

ing up the bill, H.R. 3011, the Home Equity Loan Consumers Protection Act of 1988.

This has been cleared with the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 911, H.R. 1115, AND H.R. 2238

Mr. MARTINEZ. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of the three bills, H.R. 911, H.R. 1115, and H.R. 2238.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

HATE CRIME STATISTICS ACT

Mr. FROST. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 443 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 443

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and which shall not exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore. The gentleman from Texas [Mr. Frost] is recognized for 1 hour.

Mr. FROST. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume.

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Mr. Speaker, House Resolution 443 is a simple open rule providing for the consideration of H.R. 3193, the Hate Crimes Statistics Act. The rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Because this is an open rule, the resolution allows the offering of any ger-

mane amendment to the bill when it is considered for amendment under the 5-minute rule. The rule also provides that at the conclusion of the consideration of the bill for amendment, the Committee of the Whole shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. Speaker, H.R. 3193 would require the Department of Justice to annually collect and publish statistics on crimes which manifest prejudice based on race, religion, sexual orientation, or ethnicity. While the Department of Justice already collects data on a wide variety of crimes through the Uniform Crime Report Program, there is currently no systematic collection of data on the commission of hate crimes. H.R. 3193 seeks to establish a comprehensive system for collecting such statistics which will aid State, local, and Federal law enforcement efforts in combating hate crimes.

Mr. Speaker, because the rule providing for the consideration of H.R. 3193 is an open rule, any Member may offer any germane amendment to the bill during its consideration for amendment under the 5-minute rule. While the bill in its reported form is relatively noncontroversial, there is one provision of the bill which will likely be the subject of an amendment. The bill provides that statistics on hate crimes based on race, religion, ethnicity, and sexual orientation shall be gathered and published by the Department of Justice. The last category, that of sexual orientation, is a matter of some controversy, and it is anticipated that an amendment deleting that category will be offered. The rule before Members will permit the offering of that amendment and I urge my colleagues to support the rule so that the House may proceed to the important consideration of H.R. 3193.

Mr. Speaker, I urge adoption of the rule.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. QUILLEN asked and was given permission to revise and extend his remarks.)

Mr. QUILLEN. Mr. Speaker, during the last Congress, the House considered and passed by a voice vote a bill with several provisions similar to the provisions of this bill. That bill provided for keeping accurate statistics on crimes targeted at individuals because of their race, religion, or ethnic origin. While that bill passed the House by a voice vote in the last Congress, it was still pending in the Senate when the 99th Congress adjourned sine die.

In this Congress, similar legislation was reported again, except in this Congress a new category of hate crime was added, that is crime based on the sexual orientation of the victim.

In the Rules-Committee meeting on this bill, the able gentleman from Pennsylvania [Mr. Gekas] informed the Rules Committee that he wanted to offer an amendment to strike the sexual orientation provisions from this bill.

The Rules Committee met that request by providing this open rule, which will permit the gentleman from Pennsylvania or any other Member to offer an amendment to the bill.

Mr. Speaker, since this is an open rule which will permit the House to make necessary improvements in the bill, I will not oppose it.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. FROST. Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 443 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3193.

The Chair designates the gentleman from Michigan [Mr. Levin] as Chairman of the Committee of the Whole and requests the gentleman from Delaware [Mr. Carper] to assume the chair temporarily.

□ 1222

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity, with Mr. CARPER [Chairman pro tempore] in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. Conyers] will be recognized for 30 minutes and the gentleman from Pennsylvania [Mr. Gekas] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. Conyers].

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

□ 1225

Mr. CONYERS. Mr. Chairman, during the past few years, there have been increasing reports of physical and psychological attacks on persons

who were targeted, simply because of their race, religion, sexual orientation, or ethnic origin. These hate crimes appear to be the result of actions carried out by organized groups, as well as the spontaneous acts of nonaffiliated individuals. They are intended to intimidate their victims and spread fear throughout entire communities. The fact that these offenses still continue to happen at all in America is an indication that the democratic values that we take great pride in, and which distinguish our society among the community of nations, are not yet shared by all of our citizens.

H.R. 3193, the Hate Crime Statistics Act, is a modest measure. Its effect is solely to provide us with accurate and up-to-date information about this problem. The bill requires the Department of Justice to annually collect and publish statistics on crimes which manifest prejudice based on race, religion, sexual orientation, and ethnic origin. The Department, through the Federal Bureau of Investigation, already collects data on a wide variety of criminal offenses in order to produce the uniform crime report. The data in the report, however, does not presently indicate whether or not an offense is a hate crime. While H.R. 3193 does not specify the method by which the data is to be collected by the Justice Department, it is my view that utilizing the uniform crime reporting system makes the most sense as the hundreds of State and local police agencies already transmitting crime data to the FBI are certainly capable of indicating whether an offense was motivated by prejudice.

H.R. 3193 derives from work begun by the Subcommittee on Criminal Justice on hate crimes statistics legislation in the 99th Congress. The subcommittee reported a bill, H.R. 2455, which passed the House by voice vote on July 22, 1985. The Senate, however, failed to act on the bill before the 99th Congress adjourned.

The availability of systematic nationwide data about the incidence of hate crimes can be very useful to law enforcement agencies seeking to combat these offenses. It can provide the basis for the creation of specialized investigating units, such as those now operating in New York City, Boston, and San Francisco. It can also lead to increased intra-agency sharing of intelligence on hate groups.

Public policymakers will find the data useful as it can provide them the basis for the development of educational programs designed to promote the understanding and tolerance of different races, cultures, and beliefs. The data can also provide the basis for enactment of new criminal sanctions.

Hate crimes, which can range from threats and vandalism to arson, assault, and murder, are intended to not just harm their victim, but to send a message of intimidation to an entire community of people. Hate crimes are extraordinary in nature and require a

special governmental response. By devoting Federal resources to the collection of information about this problem, the Congress will be taking a major step toward its solution.

To date, six States—Maryland, Pennsylvania, Illinois, Connecticut, Oklahoma, and Minnesota—and a few local governments monitor the incidence of hate crimes. As the result, there is still much about the nature and scope of this problem that we do not know. Are some parts of the country experiencing more hate crimes than others? Are there patterns evident in the background of the perpetrators and victims? With the enactment of H.R. 3193, the answers to these questions can be easily obtained.

Organized hate violence had its genesis during reconstruction. In 1865, the Ku Klux Klan formed and began intimidating and attacking blacks. Its members used terrorism in an effort to reestablish the old plantation social order. Their efforts were designed to prevent blacks from seeking to exercise their constitutional right to vote and hold office. Today the Klan and other organized hate groups such as the White Aryan Resistance and the Skinheads are more sophisticated. They are not only targeting blacks but other minorities and religious groups. These groups are highly organized and are attempting to perpetuate themselves through the active recruitment of our youth. Their goal is to tear up the Constitution and return us to the separate society of the past. They have declared war on the U.S. Government and the principles of equality and democracy that it represents.

We need to educate Americans about the threat racism and bigotry pose to the peace and harmony of our communities. Major educational efforts are needed among our youth. Each of us should endeavor to teach them about race relations and religious and cultural tolerance. The starting point, however, is to have an understanding of the problem that exists, and that is what the Hate Crime Statistics Act will enable us to do.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Michigan [Mr. CONYERS] has quite correctly set the tone for what is about to occur on this particular debate, and he mentioned at the outset that this House of Representatives in the 99th Congress passed a similar bill. I want to reinforce the substantial differences, however, that appear between what was passed then and what is before us now, and it is a substantial difference.

First of all, let me start off by outlining the similarities. In the 99th Congress, in the subcommittee, in the full committee, and on the floor of the House we reached a consensus to gather statistics on what might be termed a rising tide of incidents in-

volving desecration of cemeteries and burning of churches and application of swastikas on synagogues, those types of phenomena in the consciousness of the public in the last 10 years even at a greater pace than perhaps ever before. We reached that consensus in all three stages of consideration of this bill. I might add, and this is important for us to recognize, that in the 99th Congress when we considered this legislation it was my language, and I say this for a purpose not to promote my own ego, but so my colleagues will know as the colloquialism goes, where I am coming from on this issue. It was my language that was finally adopted by the subcommittee and the full Committee on the Judiciary generally in the final debate that we held on this issue. I was in the forefront along with the gentleman from Michigan [Mr. CONYERS] as were others in establishing a mandate to the Attorney General to begin to gather statistics on the incidents of so-called hate crimes having to do with religion, with ethnicity, and with race. There is no one for or against the final enactment of this bill who can quarrel with the intent of the authors and the promulgators and supporters of this legislation in the 99th Congress.

When the gentleman from Michigan [Mr. CONYERS] on the floor today indicated that this bill is substantially the same as that one, he was eminently correct and he pointed out that sexual orientation was added to this bill here and now today even after we as a subcommittee and as a full committee decided that we would reinstate the bill of the 99th Congress. That is a monumental difference which must be noted by the Members of the House as they proceed to engage in the debate and to cast their final vote on the amendment yet to come, because of the following sets of rationale.

First of all, to add sexual orientation into this bill is to segregate, I repeat, to segregate those who would come within that definition of sexual orientation away from and apart from, and separate them and elevate them to a position higher than other people who are in perhaps worse circumstances objectively speaking than victims who are victims because of sexual orientation; namely, women themselves, women who are not lesbians, women who do not come within the purview of heterosexuality or of sexual orientation, or homosexuality or sexual orientation, women who are the subject and victims of rape. It has been proved beyond a shadow of a doubt that women who are the victims of rape are victims of a hate crime, yet we choose, if we keep sexual orientation as one of the criteria in the main bill, to say that those who are victims of sexual orientation are in a more recognizable position than are women who are victims of rape.

How about the handicapped?

How about those who are octogenarians who are victims of crimes of hate?

How about victims of child abuse, infants who are the target of hate and who are victims beyond description sometimes of the hate of their parents or elders in the household? They are not included in here. They are all protectable groups of people.

Here is a good point, and this is a good time for me to emphasize and re-emphasize this point that this Member from Pennsylvania who is the author of the controversial amendment that is going to be presented later will stop at nothing, will stop at nothing to fully enforce the law when a gay or lesbian is attacked or is the victim of any crime. As a prosecutor I never once shrank from the prospect of prosecuting a perpetrator of a crime against a gay or lesbian as I did in any other situation with any crime committed.

□ 1240

This is not about the enforcement of the law and to prosecute those who would bash gays. Those who are trying to elevate the debate into that are misleading the Congress and misleading the public, misleading American society. This is a statistic-gathering bill. It has nothing to do with law enforcement as such, and those who are able to put that aside, the law enforcement factors aside and just dwell on what we are doing when we add sexual orientation, I think, will support my effort to remove sexual orientation from this bill altogether.

I repeat, give me an instance where a gay is bashed, and you will find me in the forefront of trying to utilize every resource possible to bring the culprit to justice and to apply the full weight and force of law enforcement on that individual. Just as vociferously as I say that, I say to the Members that sexual orientation has no place in this bill, to be elevated to the status of religion and of race and of ethnicity as a criterion for mandating the Attorney General to look into the motivation of people committing crime. Why not the motivation of people committing child abuse? Why not ask them to check into what goes on in the mind of a person who would attack a 90-year-old man or woman on the street, knock them senseless and steal their purse? Why not look into the motivation of an individual who hates policemen, who mug a cop or kill a policeman? Why not include that kind of victim, the police victim who is the object of hate and ridicule many times in places in our society? Why not include police officers? Why not include passengers on a bus or other kinds of categories where we know statistically that there are reasons of motivation which we do not care about really but, nevertheless, we are faced with those crimes committed? Why not gather statistics, as difficult as they are, on motivation in those crimes? That is what we are about here. We are engaged in the

general debate on the bill, and I, to the extent that I am delving into the amendment yet to come, I still do that with a realistic endeavor to try to point out that the bill we passed in the 99th Congress stood alone in the synagogue and white cross burnings and the cemetery-desecration type of context which was intended by its authors, by its supporters and by all the groups who urged us to support the original bill. To go into sexual orientation is to so veer from the steady path of this narrow decision that the Congress made in the 99th Congress, at least the House did, as to make the whole exercise useless.

As a matter of fact, I must say this to Members: I think it is going to be a very difficult task for the Attorney General, even for the three categories of which I approve, to gain information about the motivation that causes an individual to commit a crime against a synagogue or cemetery or a black church with a white cross flaming in front of it, that kind of incident. To add to the burden of the Attorney General, and I might add with an additional cost; the cost went up as the subcommittee and the committee added sexual orientation to its base, the cost, proposed cost, also rose, not to mention the elevation of sexual orientation to a status higher than victims of child abuse, higher than women who are victims of rape, higher than octogenarians who might be the victims of bashing on the street, higher than police officers who are the objects of hatred and ridicule of some people and which feeling leads them to pummel police and to throw rocks at police and to injure and kill policemen; higher than any of those groups of our fellow citizens. As we proceed with the debate, I simply ask now and will elucidate at the time of offering of the amendment, of course, that the Members of the House ought to keep in mind the original purpose of the bill, the bill that passed the Congress in the 99th session and which is the focal point of our debate now.

More about the amendment and what it does to the bill later.

Mr. CONYERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, I want to agree with the gentleman from Pennsylvania (Mr. GEKAS), my colleague, that he was not assuaging his ego when he claims to be one of those who brought together the coalition that worked out the original bill. The gentleman from Pennsylvania, ranking member of the subcommittee, did an excellent job in helping us formulate the legislation that was before us in the 99th Congress, and that is before us today with the added provision, but let us try to think about whether we want to have a narrow-gauge bill or a wide-gauge bill.

