

enforced. During the following day, placards reading simply: "Barry Lee Fairchild," Clinton's likely next victim, began turning up all around the convention.

On the night of the 14th, the farce of the platform debate was sent across the ghastly electronic podium: four pro-austerity planks from Paul Tsongas, liquidated in little more than half an hour by Gov. Roy Romer of Colorado, who learned his ethics at Yale. There was no mention of the death penalty issue from the podium. But meanwhile, in the aisles of the convention and in the open space before the podium, a demonstration against the death sanction was mounted by Mrs. Sheila Jones of Chicago, a LaRouche supporter who had foiled all of Ron Brown's myrmidons and reached the convention floor. For upwards of five hours, Mrs. Jones defied the Nuremberg logic of the convention by ceaselessly marching, ceaselessly demonstrating against the racist barbarism of the death penalty. At times she was alone, at times she was joined by 20, 40, 100 delegates, some black, many not. Former Mayor Marion Barry of Washington, D.C. greeted her. The Vermont delegation hoisted an anti-death penalty poster onto their standard.

Since the television pool coverage was controlled by an NBC producer, virtually none of this reached even those hardy souls watching the continuous coverage on C-Span. But even the casual viewer might have realized that something unscripted was going on when Mrs. Jones's demonstration reached two vociferous high points: One came during the thuggish speech of Mayor Richard Daley of Chicago. "George Bush told us that he was serious about the death penalty, but he has not delivered," growled Daley, obviously hinting at an attack from the right. The NBC cameras, which normally showed the delegates applauding and cavorting after each line, were glued to Daley, and dared not pan away. But a dull roar was audible even through NBC's highly selective directional microphones: In reality, a militant demonstration against capital punishment was going on under Daley's nose. Later, when congresswoman Nancy Pelosi seemed about to suffer a nervous breakdown at several points during her rapid remarks, it was because Mrs. Jones's forces were once again vociferously protesting in her face.

But, in the end, the cat will mew and the dog will have his day: Clinton, Gore, and Ron Brown had their way, and delivered the probable coup de grace to the agonizing Democratic Party. On July 15, Curtis Wilkie of the *Boston Globe* disclosed the inside strategy of the Confederate yuppie geniuses of the Clinton camp: Clinton's plan, including the Gore nomination, was predicated on a three-way race involving Ross Perot that would make Clinton competitive in the South. With Perot, Clinton expected to have a 50-50 chance of winning, although that would drop to 1-in-5 without Perot. In private meetings, Clinton strategists stressed that "Clinton needs a Perot candidacy that gets 15-16% of the vote in November—not 3% or 30%," Rep. Dennis Eckart (D-Ohio) was saying. But then, on July 16, Perot quit.

## State court strikes 'hate crimes' law

by Leo F. Scanlon

The Anti-Defamation League's (ADL) hate crimes statutes have been denounced as an "Orwellian" attack on the free speech protections of the First Amendment, by a Wisconsin Supreme Court ruling. In its decision, issued June 23, one day after the U.S. Supreme Court struck down a Minnesota hate crime statute, the Wisconsin ruling undercuts the legal support for the "sentencing enhancement" provisions of the ADL-sponsored statutes which are now on the books in 48 other states. The only element of the ADL program left unchallenged is the federal "Hate Crime Statistics Act," which should be scrutinized by Congress in light of this ruling.

The Wisconsin case, *State of Wisconsin v. Todd Mitchell*, involved a black youth who led a gang which attacked a white teenager, beat him unconscious, and stole his tennis shoes. Ironically, the attack was precipitated by a heated discussion among the youths about the movie "Mississippi Burning"—an inflammatory and fraudulent propaganda piece produced on behalf of the ADL by Hollywood to support the hate crimes statutes. Todd Mitchell, one of the older members of the group, asked the others, "Do you all feel hyped up to move on some white people?" Upon sighting the victim, Mitchell urged, "You all want to f— somebody up? There goes a white boy; go get him."

The state charged and convicted Mitchell of aggravated battery, a felony which carried a maximum sentence of two years. The jury found that Mitchell had selected his victim because of his race, thereby being guilty of committing a "hate crime" which increased the potential maximum sentence from two to seven years. The circuit court and the appeals court denied Mitchell's request for relief, and the issue brought before the State Supreme Court was the constitutionality of the sentencing enhancement provisions themselves.

