

# PLEASE VOTE “NO” ON HB 4725

To: All Illinois House Members  
From: Illinois Family Institute

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## Illinois Family Institute HB 4725 — Oppose

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“Hate crime” laws pose a serious threat to liberty. This proposed amendment would make a bad law worse.

Opposition to hate crimes laws does not constitute endorsement of criminal acts committed against anyone. One can oppose both criminal acts of all kinds *and* odious hate crime laws.

*Problems with hate crimes laws in general:*

- American jurisprudence traditionally and rightly takes into account the *mens rea*, or state of mind, of perpetrators of crimes. In the prosecution and sentencing of crimes, we take into account whether the perpetrator was negligent, reckless, knowing, or purposeful. These categories reveal that our system takes into account the perpetrator’s mental state or the degree of intentionality with regard to his or her actions.
- In contrast, hate crimes laws are concerned not with the perpetrator’s mental state with regard to his or her actions, but with the *beliefs, feelings, or values* that impel a particular criminal act. This constitutes an intrusive form of Big Brother thought control. It opens the door to unconscionable government intrusion into the minds and hearts of citizens. It’s even more problematic when it pertains to volitional behavioral conditions of which questions of morality are central (e.g. homosexuality, cross-dressing).
- There is no ethical justification for meting out more severe punishments for identical actions based on the beliefs, feelings, or values of the perpetrator. The beliefs, feelings, and values of citizens — even beliefs, feelings, and values that some segment of society views as erroneous — must remain off-limits to the law. The purpose behind enhanced punishments for particular beliefs, feelings, or values is to eradicate those beliefs, feelings, or values, which is decidedly not the role of government or the law.
- Equality before the law is a principle upon which this country is founded. That principle is undermined by establishing particular groups as more worthy of protection than others. Our legal system is based on punishing behavior, not selecting out particular victims for special treatment. Preferential treatment for one group, particularly groups that are constituted by subjective desires and volitional acts establishes a troubling precedent.
- Preferential treatment for one group *will exacerbate rather than reduce inter-group tensions and hostilities.*

- Hate crime laws will affect the administration of justice. Which crimes are prosecuted and what sentences are levied become political acts. Imagine a scenario in which the victim of a mugging is a cross-dresser and the perpetrator is known to hate cross-dressers, but the perpetrator had not committed the crime because of his hatred for cross-dressing. Rather, he had committed it because the cross-dresser was alone and appeared to be wealthy. Could the perpetrator be treated fairly before the law? Should his feelings about cross-dressers be the concern of the government? Would the kind of politically charged legal context we are creating with laws that evaluate feelings ever concede that such feelings did not play a role in the commission of the crime? One writer explains this:

Prosecution is selective. This means that the district attorney or prosecutor decides which cases to pursue and which to dismiss. They also decide which charges to file. In most cases this is mainly about expediency, but there is always an element of politics involved. When it comes to hate crimes, the political element grows immensely in a potential prosecution. This is because the hate crime casts an offense against an individual or small group of individuals as an offense against an entire demographic subset. In a sense, these crimes are therefore elevated to something approaching an act of war; the victim's group becomes the aggrieved party, while the suspect's group gets the feeling that they are being collectively prosecuted.

### *Problems with the inclusion of the term "gender identity":*

- The term "gender identity" is a biased, non-neutral, political term that was created to disassociate certain behaviors (e.g. cross-dressing) from the psychological disorder that impels them. The neutral terms are "gender dysphoria" and Gender Identity Disorder. We object to the inclusion of "gender identity" because embedded in it are a number of non-factual assumptions about the nature of gender dysphoria and the morality of particular behaviors associated with gender dysphoria and Gender Identity Disorder.
- This term "gender identity" was invented as a rhetorical tool to legitimate or normalize behaviors that citizens have every right to view as disordered and immoral and to stigmatize those who view gender aberrant behaviors as disordered and immoral.
- Making possible enhanced punishments for crimes committed against those who experience gender confusion opens the door to others with disorders/conditions that have volitional behavioral implications who will demand inclusion of their conditions in enumerated hate crimes laws.
- Using laws to make social, moral, and political statements about moral beliefs that one group doesn't like is unethical and dangerous.

### *Conclusion:*

We are becoming a society increasingly removed from fundamental American principles of justice. The law is being used to treat people differently depending on their group membership and to invade the thoughts minds and feelings of people, all in the service of transforming the social, moral, and political beliefs of Americans.