The reason we did not include octogenarians who are assaulted is because there was no testimony that suggested

that they ought to be, as awful as the crimes visited upon them are, and the reason we did not account for policemen killed in the line of duty, although police organizations do, is that there was no request that they be separated out from the uniform crime statistics. The crimes of rape are already counted in the uniform crime reports and also crimes are divided by sex.

What we are saying here is that we really want a narrow-gauge bill, and it is only because of the incredible testimony about the rising antigay and lesbian violence, where witnesses pointed to an 8-city study in which 1 in 5 gay men and nearly 1 in 10 lesbians were found to have been physically assaulted. What we are saying is that we could not, in good conscience, come back this Congress without including such a provision in the bill, because it is very, very important.

There is not going to be any difficulty in determining how these statistics will be computed. Already the Baltimore County Police Department has devised a test based on reasonableness. If a synagogue is attacked, we can assume that there is a religious involvement. If there is a burning of a cross at a home or a KKK hood or mask displayed, we can assume that racially motivated activity is at play. The swastika would give us a sign, and whether racial slogans or epithets were uttered would also be a clue. We are not looking for a letter-perfect way to determine the perpetrator's motivation. Only where there is obvious indicia of this involvement would we classify these crimes accordingly.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank the gentleman for yielding.

I congratulate the gentleman for his leadership and also congratulate the gentleman from Pennsylvania (Mr. GEKAS) for his leadership on this issue.

I would, however, want to say that I am a strong supporter of this legislation, because I think it speaks to a disease that can grip a community or a State or a nation. It is a disease that is virulent and can be caught and can spread, and it can undermine the basic principles of our democracy which clearly are that all individuals, irrespective of their race or religion, national origin, skin color and, indeed, any other bias or nonbias that they may have, shall not be the objects of discrimination solely on that basis.

The gentleman mentioned the swastika. All of us on this floor are knowledgeable enough about history to know that one of the groups that Hitler singled out to fan the fires of prejudice and hate in Germany were those who were homosexual. One need not make a judgment on that activity to strongly hold to the view that that predilection in and of itself should not, must not, in this country subject

one to hate or prejudice and actions which emanate from that hate and prejudice.

□ 1250

As most of my colleagues know, I have the opportunity as chairman of the Helsinki Commission to travel to other nations and to point out what the Helsinki Final Act demands in terms of human rights. It is so appropriate that we in this Congress adopt this legislation as expansively as possible to make sure that we make a very strong statement that we will not allow, we will not countenance and we are going to keep track of these statistics so that we can act against and preclude acts of prejudice and hate.

We cannot stop people thinking and indeed we do not want to in this country. But what we need to do is stop them from acting against individuals based upon their prejudice.

I support strongly the legislation as currently written.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. EDWARDS], chairman of the Subcommittee on Civil and Constitutional Rights and ranking member on the Criminal Justice Subcommittee.

(Mr. EDWARDS of California asked and was given permission to revise and extend his remarks.)

Mr. EDWARDS of California. Mr. Chairman, I rise in support of this legislation and urge my colleagues to vote for it. The hearings of the Subcommittee on Criminal Justice have amply demonstrated a need to do what this bill provides for—the nationwide collection of data about the incidence of crimes motivated by the race, religion, ethnic origin, or sexual orientation of the victim.

That kind of data will help government at all levels to combat prejudice and bigotry that manifests itself in criminal acts. While a number of groups collect some statistics, their resources are limited, and a national effort by the Justice Department is necessary if we are to get the kind of data that is needed.

This legislation has widespread support. It is endorsed by police organizations, such as the Police Foundation, the Police Executives Research Forum, and the National Black Police Officers Association. The legislation is endorsed by religious organizations, such as the National Council of Churches, the National Coalition of American Nuns, the American Baptist Church, the Lutheran Office for Governmental Affairs, and the General Board of Church and Society of the United Methodist Church. The legislation is also endorsed by a wide range of other organizations, such as the American Arab Anti-Discrimination Committee, the Anti-Defamation League of B'nai B'rith, the American Jewish Congress, the American Jewish Committee, the American Psychiatric Association, the American Psychologi-

cal Association, the Sunny von Bulow National Victim Advocacy Center, the Center for Democratic Renewal, and the American Bar Association.

The bill has been carefully crafted by the Subcommittee on Criminal Justice and deserves the support of all of us.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding the 2 minutes to me.

Mr. Chairman, I rise today in full support of H.R. 3193, the Hate Crimes Statistics Act.

Only 2 months ago, I spoke on the House floor against the hate violence expressed through the desecration of the Magen David Bet Eilahu Sephardic Synagogue in Rockville, MD. Worshipers arriving to celebrate the Jewish Sabbath that Saturday morning were rudely greeted by two swastikas, the letters "SS" denoting Hitler's infamous secret police, and the words "Die Jew."

Mr. Chairman, I am alarmed at the recent increase in the incidents of violence and harassment based on an individual's race, religion, sexual orientation, or ethnicity, not just in Montgomery County, MD, but throughout this country. I am pleased to be a cosponsor of this bill, and I thank the gentleman from Michigan for his leadership on this issue.

As one of the original Members of Congress who requested the National Institute of Justice to undertake an exploratory review of hate crimes in the United States, I submit for the RECORD a copy of the introduction to the National Institute of Justice report completed in October 1987 entitled "The Response of the Criminal Justice System to Bias Crime: An Exploratory Review."

According to the report, "... the most frequent victims of hate violence today are Blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians." While noting increases in organized hate activities against all of these groups, the report goes further to state that "homosexuals are probably the most frequent victims" of hate violence. The report calls for strategies to "encourage legislatures to include lesbians and gays in their statutes." On the basis of these findings, I urge my colleagues to oppose efforts to reduce the scope of the bill.

The NIJ report acknowledges what we have suspected for some time: Hate crimes exist in our communities and the lack of knowledge about their frequency and geography poses a serious obstacle to preventing these incidents in our community.

Mr. Chairman, Maryland was the first state in the Nation to enact a similar hate violence data collection bill. Since 1981, local police jurisdictions have been reporting hate violence incidents to the State police who then, in turn, provide monthly statisti-

cal reports to the Maryland Human Relations Commission. Maryland has benefited by the knowledge of the geographical extent that the numerical frequency of these heinous acts as we have sought solutions to reduced prejudice in our communities as a result of this information.

I urge my colleagues to support H.R. 3193, and to oppose efforts to reduce its scope or to weaken it with amendments.

THE RESPONSE OF THE CRIMINAL JUSTICE SYSTEM TO BIAS CRIME: AN EXPLORATORY REVIEW

(By Peter Finn and Taylor McNeil)

STATEMENT OF THE PROBLEM

Bias crimes, or hate violence, are words or actions designed to intimidate an individual because of his or her race, religion, national origin, or sexual preference. Bias crimes range from threatening phone calls to murder. These types of offenses are far more serious than comparable crimes that do not involve prejudice because they are intended to intimidate an entire group. The fear they generate can therefore victimize a whole class of people. Furthermore, our country is founded on principles of equality, freedom of association, and individual liberty; as such, bias crime tears at the very fabric of our society.

For a variety of reasons there are no accurate data regarding the number of bias crimes committed each year. However, there is plenty of documentation to suggest that the problem is widespread, and considerable evidence that it is increasing. Bias crimes may also be turning more violent: compared with the past, a larger proportion of incidents appear to involve personal injury as opposed to vandalism. Explanations for these changes include increased economic competition from minorities, visibility of gay men, ethnic neighborhood transition, and a perceived decrease in government efforts to prevent discrimination in education, housing, and employment.

Most observers believe that fewer incidents are being committed by members of organized hate groups, like the Ku Klux Klan, but many more are being perpetrated by individuals or small groups of people acting on their own. However, many of these offenders may be encouraged by the rhetoric of white supremacist organizations, and by the failure of most community and national leaders to speak our forcefully against these groups.

At least half the people arrested for bias crimes are teenagers and young adults between the ages of 16 and 26. For example, arrest records document that 70 percent of bias crimes in New York City in the past seven years were committed by youths under 20 years of age.

The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims. Verbal intimidation, assault, and vandalism are the most commonly reported forms of hate violence.

For the most part, the criminal justice system—like the rest of society—has not recognized the seriousness of the hate violence problem. Police officers, prosecutors, and judges tend to regard most incidents as juvenile pranks, harmless vandalism, private matters between the involved parties, or acceptable behavior against disliked groups. Many criminal justice system personnel do not believe that hate violence exists in their community. Others are aware it exists but

are reluctant to publicize the fact for fear their communities will be branded as racist or hotbeds of violence. Lack of police and prosecutor attention to bias crime often reflects the attitudes of local residents who do not want minorities in their community.

Because of the widespread and serious nature of hate violence and the inability of most criminal justice agencies to address the problem adequately, the National Institute of Justice solicited an exploratory review to (1) identify effective or promising steps that some criminal justice agencies have already taken to combat the problem, (2) identify the principle issues involved in assisting other police agencies and prosecutor offices to take effective action, and (3) review previous research and other resources in the field. The following chapters address each of these objectives. The introduction concludes with a list of the respondents who, in addition to program documentation and available previous research, provided the information on which this report is based.

RESEARCH METHODS

We interviewed forty respondents. Twenty-one were representatives of the criminal justice system, including eleven associated with law enforcement, five with prosecutor offices, and five with the National Criminal Justice Association. Fifteen respondents represented constituency organizations, including groups representing minorities that are often victims of hate violence (e.g., the National Association of Colored People, the National Gay and Lesbian Task Force, and the Anti-Defamation League), and generic organizations devoted to preventing hate violence (e.g., the National Institute Against Prejudice and Violence, Klanwatch). Four respondents were researchers who have conducted studies related to hate violence.

Respondents were identified initially through recommendations from the National Institute of Justice, literature obtained from a library search of pertinent articles and reports and our own knowledge of agencies and organizations active in the field. Our initial respondent list was supplemented with additional names provided by our interviewees. We selected respondents who administer law enforcement or prosecutor programs that currently target bias crime, or who were the most knowledgeable official within each constituency organization we contacted.

We also collected available written materials from each respondent. These documents were supplemented by a library search of pertinent articles and reports.

Although we conducted no formal statutory review, we obtained relevant legislation from several respondents and benefitted from statutory reviews conducted by the National Institute Against Prejudice and Violence, the Washington Lawyers' Committee for Civil Rights Under Law, and the Anti-Defamation League.

Mr. GEKAS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. FISH]. He is, of course, the ranking member of the Judiciary Committee in the House of Representatives as well as a member of the subcommittee that has jurisdiction over this issue.

Mr. FISH. Mr. Chairman, I thank my friend from Pennsylvania for yielding time to me.

Mr. Chairman, I rise in support of H.R. 3193.

There is perhaps no more odious a crime in our society than one motivated

ed by hatred of the victim as the member of a minority group. The crime goes beyond the victim and becomes one aimed at all members of his class—and as such is felt by them all. The crime not only prompts anxiety throughout the class, but it also arouses counteremotions within the victim class which foster hatred across society at-large.

Crimes against persons based upon their race, religion, ethnic origin or even sexual orientation deny the American dream not only to the victim but to us all. Our Nation was built upon racial, religious, and ethnic diversity to protect that diversity we must prevent the rending influence of hate crime. Protection of racial, religious, and ethnic classes has long been within the scope of Federal responsibility.

Today we are affirming the vision of the founders who gave us the first amendment freedom of religion; the experience of those who, after a long and bloody civil war, gave us the 13th and 14th amendments; and the promise of the Statue of Liberty.

Mr. Chairman, H.R. 3193 requires the Attorney General to collect and publish data on hate crimes. The purpose of this data collection is not only to learn the extent of hate crime, but also to discern developing trends that would enable law enforcement to respond. At present no comprehensive, accurate, and current statistics are kept on the national incidence of crimes which manifest prejudice against the groups included in H.R. 3193. Thus, there is nothing to guide us in tailoring our laws or directing our law enforcement resources at the problem of hate crime.

Our consciousness of hate crime today is basically incidental. It reacts only to highly publicized individual cases. Despite the rather fitful way in which news of hate crimes reaches society, it does appear evident that the total incidence of this crime is rising at an alarming rate. The case of Michael Griffith in Howard Beach, who died because of his race, reinforces the impression left on society by the deaths of Alex Odeh in California and Vincent Chin in Michigan who died because of their ethnic background. But we are not generally aware of the cross burnings and the Swastika paintings—acts that communicate hatred to an entire class more silently but no less emphatically.

Mr. Chairman, I urge my colleagues to support passage of H.R. 3193.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BERMAN], a member of the Judiciary Committee.

Mr. BERMAN. Mr. Chairman, I thank my friend, the chairman of the subcommittee, for yielding me the time.

Mr. Chairman, I rise in strong support of H.R. 3193, the Hate Crime Statistics Act.

Unfortunately in recent years we have seen a spate of crimes motivated by prejudice based on race, religion, sexual orientation, and ethnicity. Hearings chaired by the distinguished chairman of the Criminal Justice Subcommittee as well as journalistic accounts have recorded numerous examples of these incidents.

But our communities around the country need accurate data on which to base an effective law enforcement response to these crimes. The bill before us today requires the Attorney General to acquire data on the incidence of these crimes, and to publish an annual summary of the data. I think this is an appropriate, and in fact, essential function which the Department of Justice should perform.

I reach this conclusion as a result of the troubling experience of the past year in the San Fernando Valley communities I represent.

Synagogues in the valley have been the target of rock-throwing vandals. Some people thought these acts were just juvenile pranks, but the arrest and prosecution of neo-Nazi gangs revealed them to be part of a disturbing trend of serious anti-Semitic, anti-Hispanic, and antiblack incidents which must be stopped.

