.lewrockwell.com/roberts/roberts16.html>

"But McHenry County States Attorney Lou Bianchi said the students clearly broke the law when they printed and distributed fliers that showed a male student and another boy kissing, along with inflammatory statements about homosexuality. Police charged two 16-year-old Crystal Lake girls last week with committing a hate crime, disorderly conduct, and obstructing justice.
http://cbs2chicago.com/topstories/local_story_137105252.html

=====

Re: Would hate-crime law threaten liberty?

Posted by Orator - 2007/06/12 06:29

fefifofob wrote:

Roland Kayser wrote:

Wren wrote:

slickback wrote:

Roland Kayser wrote:

Wren wrote:

Roland Kayser wrote:

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Let the campaign begin.

=====

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/12 07:23

slickback wrote:

Wren wrote:

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Roland Kayser wrote:

Wren wrote:

Roland Kayser wrote:

fefifob wrote:

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But there's thousands of other scenarios- should thousands of specific laws be drafted? Or just umbrella them all under - hate crimes-

That's a hasty generalization, SB, so why don't you start with the most common twenty of your 'scenarios'.

=====

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/12 07:24

Roland Kayser wrote:

Wren wrote:

slickback wrote:

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fefifob wrote:

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I would certainly hope so, and that we be joined by everyone on this Forum.

=====

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/12 07:26

Arty wrote:

Roland, you've made a very good argument. I can see the validity of a law to help with situations like you described. I have a couple of questions though.

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I get the feeling that these laws are less about protecting victims/punishing criminals and more about pandering to certain political groups by our congress.

Arty, I agree with Roland. Your thoughtful post should make us all think more about this.

=====

Re: Would hate-crime law threaten liberty?

Posted by James - 2007/06/12 07:30

Arty wrote:

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True Story!

=====

Re: Would hate-crime law threaten liberty?

Posted by gopherus - 2007/06/12 07:35

Arty wrote:

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I believe that the civil rights movement has shown us that the states are not a good venue for guaranteeing equal rights and protections. If anything states are more likely to serve the need of the local majority and institutionalize bigotry and the restriction of the freedoms of the minority. Our federal government plays an important role in protecting all of its citizens for the very reason that the states have shown the willingness to choose not to do so.

=====

Re: Would hate-crime law threaten liberty?

Posted by James - 2007/06/12 07:38

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Another True Story on this issue!

=====

Re: Would hate-crime law threaten liberty?

Posted by Swmorgan77 - 2007/06/12 11:30

Hate-crime laws only threaten "liberty" if you want to have liberty of thought and conscience (D&C 134) and you believe that only ACTS which harm others (not intentions or motivations) fall under the proper pervue of government restriction.

Unless that's you, then I guess there's nothing to worry about.

=====

Re: Would hate-crime law threaten liberty?

Posted by Wren - 2007/06/12 13:23

Swmorgan77 wrote:

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I agree with your reasoning.

=====