In addition, section 608 extends by 6 months the due date of the Civil Justice Reform Act reports on the demonstration and pilot programs. It also amends title 28 U.S.C. to conform with the 1995 amendments to the Rehabilitation Act of 1965. This section will provide Congress with more information on the effectiveness of the demonstration and pilot programs. It will allow the Congress to make informed decisions regarding the future of these programs.

Section 22(g) of ANCSA requires that all areas within the refuge be managed consistently with the purpose for which the refuge was established. Section 22(g) has been an ongoing problem in Alaska as it has significantly limited the economic use of private lands within the refuge.

Pursuant to agreements between USFWS and KNA, this legislation will allow USFWS to acquire three small parcels of land and KNA’s remaining ANCSA entitlements at appraised value. These parcels include: Stephanka Tract, 803 acres on the Kenai River; Moose River Tract, 1,243 acres; and Remaining Entitlement, 454 acres.

The total habitat acquisition of 2,253 acres will be purchased with Exxon Valdez oilspill funds at a cost of $4,443,000. Therefore, there would be no cost to the Federal Government for the purchase of these lands. Refuge boundaries would be adjusted to remove 15,500 acres of KNA lands from the refuge, thus resolving the 22(g) conflict. This can be done because, although the property is within the refuge—it does not belong to the Federal Government. KNA would also receive the refuge headquarters site in downtown Kenai which consists of a building and a 5-acre parcel.

Under the terms of this agreement, the USFWS has proposed, in order to maintain qualified natural resource protection for Federal resources, that Congress designate the Lake Creek Refugia, an area of approximately 37,000 acres, as a BLM Special Management Area (SMA). The lake is adjacent to the Kautiki National Wildlife Refuge. The SMA would be subject to subsistence preferences under ANILCA and to valid existing rights. While I support the intent of this provision, I do intend to resolve the issues. It is my intention to move this legislation quickly and get it behind us.

Mr. President, I believe the Kenai Native Association has waited long enough to resolve these issues. It is my intention to move this legislation quickly and get it behind us.

S. 1889. A bill to increase Federal protection against arson and other destruction of places of religious worship.

Mr. FAIRCLOTH. Senator KENNEDY and I stand here today united in our belief that the rash of church arson must end and now. If we in Congress who are thinking about church burning as a despicable crime, what can we agree upon? It is not a matter of liberals, conservatives, blacks, or whites. It is about justice, faith, and right and wrong. Five of these churches—sadly, including a recent one on last Sunday night—were located in my home State of North Carolina.

I have every confidence that local law enforcement in my State can solve these crimes, but there is a real possibility that persons from outside of my State and other States may have set the fires, and that is the need for this bill and Federal law enforcement assistance and a Federal statute. We should act before it is too late as a nation to react to this tragedy.

I do not know why the response has been so slow, nor do I fully understand why crimes were acts of conspirators or copycats.

What I do know is that we are sending a clear message today to anyone who is thinking about burning a church, that the wrath of the Federal Government will fall upon them. Scoundrels who burn churches have no refuge in our America on this day or any other day. They should and will be prosecuted and punished to the fullest extent of the law.

To that end, Senator KENNEDY and I have introduced this bill, full of both symbol and substance, to protect houses of worship.

Growing up and living in the rural South, I understand better than a lot of people that the church serves as a center of family life, of the community life, and in so many of these areas life is built around the church. Consequently, they hold in more ways than one a sacred place in the hearts of the people within that community. There is far more potential in these churches to cure what ails us as a nation than the Federal Government will ever possess. Let us renew our commitment with energy and conscience to protect the rights of all Americans without regard to race or religion.

Mr. KENNEDY. Mr. President, recently, the entire Nation has watched with horror and despair as an epidemic of terror has gripped the South. Events we all hoped were a relic of the past are now almost a daily occurrence. The wave of arson primarily directed at African American churches is a reminder of some of the darkest moments in our history—when African Americans were mired in a quagmire of racial injustice. We have come a long way from the era of Jim Crow, the Klan, and nightly lynchings. But these arsons are a chilling reminder of how far we have to go as a nation in rooting out racism.

By Mr. FAIRCLOTH (for himself and Mr. STEVENS).

S. 6520. A bill to authorize the exchange of certain lands conveyed to the Kenai Natives Association pursuant to the Alaska Native Claims Settlement Act to the National Wilderness System and for other purposes; to amend title 28 U.S.C. to provide for the protection of places of interest to the Kenai Natives Association; to increase Federal protection against arson and other destruction of places of religious worship.
In the 1960’s, at a time when acts of violence against African-Americans were commonplace, when white freedmen were being murdered by cowardly racists, Congress first began to speak vigorously and in a bipartisan fashion to condemn this violence and address the many faces of bigotry. Today, I speak with a united voice in introducing bipartisan legislation to address this alarming recent epidemic of church burnings.