There is compelling evidence of widespread violence motivated by bigotry against homosexuals and those perceived to be homosexual. In a report sponsored by the the National Institute of Justice, entitled "The Response of the Criminal Justice System to Bias Crime: An Exploratory Review," it was noted that—

The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. *Homosexuals are probably the most frequent victims.* (Emphasis added.)

There are compelling statistics to support inclusion of sexual orientation. The National Gay and Lesbian Task Force reported 4,946 incidents of hate crimes motivated by sexual orientation in 1986 and 2,042 in 1985.

Sexual orientation should not be separated from other forms of hate violence because the perpetrators of racial, religious, and antigay crimes are frequently the same. For example, a neo-Nazi leader convicted in the 1983 arson of a Jewish community center in Indiana was also found guilty of torching a gay Metropolitan Community Church in Missouri. In Mobile, AL, Klansmen who took part in the 1981 lynching of a heterosexual black man had earlier beaten a man because he was gay.

I was delighted last fall when this body passed H.R. 3258, criminalizing certain acts of religiously motivated violence, and I look forward to enactment of that legislation.

In my view, passage of the bill before us today would provide further indication of our intention to support law enforcement efforts to put a stop to hate crimes, whether perpetrated

by groups or by individuals motivated by prejudice based on race, religion, sexual orientation, or ethnicity.

I urge support for this important legislation.

Mr. GEKAS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 8 minutes to the gentleman from New York [Mr. GREEN].

Mr. GREEN. Mr. Chairman, I thank the distinguished chairman of the subcommittee for allotting me time.

I rise today to support H.R. 3193 and to urge my colleagues, in the strongest possible terms, to vote "no" to any amendment which would strike sexual orientation from the bill.

As many of you know, antigay violence is a pervasive problem, and one that has been sadly exacerbated by the AIDS crisis. Irrespective of one's views on gay rights, it is important for Congress to take a stand against any hate violence. The removal of sexual orientation from H.R. 3193 would reinforce the widespread perception that victimization of homosexuals is acceptable.

There are compelling statistics to support inclusion of sexual orientation in this bill. The National Gay and Lesbian Task Force reported 4,946 incidents of hate crimes motivated by sexual orientation in 1986, up from 2,042 in 1985. Gays, lesbians, or those suffering from AIDS should not be the objects of violence. Antigay violence has been acknowledged to be a serious problem by leaders of a wide range of law enforcement, criminal justice, professional, civil rights, and religious organizations.

Sexual orientation should not be separated from other forms of hate violence because the perpetrators of racial, religious, and antigay crimes are frequently the same. For the gentleman from California [Mr. BERMAN] has pointed out, a neo-Nazi leader convicted in the 1983 arson of a Jewish center in Indiana was also found guilty of torching a gay church in Missouri, and in Alabama, a Klansman who had participated in a 1981 lynching of a heterosexual black man had earlier beaten a man because he was gay. Hate crimes share essentially the same character: All are motivated by hatred and ignorance and by the perception that the targeted groups are vulnerable.

As you know, H.R. 3193 does not endorse or provide special rights to any group of citizens. This is not a backdoor gay rights bill nor a repeal of statutes regulating sexual conduct. The bill simply seeks to collect anonymous statistics on acts that are clearly illegal, so that adequate and informed responses can be formulated.

Thus, I urge my colleagues to support H.R. 3193 and to vote no to any amendments which seek to strike sexual orientation from H.R. 3193.

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Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. I thank the gentleman for yielding.

Mr. Chairman, I rise in strong support of H.R. 3193.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield temporarily?

Mrs. KENNELLY. I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. I thank the gentlewoman for yielding.

Mr. Chairman, I would just like to have the RECORD show that it was the gentlewoman's initial legislation in another Congress that got the Subcommittee on Criminal Justice moving on hate crimes statistics and her support has never wavered. We are very delighted that she could be on the floor to receive the applause from this committee.

I thank the gentlewoman for yielding.

Mrs. KENNELLY. I thank the gentleman for his statement.

Mr. Chairman, I rise in strong support of H.R. 3193. I introduced a similar bill in 1985 which passed the House but later died in the Senate. I commend the Judiciary Committee for its wisdom in bringing this important issue up again.

Each year, many acts of violence and intimidation are motivated by race, religion, ethnicity, or sexual orientation. Unfortunately, we just don't know the extent of these acts because no comprehensive statistics are maintained. But as a society that prides itself on its diversity and tolerance, we need to find out.

This bill does just that. It requires the Justice Department to collect data on the incidence of crimes motivated by prejudice based on race, religion, ethnicity, or sexual orientation. Hate crimes are of a particularly dangerous nature, because while they may be aimed at a single victim, their effects can permeate a whole community.

Solid information on when, where, and how often such crimes occur is a first step toward preventing them.

Hate crimes, motivated by political, religious, and social intolerance, need to be distinguished from crimes motivated by other factors. It is important to document that cross burnings are more than "arson" and that swastikas painted on synagogues are more than "vandalism." An understanding of the incidence and nature of bias-motivated crime is essential for effective law enforcement efforts and policy formulation.

My State of Connecticut historically has collected data on hate crimes. The Commission on Human Rights later used the data to enact a law which increased the penalty for a crime by someone wearing a hood or mask in connection with an act of violence.

This bill is supported by a broad coalition of law enforcement, religious,

and public interest organizations. I urge my colleagues to do the same.

The chairman of the subcommittee said that I had introduced this bill in 1985. I did so because there had been synagogue burnings in my district and also a rabbi's home was burned. We did not know if this was a crime of prejudice because we had no statistics.

Last week in a town near New Haven another synagogue burned, a swastika painted on its wall.

It is time this legislation was passed so this Nation can remain strong. We are strong enough to admit and to know what has happened.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. CARDIN].

Mr. CARDIN. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the gentleman for bringing this bill to the House at this time.

Mr. Chairman, we can moralize about how detestable it is for someone to spray paint a swastika on a temple. How despicable for a family to be terrorized by a cross burning on their lawn. What an outrage it is that in 1988 organized terrorist groups such as the Ku Klux Klan are on the rise instead of being a shameful footnote in history.

Maryland was the first State to pass a data collection law on hate crimes back in 1981, and is now the home of the National Institute Against Prejudice and Violence. They report that 1 out of 5 minority persons experiences some form of victimization based on prejudice every year—and that's a conservative estimate. In 1981 there were 193 hate crimes reported to the State police. In 1987, that number rose to 445. And remember, that's just reported crimes. Who knows how many go unreported? I was alarmed to learn that in Maryland—where we keep track of hate crimes—the activity of hate groups has increased on junior and senior high school campuses. These groups are trying to pollute the minds of our young people while they are most impressionable.

It seems to be a characteristic of our modern society that we can't believe we have a problem until we have hard data—numbers to look at and chart from year to year. If it wasn't on the evening news then it didn't happen. But if we collected data on crimes committed against people because someone else resented their race, their religion, their sexual orientation, or their ethnicity—we would be armed with information—information that could be used as an alarm to give our communities the opportunity to start working to head off a problem before it became confrontational.

We can't sit by and watch our social fabric disintegrate. Crimes motivated by hate require the attention and response of all the moral and ethical people in our society.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

(Mr. VENTO asked and was given permission to revise and extend his remarks.)

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as a cosponsor of the Hate Crimes Statistic Act I rise in support of H.R. 3193. This legislation will direct the Department of Justice to collect and publish data through 1992 on crimes that are a result of prejudice based on race, religion, sexual orientation, and ethnicity. Collecting this data will provide previously undocumented information that should assist law enforcement officers and administrators in fighting such crimes. It is especially important to reiterate, that this bill does not expand the rights of any group of citizens. Instead it calls for the collection of statistics—data—in order that they may be protected equally under the law.

Mr. Chairman, I urge my colleagues to oppose the amendment to remove sexual orientation from this legislation. My home State of Minnesota has recently enacted law requiring such hate crimes data collection legislation which includes the category of sexual orientation. This measure passed both the Minnesota chambers by overwhelming margins. Like the measure before us today, it had the support of the State's leading law enforcement agents and all major religious groups. When the Governor signed the Minnesota crime statistics law, he did not sign legislation which extended new rights to any group. He signed legislation which simply requires the collection of data on crimes of bias, hate really that must be understood to be combated.

These laws and proposals such as the Hate Crimes Statistic Act, address the need for documentation of crimes of bias and surely should maintain the category of sexual orientation who are the victims of such crime. Legislation that ignores anti-lesbian/gay violence sends a message that attacks against lesbian and gay people are less reprehensible than crimes based on race, religion and ethnicity. Removing sexual orientation would reinforce the perception that violence against lesbian and gay people is not important or less important. That clearly is not the case in today or tomorrow.

Mr. Chairman, this proposal provides us with the information on which to base actions as necessary—we need to understand the problem and the crimes if we are to achieve solutions—how can we deny by amendment the information when significant fear and misunderstanding prevade our society, to remain blind to such incidents is really inappropriate.

Mr. Chairman, I again urge my colleagues to oppose this amendment and support H.R. 3193 in its present form.

Mr. RODINO. Mr. Chairman, I rise in support of H.R. 3193, the Hate Crime Statistics Act.

Violence and harassment targeted at individuals solely because of their race, religion, sexual orientation, or ethnic origin threaten to tear apart the fabric of our society. This type of conduct demands a strong governmental response, one designed to discourage the perpetrators, provide support to the victims, and educate members of the affected communities. I believe that this legislation represents an important first step. It will lead us to a better understanding of the nature and scope of hate crimes and provide the basis for enactment of additional remedial legislation.

At present, little information about hate motivated crime is being systematically compiled and made available to our Nation's law enforcement community. Police departments seeking to combat these offenses must speculate about the frequency and patterns of such crimes, and about the effectiveness of methods to solve or prevent them. The Hate Crime Statistics Act requires the Attorney General to collect and publish statistics, for a period of 5 years, on crimes which manifest prejudice based on race, religion, sexual orientation, or ethnicity. I believe that the Department, which, through the Federal Bureau of Investigation, already produces the Uniform Crime Report, has the experience and resources needed to produce this data in an efficient and reliable manner.

The experience of States like Connecticut and Maryland, which already monitor hate crimes, demonstrates that data on these offenses can be helpful to law enforcement agencies. The Connecticut Commission on Human Rights used hate crime data to help enact a law which banned the wearing of a hood or mask in connection with an act of violence. The Maryland State Police collects data on incidents from each local and county police department and prepares reports on hate crimes which are submitted to the State Human Relations Commission. The data is also incorporated into the State uniform crime reporting system where it provides the basis for coordinated law enforcement strategies.

In my own State of New Jersey, our attorney general, W. Carey Edwards, recently issued a directive providing for the monitoring and recording of information on hate crimes as part of our States uniform crime reporting system. This action was taken as the result of growing public concern about an increase in the number of such incidents of violence and vandalism we have experienced. The data will be used to evaluate the progress of police and prosecutors in preventing hate crimes and assist with planning for the future.

A hate crime injures more than just the immediate victim; it threatens the free exercise of civil and constitutional rights by each of us. By devoting Federal resources to the collection of information about hate crimes, we will be demonstrating a strong national commitment to their ultimate elimination.

Mr. MATSUI. Mr. Chairman, I would like to thank my distinguished colleagues Mr. CONYERS, Mr. FISH, and Mr. RODINO for their dedication and hard work on this sensitive and truly tragic issue.

This Nation is facing an emerging pattern of violence motivated by racial hatred. A rising number of our constituents are being brutally victimized for no other reason than their race, religious heritage, or sexual preference.

To cite one example: the Los Angeles County Human Relations Commission recently

reported that Asian-Americans were the victims of 14 percent of the hate crimes committed in 1985. That number almost doubled to 24 percent only 1 year later.

In the New York Times, the Los Angeles Times, and the Wall Street Journal, in-depth stories have recently appeared documenting the growth of hate crimes. But despite the abundance of news accounts, only a fraction of the number of hate crimes are actually being documented.

Mr. Chairman, clearly this bill will not stop any crimes based on prejudice. But it will provide the statistical data needed by our law enforcement organizations to combat these types of activities. Hate crimes motivated by political and social intolerance must be distinguished from crimes motivated by other factors.

In looking for an appropriate response to this problem, we can begin by enacting H.R. 3193. As a nation, we must have comprehensive, accurate and up-to-date statistics on the number of hate crimes committed in this country. We must know more about this despicable form of violence if we are to deal effectively with this tragedy. This bill is an excellent first step.

Mr. Chairman, no longer can we turn our heads to the growing number of hate crimes occurring on our streets by calling them "isolated incidents."

I urge you to support this legislation and encourage you to oppose any amendments that may weaken its scope.

Mr. LOWRY of Washington. Mr. Chairman, today the House of Representatives has an opportunity to take an important step in the battle against crimes of hate which are motivated by prejudice based on race, religion, ethnicity, or sexual orientation. This important legislation would direct the Justice Department to collect data on crimes of homicide, assault, robbery, burglary, theft, arson, vandalism, trespassing, and threats that are motivated by prejudice. The availability of this data will be a valuable tool for assessing the nature and extent of the problem.

It is extremely important that the House opposed efforts to delete data collection on hate crimes based on sexual orientation from the bill. A 1987 study by the National Institute of Justice noted that "the most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims."

Unfortunately, one of the sad byproducts of the current AIDS crisis, has been a rampant increase in the crimes directed against homosexuals or those perceived to be gay. In my own city of Seattle, I have been told of a dramatic increase in recent years in the incidence of both verbal and physical attacks against individuals who are perceived to be gay.

It would appear that some individuals with feelings of hostility toward homosexuals have somehow found justification in the AIDS crisis to express those feelings both verbally and physically. The AIDS crisis has arrived at a time when the gay and lesbian communities have become increasingly visible within our society. We can expect this visibility to continue to grow in the years ahead and, unfortunately, with it we can expect to see a continuing growth in verbal and physical attacks against gays and lesbians.

