



'Hate Crime' Laws Threaten Religious Freedom 12/12/2005

By Robert Knight and Lindsey Douthit

Bringing 'Thought Crime' to America

"In Canada, we respect freedom of speech, but we don't worship it."
 --Canadian Broadcast Standards Council in its rebuke
 of radio talk-show host Dr. Laura Schlessinger for her remarks on homosexuality

Proponents of "hate crime" laws say they are needed to protect minorities from acts of violence.

But "hate crime" laws are unnecessary. Criminal acts are already illegal. What's more, "hate crime" laws violate the constitutional right to equal protection, create the un-American offense of "thought crime," and abridge the freedoms of speech, religion and association.

"Hate crime" laws work this way: They add penalties to a criminal sentence if the criminal is also convicted of having a "hateful" intent toward the victim based on the victim's real or perceived group identity. Crime victims who don't fit into certain categories see their assailants face lesser penalties.

Ultimately, "hate crime" laws punish only beliefs or thoughts.

All totalitarian countries employ "thought crime" laws that criminalize the conscience. Now, under "hate crime" laws that include "sexual orientation," even Western nations with long traditions of freedom, such as the United States, Canada, New Zealand, the United Kingdom and Sweden, are experiencing more and more challenges to basic freedoms. "Hate crime" laws are a key part of a long-term strategy by homosexual activists to use "sexual orientation"-based policies and laws to suppress dissent, radically redefine marriage and, ultimately, to criminalize Biblical morality.

Bringing 'Thought Crime' to America

One way to suppress groups or opinions is to engage in selective enforcement.

Ignoring the law in Boston - On October 29, 2005, a mob estimated at 1,000 left an anti-war demonstration and came to the Tremont Temple Baptist Church in Boston in an attempt to disrupt the Love Won Out conference. The event, hosted six times annually around the country by Focus on the Family, features former homosexuals and other speakers who explain how to overcome unwanted homosexual desires. Despite a rash of shouted obscenities, threats of violence, and the arrival of a sound truck parked near the front doors blaring, "Shut it down! Shut it down!", police took no action to disperse the crowd, according to eyewitnesses, including Exodus International President Alan Chambers¹. The mob had no permit to demonstrate in front of the church, according to the Massachusetts-based Article 8 Alliance².

Massachusetts law prohibits anyone from interfering with someone's else's constitutional right to freedom of speech,³ yet the police declined to enforce it against the mob that was trying to interfere with the conference. The police merely stood in front of the doors, barring anyone from entering or leaving.

A homosexual activist Web site, Queer Today, advocated a protest to stop the event in its October 8, 2005, posting, "Queerphobia: Shut It Down. War: Shut It Down."⁴ In an article reporting about the event, the group

headlined it: "They SHOULD Be Scared."⁵

The Boston media virtually ignored the protest, as reported by the [Article 8 Alliance](#):

[S]ome demonstrators stopped outside a conference at the Tremont Street Baptist Church that sought to encourage gays and lesbians to become heterosexuals. Some protesters chanted "Shut it down," and one waved a sign that read, "Thank God we're gay."

This was the entirety of the *Boston Globe's* coverage of this near-riot: **two sentences on page B6**, at the end of an article about an anti-war demonstration that happened the same day. The *Boston Herald* had no coverage at all on this nor, to our knowledge, did any of the other Boston media.⁶

In a later, electronic version of the article, the *Globe* added a quote:

"They have the right to be homosexual and we have the right to walk away from homosexuality," said Mike Haley, host of the conference called "Love Won Out" and director of public policy for Focus on the Family, a conservative group. "We respect that people have to make that decision for themselves."⁷

Silencing the Liberty Bell - In Philadelphia, home of Independence Hall and the Liberty Bell, the Pennsylvania state "hate crime" law⁸ was used to justify the arrest and jailing of nearly a dozen Christians. On October 11, 2004, homosexual activists were celebrating "National Coming Out Day" at a street fair for an event called Outfest. The Christian Group *Repent America* walked into the gathering, singing hymns and carrying signs encouraging homosexuals to repent. They were surrounded by a self-described group called "The Pink Angels," who blocked their movement with large cut-outs of angel shapes. Police then arrested 11 Christians and none of the Pink Angels.

