trafficking cartels. The Stroessner government has done little to indicate that it will fight the narco-traffickers effectively. As Stroessner himself has said, in defense of his dictatorship which denies all individual rights but one, he has provided 35 years of stability: "Corruption is the price you pay for peace." Mr. BYRD. Mr. President, there has been no winning business today, has there not? The PRESIDING OFFICER. The leader is correct.

CALENDAR

Mr. BYRD. Mr. President, I inquire of the distinguished acting leader on the other side of the aisle as to whether or not Calendar Orders Nos. 638, 648, 664, and 674 have been cleared on that side of the aisle.

Mr. PRESSLER. They have.

Mr. BYRD. Mr. President, I ask under standing order that the Senate proceed to the consideration of those four calendar orders seriatim.

The PRESIDING OFFICER. The bill will be so ordered.

CRIMINAL AND CIVIL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND INJURY TO PERSONS IN THE FREE EXERCISE OF THEIR RELIGIOUS BELIEFS

The PRESIDING OFFICER. The bill will be so ordered.

The legislative clerk reads as follows:

A bill (S. 794) to amend chapter 13 of title 18, United States Code, to impose criminal penalties and provide a civil action for damage to religious property because of the religious character of that property, or injury to persons in the free exercise of their religious beliefs.

The Senate proceeded to consider the bill reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof, the following:

SEC. 1. CRIMINAL PENALTIES FOR DAMAGE TO RELIGIOUS PROPERTY AND FOR OBSTRUCTION OF PERSONS IN THE FREE EXERCISE OF THEIR RELIGIOUS BELIEFS.

Chapter 13 of title 18, United States Code, is amended by adding at the end the following section:

"§ 247. Damage to religious property; obstruction of persons in the free exercise of religious beliefs.

(a) Whoever, in any of the circumstances referred to in subsection (b) of this section—

(1) intentionally defaces, damages, or destroys any religious real property, because of the religious character of that property or attempts to do so; or

(2) intentionally obstructs, by force or threat of force, any person in the enjoyment of a person's free exercise of religious beliefs, or attempts to do so; shall be punished as provided in subsection (c) of this section.

(b) The circumstances referred to in subsection (a) are that—

(1) in committing the offense, the defendant travels in interstate or foreign commerce, or uses a facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce; and

(2) in the case of an offense under subsection (a)(1), the loss resulting from the defacement, damage, or destruction is more than $10,000.

"(c) The punishment for a violation of subsection (a) of this section shall be—

(1) if death results, a fine in accordance with this title and imprisonment for any term of years, or death;

(2) if seriously bodily injury results, a fine in accordance with this title and imprisonment for not more than 10 years, or both; and

(3) in any other case, a fine in accordance with this title and imprisonment for not more than one year, or both.

(d) No prosecution of any offense described in this section shall be undertaken by the United States except upon the notification in writing of the Attorney General or his designee that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice.

(e) As used in this section—

(1) the term 'religious real property' means any church, synagogue, mosque, religious cemetery, or other religious real property; and

(2) the term 'seriously bodily injury' means bodily injury that involves a substantial risk of death, or death, or permanent serious disfigurement, or protracted physical pain, proximately caused by physical trauma, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

SEC. 2. TECHNICAL AMENDMENT.

The table of sections for chapter 13 of title 18, United States Code, is amended by adding at the end the following new item:

"247. Damage to religious property; obstruction of persons in the free exercise of their religious beliefs.

Mr. METZENBAUM. Mr. President, S. 794 would provide a strong and effective tool for the Federal Government to prosecute persons who use force or intimidation to interfere with the religious worship of others.

S. 794 makes it a federal crime:

First, to deface, damage, or destroy religious real property, for the religious character of that property, or second, to intentionally obstruct, by force or threat of force, any person in the enjoyment of the person's free exercise of religious beliefs. S. 794 provides strong penalties for interference with religious worship. Where death results from the commission of a crime, up to life imprisonment may be imposed. In the case of serious bodily injury, fines and imprisonment of up to 10 years may be imposed. In other cases, fines and up to 1 year imprisonment may be imposed.

I urge my colleagues to support this bill in order to guarantee Federal protection for a fundamental constitutional right, the right to the free exercise of religion.

Thank you, Mr. President.

Mr. CRANSTON. Mr. President, the Senate is about to consider passage of S. 794, legislation introduced by the distinguished Senator from Ohio (Mr. Metzenbaum), which is intended to make violence motivated by religious hatred a Federal criminal offense. I strongly support this legislation and applaud Senator Metzenbaum for his leadership in addressing this important problem. We need to take steps to deal forcefully with the type of bigotry and hatred which underlies these types of acts of violence.

However, I have strongly felt that the Federal Government needs to address all forms of hate crimes. Earlier this year, the Senator from Massachusetts (Mr. Kerry) and I introduced S. 312, which would amend various provisions of the United States Code to provide criminal penalties for violations of the civil rights of individuals based upon their affectional or sexual orientation. On April 19, 1988, I introduced an amendment to the pending measure, amendment No. 5006, CONGRESSIONAL RECORD, S.286, which would have made available Federal remedies for individuals based upon their affectional or sexual orientation.

Unfortunately, efforts to reach a time agreement which would have enabled this amendment to be considered in connection with S. 794 were unsuccessful. Since it became apparent that continuing to press for consideration of this measure would jeopardize passage of S. 794, I agreed to withhold the amendment at this time.

I intend to continue to press for consideration of the amendment, along with another measure, S. 2009, the proposed "Hate Crimes Statistics Act,"
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which I have introduced which would direct the Attorney General to collect data on the incidence of crimes that manifest prejudice based upon race, religion, affectional or sexual orientation, or ethnicity, no need to deal with all forms of hate crimes and to make clear that these acts of hatred will not be tolerated in our society. Violence against gay or lesbian individuals is no less a violent act against individuals because of their race, their religion or their ethnicity.

Mr. SIMON. Mr. President, today I join my distinguished colleague from Ohio, Senator Howard Metzenbaum in commending the Senate on the passage of S. 794. This legislation makes it a Federal offense to interfere with the practice of religious freedom. We must not forget the fact that many of our ancestors came to this country in search of freedom to practice their religion. Indeed part of what makes the wonderful complex tapestry that is our country, is the many religious groups that have found their home here. Our freedom to worship is an integral part of who we are as Americans.

Unfortunately we are seeing an increasing amount of violence directed at persons because they belong to a particular religious group. The evidence is clear. I was appalled to learn that on the night marking the 49th anniversary of Kristallnacht, the infamous night Nazis destroyed Jewish-owned store fronts and burned synagogues in Germany, several Christian churches and Jewish-owned stores in the Chicago suburbs were vandalized. Whether he or she be Jewish, Christian, Catholic, or Muslim, no person should suffer or die for practicing his or her faith. No religious symbol should be desecrated to show hatred toward a group of people that share in a particular religious doctrine. In passing this legislation Congress is sending a clear signal that the desecrations, the injuries, the deaths, are intolerable in a free society such as ours.

Although the passage of S. 794 is a positive step, much more must be done. That is why I have introduced S. 702, a proposal directing the Attorney General to acquire data about serious crimes manifesting prejudice against race, ethnicity, and other distinguishing characteristics. For each such hate crime, the name and address of the victim and the manner and cause of the victim's injury or death shall be preserved in a database.

I again commend Senator Metzenbaum and all those who worked on S. 794 for their commitment to this very important issue. Let this be a message to all: that the words of the first amendment to the Constitution prohibiting the interference with our exercise of religious freedom are not empty words, but a vital part of that which makes us free.