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Great Sorrow

December 18, 2002

Hon. Katharine M. Watson
1410 West Street Road
Warminster, PA 18974

Dear Hon. Watson:

It is with great sorrow that I write you this letter. It has come to my attention that you brought into law that clearly unconstitutional Pa. HB1493. I even faxed you ((717) 783-8934) my Pennsylvania constitutional analysis of the bill the Friday before the House vote on the bill (enclosed).

This new law clearly violates Article 1 Sections 3, 7, 25, and 26 of the Constitution of Pennsylvania. Am I mistaken, or did you swear to uphold the Constitution of Pennsylvania in your Oath of Office? Have you studied the Constitution of Pennsylvania? Does your word mean anything to you or to your constituents?

Now I, and any Christian, Jew, Muslim, etc., who speaks publicly against things admonished in our different Holy Books, can be prosecuted by the Law, which is enforced, as all laws, by Force (police, the judicial courts, fines, confiscations, etc.).

I beg you, please, please study the Constitution of Pennsylvania and uphold your Oath of Office now and in the future. I sent you my enclosure once before, and I ask again, I beg again, for you to actually read all four short tables of information in "Civics in Seconds."

Please read my letter to the editor (enclosed). I may be jailed, as my friend Randall Terry (enclosed), simply for my thoughts, speech, and communication. I may be taken from my wife, son, and pre-born child simply for my thoughts, speech, and communication.

Please introduce an amendment to strike the unconstitutional language from this new law. Please protect us from the tyrants who are taking away our freedom of religion, speech, thought, and communication. I implore you, as do all who cherished our previous freedoms.

Most sincerely,

Erich Lukas

Bring Back Our Freedom of Speech

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KATHARINE M. WATSON, MEMBER
HOUSE BOX 202020
ROOM 159A EAST WING
HARRISBURG, PA 17120-2020
PHONE: (717) 787-5452

DISTRICT OFFICES:
1410 WEST STREET ROAD
WARMINSTER, PA 18974
PHONE: (215) 674-0500

13 WEST CREAMERY ROAD
P.O. BOX 166
HILLTOWN, PA 18927
PHONE: (215) 453-7888

www.kathywatson144.com



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

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February 18, 2003

Mr. Erich Lukas
715 Hunters Run
Perkasie, Pennsylvania 18944

Dear Mr. Lukas:

Thank you for taking the time to write to me regarding your opposition to *House Bill 1493*, commonly referred to as Pennsylvania's "Hate Crimes Bill". This legislation sought to amend the Commonwealth's Ethnic Intimidation Act by adding sexual orientation, gender identity, ancestry and disability to the already listed classifications of race, color, religion and national origin.

As you are aware, this legislation passed the House on Tuesday, November 26th, by a vote of 118-79. In its original form, *House Bill 1493* dealt with agricultural "terrorism". After being considered and revised by the Senate, it returned to the House for concurrence with the Senate's Ethnic Intimidation amendment. Due to the backhanded way this legislation was crafted – **not on the tenets of the legislation itself** – many members, myself included, withdrew their co-sponsorship of the bill.

In the end, I voted to support the bill in its final form. It was not an easy decision for me; in fact, it was probably one of the toughest votes I have cast thus far. When I became aware that a vote on this legislation might occur, I made it a point to do my "homework" on the facts behind the legislation. During the course of this time, I spoke to various law enforcement officials from across the state. I contacted Bucks County District Attorney Gibbons, who assured me that in Bucks County, her office would prosecute a criminal regardless. If a hate crime law happened to be passed and it was applicable to the crime, she noted, her office would use it, but if not, they would still continue to pursue the perpetrator with the full force of the current law.

I received a great deal of mail from constituents regarding this legislation. I must tell you that some of it (specifically from those who opposed the change) was downright offensive, even to the point of name-calling. Some claims were inaccurate, such as those that charged this bill would create a new listing of crimes; it doesn't. I was informed that only 0.1% of hate crimes are against gays and lesbians, however the source neglected to tell me that it was only in the past year that these inconclusive numbers were counted; there will always be a number of victims who are afraid to "speak out", and there are crimes in more distant counties that mysteriously go "unreported". Many failed to note that such a law would only be an additional penalty, and could be introduced and argued no matter whether the victim is a "minority" or not, such as the white

patrons who were shot in a racially-motivated shooting at a Pittsburgh McDonald's a few years ago. In the sense that this law can and will be applied equally, I do not see it as a "special right" – no one group is held higher than another, nor should they be.

