



Hate crime statutes are not necessary

John Bicknell

February 21, 2017

Across the country, federal and state lawmakers fed up with high-profile attacks on law enforcement are pushing legislation that would broaden the protections of hate crime laws to include police officers and other first responders.

As tempting as it is to increase penalties for such attacks on public safety, the idea that undergirds these proposals should be resisted.

It should be resisted not because police are undeserving of extra protection – they are more than deserving – but because the underlying laws violate the foundations of American justice.

Instead of broadening hate crime laws to include more people, we should be getting rid of them altogether.

Hate crime laws are a bad idea not because of what might result from their enforcement, or because they are a slippery slope. Both of those pose dangers. But these proposals at both the state and national level are a bad idea because they are antithetical to the American idea.

You are free to think whatever hateful notions come into your head. You are not free to act on them.

Hate crime statutes turn this self-evident truth on its head. The appellation "Orwellian" is overused, but it is apt in the case of hate crimes – really, just another way to say thought crimes — which punish people for what they think rather than for what they do.

Rep. Ken Buck, R-Colo., sponsored a bill in Congress last year to make assaulting a police officer a hate crime.

Proposals to punish people for their state of mind are before legislatures in several states, including such diverse places as Kentucky, Mississippi, Missouri, New York, Pennsylvania and Texas.

Mississippi's debate is instructive. The Magnolia State is weighing separate measures in the state House and Senate which show the right and the wrong way to go about protecting police officers.

The Senate passed its bill that would add police and first responders to the state's hate crimes law overwhelmingly, 37-13, on Jan. 26.

But there is a better way, and Mississippi lawmakers don't have to look far to find it.

On the other side of the Capitol, the House Judiciary Committee, approved a measure that would increase penalties for violent crimes against police, firefighters, paramedics and utility workers who are acting in their official capacity.

In effect, the House bill would treat crimes against public safety personnel as an aggravating circumstance worthy of additional prison time. It would not convert such attacks into hate crimes.

The difference might seem inconsequential, and as a matter of outcomes that might be true. But as a matter of how the government treats citizens, the difference is important.

"There is nothing new or unusual about enacting penalties for physical interference with, or attacks on, first responders or police," Walter Olson, a senior fellow at the Cato Institute's Center for Constitutional Studies, told Watchdog. "A law like that can be debated on its own merits. What is new and a really terrible idea is using hate-crime laws as a way of doing so."

Louisiana has already gone down this road, enacting in May 2016 the first state law that added attacks on police officers and firefighters to the list of hate crimes.

Forty-eight states have enacted hate crime statutes (take a bow, South Carolina and Georgia).

But they're not necessary. Most of us understand that added penalties for the murder of a police officer are justified because such an attack threatens not just an individual but the safety of us all. Those on the front line stand in for those of us behind it.

But aggravating-circumstance provisions in felony statutes deal with this for actions that are aggravating, not for ideas that merely aggravate us.

Hate-crime laws, launched with the best of intentions (although faulty logic and a misunderstanding of history), have now unfortunately become a political club with which to smack around one's ideological opposites.

Many on the Left who were all too happy to endorse hate-crime inclusion for their favored constituencies now deride such protections for police officers.

Similarly, some on the Right who have questioned the need for such laws are now jumping on board when the protected class includes one of their constituencies.

Instead of seeking to increase penalties for crimes against those we like because of the nasty thoughts of those we don't, we should be focusing our efforts on defending the police against unjust attacks while ensuring officers act professionally and in the public good.