I commend my colleague from North Carolina, Senator FAIRCLOTH, for his leadership on the legislation we are introducing today. It is vitally important for the American people to recognize that all Americans—Democrats and Republicans, whites and nonwhites, Catholics, Protestants, Jews, and Muslims—must speak with a united voice in condemning and combating these outrageous acts. We must send the strongest possible signal that Congress intends to act swiftly and effectively to address these evil actions.

President Clinton has also spoken eloquently on this issue, and has provided strong leadership. I applaud his efforts to commit substantial additional Federal resources to the investigations. Just as it was appropriate in the 1960’s for the Federal Government to play an important role in reducing racial unrest, it is vitally important for the Federal Government to take an active role in combating these racist arsons.

I also commend Congressmen HENRY HYDE and JOHN CONyers, who developed the bipartisan House bill that was passed swiftly and unanimously yesterday, and I urge the Senate to act with similar swiftness.

There are four basic components to the Faircloth-Kennedy bill. First, it provides needed additional tools for Federal authorities to address violence against places of worship. The bill amends the primary Federal statute dealing with destruction of places of worship to make it easier for prosecutors to prosecute these crimes. Current law contains onerous and unnecessary jurisdictional obstacles that have made this provision largely ineffective. In fact, despite the large number of incidents of desecration or desecration of places of religious worship in recent years, only one prosecution has been brought under this statute since its passage in 1988. Our bill will breathe life into this statute by removing these unnecessary obstacles.

In addition, our bill strengthens the penalty for church arson by conforming it with the penalties under the general Federal arson statute. By conforming the penalty provisions of these two laws, the potential penalty for church arson will double, from 10 years to 20 years. Our bill also extends the statute of limitations from 5 to 7 years, giving investigators needed additional time to solve these difficult crimes.

Giving prosecutors additional tools will enable them to address the current crisis more effectively. However, we must also deal with the aftermath of the arsons that have left so many needy Americans without a place of worship. The bill contains an important provision granting the Department of Housing and Urban Development the authority to make loan guarantees to lend to homeowners who provide loans to places of worship that have been victimized by arson.

This provision does not require an additional appropriation of funds to HUD. It simply gives HUD authority to use funds it already has. These loan guarantees will serve an indispensable function to help expedite the rebuilding process and the healing process.

These arsons have placed an enormous burden on State and local law enforcement, who also must investigate the crimes and address the tension aftermath within their communities. Our bill contains two measures to assist State and local law enforcement officers in investigating these vicious crimes. The Department of the Treasury is authorized to hire additional ATF agents to assist in these investigations, and to train State and local law enforcement officers in arson investigations. ATF already trains 85 to 90 percent of local law enforcement in how to investigate arson.

This authorization will facilitate needed additional training.

The bill also authorizes the Department of Justice to provide additional funds to the Community Relations Service, a small but vital mediation arm established by the Civil Rights Act of 1994. The mission of the Community Relations Service is to go into a community and reduce racial unrest through mediation and conciliation. The Community Relations Service has worked effectively to calm communities during the Nation’s most difficult moments in the battle for racial justice, and it has earned the respect of law enforcement officials and community leaders nationwide. In 1998, its budget was cut by about 75 percent, from $10 million to $5 million. As a result, a time when its services are in enormous demand, the Community Relations Service is about to be forced to lay off half of its already slim staff. This bill authorizes the restoration of funds to the Community Relations Service. We must act now, because its services are urgently needed.

Finally, the bill reauthorizes the Hate Crimes Statistics Act. This rash of arsons demonstrates the need to document all hate crimes nationwide. Reauthorizing the Hate Crimes Statistics Act is essential, and law enforcement groups, religious leaders, and civil rights leaders throughout the Nation strongly support it.

Taken together, this bill represents a sensible and practical response to the church burnings. It addresses the constitutional obligation to preserve the separation of church and state, but we also have a Federal obligation to protect the right of all Americans to worship freely without fear of violence. We believe this legislation is a timely and constructive step to stem the tide of violence in the South. If more can be done, we will do it.

In a larger sense, this tragic violence provides an opportunity for all Americans to examine their consciences on the issue of prejudice. We must work to root out racism and bigotry in every form. If we create a climate of intolerance, we encourage racist acts of destruction. While I respect and indeed cherish the first amendment right of free expression, we must be mindful that words have consequences. It is distressing to hear some that hate crimes are on the rise—whether arson of a church or assaults and murders because of bigotry. At other times in our history, we have been able to act together to halt a sudden or lingering sickness in our society, and we will do so now. The fundamental challenge is to re-commit ourselves as a Nation to the basic values of fairness and equality that are the Nation’s greatest strengths.

The courage and faith demonstrated by the parishioners and clergy of the burned churches is an inspiration to the entire country. Their churches may have been burned, but their spirit endures, and it is stronger than ever.

