



Written by [Selwyn Duke](#) on July 1, 2018

Black Man Charged With Hate Crime for Calling Police

Names

Government may not be good at securing borders, balancing budgets, or teaching kids to read, but it apparently can read minds. How else could we have hate-crime law, which is used to punish a person more harshly if he commits a trespass for the “wrong reason”?

As for *Reason*, the magazine, it [reported](#) Friday on an eyebrow-raising hate-crime case:



Police officers in Crafton, Pennsylvania, arrested a 52-year-old black man, Robbie Sanderson, for shoplifting at a CVS in September of 2016. He called them Nazis, skinheads, and Gestapo as they cuffed him.

Because of those epithets, Sanderson was charged with “ethnic intimidation.” Insulting the officers in such terms was an anti-white hate crime, from the perspective of the authorities. Sanderson had made bias-motivated “terroristic threats,” they claimed. The alleged motivation increased the seriousness of Sanderson’s crime from a first-degree misdemeanor to a third-degree felony.

“Nazis” and “Gestapo” amount to “ethnic intimidation”? As one commenter under the *Reason* piece asked, “Were the cops German?”

Astute observers of the criminal-justice scene may call this a man-bites-dog story, as hate-crime law is so often used, capriciously, against “majority” groups such as whites, Christians, or heterosexuals. But it’s no less unjust in this case.

Reason continues, “*The Appeal’s* Joshua Vaughn ... [reports](#) that Pennsylvania residents were charged with hate crimes for making offensive statements to police at least three other times. In each of these cases, including Sanderson’s, the hate crime charges were eventually dropped. But the threat of a hate crime conviction can still hurt. Defendants might plead guilty to other offenses, for instance, if prosecutors agree to drop a hate crime charge.”

“What you have is police officers essentially punishing people for disrespect to police officers by adding on criminal charges,” related the *Appeal*, quoting Mary Catherine Roper, deputy legal director for the ACLU of Pennsylvania. “And that’s just inappropriate. The things they are saying are deeply offensive, but they are not criminal.”

“This is not what the hate crime statute was for,” Roper also complained. “This is criminalizing pure speech and that violates the First Amendment.”

Well, welcome to the law of unintended consequences, ACLU.

Generally missed here is that hate-crime law often (to say the least) criminalizes speech. After all, if a man beats someone up and says the wrong thing (e.g., shouts racial epithets in the process), he may get far more punishment than if it’s just, lets’ say, a garden-variety beating. So we’re already punishing



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speech *within a certain context* — that of a crime.

This can move us toward actual hate-speech law. For once the precedent of punishing speech is set, the next step could be punishing the given speech within any context.

Now, the *Appeal* also writes of Sanderson's case, "Tempers can flare during an arrest, leading some people to say ill-advised and even cruel things." The point missed is that tongue-lashing tempers can flare in all sorts of confrontations. When two men square off in the street and their dander is up, they often will hurl whatever pejoratives they think will cut deeply. This may involve targeting the other guy's being fat, ugly, or short — or, yes, being of a certain race. Does this mean they hate the groups thus represented? Of course not. It simply means that a verbal attack, quite expectedly, precedes their physical attack and they're trying to hit a nerve.

In other words, authorities would have to be mind-readers to properly judge "hate"; since they're not, it's all subjective. What generally happens is that hate-crime laws are used against those the government dislikes or simply to gain a prosecutorial advantage. Leftist authorities are likely to apply the laws to the aforementioned "majority" groups, while the police may, as in Sanderson's case, use them against those insulting their honor.

Yet even if the government could read minds, why would we allow the state to punish "thoughtcrime"? Is this George Orwell's *1984* dystopia?

It's hard to escape the conclusion that this is what's happening. After all, if a given act (e.g., assault) would normally bring a five-year sentence but a 15-year one upon being deemed a hate crime, it's logical to assume that the extra 10 years are for the *thought expressed through the action*.

Some may say it's not unheard of for motive to influence sentencing. Yet traditionally this has been a mitigating factor — such as considering the passions of a man who, enraged, beat someone who molested his child — *not an aggravating factor*.

The reality is that hate-crime law is inherently unjust. As Dr. Thomas Sowell [put it](#) last year, "Because hate crime laws elevate some victims above others, their scope tends to expand over time. If race and religion are covered, doesn't fairness demand that disability, sex, sexual orientation and gender identity be included as well?"

He continued, "This unseemly competition, in which interest groups vie for recognition and status, has very little to do with justice, which requires equal treatment under the law."

This could be avoided, of course, by simply punishing all criminals more harshly. But that won't satisfy hate-crime laws' authors, social engineers who desperately want the kinds of impure thoughts they happen to despise punished through law.

As for the inequality, consider that someone who kills driven by a more fashionable sin — let's say greed — will receive less punishment than a murderer deemed to have had a politically incorrect motive. If we can't look the kin of someone killed for a "fashionable" reason in the eye and explain why it's just that his loved one's murderer got a relative slap on the wrist, we have no business supporting hate-crime law.

John Stuart Mill said more than a century and a half ago, "I can hardly imagine any laws so bad, to which I would not rather be subject than to the caprice of a man." The latter is precisely what hate-crime laws give us. For most of our history they didn't exist, and justice demands they be eliminated.

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