The Dorian Group, a Seattle gay and lesbian civil rights organization, recently participated in a nationwide study of some 2,100 gay and lesbian individuals. That study found that some 1 in 4 gay men and nearly 1 in 10 lesbians had been either punched, hit, kicked, or beaten simply because of their sexual orientation. More than 40 percent of those surveyed had been subjected to threats of physical violence.

The National Gay and Lesbian Task Force, in a soon to be released report, will document some 7,000 incidents ranging from harassment to homicide directed against individuals on the basis of their sexual orientation or the perception of their sexual orientation by assailants. This included 835 physical assaults.

If we are to combat crimes based on hate, it is essential that we have access to data about such crimes and that the data not exclude persons whose sexual orientation has resulted in their being victimized by hate crime. The unamended passage of this bill is a small, but very important step in protecting the right of all of our citizens to live their lives free from crime.

I want to especially commend Chairman JOHN CONYERS for his continued leadership on this issue.

Mr. BRENNAN. Mr. Chairman, according to recent studies, a hate crime movement of increasing proportion is afoot in this country. Reports of the Anti-Defamation League of B'nai B'rith and the Center for Democratic Renewal both have found that hate violence is on the upswing, dramatically in some instances.

While such violence is directed at the individual victim, it also is intended as a statement against the community of which the victim belongs. Black, Jewish, and gay communities are frequent targets. I find the existence of this small-mindedness in our great Nation—the land of the free—to be shameful.

For this reason, I am pleased to see the House today vote on H.R. 3193, the Hate Crime Statistics Act. This bill provides for the collection of information on crimes motivated by prejudice on the basis of race, religion, sexual orientation, and ethnicity.

Despite the maturation of our society, our best efforts to eliminate this type of prejudice and the violence it spawns have been unsuccessful. I believe this is in part due to a lack of information about these crimes. As such, I am encouraged to see attention focused on the collection of this data.

Statistics such as these will help us reduce the incidence of hate crimes by alerting us to the frequency and location of this violence. Only then will we be able to target our law enforcement resources in those areas. These statistics also will allow us to reevaluate penalties to ensure that the sanctions imposed are an effective deterrent to the commission of these crimes.

The widespread support for this legislation makes clear one simple truth: Our civilization is far too advanced to tolerate continued violence based on hate and prejudice. Not only have numerous professional, religious, and political organizations endorsed H.R. 3193, but Atty. Gen. James E. Tierney of my home State of Maine and the attorneys general of 29 other States have expressed similar support. Below is their letter of endorsement:

DEPARTMENT OF THE ATTORNEY GENERAL,

Augusta, ME, May 17, 1988.

Congressman JOHN CONYERS, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CONYERS: As the chief legal officers of thirty States, we are writing to support H.R. 3193, "An Act to Provide for the Acquisition and Publication of Data about Crimes that Manifest Prejudice Based on Race, Religion, Sexual Orientation, or Ethnicity." This straightforward legislation would assist us in our efforts to stop violence against innocent victims in our society.

The need to compile statistical evidence about "hate violence" is undisputed. Every national indicator holds that violence against individuals based on their race, religion, sexual orientation and ethnicity is increasing. Statistical evidence is needed to mobilize our forces to attack the problem.

We believe the bill now before Congress does not preempt our traditional roles as chief legal officers. To the contrary, evidence obtained as a result of this bill's passage would help us fulfill our responsibilities. We urge full support for H.R. 3193.

Sincerely,

James E. Tierney, Attorney General of Maine; Hon. Robert M. Spire, Attorney General of Nebraska; Hon. Thomas J. Miller, Attorney General of Iowa; Hon. Jeffrey Amestoy, Attorney General of Vermont; Hon. Jim Mattox, Attorney General of Texas; Hon. Hubert H. Humphrey III, Attorney General of Minnesota; Hon. Frederick J. Cowan, Attorney General of Kentucky; Hon. John Steven Clark, Attorney General of Arkansas; Hon. Warren Price III, Attorney General of Hawaii; Hon. Charles M. Oberly, Attorney General of Delaware; Hon. Robert Abrams, Attorney General of New York; Hon. John Van de Kamp, Attorney General of California.

Hon. Joseph Lieberman, Attorney General of Connecticut; Hon. J. Joseph Curran, Jr., Attorney General of Maryland; Hon. Mike Greely, Attorney General of Montana; Hon. Stephen E. Merrill, Attorney General of New Hampshire; Hon. Don Hanaway, Attorney General of Wisconsin; Hon. James M. Shannon, Attorney General of Massachusetts; Hon. Robert Henry, Attorney General of Oklahoma; Hon. Robert Butterworth, Attorney General of Florida; Hon. Kenneth O. Eikenberry, Attorney General of Washington; Hon. Robert K. Corbin, Attorney General of Arizona.

Hon. Roger A. Tellinghuisen, Attorney General of South Dakota; Hon. W.J. Michael Cody, Attorney General of Tennessee; Hon. Frank J. Kelley, Attorney General of Michigan; Hon. Charlie Brown, Attorney General of West Virginia; Hon. Linley E. Pearson, Attorney General of Indiana; Hon. Neil P. Hartigan, Attorney General of Illinois; Hon. Anthony J. Celebrezze, Jr., Attorney General of Ohio; Hon. James E. O'Neill, Attorney General of Rhode Island.

Mr. BONKER. Mr. Chairman, I rise to express my support for H.R. 3193, the Hate Crimes Statistics Act. It is a tragic commentary on our society that such legislation is necessary. But I strongly believe that we need more information about this type of crime, and that is why I am a cosponsor of this bill.

The legislation confronts the sad fact many people in this country are targeted for hatred and violence merely because of the color of their skin, ethnic background, sexual prefer-

ence, or religious beliefs. People in the Pacific Northwest were shocked into this realization by the terrorist activities of a group of neo-Nazis several years ago, and by several incidents since then.

Currently the Federal Bureau of Investigation publishes annual statistics on violent and property crime in this country. However, we do not have comprehensive data on the type and number of crimes motivated by hate or bigotry. This legislation would require the Justice Department to collect statistics on the incidence of certain crimes that manifest prejudice based on ethnicity, race, religion, and sexual preference.

Data gathered under this measure could be used only for research and statistical purposes. We also insure that the reports would not contain information that might reveal the identity of victims.

The gentleman from Pennsylvania is asking that we eliminate the requirement that data be collected on crimes that demonstrate prejudice based on sexual orientation. I urge the Members of the House to vote against the Gekas amendment. We cannot tolerate violence against any segment of society. To approve this amendment would send a signal that violence against homosexuals is somehow of less significance than that which is perpetuated against other people.

It is just as callous to argue that harassment and acts of violence against gays and lesbians are not a sufficient magnitude to warrant study. Granted, we do not have a good sense of the number of men and women who are mugged or beaten every year in this country because of their sexual preference. That is exactly why sexual orientation must be included in this bill.

It would be naive to say that gays and lesbians are not routinely subjected to verbal and physical assaults. One 1984 study involving eight major U.S. cities found that more than 95 percent of the gay men and more than 90 percent of the lesbians responding said they had been beaten, harassed, or threatened because of their sexual preference. A pluralistic society cannot tolerate this type of intimidation. Passage of the Hate Crimes Statistics Act is an important first step toward understanding hate crimes in America. We can then more effectively act to prevent them.

This bill will not put an end to prejudice. It would not have prevented the recent death of a young black man at Howard Beach. It will not insure that a synagogue will never again be defaced by swastikas. However, passage of this legislation will allow us to monitor the incidence of hate crimes, to illuminate patterns, and better equip policymakers and law enforcement officials to respond to bigotry in our society. Mr. Chairman, I urge passage of the Hate Crimes Statistics Act with no weakening amendments.

Mr. DYMALLY. Mr. Chairman, I rise in support of H.R. 3193, a bill introduced by Mr. CONYERS, of which I am a cosponsor, and in opposition to the amendment offered by the gentleman from Pennsylvania.

H.R. 3193 requires the Justice Department to compile and publish annual data on crimes of bias or hate, including homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threats, and such other crimes as the Attorney General considers appropriate.

The bill was introduced in response to a growing wave of bias-motivated crimes against certain groups of Americans. Members of these groups, including blacks, Jews, and homosexuals, increasingly have become the victims of hate groups such as the Ku Klux Klan and neo-Nazi organizations.

This is in a climate of retrogression and under an administration with an abysmal record on civil rights. Their record is so bad that Justice Thurgood Marshall recently felt compelled to break the traditional silence and speak on this issue.

Mr. Chairman, Mr. GEKAS has offered an amendment which would delete "sexual orientation" from the crimes covered in this bill. I wonder what he is saying to us by doing this. Is he saying that bias-motivated crimes must be condemned when the victims are black or Jewish, but condoned when the victim is gay or lesbian? Or is he saying that the category of crimes does not occur?

I urge him to read reports of the National Gay and Lesbian Task Force which show 100-percent increase in crimes against lesbians and gays from 1985 to 1986.

Also, I would like to call Mr. GEKAS' attention to an important fact. This bill does not endorse or provide special rights to any group of citizens. It merely aims to collect anonymous statistics on hate crimes.

Mr. Chairman, the very nature of these crimes calls for the gathering of reliable statistics. By so doing, the authorities will be able to know the geographical extent and numerical frequency of hate crimes.

Official data are needed to develop an appropriate official response. This is an important bill which deserves our consideration and deserves speedy passage.

Therefore, I urge my colleagues to oppose the amendment offered by Mr. GEKAS.

Mr. DEFAZIO. Mr. Chairman, violent acts and harassment against racial and ethnic minorities, members of certain religious organizations, and those within the gay and lesbian community have increased dramatically. Yet, the Federal Government refuses to recognize the severity of these attacks by maintaining national statistics.

Law enforcement agencies need to know the geographical extent and frequency of hate crimes in order to promote an appropriate response.

In a report sponsored by the National Institute of Justice it was noted that "the most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims." In 1986 there were 4,946 incidents of hate crimes motivated by sexual orientation.

It is time for Congress to take a stand against any hate violence. We must also send a message that antigay violence is no less reprehensible than crimes against racial, ethnic, or religious groups.

All Americans should be free from violence, especially violence motivated because of bias. I urge my colleagues to vote for this bill without any weakening amendments.

Mr. MOODY. Mr. Chairman, today the Congress is considering H.R. 3193, the Hate Crimes Statistics Act. I am a cosponsor of this important bill which would require the Department of Justice to collect and publish annually statistics on crimes motivated by the victim's race, religion, ethnicity, or sexual orientation.

It's unfortunate that these "hate crimes" are still a part of the lives of so many Americans. For a country founded on the principle of equality and formed by immigrants who fled persecution in their homelands, we have too many crimes motivated by prejudice. Just one of these crimes is simply too many.

Despite advances in civil rights, we still witness attacks on blacks and other minorities such as the case in Howard Beach, NY. The growing Klan and neo-Nazi groups spew racial and religious hatred and organize for the sole purpose of violating their victims' civil rights. According to the bill's sponsor, Representative JOHN CONYERS, of Michigan, the Anti-Defamation League of B'nai B'rith has found that rightwing extremists committed more hate crimes during the past 3 years than in the previous 20 years combined.

Unfortunately, no one bill can stop these crimes. However, the Hate Crimes Statistics Act will document the prevalence of these crimes and enable us to analyze where and why these crimes are being committed. This anonymous database will be an invaluable tool in understanding these crimes and, I believe, in finding a way to take decisive action to stop them.

We live in a nation which holds self-evident the simple truth that all people are created equal. Unfortunately, some dangerous people do not abide by this truth and they are using violence and criminal means to understand it. It is time that we document where these hate crimes are occurring, who is the target, who is committing them, and why they are happening. We will then be better able to stop them.

I urge my colleagues to join me in supporting this important bill.

Mr. BIAGGI. Mr. Chairman, I wish to express my absolute support of the bill H.R. 3193, the Hate Crime Statistics Act of 1988. I consider it essential that we begin to address the disturbing increase in so-called hate crimes by having the Department of Justice to collect and publish relevant statistics which detail against which groups and where these acts are being committed.

My association with this issue dates back to 1981, when I introduced the first piece of legislation designed to combat hate crimes. At that time I offered a two part approach to the problem. First, a process for a national study of the incidence of hate crimes, as is proposed in H.R. 3193, was outlined. Next, penalties for those persons convicted of these heinous crimes were established. Although H.R. 3193 completes the important first step, we must go further to require swift and certain penalties, to punish those who commit these crimes.

Hate crimes, as I have mentioned, have been occurring with alarming frequency against racial and ethnic groups and religious persons and property. One organization that has compiled statistics for hate crimes involving antisemitism is the antidefamation League of B'nai B'rith. Their report for 1987, which I referred to in the January 27 CONGRESSIONAL RECORD, indicated that there were 1,018 incidents of antisemitism in this country. This number reflects a rate of more than two incidents a day for the entire year. These incidents include threats, assaults and harassment against Jewish property and institutions. Acts of vandalism occurred at a ratio of 2 to 1 to other types of hate crimes. New York State

led the Nation with 207 incidents of antisemitic violence.

This is only one example of the violence directed at racial and ethnic groups and religious personnel in communities throughout the Nation. We must address this issue as a Federal crime issue. We cannot and should not expect State and local governments to shoulder the burden of fighting hate crimes. The resources of the Department of Justice must be employed to compile statistics to target where and how often these crimes occur. Once this information is gathered, further resources should be provided to aid in the fight against hate crimes.