I also welcome the outpouring of generosity from numerous sources in the private sector. I commend the many individuals, businesses, congregations, and charitable organizations that have pledged financial support to rebuild the churches. These generous acts, as Martin Luther King once said, "will enable us as a Nation to hew out of the mountain of despair a stone of hope." I urge my colleagues to join in expediting action on this urgent legislation. America is being tested, and the people are waiting for our answer.

Mr. President, this Faircloth-Kennedy bill addresses the recent rash of arsons that have griped the South. The bill contains a number of measures designed to assist prosecutors and investigators in pursuing the cowardly perpetrators of these crimes, and to assist victims and communities in the rebuilding process. This statement pertains to Congress’ constitutional authority to amend the criminal provisions pertaining to destruction of religious property and violent interference with right of free exercise of religious worship.

The bill amends title 18, United States Code, section 247 to make it easier for prosecutors to establish Federal violations in instances of destruction or desecration of places of religious worship. Although section 247 was passed in 1988, there has been only one Federal prosecution due to the onerous jurisdictional requirements contained in section 247(b).

The interstate commerce requirement of section 247(b)(1) is much greater than under other Federal statutes. For example, title 18, United States Code, section 844(i) is the general Federal arson statute and contains...
a much lower interstate commerce threshold than is found in section 247(b)(1).

The $10,000 requirement of section 247(b)(1) is arbitrary and unnecessarily broad and does not reflect the serious nature of many bias motivated acts of violence against places of religious worship. For example, there have been a number of incidents of bias motivated violence committed by skinheads against synagogues which involved firing gunshots into these sacred places of worship, or the desecration of solemn symbols or objects, such as a Torah.

The Justice Department is providing specific examples of the limitations of section 247 which it will present at a hearing scheduled for June 25, 1996 in the Judiciary Committee. The monetary damage amount in these incidents described above is minimal. Yet, the discrimination caused by these crimes is enormous, and the Federal Government can and should play a role in prosecuting these heinous acts of desecration.

The Faircloth-Kennedy bill amends section 247 in a number of ways. Most importantly, the onerous jurisdictional requirements of section 247(b) are discarded in favor of a more sensible structure that will better enable prosecutors to pursue the cowardly perpetrators of these crimes.

Section 2 of the bill contains congressional findings that set out in explicit detail the constitutional authority of Congress to amend section 247. A hearing was conducted in the House of Representatives on May 21, 1996, and a hearing will be conducted in the Senate on June 25, 1996, in which substantial evidence has or will be presented to support these congressional findings.

Congress has three separate bases of constitutional authority for amending section 247. First, Congress has authority under section 2 of the 13th Amendment. Section 2 of the 13th Amendment provides that the Congress shall have the power "to enforce, by appropriate legislation, the provisions of this article." The Judiciary Committee, in its report to the Senate, has concluded that "there has never been any doubt of the power of Congress to impose liability on private persons under section 2 of the 13th Amendment to further the provisions of the 13th Amendment in the face of a unique and menacing threat—that those in African-American churches are burned.

The arsonists that have occurred have been directed primarily at African-American churches. Although a number of other theories have been apprehended, it is clear from the statement of the Justice Department that a substantial number of the arsons were motivated by animus against African-Americans. Indeed, these events are a tragic reminder of a sad era in our Nation's history, when African-Americans were mired in a quicksand of racial injustice. As such, Congress has the authority under the 13th amendment to amend section 247, and to eliminate the

Congress also has authority under the commerce clause to promote this legislation. As the record makes clear, the churches, synagogues, and mosques that have been the targets of arson and vandalism, serve many purposes. On Saturdays, they are places of worship. During the rest of the week, they are centers of activity. A wide array of social services, such as inoculations, day care, and home health, are performed at these places of worship. People often register to vote, and vote at the neighborhood church or synagogue. Activities that attract people from a regional, interstate area often take place at these places of worship. There is ample evidence to establish that Congress is regulating an activity that has a "substantial effect" upon interstate commerce.

Mr. President, I would like to include as cosponsors of this legislation the Senator from West Virginia [Mr. Byrd]; the Senator from Connecticut [Mr. Dodd]; and the Senator from Alabama [Mr. Ratzlaff].

Mr. President, I ask unanimous consent the upcoming hearing on church arson currently scheduled for June 25, 1996 by the Judiciary Committee as well as excerpts of the testimony submitted in the context of that hearing be made a part of the overall record pertaining to consideration of the Faircloth-Kennedy church arson prevention bill.

There being no objection, the material was ordered to be printed in the Record, as follows:

EXCERPT OF STATEMENT OF DEVAL PATRICK, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, BEFORE THE COMMITTEE ON THE JUDICIARY, MAY 21, 1996

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear today to present the views of the Department of Justice to prosecute those individuals responsible for the deplorable act of setting fire to houses of worship and intimidating their parishioners.