As a result of this vote, I have been informed that I am "shackling the rights of the clergy" to speak out about homosexuality. I do not agree, and if that were true then I would not have voted for the bill. The passages that many cite as the foundation of their objections to homosexuality are in the Bible, and people are still free to believe them. **There is a great difference, in my mind, between preaching one's beliefs and actually physically harming someone because of them.** I am aware that some will argue that notion, based on the language of the crimes code. The attorneys I consulted assured me that the language does not preclude the right to free speech, otherwise the law would be judged unconstitutional.

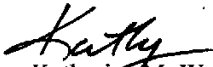
Furthermore, I am unconvinced that this legislation curtails anyone from "worshiping Almighty God according to the dictates of their own consciences", as stated in Section 3, Article 1 of the Commonwealth Constitution. Free speech and a free conscience, in my mind, does not include assault on another human being. Quite honestly, I am offended at your insinuation that I have broken my word to myself or the residents of the 144th District.

I must admit that I am leery of government interfering in many of these affairs. The old adage that you can't legislate tolerance or morality does have truth in it. However, I do not wish to stand by idly while any person is beaten, abused, or harassed no matter the circumstances.

As you surely know, the vote that I cast in support of this bill is one of thousands that I have cast in the two previous years, and I do not anticipate nor do I feel that, with other more pressing matters on the legislative forefront, this issue will be revisited anytime soon. I would hope that this legislation goes a long way toward making all Pennsylvanians feel a little more safe and secure from the threat of violence. In that sense, I see my role as a policymaker who both preserves our past and improves our future.

Thank you again for taking the time to share your views with me; they are very much appreciated.

Sincerely,


Katharine M. Watson
State Representative – 144th

Regarding Your Letter of February 18, 2003

February 21, 2003

Hon. Katherine M. Watson
1410 West Street Road
Warminster, PA 18974

Dear Representative Watson:

Thank you for replying to my letter to you regarding my concern over your vote for Pennsylvania House Bill 1493. I write to address some of the items in your reply and to clarify the main points in my original letter to you.

I appreciate the "homework" that you executed in order for you to make a decision on your vote. Contacting local district attorneys (i.e., Bucks County District Attorney Gibbons) and other local government officials is laudable; however, the actions that local county government will take from their "interpretation" of a state law does not bind those identical actions on law-enforcing government officials in every other county of Pennsylvania.

You mention being handed statistics on crimes against people of various sexual preferences. When I visited Governor Schweiker's senior policy officers (Julia Morton, Schweiker's Senior Policy Manager, and David Kerr, Director of the Governor's Policy Office), they also mentioned being given arguments based on statistics and on religious points of view. Do religion, feelings, and statistics trump the Constitution of Pennsylvania? Is not the Constitution of Pennsylvania the ultimate law of Pennsylvania, by which all bills are to be tested for passing or termination?

The Constitution of Pennsylvania, like most founding documents, is a short document, written in language that is easily understood. I thought that my Pennsylvania Constitutional Analysis, which I faxed to your Harrisburg office a week before the vote, was quite clear and easy to understand; those who have read it think so. I write this not as an insult, but as evidence. In your letter to me, you wrote, "The attorneys I consulted assured me that the language does not preclude the right to free speech, otherwise the law would be judged unconstitutional." Why is it, more and more, that attorneys, legislators, and government executives throw up their hands when voting or signing bills into law, saying that it's up to the courts to decide, or in this case, "the law *would be judged* unconstitutional." Isn't it the oath and job of legislators to ensure that a bill to be voted/signed into law is constitutional, beyond a reasonable doubt, so that a judicial court would not even waste time on a case based on such passed legislation?

The attorneys with whom you consulted are wrong. This explanation, taken from my analysis, uses quotes taken directly from both the Constitution of Pennsylvania and HB1493: "HB1493 could be used against people of the Christian and Jewish faith who 'worship Almighty God according to the dictates of their own consciences' through public 'communication or address' that admonishes sodomy, lesbianism, pedophilia, bestiality, and other lifestyles when this communication is 'perceived' to be 'harassment by communication' 'toward the actual or perceived... sexual orientation, gender or gender identity of another individual or group of individuals.' By enforcing such legislation, police officers or other employees of the state, being 'human authority,' would be controlling and interfering with the rights of the conscience of Christians and Jews who are citizens of Pennsylvania."

