

Do We Need a “Hate Crimes” Law?

April 4, 2007

Congress is once again weighing the possibility of passing a hate crimes bill that would give special federal protection based upon race, religion, gender, and sexual orientation. Representative Sheila Jackson-Lee (D-TX) introduced the David Ray Hate Crimes Prevention Act of 2007 (HR 254) in January. Many believe that if the bill is passed, it could open the door to prohibit any opposition to homosexuality whether in the church or the society at large.

It is quite possible that hate crimes legislation might even be used to define biblical language as hate speech. For example, city officials have already had a billboard removed in Long Island, NY, because it was classified as hate speech. The billboard read: If a man also lie with mankind, as he lieth with a woman, both of them have committed an abomination. (Leviticus 20:13)

Consider how hate crimes legislation in Philadelphia was used against Christians. In 2004, six men and five women were arrested in Philadelphia while preaching and speaking during a public homosexual celebration known as OutFest. These Christians (later known as the Philadelphia Eleven) walked into the gathering singing hymns and carrying signs encouraging homosexuals to repent. They were immediately confronted by a militant group of gay activists known as the Pink Angels. These activists blew loud whistles and carried large pink signs in front of the Christians in order to block their message and access to the event. Many of the gay activists screamed obscenities at the Christians.

Those arrested ranged in age from a 17-year-old girl to a 72-

year-old grandmother. After spending twenty-one hours in jail, the Philadelphia District Attorneys office charged five of them with various felonies and misdemeanors stemming from Pennsylvanias hate crimes law. If the Philadelphia Eleven were convicted of these charges, they would have faced forty-seven years in prison and \$90,000 in fines each.

Even though a video clearly showed that no criminal activity took place, the prosecution refused to withdraw the charges, and characterized the groups views in court as hate speech. The judge for the Philadelphia County Court of Common Pleas Judge finally dismissed the charges, saying that she found no basis whatsoever for any of them.[\[1\]](#)

But even apart from the concerns about how a hate crimes law could be used to promote the homosexual agenda are deeper concerns about hate crimes legislation in general. For example, there is a major question whether hate crimes are really the problem the popular press makes them out to be. The FBI annually publishes Hate Crime Statistics. The most recent report shows that hate crimes reached an eight-year low in the last reporting period. A study by the Family Research Council found that there are significant discrepancies between hate crimes reported by law enforcement and the media.[\[2\]](#)

Hate crimes laws also rest on the flawed assumption that enhanced penalties deter crimes. First, there is no evidence of this. Most of these crimes are crimes of passion and are not likely to be influenced by greater criminal penalties. Second, the argument for greater deterrence usually comes from those who argue that the death penalty has no deterrent effect. Do they really believe that a hate crime law deters a criminal simply because he or she might spend a few extra months in jail?

A final objection to these laws is that they criminalize thought rather than conduct. Hate crimes laws essentially punish thought crimes. They punish people because of their

point of view. Criminal prosecutions delve into more than the defendant's intent; they inquire into the opinions about his or her victim. And trying to distinguish between opinions and prejudice is often difficult.

Justice Oliver Wendell Holmes said, "If there is any principle of the Constitution that more imperatively calls for attachment than any other it is the principle of free thought—not free thought for those who agree with us but freedom for the thought that we hate."[\[3\]](#)

We may not like what some people think, but we should not have laws on the books to punish thought crimes. We already have laws on the books to punish what a person does. Those laws are sufficient to punish those who commit crimes of hate.

Notes

1. "Judge drops all charges against Philly Christians," *WorldNetDaily*, 17 February 2005, www.worldnetdaily.com/news/article.asp?ARTICLE_ID=42905.
2. Leah Farish, "Hate Crimes: Beyond Virtual Reality," Family Research Council, www.frc.org/get.cfm?i=IS03K01.
3. Oliver Wendell Holmes, *United States v. Schwimmer* 279 U.S. 644 (1929).

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Fertility and Voting Patterns

November 1, 2007

Does fertility affect voting patterns? Apparently it does much more than we realize. And this has been a topic of discussion for both liberals and conservatives, Democrats and

Republicans.

Arthur Brooks wrote a significant op-ed on the “Fertility Gap” last year in the *Wall Street Journal*. He said: “Simply put, liberals have a big baby problem: They’re not having enough of them . . . and their pool of potential new voters is suffering as a result.”

He noted that “if you picked 100 unrelated politically liberal adults at random, you would find that they had, between them, 147 children. If you picked 100 conservatives, you would find 208 kids.” That is a “fertility gap” of 41 percent.