I wish to commend the author of this legislation, my good friend JOHN CONYERS for his extraordinary leadership on this issue. I also commend my colleague Mr. GLUCKMAN who has been stalwart in this fight. I am especially pleased with the active support this legislation has received from the law enforcement community at all levels. At this point in the RECORD, I wish to insert a letter of support of this bill prepared by my friend, the distinguished police commissioner for the city of New York, Mr. Benjamin Ward.

THE POLICE COMMISSIONER,
City of New York, March 17, 1988.

Hon. PETER RODINO,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE RODINO: As Police Commissioner of New York City, and as a board member of the National Institute Against Prejudice and Violence, I am writing to urge your support of H.R. 3193/S. 2000, the Hate Crimes Statistics Act. This bill would require the Justice Department to compile and publish annual data on crimes motivated by prejudice against a person because of race, ethnicity, sexual orientation, or religion. Bias crimes pose a serious problem in New York City and throughout the country. If we are to understand the nature of these crimes, and if we are to deal effectively with them, we need a national census of reported hate crimes.

As Police Commissioner of such a large and diverse city as New York, I am committed to protecting the rights of all persons to be free from bias crime. Bias crime is of a particularly grotesque nature, because while it may be aimed at an individual victim, the effects can permeate a whole community. Such crimes, whether harassment, terrorism, or assault, tear the links between New York's diverse communities, and may lead to a city-wide atmosphere of tension and fear. Yet our ability to deal with this heinous variety of criminal activity is seriously impaired by the lack of official, comprehensive, uniform, timely (and confidential) data. An understanding of the incidence and nature of bias-motivated crime is essential for effective law enforcement efforts and policy formulation.

The compilation of hate crime statistics is both necessary and feasible. I urge you to support H.R. 3193/S. 2000.

Sincerely,

BENJAMIN WARD,
Police Commissioner.

Mr. MINETA. Mr. Chairman, I rise in strong support of this vital piece of legislation.

Few incidents are as appalling, or as antithetical to the rights and freedoms on which our Nation rests, as are acts of violence and harassment fueled by hatred.

I am concerned over what appears to be a growing trend of hate crimes. With frightening regularity, I hear of terrifying anecdotes of,

people who are assaulted or harassed simply because of their race, religion, sexual preference, or ethnic group.

The May 9 issue of the Los Angeles Times included a story headlined, "A New Bigotry Ripples Across U.S. Campuses." This troubling article detailed ugly racial incidents at even so-called progressive campuses.

In March, a Chinese-American man in Portland was beaten by three youths as they shouted racial epithets at him.

Jersey City, NJ, is suffering from a rash of violent incidents and vandalism against Americans of Indian ancestry. One person has been killed. These attacks may be related to a group called the "Dotbusters." Their name is apparently in reference to the red dot worn on the forehead by Hindu men and women.

Right now, in Bucks County, PA, a murder trial is underway. According to police, two men slit the throat of man they had met because they decided that he was homosexual.

I can list many, many more incidents. For Americans of Asian ancestry, these attacks are especially frightening. In addition to the terror and intimidation such assaults create, they also personify the barriers to full acceptance into American society still facing Americans of Asian ancestry. I have heard of Cambodian-Americans being assaulted in Massachusetts; of Vietnamese-Americans being harassed in the gulf coast States. This problem truly stretches from sea to sea.

We don't know if these incidents are indeed proof of a burgeoning trend of hate crimes, because the Justice Department does not currently collect data on these crimes.

The first step in stopping these vicious attacks is to know the scope of the problem. That is why the Hate Crimes Statistics Act is necessary.

In addition, the general public and, especially, the law enforcement community, must be more aware of such attacks and their heinous nature.

Passage of this legislation will also make a statement that this body does not condone these despicable acts and will not tolerate an environment where such crimes are ignored or shrugged off.

Mr. Chairman, let us help our law enforcement agencies to better tackle the terror of hate crimes by giving them some basic tools. Let us go on record stating, unequivocally, that this body will not tolerate or condone crimes fueled by racism and bigotry. We must say clearly that hate violence will not be tolerated.

I urge you to support H.R. 3193.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan [Mr. CONYERS] is recognized for 4 minutes.

Mr. CONYERS. I thank the Chair.

Mr. Chairman, I would close by bringing to the membership's attention the letter that I just received yesterday from the chief legal officers, that is the attorneys general of 30 States who write in strong support for H.R. 3193. They say that this straightforward legislation will assist them in efforts to stop hate violence against innocent victims in our society and that every national indicator from their point of view holds that violence against individuals based on race, religion,

sexual orientation, and ethnicity is increasing.

This bill will help them fulfill their responsibilities.

At the appropriate time I will offer this letter in the RECORD:

DEPARTMENT OF ATTORNEY GENERAL,
Augusta, ME, May 17, 1988.

Congressman JOHN CONYERS, Jr.,
Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN CONYERS: As the chief legal officers of thirty States, we are writing to support H.R. 3193, "An Act to Provide for the Acquisition and Publication of Data about Crimes that Manifest Prejudice Based on Race, Religion, Sexual Orientation, or Ethnicity." This straightforward legislation would assist us in our efforts to stop violence against innocent victims in our society.

The need to compile statistical evidence about "hate violence" is undisputed. Every national indicator holds that violence against individuals based on their race, religion, sexual orientation and ethnicity is increasing. Statistical evidence is needed to mobilize our forces to attack the problem.

We believe the bill now before Congress does not preempt our traditional roles as chief legal officers. To the contrary, evidence obtained as a result of this bill's passage would help us fulfill our responsibilities. We urge full support for H.R. 3193.

Sincerely,

James E. Tierney, Attorney General of Maine; Hon. Robert M. Spire, Attorney General of Nebraska; Hon. Thomas J. Miller, Attorney General of Iowa; Hon. Jeffrey Amestoy, Attorney General of Vermont; Hon. Jim Mattox, Attorney General of Texas; Hon. Hubert H. Humphrey III, Attorney General of Minnesota; Hon. Frederic J. Cowan, Attorney General of Kentucky; Hon. John Steven Clark, Attorney General of Arkansas; Hon. Warren Price III, Attorney General of Hawaii; Hon. Charles M. Oberly, Attorney General of Delaware; Hon. Robert Abrams, Attorney General of New York; Hon. John Van de Kamp, Attorney General of California.

Hon. Joseph Lieberman, Attorney General of Connecticut; Hon. J. Joseph Curran, Jr., Attorney General of Maryland; Hon. Mike Greely, Attorney General of Montana; Hon. Stephen E. Merrill, Attorney General of New Hampshire; Hon. Don Hanaway, Attorney General of Wisconsin; Hon. James M. Shannon, Attorney General of Massachusetts; Hon. Robert Henry, Attorney General of Oklahoma; Hon. Robert Butterworth, Attorney General of Florida; Hon. Kenneth O. Eikenberry, Attorney General of Washington; Hon. Robert K. Corbin, Attorney General of Arizona.

Hon. Roger A. Tellinghuisen, Attorney General of South Dakota; Hon. W.J. Michael Cody, Attorney General of Tennessee; Hon. Frank J. Kelley, Attorney General of Michigan; Hon. Charlie Brown, Attorney General of West Virginia; Hon. Linley E. Pearson, Attorney General of Indiana; Hon. Nell P. Hartigan, Attorney General of Illinois; Hon. Anthony J. Celebrezze, Jr., Attorney General of Ohio; Hon. James E. O'Neil, Attorney General of Rhode Island.

Only this morning in today's Post we learned that the life of one of the presidential candidates, Rev. Jesse Jackson, was threatened by persons

connected with an extremist group known as The Order.

He was targeted apparently reportedly because he, as a black man, was getting too close to becoming the President.

The Secret Service made arrests in that case.

These threats, unfortunately, will continue. But we need to be able to document for the first time in an accurate and organized way this very disturbing character of crimes.

This bill does not create an additional criminal law. All it does is mandate the Department of Justice to add in their compilation of statistics a hate crime statistics category which would cover racial victims, religious victims, ethnicity victims and sexual orientation victims.

Mr. Chairman, I deeply appreciate the widespread testimony and support from Members of this body and urge the very speedy passage of this measure, first introduced in the 99th Congress, without amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will read.

The Clerk read as follows:

SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) IN GENERAL.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1988 through calendar year 1992, data on the incidence of criminal acts that manifest prejudice based on race, religion, sexual orientation, or ethnicity. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

(b) LIMITATION ON USE AND CONTENT OF DATA.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(c) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this Act.

The CHAIRMAN. Are there amendments to section 2?

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS:

On page 2, line 11, delete ", sexual orientation."

Mr. GEKAS. Mr. Chairman, the amendment is, in legislative terms, a very simple one. It simply strikes sexual orientation from the covered classes of the original legislation, one which I repeat was added at the in-

stance of groups who requested it be added in the 100th Congress after a similar bill had been passed in the 99th Congress.

I want to speak to that point for just a moment. The chairman of the subcommittee very pointedly explained why such orientation was added to this present bill where it did not appear in the first bill that we passed in the 99th Congress. He took pains to explain that it was requested, it was the subject of a request made presumably by the gay rights and lesbian rights groups to have it included.

If the gentleman from Michigan would acknowledge it, I would submit to you that groups of the elderly, our elderly citizens, groups who are interested in the victimization of children under the vicious child abuse cases that come to our attention daily in the newspaper, daily on the screen, in law enforcement groups like the police, who are banded together to ask for continued protection of their rights would request the same, I am sure, that the gentleman would feel the same kind of compassion for these groups as he did for the gay rights or lesbian rights groups that implored the inclusion of their particular interest in this bill.

□ 1320

I, who am, 58 years old, would join in that request, because if I have not already reached the senior citizen status, I soon will have, and I would request the subcommittee chairman to have a hearing specifically on the inclusion in this bill of statistics as to crimes against the elderly which are often based on passion and hate.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I will yield, if the gentleman will grant a unanimous consent request to extend my time later.

Mr. CONYERS. Mr. Chairman, let me just say that I strongly object to the gentleman classifying himself as a octogenarian or as a member of one of the elderly groups. I know of his vigor, his energy, and his activity, so I think that would be erroneous, even coming from the distinguished ranking member of the subcommittee.

Mr. GEKAS. Mr. Chairman, the standard of energy I have is exceeded only by that of my mother, who is an octogenarian.

So if the only criterion is to have the gay rights organization have its request acceded to by inclusion in that, I say to the Members that the gentleman should join with me now in a motion to recommit, to put this bill back into committee and allow the inclusion in this bill of statistics to be gathered on the incidence of child abuse, of attacks on the elderly, attacks on policemen, and attacks on other groups which might for one reason or the other be the victims of such types of crimes.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Mr. Chairman, will the gentleman join in a unanimous-consent request later to have my time extended?

Mr. FRANK. I will refrain from objecting.

Mr. GEKAS. That is the most conditioned response the gentleman has ever made to parliamentary procedure. I thank the gentleman for that.

Mr. FRANK. Mr. Chairman, I thank the gentleman from yielding. It is funny that he should mention parliamentary procedure, because I was going to point out that there is no need to recommit this bill to do what the gentleman from Pennsylvania suggest. He could simply offer amendments. It is an open rule. The bill is open to any germane amendment. If the gentleman wishes to do that, he could offer an amendment. There is no reason to recommit the bill.

Mr. GEKAS. Will the gentleman join me in that?

Mr. FRANK. In some of them, I will, although I wish the gentleman would give me advance notice, if the gentleman wants to add a couple of groups.

Mr. GEKAS. I am giving the gentleman more notice now, I say to the gentleman from Massachusetts, than we have had in many different instances.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I would say that we are aptly prepared to cooperate with a simple amendment such as that.

Mr. FRANK. Mr. Chairman, if the gentleman is prepared to withdraw this one and offer a couple of add-ons, I would be glad to join with him.

Mr. GEKAS. The amendment now has to be debated on its own. When the time comes, I am willing to join in adding on others.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Massachusetts.

Mr. FRANK. If the gentleman is defeated now, then he would want to do that, and he would be willing to do that, but if the gentleman would withdraw this one, it does not have to be voted on. This could be withdrawn by unanimous consent. We have already been in the unanimous-consent spirit. We would give the gentleman unanimous consent to withdraw it, and then we could offer some add-ons instead.

Mr. GEKAS. At this moment, I am the manager of the ballgame, and the gentleman can offer his extra inning later. At this moment, though, the point is my amendment, and the point is that child abuse, attacks on the elderly, and attacks on policemen are kinds of victimization that run rampant in our society and deserve as much recognition as sexual orientation, and none of them, including sexual orientation, deserve the status of attacks made on the basis of religion, ethnicity, or race, which was the original concept of this legislation and which is the thrust of this bill with the add-on of sexual orientation.

The CHAIRMAN. The time of the gentleman from Pennsylvania (Mr. GEKAS) has expired.

(By unanimous consent, Mr. GEKAS was allowed to proceed for 5 additional minutes.)

Mr. GEKAS. Mr. Chairman, on the other thing, we have to repeat, because I can never make it clear enough, I know from experience now, what this bill is not, what this bill or what my amendment is not. It is not a signal to law enforcement not to do anything about gay bashing. On the contrary, I repeat, as I did in my opening remarks in general debate, that I, as every right-thinking citizen in the United States, grope for and hope for and aspire to that day when the victim of any crime is accorded the fullest protection of law enforcement in his favor from the arrest of and the prosecution of and the sentencing and incarceration of the perpetrator of any crime against any of our citizens. And the victim who happens to be gay is not going to receive any less attention under my theory and my comprehension of the law than any other person.

That has to be made abundantly clear, and I will resent in advance any kind of connotation that is made or any that has already been made that this Member is proceeding because he wants to relegate gays to a less protected segment of our society. That is not the case.