You wrote, "**There is a great difference, in my opinion, between preaching one's beliefs and actually physically harming someone because of them.**" Your statement is true; however, it does not relate to the

topic at hand, being the wording of HB1493, which states that the offense defined can be based solely ("or", as used in HB1493, is a coordinating conjunction used to join independent clauses, any of which, according to the laws of English grammar, can be held as the sole entity on which to base prosecution) on "harassment by communication or address," which is verbal and not physical; verbal, as, from a pulpit, over the phone, in a public forum, etc.

Here is the excerpt from HB1493 (Printer's No. 4156) (emphasis added):

"Offense defined. – A person commits the offense of ethnic intimidation if, with malicious intention toward the actual **or perceived**... sexual orientation, gender or gender identity of another individual or group of individuals, **he commits an offense under any other provision of this article** or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of Section 3307 (relating to institutional vandalism) or under Section 3503 (relating to criminal trespass) **or under Section 5504 (relating to harassment by communication or address)** with respect to such individual or his or her property or with respect to one or more members of such group or to their property."

This wording clearly violates, not only Article 1 Section 3 of the Constitution of Pennsylvania, but also Article 1 Sections 7, 25, and 26:

Article I Section 3 All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Article I Section 7 The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

Article I Section 25 To guard against transgressions of the high powers which we have delegated, we declare that everything in this article is excepted out of the general powers of government and shall forever remain inviolate.

Article I Section 26 Neither the Commonwealth nor any political subdivision thereof shall deny to any person the enjoyment of any civil right, nor discriminate against any person in the exercise of any civil right.

In response to your admission, "Quite honestly, I am offended at your insinuation that I have broken my word to myself or the residents of the 114th District," for my statement that you took an Oath of Office to uphold the Constitution of Pennsylvania first and foremost, I must write that it was not my intention to induce any feelings whatsoever in you, be it offense or joy. When it comes to law, I simply compare the wording and meaning of oaths, legislation, and constitutions with the end results. In this case, my careful analysis showed that, had you studied and compared the entire Constitution of Pennsylvania against HB1493, I believe in good faith that, without ever having to consult with anyone else, you would have clearly seen the unconstitutional wording put forth in HB1493 and would have done everything in your power to defend our once-protected civil rights of Pennsylvania.

I know what it's like to be misled by others who hold titles of academic mastery, influence, and power. If there's one thing that I've learned over the past nine years, it's that we must seek and understand the truth on our own, going to the original writings and documents of original authors, without leaning on the opinions of others. Back in '94, I discovered that I had been basing my actions on the opinions of others, and, after looking at the sources from which these people claimed their truths, I discovered that their opinions differed greatly from their supposed opinion-originating texts, thus beginning my personal search for truth in all areas of life, law, and culture. If you're interested in seeing my nine years of research, please visit the InfoQuest* for Truth website at <http://users.netreach.net/InfoQuest>

Most sincerely,

Erich G. Lukas

Supplement to Pa. Constitutional Analysis of HB1493

March 31, 2003

Hon. Katherine M. Watson
1410 West Street Road
Warminster, PA 18974

CC: Hon. Paul Clymer

Dear Hon. Watson:

I recently had a person tell me that they did not understand my Pennsylvania Constitutional analysis of HB1493 (Year 2002), which I have sent you several times, regarding the Pennsylvania Hate Crimes Law. They thought that, just because the word "exclusive" appears in the sentence, that every dependant clause following that word must be affected by it, which is false (described in detail below). The dependant clause that is my primary concern is "or under Section 5504 (relating to harassment by communication or address)," which makes speech a crime through this grammatically inept legislation.

Here is the entire section of HB1493 (Printer's No. 4156) (emphasis added) that is in question:

"Offense defined. – A person commits the offense of ethnic intimidation if, with malicious intention toward the actual **or perceived**... sexual orientation, gender or gender identity of another individual or group of individuals, **he commits an offense under any other provision of this article or under Chapter 33** (relating to arson, criminal mischief and other property destruction) **exclusive of Section 3307** (relating to institutional vandalism) **or under Section 3503** (relating to criminal trespass) **or under Section 5504 (relating to harassment by communication or address)** with respect to such individual or his or her property or with respect to one or more members of such group or to their property."