Let me assure you all, first and foremost, that the Department of Justice considers investigation of church fires and prosecution of those persons responsible for attempting to destroy houses of worship to be among our most important investigative and prosecutorial priorities. Houses of worship have a special place in our society. They are, of course, the center of a community's spiritual life. In many communities, the church is the center of its social life as well. As we have seen in countless instances of today's hearing, destruction of a church can have devastating effects.

When the fire is accompanied by an explicit or implied threat of violence directed at church members because of their race, these devastating effects are multiplied. In our society, arson of a church attended predominantly by African Americans carries a unique and menacing threat, because those individuals are physically vulnerable because of their race. These threats are intolerable; and no one in our society should have to endure them. The Department of Justice is committed to insuring that those who make such threats are brought to justice. And we will serve sentences commensurate with the cowardly and despicable nature of their actions.
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the Middle District of Tennessee, as well as from the District of Columbia, for the District of the Virgin Islands, and the District of Puerto Rico. The defendants were said to have acted not only to keep them apprised of the develop-
ments in the Federal prosecution, but also to discuss with them the impact of this at-
tack on the members of the churches they at-

tacked.

One reason we decided to proceed with a Federa-

tal prosecution was that because the fire-

bombing occurred in another state, trial in State court would have re-

quired separate State indictments and re-
sulted in the juries in each case seeing only part of the overall crime. The Federal con-

sideration for this reason did not reflect the full scope and nature of the crime to be presented in one prosecution, and provided certain evid-

cements, which were necessary, such as the ad-

dmittance of co-conspirator statements. In addi-

tion, the sentences these defendants would have received in State court were much less. The Federal law would permit the Federal sen-
tencing guidelines permitted the court to tailor sentences which reflected the culpabil-
ity and subsequent cooperation and accept-
ance of responsibility by the defendants. The Government was able successfully to argue at sentencing that the leader of these defend-
ants deserved an enhanced sentence. The Federal in-

tervention in this case was that we were able to keep the local, firefighters who responded to the first fire to the churches. The fires were cho-

seled for their location in the African American churches and the tavern. They were located in rural and isolated areas, and were located in areas for that reason the fires at some were exten-

sive. In some instances, churches burned to the ground. It is not clear whether the increase in the number of fires reported to us reflects an increase in the number of fires set, or if this is due to a reporting. As I stated earlier, we have ac-

ivity encouraged local citizens and law en-
forcement officials to report all fires at churches to federal officials. We hope in re-
cent publicity about some church fires may have encouraged the reporting of others.

It is clear, however, from some of the cases that have been solved, that some of the peo-

ple who have set fires at houses of worship are motivated by hate. Most of the other cases are still under investigation. As you know, I cannot discuss specifics of any open case, but I can say, however, that during our inves-
tigation we focus not only on the cir-

stances of the specific fire before us, but also on the underlying hate crimes. We are interested in the hate crimes, or individuals responsible for the fire, there is any evidence that these individuals have set fires at other churches in this country, or elsewhere in the country. Because these inves-
tigations are ongoing, it is premature to draw conclusions in any way, as to whether the fires we are seeing are part of an organized hate movement.

DIFFICULTIES WITH FEDERAL JURISDICTION

I mentioned earlier the Federal statutes that give us jurisdiction over some fires and acts of vandalism at houses of worship, using those statutes does present some difficulties. 18 U.S.C. 241 applies when we have two or more defendants acting in a conspiracy. When we can get significant cooperation from the defendants, under section 241, we can use section 241 only when we have a conspiracy of two or more persons. When we do not have two or more individuals involved in the fire, section 241 is not available.

There are any left with only one suspect, our jurisdiction is provided by 18 U.S.C. sec-

tions 247 or 248. Prosecutions under section 247 or 248 involve complicated situa-

tions, because subsection (b) of the statute states that the defendant must have traveled in inter-

state or foreign commerce, or used a “facili-

ty or instrumentality of interstate or for-

eign commerce in interstate or foreign com-

merce” in committing the crime, and caused more than $10,000 damage. These provisions may make this statute nearly impossible to use. The $10,000 requirement means that when the damage from the fire is minimal, or when hate is expressed, not through fire but through desecration or defacement of houses of worship, 18 U.S.C. 247 is not an available source of jurisdiction. In those cases, the message of hate is just as clear, and the ef-

fect on the victims often just as palpable and disturbing, but an important law enforce-

ment tool is not available.

Section 248 of title 18 also provides Federal ju-

risdiction in church arsons. While that sec-
tion could be a useful tool to address this issue, we believe that the Supreme Court’s recent decision in United States v. Lopez, 115 S.Ct. 1663 (1995), may make use of that provision more difficult.

