

Dallas Erickson Testimony  
House Bill 240  
House Judiciary Committee  
January 13, 2005

EXHIBIT 6  
DATE 1/14/05  
HB 240

Mr. Chairman and Members of the Committee,

Let's agree that we're all against hate and abuse of anybody. Nobody in America should live in fear. That is what the criminal law is for, and there is no evidence that it is not working. But "hate crime" laws are fraught with possibilities for abuse.

I am opposed to adding the words "sexual orientation" to ANY bill. There is NO DEFINITION TO "SEXUAL ORIENTATION" in Montana law and so this bill would add those with the following sexual orientations to the hate crimes law. This is only a partial list:

I am going to read a few of them to give you a better understanding of what you will be doing if you pass this bill out of committee. This is uncomfortable for me and I know for you but it is important for you to know the consequences of this bill. These are sometimes called paraphilias meaning kinky or perverted. Certainly homosexuality fits under this classification.

If we were to grant special privileges to those who choose to participate in behavior peculiar to one's self-described 'sexual orientation' — homosexuality — would we not be obligated to grant the same privileges to those who choose to engage in the behaviors associated with any of the other known sexual orientations?"

By simply placing the word "rights" behind each one of these sexual orientations listed below, we begin to see the problem posed by granting so-called "gay rights" based on sexual orientation.

- ◆ Heterosexuality: the only one that is not a perversion and is a sexual orientation and universal norm: sexual interaction with the opposite sex.
- ◆ Homosexuality or "Gay": sexual interaction with persons of the same sex.
- ◆ Bisexuality: sexual interaction with both males and females.
- ◆ Pedophilia: "sexual activity with a prepubescent child (generally age 13 years or younger).
- ◆ Incest: Sexual orientation towards a sibling or parent.
- ◆ Gerontosexuality: Distinct preference or orientation for sexual relationships primarily or exclusively with an elderly partner
- ◆ Transgenderism: an umbrella term referring to and/or covering transvestitism, drag queen/kings, and transsexualism.
- ◆ Exhibitionism: the act of exposing one's genitals to an unwilling observer to obtain sexual gratification.

- ◆ Transsexuality: the condition in which a person's gender identity is different from his or her anatomical gender.
- ◆ Transvestitism: the condition in which a person is sexually stimulated or gratified by wearing the clothes of the other gender.
- ◆ Transvestic fetishism: for males, "intense sexually arousing fantasies, sexual urges, or behaviors involving cross-dressing."
- ◆ Autogynephilia: the sexual arousal of a man by his own perception of himself as a woman or dressed as a woman.
- ◆ Voyeurism: "obtaining sexual arousal through the act of observing unsuspecting individuals, usually strangers, who are naked, in the process of disrobing, or engaging in sexual activity."
- ◆ Partialism: Person is sexually attracted to a specific body part exclusive of the person.
- ◆ Fetishism or Sexual Fetishism: "intense sexually arousing fantasies, sexual urges, or behaviors involving the use of nonliving objects (e.g. female undergarments)."
- ◆ Zoophilia: becoming excited by and/or engaging in sexual activity with animals.
- ◆ Sexual Sadism: "recurrent, intense, sexually arousing fantasies, sexual urges, or behaviors involving acts (real, not simulated) in which the psychological or physical suffering (including humiliation) of the victim is sexually exciting to the person."
- ◆ Sexual Masochism: "recurrent, intense sexually arousing fantasies, sexual urges, or sexual orientation toward behaviors involving the act (real, not simulated) of being humiliated, beaten, bound, or otherwise made to suffer."
- ◆ Necrophilia: sexual arousal and/or orientation towards sexual activity with a corpse.
- ◆ Klismaphilia: erotic pleasure derived from enemas.  
Telephone Scatologia: the compulsion to utter obscene topics over the phone.
- ◆ Urophilia: sexual arousal associated with urine.
- ◆ Apotemnophilia: sexual arousal associated with the stump(s) of an amputee.
- ◆ Coprophilia: sexual arousal associated with feces.
- ◆ Coprophagia: sexual gratification derived from eating feces.
- ◆ Toucherism: the strong desire to touch the breasts or genitals of an unknown woman without her consent. Often occurs in conjunction with other paraphilia.
- ◆ Partialism: "sexual arousal obtained through exclusive focus on part of the body."

- ◆ Gender Identity Disorder: "a strong and persistent cross-gender identification, which is the desire to be, or the insistence that one is, of the other sex," along with "persistent discomfort about one's assigned sex or a sense of the inappropriateness in the gender role of that sex."
- ◆ Frotteurism: "touching and rubbing against a nonconsenting person."
- ◆ Frattemism: approaching an unknown woman from the rear and pressing or rubbing the penis against her buttocks.
- ◆ Asphyxophilia -sexual gratification derived from activities that involve oxygen deprivation.

This is just a partial list of those who you will add to Montana law if this bill is passed. It is important to note that the word "gender" is added here to purposely protect all those listed above who have a problem with "gender identity."

This bill needs to be tabled permanently. On the alternative we would favor this bill if you amended it to remove ALL CLASSIFICATIONS and make it a bill that protects EVERYONE from bodily injury or property damage because of hate.

Thank you.

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## Are opponents of 'hate speech' laws being overly paranoid?

Some instances of the affects of 'hate speech' laws

Assurances that criminal charges will only apply to the most obnoxious or severe critics of homosexual behavior seem rather weak in light of efforts to limit the freedom of commentators around the world:

- The Rt. Reverend Dr. Peter Forster, Anglican Bishop of Chester, England, was investigated under hate crimes legislation and reprimanded by the local Chief Constable for observing that some people can overcome homosexual inclinations and "reorientate" themselves. (The Telegraph, 10/11/03)
- Swedish Pentecostal Pastor Ake Green was prosecuted for "hate speech against homosexuals" for a sermon he preached citing Biblical references to homosexuality. (Kyrkans Tidning, 01/11/04)
- Belgian Cardinal Gustaaf Joos was sued under that country's discrimination laws for his remarks about the nature of homosexuality and the Catholic Church's teaching published in a Belgium magazine. (CWNews.com, 01/26/04)
- Cardinal Antonio Maria Rouco Varela of Madrid was sued in Spain for preaching against homosexuality in a homily he gave in the Madrid cathedral on the feast of the Holy Family. (Washington Post, 01/03/04)
- In Ireland, clergy and bishops were warned that the distribution of the Vatican's publication on public recognition of same-sex relationships could face prosecution under Irish 'incitement to hatred' legislation. (The Irish Times, 07/02/03)
- Brent Hawkes of the Metropolitan Community Church in Toronto suggested that Vatican statements or a Catholic bishop's commentary on homosexuality are "expressions of hatred."
- On June 15th, 2001, the Saskatchewan Human Rights Board of Inquiry fined Hugh Owens, an evangelical Protestant, and the Saskatoon Star Phoenix \$1,500 for violating the equality rights of three gay men. Mr. Owen's crime? He expressed his opinion on gay and lesbians sex through an advertisement in the Saskatoon Star Phoenix. This advertisement consisted of a pictograph of two men holding hands superimposed with a circle and slash – the symbol of something forbidden – and a list of Bible verses condemning the practice of homosexuality.
- In May 2002, Chris Kempling, a 13-year teacher and counselor in the public school system in British Columbia, was declared guilty of conduct unbecoming a member of the BC College of Teachers. Kempling was reprimanded for writing letters to the editor objecting to the promotion of the homosexual agenda in the public school system. (LSN, June 7, 2002)