First of all, we must acknowledge that anything written grammatically incorrect is not easily understood and must therefore be "interpreted" by the person reading or using that writing; in this case, those who use HB1493 (police and the judicial courts). When law is unclear and must be interpreted, the courts end up creating new law instead of enforcing existing law!

As written in HB1493, the only Section that is excluded as a reason for prosecution under HB1493 is "Section 3307 (relating to institutional vandalism)." Note the section of HB1493 in question here (emphasis added for the important coordinating conjunction phrases):

"he commits an offense under any other provision of this article **or under Chapter 33** (relating to arson, criminal mischief and other property destruction) **exclusive of Section 3307** (relating to institutional vandalism) **or under Section 3503** (relating to criminal trespass) **or under Section 5504** (relating to harassment by communication or address)...."

If every Section that is listed after "exclusive of" was meant to truly be excluded in this legislation, then the coordinating conjunction that, according to the laws of the English language, had to have been used would have been the coordinating conjunction "and." Although the person with whom I spoke said that "and" and "or" mean the same thing in HB1493, they do not! Sophie's choice would have been an easy decision, no choice required, if the Nazis told her that she could choose to keep her first daughter "and" her second daughter; however, the Nazis told Sophie that she could choose to keep her first daughter "or" her second daughter. (continued – over).

The laws of English grammar dictate that dependant clauses of the same thread of logic must be joined by the same coordinating conjunction phrases. In this case, the coordinating conjunction phrase "or under" joins the dependant clauses of the same thread of logic, that thread being "**he commits an offense under any other provision of this article or under Section....**" According to the laws of English grammar, these are the dependant clauses joined by the same coordinating conjunction phrases in § 2710 of HB1493:

"he commits an offense under any other provision of this article **or under Chapter 33** (relating to arson, criminal mischief and other property destruction) ...**or under Section 3503** (relating to criminal trespass) **or under Section 5504** (relating to harassment by communication or address)...."

The dependant clause "**exclusive of Section 3307 (relating to institutional vandalism)**" is not included in the dependant clauses that are joined by the thread of logic, "**he commits an offense under any other provision of this article or under Section....**"

The laws of English grammar dictate that items to be included in a list of exclusions are to be joined by "and" and separated by commas.

Here is an example: "A person commits the offense if, with malicious intention toward the perceived gender identity of another individual, he commits an offense under any other provision of this article or under Chapter 33, excluding Section A, Section G, and Section P."

§ 2710 of HB1493 does not state this!

§ 2710 of HB1493 uses "**or**" as its coordinating conjunction throughout its text.

If this correctly written example replaced "and" with "or," it would make no sense:

"A person commits the offense if, with malicious intention toward the perceived gender identity of another individual, he commits an offense under any other provision of this article or under Chapter 33, excluding Section A, Section G, or Section P."

The sentence in this example makes no sense because it creates the question, "So, which Section is excluded; Section A, G, or P?" A judicial court would then be enabled to "create new law" through its judgment because it could choose the meaning of the law by its selection of prosecution using only Section A, only Section G, or only Section P.

Putting these examples of grammar aside, you can clearly see the point made in this analysis when you look at § 2710 of HB1493, removing information in parenthesis and inserting commas where they logically belong: "**he commits an offense under any other provision of this article or under Chapter 33, exclusive of Section 3307, or under Section 3503, or under Section 5504, with respect to....**"

In conclusion, since the laws of English grammar dictate that dependant clauses of the same thread of logic must be joined by the same coordinating conjunction phrases, it is quite clear that Section 5504 (relating to harassment by communication or address) is included in the list of legislative codes to be used in prosecuting Pennsylvania citizens under HB1493. The fact that HB1493 is a grammatical atrocity further compounds the problem of this legislation's lack of clarity, opening the door to judicial courts being forced to "interpret" this legislation on their own, thus allowing them to "create new law" from poorly-written law.

As I asked in my December 18, 2002 letter to you, I ask again; please introduce an amendment to strike the unconstitutional language from this new law. Please protect us from the tyrants who are taking away our freedom of religion, speech, thought, and communication. I implore you to take this action now, as do all who cherished our previous freedoms.