Ranging in age from a 17-year-old girl to a 72-year-old grandmother, the Christians spent the night in jail. The next day, five of them, including the teenager, faced eight charges—three felonies and five misdemeanors—stemming from Pennsylvania's "hate crimes" law: criminal conspiracy, possession of instruments of crime, reckless endangerment of another person, ethnic intimidation, riot, failure to disperse, disorderly conduct and obstructing highways.

If convicted on all charges, the Christians could have faced a total of 47 years in prison. Despite a videotape that showed no criminal activity, the prosecution refused to withdraw the charges, and characterized the group's views in court as "hate speech."⁹

In February 2005, a judge finally dismissed the charges, saying that she found "no basis whatsoever for any of them."¹⁰ However, a liberal government openly hostile to Christians was able to use the "hate crimes" law to send a message of intimidation toward people who oppose the promotion of homosexuality.

No "hate" when Christians are on the receiving end - Another example of Philadelphia's double standard on hate crimes came on June 14, 2005. A militant homosexual mob threatened a group from *Repent America* with physical violence during Philadelphia's Gay Pride parade, a city-funded event that included simulated sex acts on some of the floats. Police ignored the mistreatment of the Christians, and the obscene displays in the parade and around it. One float at the parade featured partially dressed women bending over and being spanked with hands, whips and objects. "It is astounding that this type of illegal behavior is being permitted by city officials and despicable that the police refused to arrest those engaged in the lewd behavior, even after we pointed out the obvious to them," said *Repent America* founder Michael Marcavage.

During the event, the Christians were "surrounded, obstructed and continuously harassed" by homosexuals, many of whom wore handkerchief masks to hide their identities. It was later discovered that a group known as Philadelphia Anti-Racist Action had issued a news release before the parade that called on supporters to stop *Repent America's* planned demonstration. Homosexual supporters were told to gather near the "Queers Bash Back" and "No Human Liberation Without Queer Liberation" banners.¹¹ This blatant attempt to suppress one group's message was not considered a "hate crime."

"Re-education" in Wisconsin - After Dary Byczek of Brooklyn, Wisconsin, lost his temper and yelled at four lesbians living next door, and also wrote on the side of a truck parked on his property, "All lesbians will go to hell,"

he was ordered by Lafayette County Circuit Judge William D. Johnston on February 23, 2001, to undergo "anger management classes" paid for with his own money.

Byczek said he was upset because the lesbians fondled each other in front of his children and admitted to videotaping his children. Someone also had called in an anonymous tip that Byczek and his wife Dawn were abusing their children, a charge that investigators found to be false.

Prosecutors argued that Byczek's behavior was "motivated by anti-gay feelings," and they requested that the jury charge Byczek with a hate crime, which can add a year in prison. Although the jury did not label the case a hate crime, the prosecutor declared that the outcome "sent a strong message."¹²

In the Victim Impact Statements filed on January 25, 2001, and obtained by Wisconsin Christians United, three of the women advocated that Byczek face mandatory psychological "treatment," with one of them calling for "forced psychotherapy," and another advocating "a four-year term with 18 months imprisonment."¹³

Crushing Dissent in Other Nations

Sweden

The Bible becomes "hate speech" - In June 2004, Swedish pastor Ake Green was arrested and sentenced to one month in prison for preaching against homosexuality in his pulpit at his church in Kalmar in 2003. Green was the first pastor prosecuted for a "hate crime" after the Swedish government added "sexual orientation" to its "hate crime" law in 2003. The public prosecutor, Kjell Yngvesson, justified the arrest by saying, "Collecting Bible [verses] on this topic as he does makes this hate speech." An appeals court threw out the case in February 2004, saying that offering an interpretation of the Bible and urging others to follow it is not illegal.

After Sweden's chief prosecutor, Fredrik Wersaell, appealed the verdict, the Swedish Supreme Court agreed to review Green's acquittal. The case was heard on November 9, 2005, and the court ruled unanimously on November 29 to dismiss the charges against the 64-year-old cleric.¹⁴ "We can only hope this will deter other attempts to censor Christian ministers from delivering Bible-based messages against harmful homosexual conduct," Benjamin Bull, an Alliance Defense Fund attorney who assisted with the defense, said in a press release.¹⁵ "Ake Green is a hero, and we are grateful for his stand and his perseverance."

