

# **Why a Sexual Orientation and Gender Identity “Hate Crimes” Law Is Bad for You**

## **Part 3: Inroads against personal freedom already made in the United States by homosexual and transsexual political activism**

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Many proponents of “sexual orientation” and “gender identity” legislation contend that “sexual orientation” legislation will not endanger civil liberties in the United States—in Europe, Canada, and [Brazil](#), but not in the United States. The evidence to date suggests otherwise.

### **An example of hate-speech prosecution in Philadelphia**

In Part 2 I cited the example of two teenage girls being prosecuted for sexual orientation “hate speech” under Illinois law. Another example occurred in Philadelphia a few years ago. District Attorney Lynne Abraham prosecuted a small group of Christians who were peacefully demonstrating at a homosexual parade in Philadelphia in 2004 (go [here](#) for video). The group comprised eleven persons from an organization called “Repent America,” including two grandmothers and a 17-year-old girl. All eleven spent 21 hours in jail. After a preliminary hearing Judge William Meehan ordered four of the eleven to stand trial on three felony charges and five misdemeanor charges (a fifth person, the teenage girl, was required to stand trial in juvenile court). The three felony charges were “ethnic intimidation” (proclaiming that homosexual practice was a sin), possession of instruments of crime (a bullhorn), and inciting a riot (reading from the Bible passages dealing with homosexual practice). These four Christian defendants faced up to 47 years in prison and fines of \$90,000 each.

Although Philadelphia County Court of Common Pleas Judge Pamela Dembe subsequently dismissed the criminal charges (after comparing the Repent America group to Nazis and the Klu Klux Klan), had the prosecutor Lynne Abraham been the judge (or perhaps had Judge Meehan been the judge instead of Dembe), the verdict would have been quite different. That the prosecution was undertaken at all indicates that some legal authorities already believe that peaceful speech against homosexual practice is prosecutable. Expect judges to side with city prosecutors as the homosexualist agenda gains greater ascendancy through the passage of national “sexual orientation” legislation. Of note is the fact that in 2007 U.S. District Judge Lawrence Stengel ruled that the city of Philadelphia had a *right* to “exclude persons expressing contrary messages” from the vicinity of the “Outfest” parade even though the event was a admittedly a “public forum” conducted in a “public place” (namely city-owned streets and sidewalks; go [here](#)).

## Other instances where “sexual orientation” legislation has already led to an abridgement of civil liberties

Certainly infringements of *speech* liberties have already taken place in all other Western democracies that have “sexual orientation” “hate crime” laws. In Canada, for example, among those fined thousands of dollars and threatened with imprisonment for repeat offenses of speech are:

- Father Alphonse de Valk and *Catholic Insight Magazine* for speaking against homosexual behavior.
- Bill Whatcott, a Catholic activist, for producing pamphlets that called homosexual practice immoral (Whatcott was also “banned for life” from criticizing homosexuality).
- Stephen Boisson, a pastor, for a letter to a newspaper denouncing homosexual practice as immoral (also ordered to desist from expressing his views on homosexual practice in any public forum; for a video go [here](#)).

The argument that free speech protections in the U.S. Constitution will prevent such abuses from taking place rings hollow in view of the inducement to violence provision in Title 18.2 and in view of the fact that even U.S. Supreme Court justices have taken to citing precedents in foreign law (e.g., with regard to the *Lawrence* sodomy decision). Moreover, we already have instances in the U.S. where “sexual orientation” laws have led to abridgements of other liberties in three main areas:

- ***Mandatory indoctrination of children in public schools.*** Owing to state and local “sexual orientation” laws, children in many school systems throughout the country now face compulsory indoctrination, from first grade on, regarding the acceptability of both homosexual practice and transgenderism. Teachers are forbidden to say anything critical about any “sexual orientation” or “gender identity” and must undergo “sensitivity training” that normalizes such practices. Curricula at all levels are required to celebrate the homosexual and transgendered life. Provisions for parental notification and child opt-out provisions are refused on the grounds that the state has already declared “sexual orientation” and “gender identity” to be specially protected legal classifications. For examples go [here](#), [here](#), [here](#), [here](#), and [here](#).
- ***Terminating employees critical of homosexual practice.*** In 2008 an African-American woman, Crystal Dixon, was removed from her position as associate vice president for human resources at the University of Toledo simply because she wrote an op-ed in a newspaper saying that homosexual behavior should not be compared to being black (go [here](#)). In 2007-8 a community college professor in California, June Sheldon, was fired for leading a brief discussion on the nature vs. nurture debate as regards homosexuality. Rolf Szabo, Richard Peterson, Kenneth Gee, Annie Coffey-Montes, and Albert Buonanno are previous examples of persons fired from their corporate or government jobs for not wanting to “celebrate” at their work station “sexual orientation” and “gender identity” diversity. For details go [here](#), [here](#), [here](#) (pp. 10-17).