Section 248 of title 18 applies when fire or an explosive is used to commit another crime, and section 965(1) of title 18 prohibits the use of fire when we determine what has been used in interstate or foreign commerce. Their utility is limited, however, where no explosion is present. This is the case with the interstate commerce nexus is not met.
CONCLUSION

The Clinton Administration is determined to make sure that all the law enforcement and investigative tools available, working cooperatively with our Federal as well as State and local law enforcement. Solving these crimes, and publihing the responsible, remains a high priority for this Administration.

STATEMENT BY THE REV. DR. JOSEPH E. LOWERY, PRESIDENT, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE, CHAIRMAN, BLACK LEADERSHIP FORUM, INC., TO THE JUDICIARY COMMITTEE, TUESDAY, MAY 21, 1996

Mr. Chairman, and Members of the Judiciary Committee, the Department of Justice through the Assistant Attorney General, Civil Rights Division, has advised us that (as of April 24, 1996) they have investigated "fires and incidents of desecration" at 46 different houses of worship in 15 States... since 1990.

Of the 46 incidents listed, 29 remain unsolved. So far in 1996, 25 incidents have been reported, and 23 remain unsolved.

We have been informed by the continuing attacks on places of worship—and sorely disappointed that until recently law enforcement authorities, as well as newspapers and media in general—have seemed only mildly interested in focusing on these acts of terrorism. Scant notice was given traditional media until a church where the assistant pastor was a well known professional football star—was torched.

In late 1995, SCLC intensified its protest and plea to law enforcement agencies to unleash all available resources to bring these criminals to justice.

In early 1996 we visited the sites of burned churches, and Louisianians, Subsequently, Asst. Atty. Gen. Deval Patrick visited our offices in Atlanta to assure us that the investigation of these fires will be given top priority. An official in the enforcement division of the Treasury Department (ATF) also called and informed us that a Joint Task Force with the Justice Dept.—consisting of approximately 100 persons—had been assigned to the investigation. We were also advised that two of the officers originally assigned to the Task Force had been removed after it was discovered that they had been among those who frequented the so-called "Roundups" where shameful racist activities took place. It is our understanding that most of those who frequented the "Roundups" has been dismissed or severely disciplined.

African Americans are concerned that many law enforcement agencies include personnel who are also members of racist groups. We are not surprised at this feeble response to racist behavior—for like the national response to these acts of terrorism, the message must be loud and clear that the African American community will not be intimidated in 1996 any more than we were in 1965, 1963 or any other time. These attacks stifle our resistance to oppression and render firm our resolve in the pursuit of justice and equity.

We respectfully urge the Committee and the Congress to remember the history of fire bombing of churches in our community. While no life has been lost, we recall with deep pain and anguish our lost of four little girls in Sunday school in a church in Birmingham, Alabama. These criminals must be stopped before they commit more heinous crimes.

We urge the Congress to engage in a positive campaign to achieve racial justice and an end to political, judicial, economic and street violence.

We believe that an intelligence system and advanced criminological technology that can identify terrorists in faraway lands, and in our communities, is of utmost importance. We want to understand and apprehend arsonists who burn churches.

Finally, some religious extremists have offered rewards for the culprits and challenged civil rights groups to match the reward money.

We believe the religious community could better serve the common good by engaging the efforts of the religious community to control the rhetoric of hostility which encourages acts of hostility. We are willing to work together for social justice, the beloved community, and an end to economic, political, judicial and physical violence.

CONCLUSION

Since January 1995, ATF has conducted more than 2,000 fire investigations. During this same period, ATF has conducted 51 church fire investigations. Twenty-five investigations are ongoing and, therefore, I am unable to go into detail about the specifics of these investigations. The ATF has investigated 138 church fires across the United States since October 1, 1995. However, as depicted in the displayed pie chart, all church fires that ATF initially investigates are not determined to be arsons.

CURRENT CHURCH FIRE INVESTIGATIONS

Since January 1995, ATF has conducted more than 2,000 fire investigations. During this same period, ATF has conducted 51 church fire investigations. Twenty-five investigations are ongoing and, therefore, I am unable to go into detail about the specifics of these investigations. The ATF has investigated 138 church fires across the United States since October 1, 1995. However, as depicted in the displayed pie chart, all church fires that ATF initially investigates are not determined to be arsons.
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Satartia, Mississippi. I am confident that we will make additional arrests in the near future.

The concentration of arsons at African-American churches, depicted on the line chart, raises the obvious possibility of racial/ethnic-based motives. The process of elimination and geographic relation indicates the possibility that some of the fires are connected. Because of the potential of racial motives and the possibility that some fires may be connected, there has been an extraordinary degree of coordination of the various investigations. We are always aware of the possibility that evidence and information developed in one investigation might provide valuable leads in another. While the targets, timing, and locations of the arsons have resulted in heightened attention to race/ethnic-based motives and possible connections, ATF must also examine other possible motives for the fires. Motives can range from blackmail and financial profit to simply personal revenge or vandalism. In any event, the motive in one arson does not automatically mean a motive in another arson or series of arsons. A conspiracy was uncovered involving at least two fires in South Carolina. We have not yet found any evidence of an interstate or national conspiracy, but until our work is done no motive or suspect will be eliminated.