Most sincerely,

Erich G. Lukas

Additional Legal Analysis of HB1493 from James Clymer, Esq.

April 17, 2003

Hon. Katharine M. Watson
159A East Wing
Harrisburg, PA 17120-2020

CC: Hon. Paul I. Clymer
216 Ryan Office Building
Harrisburg, PA 17120-2020

Dear Hon. Watson (and to the attention of Hon. Paul Clymer):

Regarding my Pennsylvania Constitutional Analysis of HB1493, which I have sent you several times (enclosed again for your reference), James Clymer, Esq., wrote:

"Your analysis on the construction is correct and your conclusion is most certainly right on. However I think there is an even clearer reason why the exclusion only applies to section 3307. It is because section 3503 and 5504 ARE NOT IN CHAPTER 33. What it says is that the offense applies when "he commits an offense under any other provision of this article" – this article is Article B and includes chapters 23 through 31 - "or under chapter 33". Then it excludes section 3307, so it applies to every section in chapter 33 except 3307. Then it goes on to list sections 3503 and 5504 as other sections that specifically DO apply. They are in chapter 35 and chapter 55 respectively, so the exclusion could not be applied to them. Chapters 35 and 55 were never INCLUDED to begin with except for the two sections specifically listed for inclusion."

Also enclosed is a letter from Barbara Collier, National Field Director of Dr. James Kennedy's Center for Reclaiming America. Ms. Collier's kind words are yet another indication that HB1493 is unconstitutional, and its wording must be amended out of the new Pennsylvania Hate Crimes Law.

Would it help if you heard from people/organizations like Christian Coalition, Randall Terry, Concerned Women for America, Dr. Laura, Dr. Dobson, Traditional Values Coalition, The Pennsylvania Family Institute, The Urban Family Council, The American Family Association, the HSLDA, and/or Eagle Forum to remove the unconstitutional language of HB1493 out of the updated Pennsylvania law?

As I asked in my December 18, 2002 letter to you and in several other letters, I ask again; please introduce an amendment to strike the unconstitutional language from this new law. Please protect us from the tyrants who are taking away our freedom of religion, speech, thought, and communication. I implore you to take this action now, as do all who cherished our previous freedoms.

Most sincerely,

Erich G. Lukas

Post Office Box 632
Fort Lauderdale, Florida 33302

954-351-3353
954-351-3325 Fax
e-mail: cfra@crministries.org
www.reclaimamerica.org



April 11, 2003

Mr. Erich G. Lukas
Director, InfoQuest
715 Hunters Run
Perkasie, PA 18944

Dear Mr. Lukas:

We have taken careful note of your correspondence with the Honorable Katharine M. Watson. You have been very thorough and articulate in researching and addressing this situation. Of particular significance is the reply you received from Attorney Jim Clymer.

Since I am a former resident of Pennsylvania and still have family living there, I greatly appreciate the fact that there is someone watching the legislature and constitutional amendments that are going through in Pennsylvania and alerting people as to what is happening. We need people like you all over our nation to have a watchful eye and we encourage you to continue in your quest to keep America honest and a better place to live!

Yours in Christ,

A handwritten signature in cursive script that reads "Barbara Collier".

Barbara Collier
National Field Director
CENTER FOR RECLAIMING AMERICA

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1493 Session of
2001

INTRODUCED BY L. I. COHEN, CALTAGIRONE, CAPPABIANCA, GRUCELA,
HARHAI, HORSEY, JAMES, KIRKLAND, LAUGHLIN, McILHINNEY,
PRESTON, ROSS, SHANER, J. TAYLOR, TIGUE, WALKO, YOUNGBLOOD,
C. WILLIAMS, FRANKEL, JOSEPHS, STETLER, LEDERER, MANDERINO,
CORNELL, BISHOP, BUXTON, BROWNE, NICKOL, ROEBUCK, OLIVER, M.
COHEN, D. EVANS, THOMAS, WATERS, BOYES, VEON, ROONEY, BEBKO-
JONES, FREEMAN, MUNDY, MANN, WASHINGTON, ROBINSON, G. WRIGHT,
PALLONE, J. WILLIAMS, MCGILL, CURRY, SANTONI, BELFANTI,
TRICH, DALEY AND DIVEN, MAY 2, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 21, 2001