This is a narrow, nonlaw enforcement bill having to do with the gathering of statistics, and what we are about is to elevate the status of a gay rights group that has requested it, so that it may be placed in this category, along with religion and race and ethnicity. So why not accord the elderly and the child abuse victims and others the same privilege?

Mr. Chairman, I ask for unanimous approval of my amendment.

PERFECTING AMENDMENT OFFERED BY MR. MILLER OF WASHINGTON

Mr. MILLER of Washington. Mr. Chairman, I offer a perfecting amendment to H.R. 3193.

The Clerk read as follows:

Perfecting amendment offered by Mr. MILLER of Washington: On page 2, line 11, strike "sexual orientation" and insert in lieu thereof "homosexuality or heterosexuality".

On page 2, after line 15, insert the following new subsection: Nothing in this Act creates a right for an individual to bring action complaining of discrimination based on homosexuality.

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry, and this will not delay it unduly.

I would ask this parliamentarily: As I understand it, a perfecting amendment such as the one being offered now would, if adopted, end the portion of this proceeding that is encompassed by my amendment; is that correct?

The CHAIRMAN. The gentleman is correct. If the perfecting amendment

is adopted, there will not be a vote on the motion to strike.

Mr. GEKAS. Mr. Chairman, I understand that. That is what gives me pause, and that is why I say to the gentleman that I have to reserve now the decision as to whether or not I can support, even though it is well intentioned, that particular so-called perfecting amendment.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GEKAS] may be recognized at a later time. The gentleman from Washington [Mr. MILLER] is now recognized for 5 minutes in support of his perfecting amendment.

Mr. MILLER of Washington. Mr. Chairman, I offer this amendment because I think the gentleman from Pennsylvania and others have expressed a concern about the elevation or the creation of rights for gay groups that do not exist for other groups.

My amendment would make clear that whether we agree or disagree, whether we support or do not support such antidiscrimination rights, no such rights are created in this hate crime statistics bill.

I believe with this perfecting amendment, Mr. Chairman, that we have a chance to put this issue to rest and pass what is basically a good bill, legislation that will require the Justice Department to collect data on the incidence of a variety of crimes. We need this information. It will help local jurisdictions solve these crimes and hopefully prevent their recurrence. What is true for all criminal acts is also true for hate crimes; the more light we shed, the harder we make it for criminals to hide in the darkness. That is just good police work. I think that is why the letter was cited by the gentleman from Michigan stating that this legislation has the support of over half the attorneys general of the United States, including the attorney general of my own State of Washington.

In the Puget Sound area we have had a number of experiences with these groups. One of them is the Aryan Nations, which was involved in some violent acts and was the subject of a long criminal trial. When groups such as this commit hate crimes against individual Americans, they strike out against America and they tear at the cultural fabric that binds us together, at the constitutional shield that protects us all.

□ 1330

Unfortunately, far from being isolated, rare occurrences, according to the Anti-Defamation League of B'nai B'rith there have been more hate crimes committed during the last 3 years than there were in the past 20 years. I am sorry to say that. Credible, but scattered, reports put the number at 3,000 such incidents between 1980 and 1986.

Mr. Chairman, this is a dangerous trend. It is dangerous to gay people who have suffered more particularly because of the AIDS threat. It is dangerous to Jews, Hispanics, Arabs, Asians and African Americans who are often the target of hateful acts, and it is dangerous to the American community.

We can reverse this trend. The first step is to lift the rock, to shine the light in the corner, to gather as much information as we can about this threat to our Nation.

Mr. Chairman, I urge the passage of this perfecting amendment to make clear that we are not conveying special rights or privileges on any one group, but that we do want to collect hate crime statistics, and we want to get on with the job.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I might compliment the gentleman from Washington [Mr. MILLER] on his perfecting amendment, and I hope that it will gain the attention of the gentleman from Pennsylvania. I just want to add a couple of points.

First of all, the attorney general from Washington was one of the signatories of the letter. He, too, is a Republican and is typical of the bipartisan support that the law enforcement officers are giving to this proposition, and I think that the gentleman advances our description in 3193 immeasurably by removing sexual orientation and replacing it with homosexuality or heterosexuality and also a provision that carefully explains that H.R. 3193 does not create an additional cause of action.

Mr. Chairman, I urge the ranking minority member of the Subcommittee on Criminal Justice to consider this, withdraw his objection, and I think we will have accomplished a diplomatic victory for parties on all sides.

Mr. Chairman, I yield to the gentleman from Washington [Mr. MILLER] if he has a comment.

Mr. MILLER of Washington. Mr. Chairman, I thank the gentleman from Michigan [Mr. CONYERS] and we are discussing the subject he raised over here. Maybe we can resolve this.

Mr. CONYERS. Mr. Chairman, I might say further that putting in this phrase I think will increase our understanding of the scope and nature of hate crimes. I really think that we are going to find out that there are perpetrators of these antigay crimes that also commit racial and religious crimes, and so this category is going to be very helpful, and the gentleman's approach to it is a distinct improvement. Again I congratulate him and urge that we accept the perfecting amendment of the gentleman from Washington [Mr. MILLER].

PARLIAMENTARY INQUIRY

Mr. GEKAS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GEKAS. Am I given to understand that an amendment to the perfecting amendment, which would add another class of protected individuals or segments of society, would not be germane? We have a preliminary indication that that is the way the Parliamentarian felt.

The CHAIRMAN. The Chair would have to see the amendment, if proposed. At this point there is before the Committee of the Whole only the perfecting amendment relating to sexual orientation.

Mr. GEKAS. Until we prepare such an amendment, Mr. Chairman, then I move to strike the requisite number of words.

Mr. GEKAS. Mr. Chairman, as the amendment now stands, it is simply an artful substitute that is to add the word "homosexuality" instead of "sexual orientation." It is six of one and a half a dozen of the other. That in itself does not compel me, or convince me or deconvince me that my amendment is in order. What it does is very artfully say my amendment prevails and then loses all in the same breath.

Substituting homosexuality does not cure the situation. It still raises the homosexual to a level with religion and with race and with ethnicity while it does not do the same for being elderly or being a victim of child abuse or being a police officer as the victim of crimes, et cetera.

What I am contemplating right now as I am speaking, whereof I am speaking, even as I speak, is to add an amendment later, if this one should pass which I oppose, to add victims of child abuse, police officers, the elderly, et cetera.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I would just like to observe that in the committee hearings that preceded the presentation of this bill to the House there was an adequate amount or an abundant amount of testimony that there exists in the land prejudice and hate-motivated crimes which were motivated by prejudice toward individuals for being what they innately are.

Now the gentleman from Pennsylvania [Mr. GEKAS] is suggesting that we ought to include in this provision an amendment which would include people who are old, people who fall into other categories, and my question for each of the categories which the gentleman is raising a category about is: If there was testimony before the committee that indicated that there were crimes being carried out against people simply because they were old people, that is because they fall into a particular category. I do not remember any testimony like that.

Mr. GEKAS. Mr. Chairman, if I can recapture my time, perhaps the gentleman from Texas [Mr. BRYANT] was not present when the gentleman from Michigan [Mr. CONYERS] outlined that part of the reason that we have this in the bill today is because the gay rights organizations and others testified or requested that it be included. I submit to the gentleman from Texas that, he back in his jurisdiction and I in mine can, if we ask, find that there is a ready willingness on the part of the elderly groupings to come before our group to testify as to crimes against the elderly, to hate crimes against the octogenarians and people who are interested in the vicious crime of child abuse, to have them testify, et cetera. And that is when I said to the gentleman from Michigan, as I say to the gentleman from Texas now, if he believes that the only reason that they are not included is because they did not request it, we did not give them the opportunity to do so, and we ought to be recommitting this bill, if that would be parliamentarily possible, or apparently I am parliamentarily wrong every step of the way here, and the gentleman from Texas can join with me in bringing to our attention, and for hearings and for testimony the groups of elderly, victims of child abuse, police officers who suffer the indignities of those who would call them pigs and attack them out of pure hate for the uniform. And then the gentleman from Texas would realize that not having requested it does not mean that they would not. We never gave them the opportunity to do so.

Mr. BRYANT. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. Mr. Chairman, I yield to the gentleman from Texas.

Mr. BRYANT. Mr. Chairman, I certainly want to make the point that it would be quite, I think, acceptable to do a study on the extent to which there are criminal acts that are carried out against old people, and I would be quite happy to go along with an amendment that did only that, but the point is this:

We are dealing here with a category of crimes which are carried out against people because they are who they are, not because they happen to be just anyone who is in a particular profession or a person who is advanced in age. These are crimes carried out against people because of their religion, because of their race, and because of who they are, and that is quite a different category than the universally inclusive category which the gentleman from Pennsylvania [Mr. GEKAS] proposes to offer.

Mr. GEKAS. Mr. Chairman, reclaiming my time, a police officer is attacked because of the nature of his uniform and because of what they are, police officers. They do not even inquire as to the race, religion, or background, or even the sexual orientation of the policemen. They attack the officer out of hate and ridicule, and so

that argument is one which simply prompts me and underscores my argument that sexual orientation is a new phenomenon for the purposes of this bill that came forward because a group requested it.

Mr. Chairman, what I am saying is that we should take all these other groups, including sexual orientation, and treat them separately if the original intent of this was to get at the swastika symbols or synagogues and the white cross burnings in front of a church, et cetera.

Mr. SWINDALL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, at the outset let me state that I opposed this bill at both the subcommittee and full committee level because of my concern about differentiating between two potential purposes of this legislation. One purpose is the ostensible purpose, which is to state that this Congress wants to go on record opposing any crime that is directed at a targeted group of individuals simply because of who they are.

□ 1340

I would say that the gentleman from Texas and I have a disagreement when he states that because they are innately who they are, I think that gets into an argument that we need not argue here.

My point is that that needs to be separated from another area of legislation that has now been put into the hopper, and I think we will debate on other dates with respect to exactly what type of legal status individuals who are homosexuals ought to be recognized in the context of our laws. Specifically, I am talking about elevating homosexuals to a level that they may not be discriminated against by private employers. That would be title VII type legislation.

I opposed the bill in the full committee because: First, I thought the term "sexual orientation" is on its face an ambiguity. It could very easily, I believe, be construed to include negrophilia. It could be construed to include child molestation. It could be inclusive of many things far beyond the scope of what I believe the evidence in the committee and full committee focused on.

For that reason, I for one support the change of the wording "sexual orientation" to the more specific language of homosexuality or heterosexuality.

I further support the language that states that in no way is this to be construed so as to give rights that do not currently exist; specifically, the right to complain of discrimination based on homosexuality. I believe that is an argument that could be reserved for another date.

I would, however, like to engage the gentleman from Massachusetts, the chairman of the Administrative Law Subcommittee, with whom I have had

the pleasure of serving, just to state on the record some of my concerns to make certain that this bill does not in any way encroach on a debate that I think is more appropriate when we get into the issue of expansion, perhaps, of rights.

Specifically, let me ask the gentleman from Massachusetts, is it the intent of this legislation in any way to create any new causes of action with respect to homosexual activities or homosexuals, if you will; and further, does it in any way suggest that this Congress is promoting or condoning homosexuality?

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SWINDALL. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman from Georgia, Mr. Chairman, as an excellent attorney whose advice we benefit from often on the Judiciary Committee. He has correctly divided these issues.

I think he correctly points out that there is a way for the Congress to deal with them separately.

I think the amendment of the gentleman from Washington, which really grows out of conversations with the gentleman from Georgia participated in, allows us to do the proper division.

To answer the gentleman's question, even without the amendment of the gentleman from Washington, but certainly with it, inarguably—I had to use a lawyer's word once in the debate—inarguably, with the amendment of the gentleman from Washington, this cannot be the basis for any civil rights discrimination suit.

I would point out that meets the suggestion that this bill somehow puts homosexuality on the same basis as religion, ethnicity, et cetera. As a factual matter, it never did, and it does not, because under our law you may bring an antidiscrimination suit in housing or in employment or in other areas with a Federal contractor if you are discriminated against based on religion, ethnicity or race. You may not under existing law do that on the basis of homosexuality. I believe you should be able to, but as the gentleman from Georgia points out, there is an entirely separate piece of legislation that is in the jurisdiction of another subcommittee. It is not before us. It would not be germane even if we tried to add it. So I agree with the gentleman.

Second, as to promoting and condoning, let me say to the gentleman that I have my job and I have my private life, as all of us do. My view is that the Federal Government should not get into the private life condoning business. I think the American people, the last thing they need is to have us be in charge of condoning what they do and do not do in their purely private time. So I would never suggest that this is a body that is empowered to make judgments about our leisure time. The Federal Government makes enough

judgments about our work time, as we agree or may disagree about how many.

I would say to the gentleman from Georgia, I agree with what he has articulated.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

(By unanimous consent, Mr. SWINDALL was allowed to proceed for an additional 5 minutes.)

Mr. SWINDALL. Mr. Chairman, I would just like to state, so long as we have gone into that area, that I am glad that we have a similar understanding in terms of the intent and purpose of this bill. I do think that we can have a lively debate at another time on another piece of legislation with respect to our basic differences, because I do think that this Congress does have a legitimate role in terms of defining the organic law of this country.

I would refer, of course, as I did in the subcommittee to the Declaration of Independence itself, which states the laws of nature and nature's god, natural law.

So I do think we have to focus at some point on that, but this is not the time nor the place, because I think that we can all agree that whether you agree with homosexuality or disagree, none of us would like to go on record as stating that we want to see individuals because the choice they have made is to be homosexuals to be even remotely subject to condoned activities that are targeted because of hate for those individual groups.

Mr. CONYERS. Mr. Chairman, will the gentleman yield to me?

Mr. SWINDALL. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to commend the gentleman for the distinction that he has drawn here. It advances, I think, considerably the arguments that took place in the subcommittee of which the gentleman is a member.

Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield?

Mr. SWINDALL. I am happy to yield to the gentleman from Washington.

Mr. MILLER of Washington. Mr. Chairman, I would also like to thank the gentleman from Georgia. I believe that my amendment embodies much of the work that he and the gentleman from Massachusetts and others have done to try to alleviate problems that have been raised about this bill.

I thank the gentleman.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to commend almost everybody who has spoken here, for a variety of different reasons.

I was just saying to the distinguished chairman of the subcommittee, the gentleman from Michigan, that I think some of us here may feel a bit like he would have felt 20 years ago, given the amendment offered by

the gentleman from Washington, which I support for obvious reasons, reasons enunciated by my colleague, the gentleman from Massachusetts; but had we during the course of debate on the Voting Rights Act in this House gone to great lengths to assure ourselves that it did not apply to citizens of color, some of you might understand how a significant percentage of the American people would feel about this debate at this time.

Let me if I may in speaking against the amendment offered by the gentleman from Pennsylvania remind Members, as some of our colleagues have tried to do, what the purpose of the bill is. There are five key words in the operative section of the bill which have not been read in the debate, other than by the Clerk.

We are talking about the incidence of the following kinds of acts, and I quote from the bill: "Criminal acts that manifest prejudice."

Let me repeat that: "Criminal acts that manifest prejudice."

The bill then goes on to say, "based on race, religion, sexual orientation or ethnicity."

The key phrase there seems to me to be self-evident—prejudice. We are talking about, the word of the day is hate crimes, crimes that are committed against a person solely because or at least primarily because he or she happens to be a member of a particular class of people, whether it is a racial class, an ethnic class, a religious class, or a class defined by one's sexual orientation.

We are not talking about, as suggested at one point by the gentleman from Pennsylvania, crimes committed against passengers on a bus. To the best of my knowledge, there is no centuries old tradition of hatred and prejudice in this country against bus passengers, or for that matter against policemen or against the young or against the handicapped, et cetera, et cetera.

The reason that race, religion, ethnicity and sexual orientation are in this bill is that so far as we know, and that is the key phrase, so far as we know, these are the principal categories of such acts based on hate. That is what all the testimony before the committee revealed.

Not only that, but I would remind Members of the House that according to the testimony received by the committee, the single greatest category of such crimes of hate happens to be precisely that category that would be struck by the amendment offered by the gentleman from Pennsylvania. Blacks, Hispanics, Jews, Asian Americans, and gay and lesbian Americans are those against whom crimes in this category so far as we know occur most frequently.

It is not a single group against the rest of the world, as the gentleman from Pennsylvania would suggest. This bill as written is supported by almost all the major religious organi-

sations of the country, all of the major civil rights organizations, by a majority of the attorneys general of the States.

Finally, let me remind the Members that the reason such a crime is a particularly heinous thing is that its effects are not felt solely by the individual against whom the crime is perpetrated. When a Jew in Nazi Germany was singled out, all Jews in Germany and, as a matter of fact, Jews in a lot of other places around the world were intimidated by that act.

The same thing is true when a synagogue is burned in this country. The same thing was true in the miserable history of race relations in this country when a black man was lynched. All black people hurt and were intimidated. That is true for all the categories of people that are covered by this bill.

Mr. Chairman, I would ask Members to remember that beyond all else.

Mrs. BOXER. Mr. Chairman will the gentleman yield?

Mr. STUDDS. I am happy to yield to the gentleman from California.

Mrs. BOXER. Mr. Chairman, I just would like to thank the gentleman for yielding, and associate myself with his very eloquent remarks. I think they just speak very well to the point at hand.

Mr. HOPKINS. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, ever since the gentleman from Washington introduced his amendatory language, I have been thinking about what is best to do. After hearing the debate and reinforcing myself on some of the precepts upon which I came to the floor here today, I am convinced that I must oppose the amendment.

Why? Because it is a very artful attempt, in my judgment, for better or for worse, to substitute the word homosexuality for the phrase sexual orientation.

In my judgment, if those who want to vote against sexual orientation being included, that is, to support my original amendment, must be consistent, oppose the present amendment, which is just a substitute for it.

Therefore, I think that is the most logical and proper position for me to take, so I oppose the amendment.

In other words, sexual orientation by any other name does not smell as sweet, and homosexuality is just a substitute for sexual orientation.

Mr. MINETA. Mr. Chairman, I rise in support of the perfecting amendment offered by our colleague, the gentleman from Washington.

Today we are debating a bill which will attack hatred; pernicious and blind hatred. We are discussing crimes where the goal is not to get a wallet, or a television, or a car, but to express the worst kind of prejudice.

To fight this trend, we have to fight all crimes of prejudice. We cannot pick and choose among brands of hate. Hatred for one

is not different from hate for another. Yet this amendment makes such a distinction.

All around the country, crimes against gay men and lesbians, fueled by hatred, are on the increase. Homosexuals are singled out as victims of violence and harassment because of their sexual orientation.

In New York City in 1986, there were twice as many violent attacks based on sexual orientation as there were based on race.

Let me read from a study done recently for the Department of Justice:

The most frequent victims of hate violence today are blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians. Homosexuals are probably the most frequent victims.

We are not talking about special rights for people who are homosexual. We are acknowledging the sad reality that gay men and lesbians are often targets of hatred, just as Americans of Asian ancestry are often targets of hatred. These hateful acts are illegal.

In H.R. 3193, the House is sending a signal that we want to crack down on crimes motivated by hate. If we purposefully remove the sexual orientation category from this bill, as advocated by the underlying Gekas amendment, we will send a strong message that this category of hate crimes is acceptable. We will be condoning these crimes. That's why the language in the perfecting amendment is far better than the original amendment.

I urge you to support the Miller perfecting amendment.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Washington [Mr. MILLER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device; and there were—ayes 384, noes 30, not voting 17, as follows:

[Roll No. 137]

AYES—384

Ackerman	Brennan	Darden
Alexander	Brooks	Daub
Anderson	Broomfield	Davis (MI)
Andrews	Brown (CA)	de la Garza
Annunzio	Bruce	DeFazio
Anthony	Bryant	Dellums
Applegate	Buechner	Derrick
Aspin	Bunning	DeWine
Atkins	Bustamante	Dickinson
AuCoin	Byron	Dicks
Badham	Callahan	Dingell
Baker	Campbell	DiGiardi
Barnard	Cardin	Dixon
Bartlett	Carper	Donnelly
Bateman	Carr	Dorgan (ND)
Bates	Chandler	Dowdy
Bellenson	Chapman	Downey
Bennett	Chappell	Dreier
Bentley	Cheney	Durbin
Bereuter	Clarke	Dwyer
Berman	Clay	Dymally
Bevill	Clement	Dyson
Bilbray	Clinger	Early
Bitley	Coelho	Eckart
Boehlt	Coleman (MO)	Edwards (CA)
Boggs	Coleman (TX)	Edwards (OK)
Boiland	Conte	English
Bonior	Conyers	Erdreich
Bonker	Cooper	Espy
Borski	Coughlin	Evans
Bosco	Courter	Fascell
Boucher	Coyne	Fawell
Boxer	Crockett	Fazio

Feighan	Lipinski	Rose
Fish	Lloyd	Rostenkowski
Flake	Lott	Roth
Flippo	Lowery (CA)	Roukema
Florio	Lowry (WA)	Rowland (CT)
Foglietta	Lujan	Rowland (GA)
Foley	Luken, Thomas	Roybal
Ford (MI)	Lungren	Russo
Ford (TN)	MacKay	Sabo
Frank	Madigan	Saiki
Frenzel	Manton	Savage
Frost	Markey	Sawyer
Galleghy	Marlenee	Saxton
Gallo	Martin (IL)	Schaefer
Garcia	Martin (NY)	Scheuer
Gaydos	Martinez	Schneider
Gejdenson	Matsui	Schroeder
Gephardt	Mavroules	Schuetz
Gibbons	Masoli	Schulze
Gilman	McCandless	Schumer
Gingrich	McCloskey	Sensenbrenner
Glickman	McCollum	Sharp
Gonzales	McCrery	Shaw
Goodling	McCurdy	Shays
Gordon	McDade	Shuster
Gradison	McEwen	Sikorski
Grandy	McGrath	Sisk
Grant	McHugh	Skaggs
Gray (IL)	McMillan (NC)	Skeen
Gray (PA)	McMillen (MD)	Slattery
Green	Meyers	Slaughter (NY)
Gregg	Mfume	Slaughter (VA)
Guarini	Mica	Smith (FL)
Gunderson	Michel	Smith (NE)
Hall (OH)	Miller (CA)	Smith (NJ)
Hall (TX)	Miller (OH)	Smith (TX)
Hamilton	Miller (WA)	Smith, Robert
Hammerschmidt	Mineta	(NH)
Harris	Moakley	Smith, Robert
Hatcher	Molinari	(OR)
Hawkins	Mollohan	Snowe
Hayes (IL)	Montgomery	Solars
Hayes (LA)	Moorhead	Spratt
Hefley	Morella	St Germain
Hefner	Morrison (CT)	Staggers
Henry	Morrison (WA)	Stallings
Hergert	Mrazek	Stangeland
Hertel	Murphy	Stark
Hiler	Murtha	Stenholm
Hochbrueckner	Myers	Stokes
Hopkins	Nagle	Studds
Horton	Natcher	Sundquist
Houghton	Neal	Sweeney
Hoyer	Nelson	Swift
Hubbard	Nichols	Swindall
Huckaby	Nowak	Synar
Hughes	Oakar	Tallon
Hutto	Oberstar	Tauke
Hyde	Obay	Tausin
Inhofe	Olin	Taylor
Ireland	Ortiz	Thomas (CA)
Jacobs	Owens (NY)	Thomas (GA)
Jeffords	Owens (UT)	Torres
Jenkins	Oxley	Torricelli
Johnson (CT)	Packard	Towns
Johnson (SD)	Panetta	Trafficant
Jones (NC)	Parris	Traxler
Jontz	Pashayan	Udall
Kanjorski	Patterson	Upton
Kaptur	Pease	Valentine
Kasich	Pelosi	Vander Jagt
Kastenmeier	Penny	Vento
Kennedy	Pepper	Vicioksky
Kennelly	Perkins	Vucanovich
Kildee	Petri	Walgren
Kleczka	Pickett	Walker
Kolbe	Pickle	Watkins
Kolter	Porter	Waxman
Konnyu	Price	Weber
Kostmayer	Purseill	Weidon
LaFalce	Quillen	Wheat
Lagomarsino	Rahall	Whittaker
Lancaster	Rangel	Whitten
Lantos	Ravenel	Williams
Latta	Ray	Wilson
Leach (IA)	Regula	Wise
Leath (TX)	Rhodes	Wolf
Lehman (CA)	Richardson	Wolpe
Lehman (FL)	Ridge	Wortley
Leland	Rinaldo	Wyden
Lent	Ritter	Wyllie
Levin (MI)	Roberts	Yates
Levine (CA)	Robinson	Yatron
Lewis (FL)	Rodino	Young (AK)
Lewis (GA)	Roe	Young (FL)
Lightfoot	Rogers	

NOES—30

Archer	Crane	Livingston
Arney	Dannemeyer	Nielson
Ballenger	Davis (IL)	Shumway
Barton	DeLay	Skelton
Bilirakis	Emerson	Smith, Denny
Brown (CO)	Fields	(OR)
Burton	Gekas	Solomon
Coats	Hastert	Stump
Coble	Holloway	Volkmer
Combest	Hunter	
Craig	Kyl	

NOT VOTING—17

Akaka	Hansen	Moody
Blaggi	Jones (TN)	Smith (IA)
Boulter	Kemp	Spence
Collins	Lewis (CA)	Stratton
Dornan (CA)	Lukens, Donald	Weiss
Duncan	Mack	

□ 1412

The Clerk announced the following pairs:

On this vote:

Mr. Weiss for, with Mr. Boulter against.
Mr. Akaka for, with Mr. Hansen against.

Messrs. CRAIG, SKELTON, DENNY SMITH, BURTON of Indiana, and NIELSON of Utah changed their votes from "aye" to "no."

Mr. GREGG and Mr. VALENTINE changed their votes from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Under the precedents, the perfecting amendment having been adopted, the motion to strike falls and is not voted on.

Mr. AU COIN. Mr. Chairman, I move to strike the last word, and I rise in support of the bill, as amended.

(Mr. AU COIN asked and was given permission to revise and extend his remarks.)

Mr. AU COIN. Mr. Chairman, I rise today in strong support of H.R. 3193, the Hate Crime Statistics Act. This piece of legislation is crucial to understanding the growing trend of crimes motivated by prejudice and bigotry.

In today's newspapers, we see frightening evidence of a racially motivated violence. This particular threat, a threat of murder, was against Rev. Jesse Jackson. Fortunately, this plan was foiled, but it serves as an example of the violence that many Americans have to live with because of their race, sexual orientation, ethnicity, and religion.

In Reverend Jackson's words, "It's been very difficult to run a normal campaign with the continuous race attacks and constant death threats." This is totally unacceptable and I think it is time for the U.S. Government, sworn to protect the civil liberties of all Americans, address this problem now.

As for the amendment that is being offered by Mr. GEKAS, for a number of reasons I feel that the section that Mr. GEKAS seeks to eliminate is perhaps the most important part of this bill.

Last year, the House Criminal Justice Subcommittee, chaired by my friend, Mr. CONYERS, heard testimony from a wide range of experts indicating that antigay violence was on the rise and becoming more pervasive. This increase in volatility is fueled, sadly enough, by AIDS paranoia and hatred of the gay community.