The Bureau of Alcohol, Tobacco and Firearms (ATF) is the arson investigative agency of the Federal government and we bring unparalleled expertise to fire investigations. ATF has been authorized to investigate arson incidents, in part, from 18 U.S.C. Section 844(1) which makes it a Federal crime to interfere with commerce and possible connections, but until our work is done no motive or suspect will be eliminated. In addition, in cases of destruction of religious property, there is a requirement that the damage exceed $10,000. The monetary requirement is arbitrary, and does not reflect the seriousness of many crimes. For example, there have been a number of very serious cases involving skinheads firing guns into synagogues that could not be prosecuted under this statute because the damage did not exceed $10,000.

The House bill contains a very high interstate commerce requirement, a requirement that is not constitutionally mandated; even after Lopez. The level of interstate commerce contained in section 247(b) is much higher than is required in other similar federal statutes, such as the arson statute.

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Act. Although the Senate has already passed a separate bill reauthorizing the HCSA, the House has not. Given the paucity of time remaining in this legislative term, it is imperative to pass the HCSA reauthorization as soon as possible. As a result, it has been included in the Senate bill.

If you have any questions, feel free to contact me. And if your Senator will consider co-sponsoring this proposal so that the Senate can send a strong message to the American people and to the Congress, I urge you to do so.

Section 7: Sense of the Senate—Section 7 is a sense of the Senate resolution concerning the integration of Alabama.

Section 8: Severability Provision.—This clarifies the severability of all provisions of this bill.

Mr. KENNEDY. I think I have 2 minutes left. I yield 2 minutes to the Senator from Alabama for his comments.

Mr. THURMOND. Mr. President, may I ask Senator LOTT, Senator THURMOND, Senator WARNER, Senator D'AMATO, Senator GRAMM, Senator Frist, and Senator COCHRAN. There are several others, and many more who are going to sign on, but you are listed, Senator THURMOND.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Alabama has 5 minutes, 30 seconds.

Mr. KENNEDY. I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, we recently awoke once again to disturbing news that has become all-too-commonplace. We were told that during the morning, before daylight, As each fire is reported, we hear is that it was the result of an accidental fire. As these hateful incidents continue to occur with alarming regularity, we are reminded of some of the most terrible moments of the civil rights struggle of the 1960's. Then, homes, businesses, churches, and other property was set afire in the dark of the night by those who wanted to preserve the existing social order.

To those of us who remember those dark days and who applaud the progress which has been made in our society since then in terms of race relations, these current images of fires at churches in the early hours before dawn are profoundly disturbing and disconcerting. At the same time, we must not lose sight of the progress we have made. But, as my time in the Senate draws to a close, I am, frankly, quite disheartened that the forces of evil are again plaguing our society.

The fires illustrate some remedial attention on where we are in terms of racial attitudes and relations. It is sad that with all the progress we have made over the last few decades, these kinds of terrorist acts still occur. Throughout my career, I have striven to promote racial harmony in my State and throughout the Nation. I seek to work with all people to secure for all the blessings of liberty, to promote racial harmony, and to serve the people of our Nation.

As the Government searches for ways to address this epidemic, including the legislative efforts which I strongly support, we have to look at the twin possibilities of a conspiracy and the work of copycats. I do not think it is a conspiracy; the work of one isolated group or groups fanning their hatred across the South, then our task is to find the perpetrators and prosecute them to the fullest extent of the law. Some of the evidence points to a conspiracy, such as the timing of the fires—they have all occurred in the very early hours of the morning, before daylight. As disturbing as it would be, it would be better for us as a country if the fires are the result of a conspiracy, the work of one group of individuals that does not reflect the current sentiment in this region of the country. If, on the other hand, they are the result of copycats, which is more likely the case, then we are dealing with a societal disease. Addressing such a societal ill is far more difficult and requires a much different response that goes beyond the enforcement. At the same time, it provides us with an opportunity to reevaluate race relations in this country and to seek new ways to improve them. As these tragic fires illustrate, some remedial attention with regard to continued progress in race relations is needed.

There are some ways in which common sense acts of neighborliness and spiritual leadership could direct more attention on where we are in terms of racial attitudes and relations. It is sad that with all the progress we have made over the last few decades, these kinds of terrorist acts still occur. Throughout my career, I have striven to promote racial harmony in my State and throughout the Nation. I seek to secure for all the blessings of liberty, to promote racial harmony, and to serve the people of our Nation.
Mr. KENNEDY. Mr. President, I yield the remainder of our time.