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for ~~agricultural~~ <—
3 ~~vandalism; and providing for the criminal offense of~~
4 ~~agricultural crop or livestock destruction.~~ ETHNIC <—
5 INTIMIDATION.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section ~~3309(e)~~ 2710 of Title 18 of the <—
9 Pennsylvania Consolidated Statutes is amended to read:

10 ~~§ 3309. Agricultural vandalism.~~ <—

11 * * *

12 ~~(c) Definition. As used in this section, the terms~~
13 ~~"agricultural activity" and "farming" [mean] include public and~~
14 ~~private research activity, records, data and data gathering~~

1 ~~equipment related to agricultural products as well as the~~
2 ~~commercial production of agricultural crops, livestock or~~
3 ~~livestock products, poultry or poultry products, trees and~~
4 ~~timber products, milk, eggs or dairy products, or fruits or~~
5 ~~other horticultural products.~~

6 Section 2. Title 18 is amended by adding a section to read:
7 ~~§ 3310. Agricultural crop or livestock destruction.~~

8 ~~(a) Offenses defined. A person commits a felony of the~~
9 ~~second degree if he intentionally and knowingly damages or adds~~
10 ~~hazardous or residual waste to untested sewage sludge that~~
11 ~~damages any field crop, vegetable or fruit plant or product,~~
12 ~~tree or livestock that is grown, stored or raised for personal,~~
13 ~~scientific or commercial purposes or for any testing or research~~
14 ~~purpose in conjunction with a public or private research~~
15 ~~facility or a university or any Federal, State or local~~
16 ~~government agency.~~

17 ~~(b) Scope. The scope of this offense shall include the~~
18 ~~damaging of any research records, data or data gathering~~
19 ~~equipment or device.~~

20 ~~(c) Restitution; costs and fees. Any person convicted under~~
21 ~~subsection (a) or (b) may also be sentenced to make restitution~~
22 ~~and be ordered to pay attorney fees and court costs.~~

23 § 2710. ETHNIC INTIMIDATION. ←

24 (A) OFFENSE DEFINED.--A PERSON COMMITS THE OFFENSE OF ETHNIC
25 INTIMIDATION IF, WITH MALICIOUS INTENTION TOWARD THE ACTUAL OR
26 PERCEIVED RACE, COLOR, RELIGION [OR], NATIONAL ORIGIN, ANCESTRY,
27 MENTAL OR PHYSICAL DISABILITY, SEXUAL ORIENTATION, GENDER OR
28 GENDER IDENTITY OF ANOTHER INDIVIDUAL OR GROUP OF INDIVIDUALS,
29 HE COMMITS AN OFFENSE UNDER ANY OTHER PROVISION OF THIS ARTICLE
30 OR UNDER CHAPTER 33 (RELATING TO ARSON, CRIMINAL MISCHIEF AND

1 OTHER PROPERTY DESTRUCTION) EXCLUSIVE OF SECTION 3307 (RELATING
2 TO INSTITUTIONAL VANDALISM) OR UNDER SECTION 3503 (RELATING TO
3 CRIMINAL TRESPASS) OR UNDER SECTION 5504 (RELATING TO HARASSMENT
4 BY COMMUNICATION OR ADDRESS) WITH RESPECT TO SUCH INDIVIDUAL OR
5 HIS OR HER PROPERTY OR WITH RESPECT TO ONE OR MORE MEMBERS OF
6 SUCH GROUP OR TO THEIR PROPERTY.

7 (B) GRADING.--AN OFFENSE UNDER THIS SECTION SHALL BE
8 CLASSIFIED AS A MISDEMEANOR OF THE THIRD DEGREE IF THE OTHER
9 OFFENSE IS CLASSIFIED AS A SUMMARY OFFENSE. OTHERWISE, AN
10 OFFENSE UNDER THIS SECTION SHALL BE CLASSIFIED ONE DEGREE HIGHER
11 IN THE CLASSIFICATION SPECIFIED IN SECTION 106 (RELATING TO
12 CLASSES OF OFFENSES) THAN THE CLASSIFICATION OF THE OTHER
13 OFFENSE.