- ***Forcing people against their conscience to promote the homosexual agenda through goods and services.*** The New Mexico Human Rights Commission just this past year ordered a female photographer to pay over \$6000 to a lesbian couple for declining to photograph their commitment ceremony on the grounds that it violated her Christian beliefs. A national Christian dating service (Harmony.com) was dragged into several years of litigation by the state of New Jersey for not providing services for homosexual partnering, until finally, out of financial desperation, the company capitulated to the state earlier this year. A Christian ministry in New Jersey has been subject to state investigation for refusing to allow a lesbian civil union ceremony to be conducted on its property. In California a doctor was sued for declining to artificially inseminate a woman in a lesbian relationship. In Georgia a counselor was fired just for referring a lesbian woman to another counselor for relationship advice. The Boy Scouts in Boston were no longer allowed free use of city facilities as a result of their policy against having scout leaders attracted to the same sex; they now had to pay tens of thousands of dollars to use the same facilities for which they previously paid not a cent. In New York City a school of medicine under Orthodox Jewish auspices was forced to rent married housing to homosexual couples under a “sexual orientation nondiscrimination” law, while in California a Lutheran high school was sued for expelling two girls in a lesbian relationship. Catholic Charities of Boston had to get out of the adoption business because it did not want to place children with persons engaged in a homosexual relationship. For details and further examples, go [here](#), [here](#), [here](#), [here](#), [here](#), [here](#), [here](#) (2<sup>nd</sup> half), [here](#), [here](#).

Even legal experts who support homosexualist causes such as Eugene Volokh (UCLA) and Chai Feldblum (Georgetown University) have acknowledged that sexual orientation laws and their inevitable corollary, “gay marriage,” will ultimately force the end of “discriminatory” practices against homosexual persons by even “private entities, including Boy-Scout-like organizations, churches, religious universities, and other institutions” (so Volokh; go [here](#) and [here](#)).

### **Don’t be fooled by “religious exemptions”**

Even if religious exemptions were to be added to any piece of “sexual orientation” legislation, they would be of little help, for two reasons.

First, religious exemptions are used as bait-and-switch tactics. As homosexualist forces tighten their hold on political rule expect such exemptions to be whittled away and ultimately eliminated. Just these past few weeks the New Hampshire House initially balked at providing the religious exemptions asked for by the governor in connection with a “gay marriage” bill. Eventually the House had to compromise with the governor to get the bill passed. The point here is that if homosexualist forces had the votes, they wouldn’t even have considered the exemptions. As culture continues to change, they and other legislative bodies will have the votes to refuse exemptions or overturn existing exemptions.

Second, in the interim let's not forget that religious persons overwhelmingly work in secular venues where "sexual orientation" and "gender identity" laws and policies coerce their conscience and marginalize their existence to the equivalent of racists.

### **What does the future hold?**

What else can we expect for the future? Religious institutions that "discriminate" against homosexual and transgender persons, including churches, will probably lose tax-exempt status. Religious schools will likely lose, in addition, federal grant money, access to student loans, and accreditation. Certainly these penalties already apply to religious institutions that discriminate on the basis of race (so the case of Bob Jones University). "Sexual orientation" laws equate sexual orientation with race as benign congenital conditions. Therefore we should expect the same rules to apply to religious institutions when they "discriminate" on the basis of "sexual orientation" and "gender identity." All employers will have to subsidize homosexual relationships. Professional licensure for lawyers, mental health workers, etc. will require affirmation of homosexual unions and transgenderism. The list goes on and on.

### **Conclusion**

Don't believe anyone who claims that this "hate crimes" bill, with its special protections for "sexual orientation" and "gender identity," won't lead down the road to an abridgement of civil liberties for those who disapprove of homosexual and transgender behavior. All the evidence suggests otherwise. If you are tired of fighting these battles, just tell yourself that you haven't seen anything yet. If this bill passes, the situation will continue worsening, not only for you but also (and especially) for your children. Is this an important issue, even a litmus test issue for determining which candidates for political office you will vote for? Well, can you think of any other religious belief that you hold for which you and your children could some day be ostracized, fined, fired, or worse? I can't.

*For Part 1 of this series click [here](#); for Part 2 click [here](#).*

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