Mr. FAIRCLOTH. Mr. President, any time I have remaining I also yield back.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from Massachusetts and the Senator from North Carolina, have they completed their remarks and the introduction of their bill?

Mr. KENNEDY. I thank the Chair and ranking minority member for yielding for this purpose. We yield back our time.

Mr. NUNN. I congratulate both Senators on taking this step. I think there is nothing that is so discouraging and heartbreaking than to see the burnings that have taken place of churches across much of our country.

I speak with the Senator from Massachusetts and the Senator from North Carolina. Maybe we can get unanimous support for denouncing this unexplainable and detestable series of acts.

Whatever the cause, I think the message should go out that the U.S. Senate is firmly on record, both sides of the aisle, every political philosophy, disavowing this kind of conduct.

So I congratulate both Senators for introducing this bill. I know it will receive prompt and careful consideration by the Senate and the respective committees.

Ms. MIKULSKI. Mr. President, I rise today to voice my strong condemnation of the rash of church burnings that have swept through the South. This is a national crisis.

These acts of terrorism, which are aimed solely at predominately black churches, strikes at the very heart of what is sacred in our country—the right to freedom of religion and fundamental rights. Churches, mosques, temples, and synagogues are sanctuaries where Americans enjoy the freedom to worship. That is why these acts are truly repugnant, and I am outraged that the arsonists continue.

Yesterday the Senate passed unanimously a resolution expressing our horror at these repugnant acts, and calling for rigorous investigation and prosecution of these crimes. I was proud to be a co-sponsor of that resolution.

But we can and must do more. That is why I am cosponsoring the bill introduced by my colleagues, Senators KENNEDY and FAIRCLOTH, that will make it easier for the Federal Government to investigate and prosecute crimes involving the intentional destruction of churches.

Our Nation has made tremendous progress in the Civil Rights movement in the 1960's. Church burnings turn the clock back on the strides we have made since the 1960's and bring shame on our Nation. Our Nation cannot tolerate the increasing number of black church arsons. The burnings have reached epidemic proportions.

It is a painful reminder of a time when hate and ignorance prevailed in many parts of the country. The perpetrators of these crimes must be caught and punished. They must know that our laws move against or encourage these cowardly acts. Citizens around the country are outraged that places of worship—most small Southern towns—are being burned to the ground without the churches being historic landmarks. Some were erected over 100 years ago.

Black churches are the lifeblood in small Southern communities—byburning these churches the arsonists strike at the very heart of the black community. But, all of us who worship and believe in God are hurt by these church burnings; they strike everyone.

Faith built our country. We must begin building bridges to destroy the plague of racism. It is the basis of our Constitution that everyone has the freedom to worship wherever they please. These fundamental freedoms must be protected from those who would bring terror and intimidate peaceful, worshiping citizens.

Nearly 40 churches have burned since the beginning of the year. This is the worst kind of terrorism. It is reminiscent of a time when the Ku Klux Klan and other hate groups felt free to burn crosses, lynch innocent blacks, and burn churches. The current wave of church burnings is aimed solely at predominately black communities. These arsonists sneak into the night to torch churches falsely believing they will not be caught. We must not let these arsonists continue to commit their acts without being punished.

Our country will not tolerate this kind of moral outrage and shame. Federal prosecutors should be able to investigate and prosecute these criminals to the fullest extent allowed by law.

I need to have the resources to go after these criminals; a civilized society cannot continue to have churches being burned to the ground every other day.

It is encouraging that my Senate colleagues in a bipartisan fashion have come together to condemn the church burnings. This is an issue that crosses all racial and party lines. We need to begin rebuilding the churches across the South and the moral fabric of our country.

We must do all that we can to bring these criminals to justice. We are all the victims of the rash of church burnings in our country.

I urge my colleagues to support the Kennedy-Faircloth bill. The legislation will give law enforcement officials the tools they need to stop this terrible epidemic.

We must come together to begin healing the racial wounds caused by the church fires. Racism and hatred have no place in our country.
under the law, we cannot let the actions of these criminals result in bittersweet feelings. We cannot let them divide us. We must remember the words of Martin Luther King who said, “I’ve seen too much hate to want to hate myself, and I’ve seen hate on the faces of too many sheriffs, too many White Citizens Councils, and too many Klansmen of the South to want to hate, myself, and every time I see it, gay to myself: hate is too great a burden to bear.”

Let Dr. King’s words be our lesson as we find these criminals, bring them to justice, and rally together for an end to hatred and intolerance in this Nation. I commend the Senators who have taken the leading roles in crafting the language on which we will be voting, and I urge my colleagues to support the bill.

Mr. President, I yield the floor.

Mr. KOSHI. Mr. President, I rise to co-sponsor the Church Arson Protection Act of 1996 introduced today by Senators KENNEDY and FAIRCLOTH.