14 (C) DEFINITION.--AS USED IN THIS SECTION "MALICIOUS
15 INTENTION" MEANS THE INTENTION TO COMMIT ANY ACT, THE COMMISSION
16 OF WHICH IS A NECESSARY ELEMENT OF ANY OFFENSE REFERRED TO IN
17 SUBSECTION (A) MOTIVATED BY HATRED TOWARD THE ACTUAL OR
18 PERCEIVED RACE, COLOR, RELIGION OR NATIONAL ORIGIN, ANCESTRY,
19 MENTAL OR PHYSICAL DISABILITY, SEXUAL ORIENTATION, GENDER OR
20 GENDER IDENTITY OF ANOTHER INDIVIDUAL OR GROUP OF INDIVIDUALS.

21 Section 3 2. This act shall take effect immediately.

<—

Pennsylvania Anti-Religious Freedom House Bill No. 1493 (Printer's No. 4156)
VIOLATES Article 1 Section 3 of The Constitution of Pennsylvania
Ask Governor Schweiker NOT to Sign the Bill (717) 787-2500
Call/Fax Your Pa. House Rep Before Monday Morning 11/25/2002

Article 1 Section 3 of the Constitution of Pennsylvania:

Religious Freedom

Section 3. All men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

Pennsylvania House Bill No. 1493 (Printer's No. 4156) reads:

"Offense defined. – A person commits the offense of ethnic intimidation if, with malicious intention toward the actual or perceived... sexual orientation, gender or gender identity of another individual or group of individuals, he commits an offense under any other provision of this article or under Chapter 33 (relating to arson, criminal mischief and other property destruction) exclusive of Section 3307 (relating to institutional vandalism) or under Section 3503 (relating to criminal trespass) or under Section 5504 (relating to harassment by communication or address) with respect to such individual or his or her property or with respect to one or more members of such group or to their property."

Why is HB1493 Unconstitutional?

HB1493 could be used against people of the Christian and Jewish faith who "worship Almighty God according to the dictates of their own consciences" through public "communication or address" that admonishes sodomy, lesbianism, pedophilia, bestiality, and other lifestyles when this communication is "perceived" to be "harassment by communication" "toward the actual or perceived... sexual orientation, gender or gender identity of another individual or group of individuals." By enforcing such legislation, police officers or other employees of the state, being "human authority," would be controlling and interfering with the rights of the conscience of Christians and Jews who are citizens of Pennsylvania.

Christians, specifically, are ordered to "Go therefore and make disciples of all the nations, baptizing them in the name of the Father and of the Son and of the Holy Spirit, teaching them to observe all things that I have commanded you; and lo, I am with you always, even to the end of the age." Matthew 28:20

Christians believe that the Bible is the Word of God, and Jesus Christ is God. In order for Christians to teach "all things that I have commanded you," they must communicate with non-Christians.

The following Holy Scripture, under Pennsylvania House Bill 1493, could be "perceived" as "harassment by communication or address" by people of certain "sexual orientation" or "gender identity."

Leviticus 18:22: "You shall not lie with a male as one lies with a female; it is an abomination."

Leviticus 20:13: " If there is a man who lies with a male as those who lie with a woman, both of them have committed a detestable act; they shall surely be put to death. Their blood guiltiness is upon them.'

The male to female sexual relationship is the only one allowed by Jesus (Matthew 19:4-6): "Haven't you read," he replied, "that at the beginning the Creator 'made them male and female, and said, 'For this reason a man will leave his father and mother and be united to his wife, and the two will become one flesh'? So they are no longer two, but one. Therefore what God has joined together, let man not separate."

Sodomy and lesbianism is condemned by God through Paul in Romans 1:24-32: "Therefore God gave them over in the lusts of their hearts to impurity, so that their bodies would be dishonored among them. For they exchanged the truth of God for a lie, and worshiped and served the creature rather than the Creator, who is blessed forever. Amen. For this reason God gave them over to degrading passions; for their women exchanged the natural function for that which is unnatural, and in the same way also the men abandoned the natural function of the woman and burned in their desire toward one another, men with men committing indecent acts and receiving in their own persons the due penalty of their error. And just as they did not see fit to acknowledge

God any longer, God gave them over to a depraved mind, to do those things which are not proper, being filled with all unrighteousness, wickedness, greed, evil; full of envy, murder, strife, deceit, malice; they are gossips, slanderers, haters of God, insolent, arrogant, boastful, inventors of evil, disobedient to parents, without understanding, untrustworthy, unloving, unmerciful; and although they know the ordinance of God, that those who practice such things are worthy of death, they not only do the same, but also give hearty approval to those who practice them."