Underlining the case's importance, Swedish television carried live audio broadcasts of the hearing. According to the Associated Press, Green said that his sermon was "meant to warn gays that their lifestyle will result in an 'eternal divorce' from God."¹⁶

United Kingdom

Banned in Scotland - The Scottish Parliament has banned criticism of homosexuality by religious guest speakers during the four-minute slot in its proceedings called "A Time for Reflection," in which representatives of different religions are invited to speak. On December 22, 2004, Cardinal Keith O'Brien, the Catholic Archbishop of St. Andrews and Edinburgh, gave a Christmas message that included a vague mention of "sexual aberrations" as a form of human captivity. A leftist Parliament member immediately proposed a motion to prohibit religious ministers from speaking against homosexuality during the reflection time. The motion, which passed, called Cardinal O'Brien's reference a "gratuitous insult."¹⁷

In England, the Public Order Act of 1986¹⁸ covers hate crimes based on race, which includes ethnicity. Parliament is considering legislation to add other categories, such as religion, "sexual orientation" and age. The London Metropolitan Police define hate crimes as "abusing people because of their race, faith, religion or disability, or because they are lesbian, gay, bisexual or transsexual."¹⁹

Bishop gets a visit from the police for saying "gays" can change - The Anglican Bishop of Chester, England, the Rev. Dr. Peter Forster, was investigated by police for saying that homosexuals "could and should seek medical help to 'reorient' themselves." The Lesbian and Gay Christian Movement (LGCM), among others, accused him of advocating a "scandalous" and "offensive" argument from a "bygone age."

The accusations began after a complaint was issued in response to an article quoting Forster's opinion that homosexuals may benefit from medical help.²⁰ Martin Reynolds, LGCM's communications director, said, "We

welcome the police investigation," and said the Bishop's remarks "could inflame latent homophobia." While police did not turn the bishop's case over for prosecution, Cheshire's chief constable, Peter Fahy, personally criticized Forster, saying, "civic leaders ought to promote diversity-including homosexuality and race-in a positive manner."²¹ The chief also said public officials should "make sure diversity is celebrated."

According to *London Telegraph* columnist Peter Simple:

That the bishop should be threatened with prosecution for a perfectly reasonable, if debatable, suggestion will strike people still in their senses as a bad joke, a case of that stale old cliché, "political correctness gone mad." Unfortunately it is much more serious than that. Here are the unmistakable beginnings of state thought control.²²

The (Liverpool) *Daily Post* noted that the investigation occurred even though current English hate crime laws are limited in scope: "Although it is illegal to incite racial hatred, there is at present no equivalent ban on inciting hatred against the lesbian and gay community."²³

New Zealand

Christian videos banned as "hate speech" - After a Christian group called Living Word made two videos that questioned "safe sex" slogans by exposing the link between AIDS and homosexual behavior, the New Zealand Film and Literature Board of Review banned the films for encouraging "hate speech." A parliamentary committee also attempted to have censorship laws changed so that all Christian videos critical of homosexuality would be banned. The Court of Appeal overturned the film board's decision to ban the videos, maintaining that the documentaries were "essentially political tracts and could not be banned under censorship laws dealing with sex and violence."²⁴

Canada

For a more concentrated view of the nasty effects of hate crimes laws against religious freedom, we now turn to our neighbor to the north. Enacting extensive hate crime laws and even recently legalizing same-sex "marriage," Canada in recent years has become a laboratory for homosexual activists experimenting with legal methods to suppress dissent.

Here's a summary of the situation from the Alliance Defense Fund:

We have already seen the means radical advocates of homosexual behavior just north of our border in Canada will go to in order to intimidate and silence Christians. C-250, the country's new "hate crimes" law, reads: "Everyone who, by communicating statements, other than in private conversation, willfully promotes hatred against any identifiable group is guilty of ... an indictable offense and is liable to imprisonment for a term not exceeding two years." The law specifically states that those who practice homosexual behavior are an "identifiable" group.

