

NDLA, H JUD - Shimek, Delores

From: Satrom, Bernie L.
Sent: Sunday, February 7, 2021 3:11 PM
To: NDLA, H JUD - Shimek, Delores
Subject: FW: Regarding HB 1443 to be heard Monday 2/8/21 I urge a 'do not pass'

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Greetings House Judicial Committee,

My name is Gail Biby. I live in Fargo in District 45. I love North Dakota and want to see the freedom I have enjoyed for more than 7 decades to be enjoyed by my six grandchildren. I think HB 1443 could jeopardize that freedom. If HB 1443 is passed I believe we will endanger our First Amendment rights by taking that first step on the slippery slope to deciding punishment based on how one feels at the time of the crime.

This is one definition of bias: NOUN 1. prejudice in favor of or against one thing, person, or group compared with another, usually in a way considered to be unfair.

The thing about bias is that we ALL have a bias. It is based on our worldview. I happen to have a biblical worldview so it colors everything I think and usually what I do (wish I were more consistent). For example: I believe murdering a child in the womb is morally reprehensible therefore I have a prejudice against doctors who kill little boys and girls in the womb. Now obviously that bias could not be used to justify murdering an abortionist. But murder is already a crime; law enforcement doesn't need to take into account the reason I murdered. If someone accosts a person with green skin on the street and beats them up because they don't like green skin...it's their bias...then assaulting someone is already against the law, the reason for the assault doesn't matter. It's always hateful to harm another like this. Bias as seen in this bill is just another way to say 'hate crime' or 'hate speech'. Hate is almost always at the root of violent offenses.

From the bill: Causes bodily injury to another human in whole or in part because of the victim's actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry. One could rightly argue that causing bodily injury to another is already a crime. Should the crime be considered worse because I have mean thoughts about this green skinned-person? Who would then decide what my motivation was? Would I then be judged on my feelings or speech? Additionally 'causes bodily injury' is already mentioned on pg. 3 line 11 so why repeat it on line 18 by adding one's thoughts or feelings?

Again, from the bill: Commits an offense in violation of subdivisions a, b, c, or d in whole or in part on the basis of actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry. Here's that:

a. Communicates in writing or by electronic communication a threat to inflict injury on any person, to any person's reputation, or to any property; b. Makes a telephone call anonymously or in offensively coarse language; c. Makes repeated telephone calls or other electronic communication, whether or not a conversation ensues, with no purpose of legitimate communication; or d. Communicates a falsehood in writing or by electronic communication and causes mental anguish.

Well these are mostly already offenses under the law and it doesn't matter one bit that you sent 58 nasty texts, made 28 threatening phone calls or published lies on FB because you don't like green-skinned people. These are already offenses under the law and can be so adjudicated regardless of the bias against green-skinned people. (I also think all men should wear red sweaters-my bias-but that doesn't give me the right to FORCE all men to wear red sweaters and to beat up those who don't.)

Another question regarding this bill is who would do the bias training? Any reeducation on this issue would be done from the presenter's bias. Bias neutrality is an impossibility because we are shaped by the family, the country, the values we grew up with. I repeat: we all have biases because they are shaped by our worldviews. Whoever does the instructing will do so from their own bias.

Any attempt to treat lawbreakers based on WHY they did something is going to then be based on WHY the judge, the jury etc. find this lawbreaker's actions wrong. This will not result in good judgement. Treatment of lawbreakers must be based on the law. All of the offenses listed in this bill are already illegal acts and can be so handled by the courts. WHY I beat up that green-skinned person doesn't really matter; what matters is that I caused bodily harm. The court system and the government must not be in the business of determining what my thoughts are. Take a look at Canada; they don't have a Bill of Rights and are now dealing with the state determining what preachers may or may not preach.

One other thought on hate crimes: if I commit a crime, does it really matter if I did so out of hate? Who is capable of determining my thought processes, my feelings? What matters is that what I have done is a crime against the law and must be so dealt with. Killing green-skinned people is murder; it's against the law. What difference does it make if I did it out of hate or fear or stupidity?

I urge you to resist this attempt and send it out of committee with a 'do not pass'.

Gail M. Biby

Fargo, ND
D45

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