We know that about 80 percent of people with an identifiable party preference grow up to vote essentially the same way as their parents. This “fertility gap” translates into lots more little Republicans than little Democrats who will vote in future elections.

So what could this mean for future presidential elections? Consider the key swing state of Ohio which is currently split 50-50 between left and right. If current patterns continue, Brooks estimates that Ohio will swing to the right and by 2012 will be 54 percent to 46 percent. By 2020, it will be solidly conservative by a margin of 59 percent to 41 percent.

Now look at the state of California that tilts in favor of liberals by 55 percent to 45 percent. By the year 2020, it will be swing conservative by a percentage of 54 percent to 46 percent. The reason is due to the “fertility gap.”

Of course most people vote for politicians, personalities, and issues not parties. But the general trend of the “fertility gap” cannot be ignored especially if Democrats continue to appeal to liberals and Republicans to conservatives.

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Biblical Principles

October 11, 2007

How should a Christian evaluate social and political issues? Here are a few biblical principles that can be used. First is the sanctity of human life. Verses such as Psalm 139:13-16 show that God's care and concern extend to the womb. Other verses such as Jeremiah 1:5, Judges 13:7-8, Psalm 51:5 and Exodus 21:22-25 give additional perspective and framework to this principle that applies to many areas of bioethics.

A related biblical principle involves the equality of human beings. The Bible teaches that God has made "of one blood all nations of men" (Acts 17:26). The Bible also teaches that it is wrong for a Christian to have feelings of superiority (Philippians 2). Believers are told not to make class distinctions between various people (James 2). Paul teaches the spiritual equality of all people in Christ (Galatians 3:28; Colossians 3:11). These principles apply to racial relations and our view of government.

A third principle is a biblical perspective on marriage. Marriage is God's plan and provides intimate companionship for life (Genesis 2:18). Marriage provides a context for the procreation and nurture of children (Ephesians 6:1-2). And finally, marriage provides a godly outlet for sexual desire (1 Corinthians 7:2). These principles can be applied to such diverse issues as artificial reproduction (which often introduces a third party into the pregnancy) and cohabitation (living together).

A final principle concerns government and our obedience to civil authority. Government is ordained by God (Rom.13:1-7).

We are to render service and obedience to the government (Matt. 22:21) and submit to civil authority (1 Pet. 2:13-17). Even though we are to obey government, there may be certain times when we might be forced to obey God rather than men (Acts 5:29). These principles apply to issues such as war, civil disobedience, politics, and government.

Every day, it seems, we are confronted with ethical choices and moral complexity. As Christians it is important to consider these biblical principles and consistently apply them to these issues.

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Voter ID and the Supreme Court

January 21, 2008

In an [earlier commentary](#) I talked about the importance of a voter ID. That case out of Indiana has gone before the Supreme Court, and we will hear their verdict in the next few months.

Although the case shouldn't be that controversial, it centers on the requirement in Indiana that voters show photo identification when they cast their ballot. Given the simple fact that we have to show photo IDs for so many routine actions, you wouldn't think that requirement would be that controversial.

Opponents argue that this imposes an unconstitutional burden on voters. Yet the law allows those few citizens without a driver's license (estimated to be around one percent) to obtain a free, state-sponsored picture ID. And even if someone

arrives at the polling place unprepared, they are given a provisional ballot that they can validate later.

Opponents also argue that this law will disenfranchise low-income voters, minorities, or seniors. Yet a statistical analysis by the Heritage Foundation demonstrated that voter ID laws in other states do not depress voter turnout. It does however limit the number of dogs, cats, or deceased people who try to vote in an election.

One critic suggested that this voter ID law would move us closer to a national ID. But if you are concerned about that, you might want to have the government rethink the use of a photo ID in so many other areas of life. After all, most people vote once every two years or once every four years. But they are required to show a photo ID every time they board a plane or every time they cash a check.

How the Supreme Court rules on this case will not only affect Indiana, but may have an impact on 24 other states that have various kinds of laws on the books to prevent voter fraud. Former president Jimmy Carter pointed out that the United States is merely attempting to do what most countries already do. He said: "Voters in nearly 100 democracies use a photo identification card without fear of infringement on their rights."

Let's hope the Supreme Court takes that into account.

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Voter ID

January 8, 2008

While we find ourselves in the midst of the election season, there is an issue in the background that will have a profound impact on future elections. It is simply the question of whether election officials can ask you for a photo ID before you vote.