Statistics support this belief. In New York City alone, the victims of antigay violence increased 83 percent last year. Studies have shown that nearly 1 in 4 gay men and nearly 1 in 10 lesbians had been physically abused because of their sexual orientation.

In fact, hate and violence motivated by sexual orientation more than doubled between 1985 and 1986. To me, it is a grave injustice to tell thousands and thousands of victims that their pain, their suffering, and their fear are unworthy of the attention of a government that is supposed to safeguard the rights and freedoms of all Americans.

To me, it is a grave injustice to tell aggressors that the Government will turn its face from their crimes, if only they carefully select their victims. But those are exactly the messages which the Gekas amendment would send.

Mr. GEKAS maintains that this provision does not belong in this bill. I could not disagree more strongly. Whether it is crime motivated by prejudice against a person because of race, ethnicity, religion, or sexual orientation, hate and violence do not discriminate and we shouldn't either.

It is crucial that Congress send a message to the aggressors and the community of potential victims, that violence motivated by prejudice and bigotry is not acceptable. These victims deserve this fundamental justice. Basic human decency demands it. And, aggressors must be made to understand that we will not stand by and tolerate any violence or compromise of civil liberties.

This bill and information that is collected will make our country a safer and saner place for all Americans to live.

Please join me in voting against the Gekas amendment and for the final passage of this bill as it reads now.

Ms. PELOSI. Mr. Chairman, I move to strike the last word, and I rise in support of the bill.

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Chairman, I rise in strong support of H.R. 3193, the Hate Crimes Statistics Act. This bill would require the Justice Department to collect and publish annually statistics on crimes which are based on race, religion, sexual orientation, or ethnicity. The need for such statistics has already been well documented when similar legislation was passed by the House in the 99th Congress.

Hate crimes are widespread and very serious in nature, they threaten all of society. Recently we have witnessed racial incidents in Howard Beach and Forsyth County, increased violence toward Asians and their businesses and a sharp rise in antigay and AIDS-related violence. Along with these more publicized assaults we have experienced an increase in the frequency of antisemitic incidents, and cross burnings. We are encountering a tremendous rise in criminal activity directed toward minorities.

According to a special report by the Antidiscrimination League of B'nai B'rith last summer, more hate crimes have been committed in the past 2 years than in the previous two decades. These statistics are even more disturbing when we consider that most of these incidents are never reported for fear of retribution. Increased activity by hate-motivated ex-

trémist groups has made the need for legislative action all the more vital.

Today, law enforcement and human rights organizations are forced to rely on inadequate data regarding the frequency of hate crimes. Law enforcement statistics are based on newspaper reports, victim statements, and reports made by local police departments. A national process for compiling hate crime statistics is currently possible through the technology already in place at the Department of Justice.

Passage of this bill would enable Federal, State, and local law enforcement officials to devise programs to educate society about hate crimes in an effort to reduce and prevent this type of violent crime. With greater public knowledge and understanding of the present situation, those who commit these hate crimes would find it more difficult to avoid punishment.

Any effort to remove the sexual orientation clause of this bill would undermine the overall purpose of this legislation. It is estimated that 25 percent of all gay men and 10 percent of lesbians have been physically assaulted solely because of their sexual orientation. The AIDS epidemic has led to heightened levels of harassment directed at our gay and lesbian population. In 1986 alone, local organizations across the country documented 4,946 acts of antigay violence. Of those incidents 732 were serious physical assaults; 80 more were homicides. In studies reported from across the country more than 80 percent of all gay men have reported some type of harassment based on sexual orientation. How can we deny these facts in any attempt to stem the increase in hate crimes?

If the proponents of any amendment to strike the reference to sexual orientation believe that these crimes are not being committed against gays and lesbians, then I advise them to check their statistics again. If we are to achieve the intent of this legislation, to document hate crimes, then these crimes based on sexual orientation must be included.

Hate crimes are a national problem. There are few existing resources for communities confronted with this violence. In order to establish effective law enforcement strategy, reliable data on hate crimes must be available. The Hate Crimes Statistics Act would provide for this much needed resource.

H.R. 3193 would provide information on hate crimes nationally, and provide for a comprehensive and cooperative State and Federal law enforcement effort to correct the current situation. Congress has a responsibility to ensure that all citizens are equally protected from violence and intimidation, irrespective of their race, religion, sexual orientation, or ethnic origin. I urge my colleagues to support H.R. 3193, the Hate Crimes Statistics Act.

(By unanimous consent, Mr. MICHEL was allowed to speak out of order.)

LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Chairman, I am happy to yield to the distinguished majority leader so that he might enlighten the membership on the balance of the program that was originally scheduled, and maybe an alteration of that, and what we do tomorrow.

Mr. FOLEY. Mr. Chairman, I thank the distinguished Republican leader for yielding.

Mr. Chairman, because of the unusual and expeditious action, particu-

larly expeditious action, of the Committee on Appropriations and the Committee on the Judiciary on the two bills scheduled today, we find ourselves in a situation where we have completed the business scheduled for today. I think as every Member knows, the Committee has not formally risen, nor has a possible vote occurred, but at the conclusion of the action on the hate statistics bill, we will not have scheduled further legislative action. There was some consideration given to proceeding immediately with the legislative appropriations bill, but because of a death in the family of one of the sponsors of the bill, we take that up as scheduled, so we will meet at 10 o'clock tomorrow, and we will waive the 1-minute speeches until the end of the day tomorrow in order to permit prompt undertaking of the legislative appropriations bill.

At the conclusion of this action on the hate statistics bill, Mr. Chairman, the House will not take up further legislation today.

Mr. GLICKMAN. Mr. Chairman, I move to strike the last word.

I just want to call to the attention of the Members, my colleagues, that the Senate yesterday, the other body yesterday, passed a bill that we passed in the House several months ago which creates a Federal crime to cross State lines to deface or destroy a synagogue or a church. That bill was worked on diligently by the gentleman from Pennsylvania [Mr. GEKAS], the gentleman from Michigan [Mr. CONYERS], and others, and that bill, which hopefully will become law and has the support of the administration, together with this bill, will do a lot to resolve the problems of racial and religious bigotry in this country.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I am happy to yield to the gentleman.

Mr. CONYERS. Mr. Chairman, I commend the gentleman for his work on this, because he was the original author of the bill.

The CHAIRMAN. Are there further amendments to section 2?

If not, the Clerk will read.

The Clerk read as follows:

SECTION 2. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1988 through fiscal year 1993.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1420

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. FOLEY) having assumed the chair, Mr. LEVIN of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3193) to provide for the acquisition and publication of data about crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity, pursuant to House Resolution 443, he reported the bill back to the House with an amendment adopted by the Committee of the Whole

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 29, not voting 19, as follows:

[Roll No. 138]

AYES—383

Ackerman	Cardin	Eckart
Alexander	Carper	Edwards (CA)
Anderson	Carr	Edwards (OK)
Andrews	Chandler	Emerson
Annuzio	Chapman	English
Anthony	Chappell	Erdreich
Applegate	Clarke	Espy
Aspin	Clay	Evans
Atkins	Clement	Fascell
AuCoin	Clinger	Fawell
Baker	Coats	Pazio
Ballenger	Coble	Peighan
Barnard	Coelho	Fish
Bartlett	Coleman (MO)	Flake
Bateman	Coleman (TX)	Flippo
Bates	Conte	Florio
Beilenson	Conyers	Foglietta
Bennett	Cooper	Foley
Bentley	Coughlin	Ford (MI)
Bereuter	Courter	Ford (TN)
Berman	Coyne	Frank
Bevill	Craig	Frenzel
Bilbray	Crockett	Frost
Bilirakis	Darden	Gallely
Billey	Daub	Gallo
Boehliert	Davis (MI)	Garcia
Boggs	de la Garza	Gaydos
Boland	DePazio	Gejdenson
Bonior	Dellums	Gephardt
Bonker	Derrick	Gibbons
Borstki	DeWine	Gillman
Bosco	Dickinson	Gingrich
Boucher	Dicks	Glickman
Boxer	Dingell	Gonzales
Brennan	DiGuardi	Goodling
Brooks	Dixon	Gordon
Broomfield	Donnelly	Gradison
Brown (CA)	Dorgan (ND)	Grandy
Brown (CO)	Dowdy	Grant
Bruce	Downey	Gray (IL)
Bryant	Dreier	Gray (PA)
Buechner	Durbin	Green
Bustamante	Dwyer	Gregg
Byron	Dymally	Guarini
Caitahan	Dyson	Gunderson
Campbell	Early	Hall (OH)

Hall (TX)	McMillan (NC)	Schuette
Hamilton	McMillen (MD)	Schulte
Harris	Meyers	Schumer
Hastert	Mfume	Sensenbrenner
Hatcher	Mica	Sharp
Hawkins	Michel	Shaw
Hayes (IL)	Miller (CA)	Shays
Hayes (LA)	Miller (OH)	Shuster
Hefley	Miller (WA)	Sikorski
Hefner	Mineta	Sisisky
Henry	Moakley	Skaggs
Hertel	Molinari	Skeen
Hiler	Mollohan	Skelton
Hochbrueckner	Montgomery	Slattery
Horton	Moorhead	Slaughter (NY)
Houghton	Morella	Slaughter (VA)
Hoyer	Morrison (CT)	Smith (FL)
Hubbard	Morrison (WA)	Smith (NE)
Hubbard	Mrazek	Smith (NJ)
Huckaby	Murphy	Smith (TX)
Hughes	Murtha	Smith, Denny
Hutto	Myers	(OR)
Hyde	Nagle	Smith, Robert
Inhofe	Natcher	(NH)
Ireland	Neal	Snowe
Jacobs	Nelson	Solars
Jeffords	Nichols	Solomon
Jenkins	Nowak	Spratt
Johnson (CT)	Nowak	St Germain
Johnson (SD)	Oakar	Stagers
Jones (NC)	Oberstar	Stallings
Jontz	Obey	Stangeland
Kanjorski	Olin	Stark
Kaptur	Ortiz	Stenholm
Kasich	Owens (NY)	Stokes
Kastenmeier	Owens (UT)	Studs
Kennedy	Oxley	Sundquist
Kennelly	Packard	Sweeney
Kildee	Panetta	Swift
Kiecuka	Parris	Swindall
Kolbe	Pashayan	Synar
Kolter	Patterson	Talton
Konnyu	Pease	Tauke
Kostmayer	Pelosi	Tauzin
LaPalce	Penny	Taylor
Lagomarsino	Pepper	Thomas (CA)
Lancaster	Perkins	Thomas (GA)
Lantos	Petri	Torres
Latta	Pickett	Torricelli
Leach (IA)	Pickle	Towns
Lehman (CA)	Porter	Traffant
Lehman (FL)	Price	Traxler
Leland	Quillen	Udall
Lent	Rahall	Upton
Levin (MI)	Ravenel	Valentine
Lewine (CA)	Ray	Vander Jagt
Lewis (FL)	Regula	Vento
Lewis (GA)	Rhodes	Visclosky
Lightfoot	Richardson	Volkmer
Lipinski	Ridge	Vucanovich
Livingston	Rinaldo	Walgren
Lloyd	Ritter	Walker
Lott	Roberts	Watkins
Lowery (CA)	Robinson	Waxman
Lowry (WA)	Rodino	Weber
Lujan	Roe	Weidon
Luken, Thomas	Rogers	Wheat
MacKay	Rose	Whittaker
Madigan	Rostenkowski	Whitten
Manton	Roth	Williams
Markey	Roukema	Wilson
Martin (IL)	Rowland (CT)	Wise
Martin (NY)	Rowland (GA)	Wolf
Martinez	Roybal	Wolpe
Matsui	Russo	Wortley
Mavroules	Sabo	Wyden
Masoli	Saiki	Wylie
McCandless	Savage	Yates
McCloskey	Sawyer	Yatron
McCrery	Saxton	Young (AK)
McCurdy	Schaefer	Young (FL)
McDade	Scheuer	
McGrath	Schneider	
McHugh	Schroeder	

NOES—29

Archer	Davis (IL)	Leath (TX)
Armey	DeLay	Lungren
Badham	Fields	Marlenee
Barton	Oetas	McCollum
Burns	Hammerichmidt	McEwen
Burton	Herger	Nielson
Cheney	Hollway	Shumway
Combest	Hopkins	Smith, Robert
Craze	Hunter	(OR)
Dannemeyer	Kyl	Stamp

NOT VOTING—19

Akaka	Boulter	Dornan (CA)
Blaggi	Collins	Duncan

Hansen	Mack	Spence
Jones (TN)	Moody	Stratton
Kemp	Pursell	Weiss
Lewis (CA)	Rangel	
Lukens, Donald	Smith (IA)	

□ 1438

The Clerk announced the following pairs:

On this vote:

Mr. Stratton for, with Mr. Boulter against.

Mr. Akaka for, with Mr. Hansen against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 3193, HATE CRIME STATISTICS ACT

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill, H.R. 3193, as amended, the Clerk be authorized to make such clerical and technical corrections, including title, section number, cross reference, punctuation, and other changes, as may be necessary.

The SPEAKER pro tempore. (Mr. DONNELLY) Is there objection to the request of the gentleman from Michigan?

There was no objection.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on H.R. 3193, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ELECTION OF MEMBERS TO COMMITTEE ON ARMED SERVICES AND COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS

Mr. GEPHARDT. Mr. Speaker, by direction of the Democratic caucus, I call up a privileged resolution (H. Res. 452) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 452

Resolved, That the following Members be, and are hereby, elected to the following standing committees of the House of Representatives:

Committee on Armed Services, Lane Evans, Illinois; and

Committee on Banking, Finance and Urban Affairs, Gary L. Ackerman, New York.

Mr. GEPHARDT. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.