The following is biblical commentary of Romans 1:24-32, provided by the Life Application Bible, New King James Version, Tyndale House Publishers, Inc., Wheaton, Illinois, pg.2056. "Paul clearly portrays the inevitable downward spiral into sin. First, people reject God; next, they make up their own ideas of what a god should be and do; then they fall into sin - sexual sin, greed, hatred, envy, murder, strife, deceit, malice, gossip. Finally, they grow to hate God and encourage others to do so. God does not cause this steady progression toward evil. Rather, when people reject him, He allows them to live as they choose. God gives them over or permits them to experience the natural consequences of their sin. Once caught in the downward spiral, no one can pull himself or herself out. Sinners must trust Christ alone to put them on the path of escape."

Presidents George Washington and Ronald Reagan Would Be Guilty!

The communications of Presidents George Washington and Ronald Reagan would certainly be "perceived" to be "harassment by communication" "toward the actual or perceived... sexual orientation, gender or gender identity of another individual or group of individuals."

President George Washington

On March 10, 1778, as recorded in *The Writings of George Washington* (March 1-May 31, 1778, 11:83-84, published by the U.S. Government Printing Office, 1934), George Washington issued the order:

"At a General Court Marshall whereof Colo. Tupper was President (10th March 1778) Lieutt. Enslin of Colo. Malcom's Regiment tried for attempting to commit sodomy, with John Monhort a soldier; Secondly, For Perjury in swearing to false Accounts, found guilty of the charges exhibited against him, being breaches of 5th. Article 18th. Section of the Articles of War and do sentence him to be dismiss'd the service with Infamy. His Excellency the Commander-in-Chief approves the sentence and with Abhorrence and Detestation of such Infamous Crimes orders Liett. Enslin to be drummed out of Camp tomorrow morning by all the Drummers and Fifers in the Army never to return; The Drummers and Fifers to attend on the Grand parade at Guard mounting for that Purpose."

President Ronald Reagan

"In part the erosion of these values has given way to a celebration of forms of sexual expression most people reject. We will resist the efforts of some to obtain government endorsement of homosexuality. Like so many Americans I have been disturbed at attempts to water down traditional values and even abrogate the original terms of American democracy with respect to religious freedom. I firmly believe that freedom prospers when religion is vibrant and the rule of law under God is acknowledged."

Footnote: Reagan, Ronald Wilson. July 12, 1984, in answer to a questionnaire from *The Scoreboard*.

Conclusion:

Pennsylvania House Bill No. 1493 (Printer's No. 4156) is blatantly unconstitutional in regards to Article 1 Section 3 of the Constitution of Pennsylvania. Not only could this fascist legislation have been used against such leaders as Presidents George Washington and Ronald Reagan, but it is an abomination to Jesus Christ, to whom the Founding Fathers gave all credit for the foundation of the United States of America!

"It cannot be emphasized too strongly or too often that this great nation was founded, not by religionists, but by Christians; not on religions, but on the Gospel of Jesus Christ. For this very reason peoples of other faiths have been afforded asylum, prosperity, and freedom of worship here." Patrick Henry

Footnote: Henry, Patrick. Attributed. M.E. Bradford, *The Trumpet Voice of Freedom: Patrick Henry of Virginia* (Marlborough, NH: Plymouth Rock Foundation, 1991), p. iii. Steve C. Dawson, *God's Providence in America's History* (Rancho Cordova, CA: Steve C. Dawson, 1988), Vol. I, p. 5. "The Voice of America's Past," *Torch* (Dallas, TX: Texas Eagle Forum, February 1994), Vol. 1, No. 7, p. 5. John Eidsmoe, "Institute on the Constitution" tape series, Lecture #3 (Published by Virginia Freeman Publishers, Stuarts Draft, Virginia). D. James Kennedy, *What if Jesus had never been born?* (Nashville, TN: Thomas Nelson Inc., 1994), p. 67. Billy Felling, *The Political Mission of the Church* (Valley Center, CA: Billy Felling Publishing, 1990), p. 43.