The Supreme Court will hear oral arguments in a case out of Indiana that required potential voters to present a photo ID in order to prove their identity before they can vote. One would think this would hardly be a contentious issue. You need to provide an ID to cash a check. You need an ID to board an airplane or rent a car. In fact, often you need to provide an ID with your credit card. So you would think that requiring an ID before you vote in an election would not be contentious.

If you thought that, you would be wrong. Columnist Cal Thomas quotes from a recent *Washington Post* article in which an election-law expert at Loyola Law School said that the court's decision will decide "whether protecting the integrity of the voting process from fraud is of equal or greater value than making sure as many eligible voters as possible take part in the process."

In other words we may have to allow voter fraud in order to assure that as many people as possible can vote. While that sounds noble, you have to remember that we are already facing major problems with voter fraud. Four years ago, John Fund with the *Wall Street Journal* wrote the important book, *Stealing Elections*. Just in the last four years, we have had enough new examples that he could publish a volume two to that book.

Try getting on an airplane without a photo ID. Try checking a check without a photo ID. In fact, call your credit card company and then refuse to answer the questions they ask to confirm your identity. I would like to see how far you get. But go into a polling place and you can probably pick up a ballot with very few questions asked.

We will see how the Supreme Court rules in this case. I trust they will protect the integrity of the voting process.

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Throw Out the Maps

March 13, 2008

Michael Barone says it is time to throw out the old electoral maps, and he should know. Many people have called him the most knowledgeable person in U.S. politics. He is the co-author of the *Almanac of American Politics*. He has been watching the electoral scene for decades and sees some significant shifts.

The old map with red states and blue states served us well for the last two presidential elections, but there is good evidence that it is now out-of-date. In 2000 and 2004, the Republicans nominated the same man, and the Democrats nominated men with similar views and backgrounds. All of that has changed in 2008.

This time the Republicans will probably nominate John McCain, and the Democrats will probably nominate Barack Obama. There is always the possibility of a change between now and the convention, but that is unlikely. If these two men are the nominees, it changes everything.

It is clear that some of the states that went Democratic in 2004 are available to John McCain. And it is also clear that some of the states that went Republican that same year are possibilities for Barack Obama. And let's not forget the surge of new voters coming into the electoral process that are potentially available to either candidate.

The potential changes in the electorate shouldn't surprise us. Twenty years ago it seemed like Republicans had a lock on the presidency while the Democrats had a lock on the House of Representatives. At the time it seemed reasonable since Republicans had won five of the last six presidential elections, and Democrats had held the House for thirty-six years. But in 1992, Bill Clinton was elected president. Two years later, the Republicans won the House. Electoral trends change, sometimes quickly.

It looks to me that it is time to throw out the maps, and it may be time for the candidates to rethink their strategy and not write off states lost by their party's nominee four or eight years ago. It's a new day.

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Superdelegates

February 27, 2008

In a [previous commentary](#) I talked about how the current Democratic Party rules made it possible for Barack Obama to do so well in the primaries. There are another set of rules that might cause him to lose at the Democratic Convention.

Back in 1982, the Democratic Party created a special role for party leaders. They were designated as superdelegates and were created to prevent the party from nominating an unelectable candidate like George McGovern. At first, they provided a necessary boost to a candidate already headed for the nomination. This boost helped push Walter Mondale over Gary Hart in 1984. And the superdelegates helped confirm Michael Dukakis as the Democratic nominee in 1988.

But this year's Democratic race is so close that the superdelegates may decide the outcome. There are nearly 800 superdelegates, and that represents 19 percent of all the delegates. In the past, these superdelegates were able to bring closure to the nominating process. This time they could decide who the Democratic nominee might be, and that would most likely be the establishment candidate Hillary Clinton.

If they become the king-makers, it is easy to see that there will be lots of anger and frustration. This primary season has already begun to show the fault lines of race, gender, and generation. The animosity between the Clinton and Obama campaigns is well known. If the Democratic establishment decides the winner through the superdelegates, you have to wonder if the 2008 Denver Democratic Convention might start to look like the 1968 Chicago Democratic Convention.

Like the rules I talked about earlier, no one saw this coming. The Democratic Party rules for delegates has helped Barack Obama in the primaries. If the delegate count is close then it is possible that the Democratic Party rules for superdelegates could help Hillary Clinton. At the moment, Barack Obama is building a lead so this concern may evaporate. But the party may still reconsider the rules they enacted years ago.

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Presidential Experience

March 4, 2008

As once again citizens in four states go to the polls today, it has been interesting to see how the presidential campaign has unfolded. While many political pundits have made note of

the number of times the words “change” and “hope” have been used in the campaign, I would like to highlight another word. That word is “experience.”

