

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

Part 1: Promoting hatred of people opposed to homosexual practice and transgenderism

by Robert A. J. Gagnon, Ph.D.

May 28, 2009

The so-called “[Local Law Enforcement Hate Crimes Prevention Act](#)” (H.R. 1913), passed by the U.S. House of Representatives along party lines on Apr. 29 and introduced into the U.S. Senate shortly thereafter by Ted Kennedy (S. 909), is improperly named. The bill is really a *hate-promotion* bill as regards the inclusion of “sexual orientation” and “gender identity” among the groupings slated to receive special protection.

Supporters of this bill who rightly believe homosexual practice to be unnatural and sinful have been duped into thinking that this bill is primarily about protecting homosexual and transgendered persons from violence. They hear the rubric “hate crimes” and think: Who can be for violence toward homosexual and transgendered persons?

The real objectives of the “hate crimes” bill (hint: it’s not about crime)

Supporters of this bill who believe homosexual practice to be immoral rarely stop to consider that all necessary laws are *already* in place protecting *everyone* from violent physical attacks or verbal threats to do bodily harm, including persons who engage in homosexual and transgendered behavior. Even homosexual columnist Andrew Sullivan has recently [commented](#): “The real reason for hate crime laws is not the defense of human beings from crime. There are already laws against that—and Matthew Shepard’s murderers were successfully prosecuted to the fullest extent of the law in a state with no hate crimes law at the time.” There is absolutely no evidence that state prosecutors are *systematically* ignoring *genuine* crimes against homosexual and transgendered persons, once *reported to law enforcement officials*.

So why pass “sexual orientation” and “gender identity” so-called “hate crime” legislation? The reason has more to do with foisting an expansive homosexualist agenda on the nation than with concerns about crime. The bill serves the following vital aims of that agenda:

- *It gets the federal government to enshrine in federal law “sexual orientation” (i.e. homosexuality and bisexuality) and “gender identity” (i.e. transsexualism and cross-dressing) as identity markers worthy of special protection and promotion alongside racial and gender diversity.*

- *This in turn gives federal backing to hatred of all persons who express opposition to homosexual practice and transgenderism as the moral equivalent of racists and misogynists (sexists), no matter how loving that expression of opposition may be.*
- *It also lays the foundation for a litany of future “sexual orientation” and “gender identity” bills that will markedly abridge the civil liberties of all who express moral disapproval of homosexual practice and transgenderism.*

The foot in the door

This “hate crimes” bill is the proverbial foot in the door or camel nose in the tent that makes possible—indeed inevitable—all future laws involving “sexual orientation” and “gender identity.” By simply placing “sexual orientation” and “gender identity” alongside of “race,” “color,” “national origin,” “gender,” and “disability,” this “hate crime” bill does most of its damage. It ensconces in federal law the principle that homosexuality, bisexuality, and transsexuality are as benign as race, gender, and disability—an aspect of human diversity that must be *affirmed and celebrated*. Those who refuse to go along with this principle then become encoded in law as hateful, discriminatory bigots.

Note that while “religion” (an identity marker involving choice) is one of the protected categories of this “hate crime” bill, the bill mainly makes a connection between “sexual orientation” and “gender identity” on the one hand and a host of benign innate conditions on the other (i.e. the five other protected categories of the bill). I’ve never heard an advocate for homosexual practice and transgenderism make the connection between these behaviors and religious belief. The analogy is *always* made with race and gender.

The thought crime of “prejudice” against homosexual and transgender behavior

Make no mistake about the fact that this is an Orwellian thought-crimes bill. Suppose a young man and a 70-year-old grandmother push each at roughly the same time. The man does so after shouting out “You bigoted homophobe!” while the grandmother does so after responding “Well then, you are a sexual pervert!”

This “hate crime” bill would apply only to the grandmother and would do so solely on the basis that she believed that homosexual practice was a perversion of the natural sexual order. For the bill establishes this conviction to be a “prejudice,” stating that the federal government can intervene when “a crime of violence ... is *motivated by prejudice* based on the actual or perceived ... sexual orientation [or] gender identity ... of the victim” (emphasis added). The bill effectively (but wrongly, go [here](#)) declares this conviction to be a hate that society must prosecute vigorously by enhancing penalties and calling for massive federal intervention.

However, the bill shows no concern for classifying as hateful prejudice the alternative conviction; namely, that advocates of a male-female requirement for sexual relations are hateful, ignorant bigots. Rather, the bill *promotes* this alternative conviction to society at large. It essentially declares to all sectors of society that it is “open season” on hating and

ostracizing persons who find homosexual behavior and transsexualism to be morally repugnant, much as society hates and ostracizes members of the Klu Klux Klan or skinhead Nazi groups.

Recent cases in point are the widespread intimidation tactics employed by homosexualist opponents of California's Proposition 8 against its supporters (for example, go [here](#), [here](#), [here](#), [here](#), [here](#)) and the smear campaign against Miss California, Carrie Prejean, for daring to disagree with a homosexual pageant judge's affirmation of "gay marriage" (note that the point holds whatever Prejean's deficiencies may be as a role model for Christian sexual modesty). Why shouldn't those opposed to homosexual practice or transsexualism get special protection from the federal government? The reason is simple: They're bigots.

The analogy of other sexual orientations

This bill thus goes beyond protection of homosexual, bisexual, and transgendered persons (who are already protected) to promotion of hatred—hatred toward those opposed to homosexual and transgendered behavior. If you have any doubt about that, consider whether adding pedophilia ('pedosexuality') to the list would imply promotion of pedophilic behavior by the state and antagonism by the state toward perceived opponents of pedophiles. Surely it would.

Sadly, this may not be the best example since Rep. Steven King unsuccessfully introduced an amendment to the "hate crimes" bill in the House that would have excluded pedophilia from the definition of "sexual orientation." If you can believe it, the Democrats in the House Judiciary Committee defeated the amendment along party lines, 13-10. To be sure, the Democrats are right that both "pedosexuality," sexual desire for children, and "polysexuality," sexual desire for more than one person concurrently, are "sexual orientations." Where the Democrats err is in failing to recognize that this is a good reason for *not* having a "sexual orientation" provision.

Conclusion

So don't fall for the line that, if you really love "gay," lesbian, bisexual, and transgendered persons, you will support this "sexual orientation" and "gender identity" "hate crime" bill. No, support for this bill does not mean that you oppose hateful, violent acts against persons who self-identify as homosexuals, transsexuals, and cross-dressers. Existing laws already make that point. Rather, it means that you support stigmatizing, marginalizing, and penalizing people who, lovingly or not, oppose homosexual practice and transgenderism. This is a *hate-promotion* bill.

Robert A. J. Gagnon, Ph.D. is associate professor of New Testament at Pittsburgh Theological Seminary, author of The Bible and Homosexual Practice: Texts and Hermeneutics (Abingdon Press) and co-author of Homosexuality and the Bible: Two Views (Fortress Press). His website www.robgagnon.net contains new material and updates to published work.