### ADL schemes create thought crimes

The Wisconsin law is based on the ADL model statute, which provides for increased penalties for crimes already punishable by law. Despite the fact that in some cases the enhanced punishments can transform a misdemeanor (such as simple battery) into a felony, the ADL claims the statutes do not create new crimes, but merely use a sentencing procedure to punish bigotry.

Chief Justice Heffernan, writing for the majority, ripped this argument to ribbons. First of all, he said, "The hate crimes statute violates the First Amendment directly by punishing what the legislature has deemed to be offensive thought and violates the First Amendment indirectly by chilling free speech." He pointed out that "in any assault upon an individual there is a selection of the victim" and that is part of the underlying offense, the "intent" in committing the crime. The inherent problem with the hate crimes statutes is that they specifically target the "motive" or thought behind the selection, and do so in a subjective, and even political fashion.

The seemingly plausible defense of the statutes raised by the ADL and the National Gay and Lesbian Task Force (the other main sponsor of these laws), asserts that the statutes are the same thing as the anti-discrimination features of civil rights laws. The ADL, an openly racist organization, drapes these laws with the mantle of the civil rights movement.

Justice Heffernan correctly points out that "discrimination and bigotry are not the same thing" and can't be treated legally as if they were. In anti-discrimination statutes, for example, it is a discriminatory *act* which is prohibited. Additionally, he points out, "there is a difference between the civil penalties [of] anti-discrimination statutes and the criminal penalties imposed by the hate crimes law. . . . It is the objective conduct taken in respect to the victim which is redressed (not punished) by those [anti-discrimination] statutes, not the actor's motives."

Heffernan continues: "The hate crimes statute does not punish the underlying criminal act, it punishes the defendant's motive for acting. Taking the dissent's explanation that the statute is concerned with the 'decision' of the defendant, it is clear that the hate crimes statute creates nothing more than a thought crime. Apparently that dissent is comfortable with such an Orwellian notion; we are not."

In June, the U.S. Supreme Court struck down a hate crime ordinance passed by the city of St. Paul, Minnesota. That ordinance banned conduct which "arouses anger, alarm, or resentment in others on the basis of race, color, creed, religion or gender." The court ruled that the historic protections of the First Amendment, which has been interpreted to allow for the punishment of especially inflammatory or provocative speech, would be nullified if legislatures are allowed to selectively punish only certain classes of "fighting words" based upon the content of the expression, i.e., "bias-motivated" hatred.

This problem plagues the sentencing enhancement provisions of hate crime laws in general. The chilling effect on free speech cast by the hate crimes statutes is dangerously broad, the court notes. In effect, every personal association, every book ever read, every speech ever given or listened to by anyone charged with one of the underlying offenses, could be introduced as evidence that he or she held "bigoted" views and was acting upon them while committing the offense.

---

## Vatican Letter

---

# 'Homosexual rights' are not human rights

*In a statement sent to American Catholic Bishops in June, the Vatican opposed the moves in the United States to make homosexuality a legally protected and socially accepted way of life. The Vatican letter, entitled "Some Considerations Concerning the Catholic Response to Legislative Proposals on the Non-Discrimination of Homosexual Persons," was written in response to, among other things, laws like the District of Columbia's "domestic partners law," which would recognize homosexual marriages as equivalent to heterosexual ones. Although the letter is still technically an internal church document, it was released to the public by New Ways Ministry and was subsequently made available to EIR. The full text of the letter follows.*

Recently, legislation has been proposed in some American states which would make discrimination on the basis of sexual orientation illegal. In some Italian cities, municipal authorities have made public housing available to homosexual (and unmarried heterosexual) couples. Such initiatives, even where they seem more directed toward support of basic civil rights than condonement of homosexual activity or a homosexual lifestyle, may in fact have a negative impact on the family and society. Such things as the adoption of children, the hiring and firing of teachers, the housing needs of genuine families, landlords' legitimate concerns in screening potential tenants, for example, are often implicated.

While it would be impossible to foresee and respond to every eventuality in respect to legislative proposals in this area, these observations will try to identify some principles and distinctions of a general nature which should be taken into consideration by the conscientious Catholic legislator, voter, or Church authority who is confronted with such issues.

The first section will recall relevant passages from the Congregation for the Doctrine of the Faith's [CDF] "Letter to the Bishops of the Catholic Church on the Pastoral Care of Homosexual Person" of 1986. The second section will deal with their applications.

### I. Relevant passages from the CDF's 'Letter'

1. The Letter recalls that the CDF's "Declaration on Certain Questions Concerning Sexual Ethics" of 1975 "took note