Saying none of this year’s fires have swept our country. More than 30 predominantly African-American churches in the southeast have been burned. Not all of the fires have been by people filled with racial hatred. But many have. And even one is too much.

Passing this measure is the least we can do to address this problem. With this new law, we send a clear message to the person who is thinking of setting fire to a place of worship: we will catch you. If you think that any church is small and remote, think again. No church is too small or remote for us not to care about it. If you think that you can burn all of the evidence, think again. We will find the evidence. If you think that no one cares if you burn a church used by African-Americans, think again. This Nation condemns your actions.

In the last few months, the FBI, the Bureau of Alcohol, Tobacco and Firearms, and State and local law enforcement have vigorously investigated the fires in our churches. They have made numerous arrests and have lead on many other cases.

Despite this progress, the news of these fires is genuinely disturbing and perplexing. How could anyone do such a heinous thing? How could anyone burn a church and feel proud of their actions? No one who is truly committed to the principles of our country could do that. This Nation, based on tolerance and respect for religious worship. And the greatest battle of our country’s short life has been fought for the principle of racial tolerance.

May we pray that these fires are a blow aimed at racial and religious equality. And they are. But they are feeble and small swats. We will rebuild the burned churches; we will condemn the criminals. But with this law, we will help assure that punishment is swift, sure, and severe. These fires cannot undo the progress in race relations that we have made as a nation.

So today, I rise to co-sponsor this legislation. And I urge my fellow Senators to pass it rapidly and unanimously.

Mr. D’AMATO. Mr. President, what has happened recently in this country is abominable and we have all heard the reports: yet another church, attended by black parishioners, was torched in the South. The recent rash of arson attacks on black churches should prompt the country in fear; it has to this Senator.

These cases of arson are more than the destruction of a structure; it is the destruction of the congregation and the communities themselves. This is the time for this body, and for all this Nation, to lend their support to these communities and these congregations for they have suffered a tremendous loss. If we allow this to continue with impunity in America, what protection do any of us have?

The reporting of over 30 church burning in 18 months indicates the need for a swift and just response. The responsible parties must be held pro-cured to the fullest extent of the law. These malicious burnings must end and end now.

By Mrs. BOXER (for herself and Mr. BINGAMAN).

S. 1981. A bill to establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accommodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I rise today to introduce the Border Infrastructure, Safety and Congestion Relief Act of 1996 with Senator BINGAMAN of New Mexico.

When the Senate debated the North American Free Trade Agreement, I opposed it on the grounds that the United States was unprepared for its impact on our environment, infrastructure, and labor relations. In fact, our Mexican border States face trying to handle the increased traffic from NAFTA in less time than it takes to design, review and construct major highway projects.

Now that NAFTA is a reality, however, I am determined to make it work to California’s best advantage.

Whatever its shortcomings, NAFTA has increased trade across our borders. However, this trade boom now threatens to overwhelm residents and businesses in the border region of San Diego and Imperial Counties. In California, we are the only commercial crossing facility linking San Diego and Tijuana. The number of trucks crossing annually at Otay Mesa has increased from 580,000 in 1993 to more than 1.5 million today. Daily traffic is expected to double again by the year 2010.

The Otay Mesa Port is connected to the U.S. Interstate Highway System by this one city street, which narrows to two lanes before reaching Interstate 905. Otay Mesa Road already carries traffic that is three times its design capacity.

In Imperial County the situation is similar, if slightly less intense. The Calexico/Mexical Port of Entry serves a regional population of 1 million. The border crossing opens on to a two-lane road with no shoulders, which is expected to carry 24 million vehicle trips through the heart of Calexico.

Between Otay Mesa and Calexico, construction is beginning on a new Federal border port of entry at Tecate. The U.S. Department of Transportation is providing no direct funding to link any of these stations with the regional road networks.

The California Transportation Commission recently approved shifting $2 million from other transportation projects in the State to the border region as a down payment on about $1 billion in needed infrastructure improvements to serve commercial vehicle traffic crossing the California-Mexico border.

The State of California is doing its share. Now, State transportation officials are demanding Federal reimbursement—over and above the State’s current Federal highway funding—to help pay for these border improvements.

That is why Senator BINGAMAN and I are introducing the Border Infrastructure, Safety and Congestion Relief Act of 1996.

Our bill provides a two-level system for Federal assistance to fund the States’ top-priority border infrastructure projects:

First, it establishes a $500 million Border Infrastructure Trust Fund to provide grants by the Secretary of Transportation to the States in order to fund new or improvements to the National Highway System.

States could also be reimbursed for projects that have begun any time since 1994, when NAFTA was implemented. This may not be ideal, but it would not be penalized for putting its State money up early to prepare for NAFTA with projects such as the new inspection station at Otay Mesa.

We also allow pro grants, $10 million, if needed, for the Attorney General to use to provide transportation improvements for the Border Patrol.