The bill's author, homosexual Canadian politician Svend Robinson, said he hoped his measure would make "the current use of homophobic pejoratives in public schools and in public places socially and criminally reprehensible."²⁵

A few more examples of Canada's growing repression:

The knock on the door - On New Year's Day 2004, Canadian Internet journalist Robert Jason received a visit from two plainclothes police officers. They were there to investigate a possible "hate crime" after a homosexual activist complained that he didn't like Jason's pro-family Web site and felt personally threatened by it.

Canada's stringent C-250 hate crimes law, which also targets speech, had not yet been enacted, yet the officers felt it was necessary to investigate Jason, 70, a retiree who supports himself by caring for handicapped people in his home.

"The officers were quiet and friendly," Jason told freelance writer Lee Duigon, who [wrote about the incident](#) for Concerned Women for America's Web site. "But just having them there was very intimidating to me and my wife. All the neighbors were watching, and we were terrified."

The officers didn't tell him to stop posting e-mails on homosexuality, he said, but they "implied" that he should, Jason told Duigon. "I replied, how could I threaten this person? I'm only defending my values. And the e-mail wasn't sent to him."

From Duigon's account:

Jason said incidents like this will happen in the United States if "hate crime" legislation, followed by "hate speech" legislation, becomes federal law.

"If you give homosexuals special rights, they're just going to use them to threaten your rights," he said. "Canada doesn't have a First Amendment, and it's going to get worse here before it gets better. We're just hoping that someday there'll be a backlash among people with common sense."

Print it or else - A Christian printer named Scott Brockie refused to print business cards and other material for the Canadian Lesbian and Gay Archives, contending that he would be abetting sin if he did so. In February 2000, the Ontario Human Rights Tribunal ruled that Brockie had violated the ban on "sexual orientation" discrimination in the Ontario Human Rights Code. He was ordered to pay \$5,000 in damages to the president of the Archives and to "henceforth print materials for any homosexual individual or group on the same basis as all other clients."

Brockie appealed to the Ontario Divisional Court but lost in June 2002. By this time, he had already amassed almost \$100,000 in legal fees and decided against any further appeal. The nightmare was far from over, however-the Ontario Human Rights Commission filed an order with the Ontario Court of Appeal demanding that Brockie pay its legal costs. The commission won, leaving Brockie with an additional legal bill of \$40,000. A "Scott Brockie Defense Fund" has been established, and donations can be mailed to: Account #507-721-9, Royal Bank Branch #3132, 33 City Centre Drive, Mississauga, Ontario, L5B 2N5.²⁶

Write to your local paper, get suspended - Chris Kempling, a professor at British Columbia College of Teachers, was suspended from his job in May of 2002 for writing letters to his local newspaper objecting to promotion of homosexuality in the public schools. The college said his views were "conduct unbecoming a member," a view upheld by the Canadian Supreme Court on February 3, 2005. Kempling appealed his case twice, but both courts upheld his suspension. On June 13, 2005, the British Columbia Court of Appeals supported Kempling's punishment on the grounds that his "statements on homosexuals are based on stereotypical notions about homosexuality and demonstrate a willingness to judge individuals on the basis of those stereotypes," and that the allegation that his writings "were discriminatory is unassailable."

As a result of mounting legal fees and his suspension, Kempling took a job as a dump truck driver to make ends meet. Donations for Kempling can be made to the "Christian Public School Teachers' Legal Defense Fund." Contributions can be made at any Royal Bank branch, transit number 4720, account number 101-030-5, or by check to the following address: Christian Public School Teachers' Legal Defense Fund, c/o Jim Sagert, 798 Beaubien Ave., Quesnel, BC V2J 1S5.²⁷

Take out an ad, get fined - Hugh Owens, a resident of Regina, Saskatchewan, took out a small ad in the *Saskatoon StarPhoenix* newspaper on June 30, 1997, that had a stick figure of two men holding hands, with a circle and a line through it, and a brief list of Bible verses on homosexuality. The Saskatchewan Human Rights Tribunal ruled on June 15, 2001, that both Owens and the newspaper publisher had to pay a total of \$4,500 in damages to three homosexuals (\$1,500 each) who were "offended" by the ad.

