

## The “Hate Police” are Coming for You

By David A. Kallman, J.D.

The Michigan Legislature is voting soon on proposed legislation that will be used to attack anyone opposing the woke lunacy sweeping the nation. If you speak against abortion, transgender issues, illegal immigrants flooding our nation, or simply refuse to use someone’s preferred pronouns, you can be charged with a felony and face 5 years in prison and a \$10,000.00 fine.

Hard to believe? Under House Bill No. 4474 you will be “guilty of a hate crime” if you intimidate or harass someone, cause severe mental anguish, or use force or violence (remember words are violence) . . . if you, regardless of the existence of any other motivating factors, intentionally target a victim based “on the actual or perceived characteristics” of another individual from a list of protected categories, including race, religion, sexual orientation, and gender identity or expression.

The phrase “regardless of the existence of any other motivating factors” means that if, based upon your religious faith and conscience, you are peacefully speaking against a policy or a person advocating a position with which you disagree, that will be no defense. This is unconstitutional on its face and clearly violates the First Amendment’s Free Speech and Free Exercise of Religion clauses.

The US Supreme Court ruled that “no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” It is unconstitutional to force a citizen to violate their religious conscience or face punishment.

The bill’s proponents may not understand that this law can also be turned on them. Remember, words are now malleable, and can be redefined by whoever is in power. This law is an unconstitutional governmental exercise of raw power trampling on the individual rights of all citizens, no matter which side is exercising its prosecutorial authority.

What does the “perceived characteristics of another individual” mean? No one knows. If someone perceives themselves in a certain way, can you be prosecuted even if you did not perceive the person the same way? Under the new statutory definitions, you can be prosecuted based upon the alleged victim’s perceived status, whether you knew about it or not.

What does it mean to “intimidate, harass, or cause severe mental anguish to another individual”? The statutory definitions make it clear those words mean whatever the victim wants them to mean. The statute focuses on the victim and their response, not on an actual criminal act. If the victim feels threatened, frightened, intimidated, etc., it makes no difference if the perpetrator did not intend to cause those feelings. You are still guilty of the crime because the victim felt “harassed”! This is a ridiculously subjective standard.

The law is also unconstitutionally vague and overbroad. The criminal statute must have sufficient definiteness that ordinary people can understand what conduct is prohibited. It cannot encourage arbitrary and discriminatory treatment. Here, a reasonable person will have no idea what conduct is prohibited. The statutory language is intentionally vague, and the scope of its application is unknowable. That is the intent of this proposed law - to silence all opposition. As Dr. Erwin Lutzer says in his book, *No Reason to Hide*, “When the goal of language is not truth but ideology and power, the totalitarian state has arrived. . . . Remember, the goal is to imprison the mind, to cause people to self-censor so that banned ideas will never be uttered.” This law will not act as a shield to stop so-called hate crimes, rather, it will be used as a sword to destroy any debate in the public sphere over critical cultural issues facing our country.

The statute also creates a new civil cause of action against alleged perpetrators of the crime, even if they are found not guilty in a criminal trial. What better way to silence your critics than to bankrupt them with frivolous lawsuits! Note that there is no right for the alleged perpetrator to countersue or recover their attorney fees if they prevail. What a great tool to financially destroy your political or policy opponents!

As Voltaire said, “If people can be made to believe a lie, they will live as if the lie were the truth.” That is HB 4474’s goal. Doctrinal conformity with woke ideology will now be enforced through government coercion, civil lawsuits, and imposition of criminal penalties, including the loss of your freedom. Speak out against this law now or be ready to defend yourself in court if you try to speak up later.