On the Republican side, John McCain talked about his experience in Washington while Mitt Romney talked about his experience running a business. On the Democratic side, Hillary Clinton has made a big issue of her years of experience compared to Barack Obama. My feeling is that experience is important, but character and values are even more important. Obviously, you don't want someone in the Oval Office who doesn't know his or her way around Washington. At the same time, the American people haven't exactly felt that experience is always a major prerequisite to the office.

In the last few decades, American voters have often put the less experienced candidate in office. President Gerald Ford was certainly more experienced than Governor Jimmy Carter. And after four years as president, Jimmy Carter was more experienced than former governor Ronald Reagan. But the American people put the less experienced candidate in office.

In 1992, you could certainly say that George H.W. Bush was experienced. He had served eight years as vice-president and four years as president. Before that he had been ambassador to China and the head of the CIA. But in spite of all of that experience, the voters elected Governor Bill Clinton.

Sometimes experience is all that it's supposed to be. One president came into office with tremendous experience. He served ten years in the House of Representatives, was minister to Russia, then served ten years in the Senate, and four years as Secretary of State. James Buchanan was elected in 1856 but served only one term because he became one of America's worst presidents. In 1860, he was defeated by an inexperienced one-term congressman by the name of Abraham Lincoln.

Dismantling the Electoral College

January 28, 2008

New Jersey recently became the second state to enter a compact that would effectively eliminate the power of the Electoral College to select a president. In December, the New Jersey legislature approved a measure that would deliver the state's 15 electoral votes for president to the winner of the national popular vote. Two weeks ago, Governor Corzine signed the bill which has now become law.

Maryland (with 10 electoral votes) is the only other state to pass the compact into law, but others have considered it. Governors in California and Hawaii vetoed bills to join the compact. The Colorado Senate approved the proposal, but a House committee rejected it.

Sponsors of these measures argue that the compact would ensure that all states are competitive in presidential elections and would make all votes important. A spokesman for the governor said that New Jersey "has long been on the sidelines of presidential races and this measure would help put the Garden State back into competition during a presidential campaign."

But consider that this bill now may require electors from New Jersey to vote against their constituents. So who are they representing? Certainly they are not representing the voters of their state.

Because of third parties, our last four presidential elections haven't had any candidate with a popular vote majority. The Electoral College gives them that majority. It might be worth

remembering that Abraham Lincoln won less than 40 percent of the popular vote and relied on the Electoral College majority for his authority.

And with problems of election fraud, we narrow the number of states where a recount can take place. Consider the 2000 Florida recount and multiply that by 50 and you can see the problem.

Even if you are convinced that the Electoral College is a bad idea, you should go about amending the Constitution. But what is happening is a surreptitious way for some states to do so without constitutional support.

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Democratic Delegate Count

February 26, 2008

For weeks commentators have been talking about the close delegate count between Hillary Clinton and Barack Obama. But anyone looking at the Democratic Party's rules for delegates probably would have predicted such a situation. In fact you could say that Barack Obama's sizable delegate count is due to a decision forced on the party 20 years ago by Jesse Jackson.

Columnist Ruth Marcus writes: "The stage was set for the current stalemate over five marathon days of negotiations in June 1988. In the fifth-floor conference room of a Washington law firm, representatives of Michael Dukakis, the party's nominee, and Jesse Jackson, his unsuccessful challenger, hashed out a new set of delegate selection rules." Jackson was upset that he did not have as many delegates as his popular

vote would have indicated.

Jesse Jackson's assistant was Harold M. Ickes. He argued for "proportional representation rules that would award insurgent candidates a bigger share of delegates in future contests." Twenty years later, the rules Ickes proposed have been working against his friend, Hillary Clinton. She has won delegate-rich states like New York, New Jersey, and California. But Barack Obama has managed to stay close in those contests and pick up delegates in other contests to take the lead.

The Democratic rules give lots of weight to the losing candidate. Under the rules, three-fourths of the pledged delegates are allocated by congressional district, the remaining one-quarter according to the vote statewide. In California Hillary Clinton won 43 of the state's 53 congressional districts but only received 207 delegates to Obama's 163. If the Democrats used the Republican rules, Hillary Clinton would have received 316 delegates. Barack Obama would have received just 54.

It is quite possible that both parties will revisit their delegate rules in the next few years. The Democrats' rules hurt Hillary Clinton and the Republicans' rules helped John McCain. Now that we have seen the results, it's time for the parties to reconsider their rules.

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