

Hate crimes law is thought control

Tuesday the Senate passed legislation for a federal "hate crimes" bill. A "hate crimes" law would make crimes motivated by enmity toward blacks, homosexuals or other protected groups into a special federal offense. The ostensible purpose of such a law is to protect minorities from persecution. The result, however, would be the exact opposite. Targeting those with "politically incorrect" motives undermines the principle of objective law that undergirds our legal system's protection of rights.

Criminal law exists to prohibit certain actions — to safeguard individuals against force or fraud. For this purpose, there is no shortage of existing statutes. For instance, the killer of Matthew Shepard, the gay college student from Wyoming, was charged with a state crime — murder.

What, then, will a federal "hate crimes" law add? Despite its name, it is not "hatred" as such that the proposed law targets. After all, which crimes aren't motivated by hatred? Are assaults and murders usually committed out of

benevolence toward the victim? The real target is the criminal's ideas. The proposed law declares criminals motivated by a government-designated set of intolerable ideas — racism, sexism, religious sectarianism, anti-homosexuality — deserve special prosecution and additional punishment.

But to subject someone to trial and punishment on the basis of his ideas — regardless of how despicable those ideas might be — constitutes a politicization of criminal law. Why, for example, should a racist be prosecuted for the special crime of targeting blacks, while the Unabomber is not subject to special prosecution for his hatred of scientists and business executives? The only answer is that the Unabomber's ideas are considered more "politically correct" than the racist's.

A "hate crimes" law would expand the law's concern from criminal action to "criminal thought." It would institute the premise that the purpose of our legal system is not to defend the rights of the victim, but to punish socially unacceptable ideas. This is a premise that should be abhorrent to a free society.

In addition, if committing a crime based on bad ideas warrants greater punishment, then committing a crime based on "politically correct" ideas should warrant lesser punishment. The judicial process would have to focus on the criminal's ideology, rather than on the objective violation of his victim's rights.

The beginnings of this politicization of crime are already in place. When anti-Vietnam War protesters, for example, forcibly occupied buildings and bombed

laboratories in the '60s and '70s, they were heralded as "political dissenters," deserving of special leniency — while today, those who commit similar crimes in the name of racism are considered deserving of special penalties.

Similarly, in recent years the left has (properly) campaigned for laws to prevent anti-abortion protesters from harassing doctors and halting access to abortion clinics. Yet its own protesters routinely use force — such as the occupation of timberland to prevent logging — with no fear of special government prosecution.

Nor is the attempt to politicize the criminal law limited to the left. Several years ago, a conservative judge suspended the sentences of two priests — arrested for physically blocking entry to

an abortion clinic — because they were motivated by "sincere religious beliefs."

Under such a system, anything goes. The entire criminal justice apparatus can be used as a political tool by whatever faction happens to be in power. Crimes can be whitewashed if done for the "correct" political motives, while extra punishment can be

meted out to those with "incorrect" motives.

Where will this end? If a man convicted of an actual criminal act can be sentenced to additional years in prison simply for his ideas — then, in logic, why can't someone be punished solely for his ideas? Even if he has not committed a single act against another person, why can't he be tried simply for being a "purveyor of hate?" Indeed, this development is already foreshadowed by campus "speech codes," which bar statements deemed "offensive" to protected groups.

The first official step on this deadly path — the creation of a special category of "hate crimes" — should be resoundingly rejected. It is an attempt to import into America's legal system a class of crimes formerly reserved only to dictatorships: political crimes. Instead, we should insist on the one principle that forms the foundation for the protection of all rights, i.e., that the purpose of law is to punish criminals for initiating force against others — not for holding bad ideas.

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