May 18, 1988

CONGRESSIONAL RECORD — HOUSE

H 3373

The rule provides for 1 hour of general debate, except one motion to recommit. 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 (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 may be considered for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendments, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and that report shall be considered as ordered on the bill and amendments thereon to final passage without intervening motion except one motion to recommit.

The Speaker pro tempore. The question is the adoption of the rule. Mr. Speaker, I urge adoption of the rule. 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 as reported form is relatively noncontentious, 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 at the House itself and 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. 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 general 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, 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 national system for collecting such statistics which will aid State, local, and Federal law enforcement efforts in combating hate crimes.

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

Mr. FROST. Mr. Speaker, during the past few years, there have been increases in the number 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 all in America is an indication of what we believe 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. It is effect is solely to provide us with accurate and up-to-date information about this problem. The Department of Justice is annually and publish statistics on crimes which manifest prejudice based on race, religion, sexual orientation, and ethnic origin. In addition, 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 does not have the power to 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 using the uniform crime reporting system makes the most sense as can 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 legislation in the 99th Congress. The subcommittee reported a bill, H.R. 2455, which passed the House by voice vote on April 16, 1985. The Senate, however, failed to act on the bill before the 99th Congress adjourned.

The availability of systematic national 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, Boston, and San Francisco. It can also lead to increased inter-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 differences, and to combat such behavior.

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 developing Federal programs based on information about this problem, the Congress will be taking a major step toward its solution.

To date, six States—Maryland, Pennsylvania, Illinois, Connecticut, Oklahoma, 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 phenomenon that we do not know. Are some parts of the country experienc- ing more hate crimes than others? Are there patterns evident in the background of 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 and big. 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 and 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 big. In 1978, 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 and 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.

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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 others in the household? They are not included in here. They are all protected groups of people.

Here is a good point, and this is a good forum to 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 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.

This is not about the enforcement of the law and to prosecute those who would bash gays. Those who are trying to get into this act of leading 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.

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 nothing to do with it, to be elevated to the status of religion and of race and of ethnicity as a criterion for mandating the Attorney General, even for the three categories of groups of our fellow citizens. As we proceed with the debate, I simply ask now and will elucidate at the time of the offering of the amendment, of course, that the purpose of the amendment would be 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 for first of all, I want to agree with the gentleman from Pennsylvania [Mr. GEKAS], my colleague, that he was not accusing his ego when he claimed 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 accumulating 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 ratio higher than the 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. 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 antisay 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 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 tested these base cases. 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 swastika, 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 do not have to look far to try to determine the perpetrator’s motivation. Only where there is obvious indicia of this involvement would we classify these crimes accordingly.

Mr. HOYER. Mr. Chairman, I thank the gentleman for his leadership and also congratulate the gentleman from Pennsylvania [Mr. GEKAS] for his leadership on this issue.

I could, however, want to say that I am a strong supporter of the 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 the Jews. But it is not enough just 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...
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 they do, that is, demand in terms of human rights. It is inappropriate that we in Congress adopt this legislation as expansively as possible to make sure that we make a very strong statement of what we disallow, 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 should truly like the legislation as currently written.

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

Mr. EDWARDS of California. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland. I yield the gentleman from Maryland.

Mr. CONYERS. Mr. Chairman, I rise in support of this legislation. I understand that we will not stop from acting against individuals based upon their prejudice.

I support strongly the legislation as currently written.

Mr. CONYERS. Mr. Chairman, I go to the House floor against the hate violence in our community. I can see a copy of the introduction of the Magen David Bet Eliahu Sephardic Synagogue in Rockville, MD. Warnings arriving to celebrate the Jewish Sabbath that Saturday morning were issued by two swastikas, the letters "SS" denoting Hitler's infamous secret police, and the words "Die Juhw."

Mr. Chairman, I am disturbed at the recent increase in the incidents of violence and harassment based on an individual's race, sexual orientation or, ethnic origin, or sexual orientation of the victim.

That kind of data will help government officials 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 Coalition Churches, the National Coalition of American Nuns, the American Baptist Church, the Lutheran Office for Governmental Affairs, and the Reform Board of Church and Society of the United Methodist Church.

This legislation is also endorsed by a wide range of other organizations, such as the American Jewish Committee, the Anti-Defamation League of B'nai B'rith, the American Jewish Congress, the American Jewish Committee, the American Psychiatric Association, the American Psychological Association, the Sunny von Buelow National Victim Advocacy Center, the Center for Democratic Renewal, and the American Bar Association.

The bill has been carefully drafted 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. What is your name?

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 Act.

Only 2 months ago, I spoke on the House floor about the hate violence in our community. I can see a copy of the introduction of the Magen David Bet Eliahu Sephardic Synagogue in Rockville, MD. Warnings arriving to celebrate the Jewish Sabbath that Saturday morning were issued by two swastikas, the letters "SS" denoting Hitler's infamous secret police, and the words "Die Juhw."

Mr. Chairman, I am disturbed at the recent increase in the incidents of violence and harassment based on an individual's race, sexual orientation or, ethnic origin, or sexual orientation of the victim.

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.

According to the report, "... the most frequent victims of hate violence today are Blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians."

