

Dallas Erickson Testimony
Senate Bill 202
Senate Judiciary Committee
January 21, 2005

Exhibit No. 7
Date 1-21-05
Bill No. SB 202

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.

Heterosexuality is the only sexual orientation that is not a perversion and is a the universal norm and is sexual interaction with the opposite sex.

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.

- ◆ 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.
- ◆ Pederast: A man whose sexual orientation is to anal intercourse with a boy.
- ◆ Klismaphilia: erotic pleasure derived from enemas.
Telephone Scatalogia: 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.
- ◆ 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." Some states have been required to build special bathrooms for some of the "sexual orientations" mentioned above for those who are transvestites and others.

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. The Missoulian editorial of 1-20-05 agrees. (Attached)

Many of those who have testified as proponents have told horrific stories of intimidation and abuse. These situations are all covered by law at this time. Passing this bill and the law as it stands is a law of discrimination on it's face. I will receive threats on my life and the life of my family because of my testimony here today. I will be called names because of my opinion that homosexuality is wrong. I do not fall in this law even with the proposed changes and I don't want to. I am already protected by law.

Thank you.

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Missoulian Editorial 1-20-05

What we hate is unequal protection - Thursday, Jan. 20, 2005

SUMMARY: Legislators ought to repeal, not expand, law protecting some crime victims more than others.

you suppose someone beaten bloody by a complete stranger feels less victimized than, say, a naturalized citizen who is beaten bloody by a complete stranger?

Neither do we.

Should it be less of a crime to murder a person of color than a white person? Of course not. Then can you explain why, under Montana law, it's a worse crime to murder a person of color than it is to murder some races than it is others? Neither can we.

Don't think the line in the Montana Constitution that guarantees "No person shall be denied the equal protection of the laws" means what it says - that we're all equal in the eyes of the law?

So do we.

Montana legislators once again are debating expanding the state's "hate crime" statute. As it now reads, the law allows judges to impose tougher sentences on criminals who victimize people based on race, creed, religion, color and national origin. Now lawmakers are talking about adding gender, disability and sexual orientation to the list of special victims against whom crimes are to be considered worse than the crimes committed against other Montanans.

Legislators would do more to advance the cause of equality by repealing, not expanding, the hate-crime law. Doing so would restore the constitutional promise of equality under the law.

Do not misread or twist this argument into a question of whether we condone violence or discrimination against gays, the disabled or anyone else. We absolutely don't. But there's no way to treat crimes against some classes of victims as worse than others without effectively downplaying the importance of those other crimes.

And, for what it's worth, it's also fallacious to suggest that criminals' true motives and undeclared biases are discernable with any consistency.

Criminal laws logically focus on behavior. Crime prevention aims to prevent illegal behavior. How are we to prevent hate crimes, then? Surely it would be necessary to take the next step, which is to outlaw hate, which boils down to thoughts and emotions. Sounds like a job for the Thought Police.

All of the offenses covered by the hate-crime statute already are against the law. If that doesn't deter offenders, making them against two laws won't either. This is feel-good legislation that, because it reneges on the constitutional guarantee of equal protection, shouldn't make anyone feel very good.