The "inquiry adjudicator," Valerie Watson, wrote that the plaintiffs "were exposed to hatred, ridicule and their dignity was affronted on the basis of their sexual orientation."²⁸ Owens lost an initial appeal in the Saskatchewan Court of the Queen's Bench, but filed another in the Court of Appeal. If he loses again, he could be slapped with tens of thousands of dollars of legal fees run up by the prosecuting human rights commission. Owens is a modestly paid guard at a local correctional center, and has represented himself in court without legal counsel.²⁹

Tell the truth on air, risk censure - Dr. Laura Schlessinger, an Orthodox Jew and outspoken radio talk-show host, was rebuked by the Canadian Broadcast Standards Council for her remarks about homosexuality during 11 different programs in 1999.³⁰ Brushing aside evidence that people can overcome homosexuality, the council took particular exception to Schlessinger's contention that people with unwanted homosexual desires should seek counseling and therapy. On February 9, 2000, the council announced that Dr. Laura's on-air statements that homosexual practices are "abnormal" and "deviant" violated the human rights provision of the Canadian Association of Broadcasters' code of ethics.

"To use such brutal language as she does about such an *essential characteristic* [emphasis added] flies in the face of Canadian provisions relating to human rights," the council stated in its decision, adding that "in Canada, we respect freedom of speech, but we do not worship it." The council said, "It is the view of the Councils [two regional councils weighed in with the same verdict] that what the host may innocently describe as 'opinion' in fact and in law amounts to abusively discriminatory comment based on the sexual orientation of the identifiable group about which those statements were made."

"It is the view of the Councils that the host's argument that she can 'surgically' separate the individual persons from their *inherent* characteristics so as to entitle her to make comments about the sexuality which have no effect on the *person* is fatuous and unsustainable. As the Supreme Court has said, where an identifiable group of persons is "defined by an innate or unchangeable characteristic," it *will* be protected by the human rights provision of the broadcasters' *Code of Ethics* in Canada just as all Canadians are protected by the *Canadian Charter of Rights and Freedoms*. The sexual practices of gays and lesbians are as much a part of their being as the color of one's skin or the gender, religion, age or ethnicity of an individual." [Emphasis in original.]

The council also denounced Dr. Laura as having views that are "more than a quarter of a century out of date in the opinion of the professional psychiatric and psychological associations." In conclusion, the board found that "the host's unremittingly heavy-handed and unambiguously negative characterization of those sexual practices is abusively discriminatory and in breach of the Code."³¹ Canadian networks that still broadcast her radio show must either cut out portions dealing with homosexuality or air public announcements to notify the public of the council's decision.³²

The broadcasting board has also warned Dr. James Dobson's *Focus on the Family* and Dr. Jerry Falwell's *Old Time Gospel Hour* not to broadcast in Canada anything critical of homosexuality.

Sharing medical information equals "hatred" - William Whatcott, a Saskatchewan resident and former homosexual, distributed fliers between September 2001 and April 2002 in Regina and Saskatoon, Saskatchewan, that listed the medical dangers of homosexual behavior. He was charged with a "hate speech" violation of Canada's hate crimes law.³³ On May 5, 2005, the chairman of the Saskatchewan Human Rights Tribunal, Anil Pandila, ruled that Whatcott violated the ban in Section 14(1) of the Saskatchewan Human Rights Code on the publication and distribution of anything "that promotes hatred, ridicules, belittles or otherwise affronts the dignity of any person on the basis of sexual orientation."³⁴ Pandila noted that it did not matter whether the material was true or whether it reflected Whatcott's Christian beliefs.

The Saskatchewan Human Rights Tribunal, the same panel that slapped Hugh Owens with thousands of dollars worth of fines, ordered Whatcott to pay \$17,500 in damages to four homosexuals who sued him for distributing the fliers. Quotes that proved "offensive" included: "Our children will pay the price in disease, death, abuse ... if we do not say 'no' to the sodomite desire to socialize your children into accepting something that is clearly wrong," and "Sodomites are 430 times more likely to acquire AIDS and three times more likely to sexually abuse children!" Whatcott also referenced Bible verses referring to homosexuality as an "abomination" and "perversion."

During the court proceedings, he argued in his own defense that he was a former homosexual who had found redemption and restoration through the Lord. "I believe homosexual activity is a sin," he said, "[and] to give me a \$17,500 fine and say I can't say that is quite frankly garbage and is not something I am going to abide by. If I have to sit in jail for the rest of my life, I am not going to be quiet."³⁵ If Whatcott cannot pay the fine or refuses to, he may be jailed indefinitely.

Canadian writer Rory Leishman comments:

All Christians should take note. In numerous cases like Whatcott's, human rights tribunals and the courts have made clear that in their opinion, the equality rights of homosexuals in human rights codes and [Section] 15 of the Charter trump the ostensible guarantees of freedom of religion in the laws and the Constitution of Canada. Thanks to these judicial rulings, Canadians no longer have a legal right to make a public statement that is liable to expose homosexuals to hatred or contempt, even if the statement is true and reflects the Christian convictions of the speaker.³⁶

Promoting homosexuality to kids is a "human right" - Murray Corren and Peter Corren, a homosexual couple, filed a complaint against the British Columbia Ministry of Education in 1999 claiming that its curriculum did not adequately "address issues of sexual orientation."

In July 2005, their complaint reached the British Columbia Human Rights Tribunal. Murray Corren is an elementary school teacher and, along with his "husband," is demanding that schools promote homosexuality as a safe and normal lifestyle. The two are also insisting that homosexual material be mandatory, with no option for parents to pull their children from any portion of the curriculum.

According to the couple's legal counsel, Tim Timburg, their human rights complaint seeks to remove "sexual orientation" from the list of "sensitive" issues under an "opt-out" provision that allows parents to shield their children from certain material. Derek Rogusky, vice president of family policy at Focus on the Family Canada, stated, "If we are going to be providing and promoting curriculum that treats homosexuality as just a normal thing that's really no different from heterosexuality, we will be trampling on the religious freedoms of thousands of British Columbia families."³⁷

Conclusion

In Greek mythology, multiheaded monsters named Hydras preyed upon humans. If a brave soul defended oneself by severing one of the heads, several more would grow back in its place. The same effect occurs with hate crime laws. Hate crimes laws, in the end, create more of the very thing they claim to oppose: hate.

While proponents argue that the laws protect threatened groups, especially homosexuals, from being targets of hateful acts, they more often grant a license for those groups to abridge religious freedom. If a pastor, citizen or anyone tries to point out the Biblical truth that homosexuality is blatantly wrong, a sin like every other sin from which Jesus Christ offers redemption, then that is considered "hate."

In the words of Canadian columnist Lorne Gunter:

Hate-crimes laws are based on the fallacious premise that we may be punished for our thoughts and feelings, not just our actions. And insisting the state has the ability to look into our hearts and minds and adjust the contents is a very dangerous line to cross. It gives legislators, the courts, and human-rights tribunals far too much power to decide what emotions and beliefs are acceptable and, more ominously, which are not.

Such power will inevitably be corrupted to the service of keeping legitimate opposition quiet. The corruption may be gradual, even subconscious. Today it will only be used against obvious cases of prejudice, but by tomorrow it may seem reasonable to use it to silence those who offer contrary views from those held by favored special interests. To ensure it is never used-willfully or unintentionally-against those merely with discomforting opinions, it must never be used against those who have been arbitrarily deemed hateful or bigoted.³⁸

We live in a world where even the Bible is being deemed "hate" literature. Christians have already been jailed for upholding traditional morality in public places, and if hate crime laws proliferate, the freedom to speak one's mind will be limited to those who celebrate and promote homosexuality.

November 29, 2005

Other Special Report papers by CWA's Culture & Family Institute:

The Federal Hate Crimes Bill: Federalizing Criminal Law While Threatening Civil Liberties

<http://www.cwfa.org/articles/9069/CFI/papers/index.htm>

'Hate Crime' Laws: An Assault on Freedom

<http://www.cwfa.org/articles/2575/CFI/papers/index.htm>

For Real: Many Well-Publicized 'Hate Crimes' Were Staged

<http://www.cwfa.org/articles/8776/CFI/family/index.htm>

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End Notes

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