I urge my colleagues to support this legislation as expansively as possible to make sure that we make a very strong statement of what we disallow, 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 should truly like the legislation as currently written.
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H 3377

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 bias violence, the inability of most criminal justice agencies to address the problem adequately, the National Institute of Justice undertook an exploratory review to (1) identify effective or promising steps that some criminal justice agencies have already taken to combat the problem, (2) to determine the principal issues involved in assisting other police agencies and prosecutor offices to take effective action, and (3) to 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 those associated with law enforcement, five with prosecutor offices, and five with the National Criminal Justice Association. Fifteen respondents were from constituency organizations, including groups representing minorities that are often victims of hate violence, the Anti-Defamation League, People, the National Gay and Lesbian Task Force, and the Anti-Defamation League. We conducted a library search of pertinent articles and reports. Our initial respondent list was supplemented by a library search of literature obtained from a library search of pertinent articles and reports and our own knowledge of agencies and organizations active in the field. Out initial respondent list was supplemented with additional names provided by our initial respondents who would be conducting research 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 initial respondents who would be conducting research 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 initial respondents who would be conducting research related to hate violence.

We also collected available written materi-
a
al. 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 the chairman 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 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 rendering 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, 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, consistent, 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 individually to 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. As 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. CONVERSE. 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 and 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 isolated, but a thorough review of Attorney General 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 recent report sponsored by 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 of hate violence.

There are compelling statistics to support inclusion of sexual orientation. The National Gay and Lesbian Task Force reported 4,944 incidents of hate crimes motivated by sexual orientation in 1986.

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 this 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 5 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 negative 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] who 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 heterosexually 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 data on the incidence and nature of bias-motivated crimes to document that cross burnings are not isolated incidents but part of a larger problem.

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 targeted at an individual, 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 not isolated incidents but part of a larger problem. But without data to show what is going on, we cannot be sure what to do.

The chairman of the subcommittee has said that I had introduced this bill in 1981, and it became confrontational. 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 5 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 despicable it is for someone to spray paint a swastika on a temple. But as a society that prides itself on a fair and equal society, we cannot tolerate hate crimes motivated by prejudice based on race, religion, ethnicity, or sexual orientation. This bill is supported by a broad coalition of law enforcement, religious, and public interest organizations. I urge my colleagues to do the same.
Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. Vento).

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

Mr. Chairman, as a cosponsor of the Hate Crime Statistics Act I rise in support of current legislation which would 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 formulating effective laws in a manner 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. As a cosponsor of Minnesota's recently enacted law requiring such hate crimes data collection legislation which includes the category of sexual orientation. This amendment passed both the Minnesota State Senate and House with overwhelming margins. Like the measure before us today, it had the support of the State's leading law enforcement officials and members of the legislature. When the Governor signed the Minnesota hate crimes law, he did not sign legislation which extended new rights to any group. He signed legislation that simply requires the collection of data on crimes of bias, hate crimes that are not new, that are not unusual—just that they may be protected equally under the law.

These laws and proposals as part of the Hate Crime Statistics 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-Jewish/racist violence sends a message that attacks against lesbians 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's world.

Mr. Chairman, I urge my colleagues to vote against this amendment and to codify this in the current Hate Crime Statistics Act. Violence and hatred 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. I 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 and scope of hate crimes and provide the basis for enactment of additional remedial legislation.

At present, little information about hate motivated crimes is 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 crimes motivated by prejudice. The availability of this data will provide the basis for coordinated law enforcement strategies. In my own State of New Jersey, our attorney general, Mr. Carew, 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 concerns about an increase in the number of 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 hate crimes data 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. Fink, and Mr. Lowry for their dedication and hard work on this sensitive and truly tragic issue.

This Nation is facing an emerging pattern of violence perpetrated by racial hatred. A rising number of our constituents are being brutalized 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 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 agencies 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. This bill will provide the statistical data needed by our law enforcement agencies to combat these types of activities. Hate crimes motivated by political and social intolerance must be distinguished from crimes motivated by other factors.
The Dorian Group, a Seattle gay and lesbian hate organization, recently participated in a national call to the police that 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 report released in 1988, documented some 3,000 incidents of harassment by hate crimes 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 crimes. 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 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 data 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 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 Collection of Data About Crimes that Manifest Prejudice Based on Race, Religion, Sexual Orientation, or Ethnicity." This straightforward legislation would assist law enforcement agencies 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 the community of which the gentleman from Pennsylvania is a part has been unsatisfactory. Most, if not all, are based on self-reporting, which is fraught with errors of commission or omission. The unamended passage of this bill is a significant 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 insulate 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 in hate crimes, and to create a database that the law enforcement officials to respond to bigotry in our society. Mr. Chairman, I urge passage of the Hate Crimes Statistics Act with no weakenings.

Mr. DUVALL. 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 conduct an exhaustive study of hate crimes based on 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 crime against certain groups of Americans. Members of law enforcement, including blacks, Jews, and homosexuals, increasingly have become the victims of hate groups such as the Ku Klux Klan and neo-Nazi organizations.

It is in a climate of retrogression and unrationaled xenophobia with an alarming record on civil rights. Their record on 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?

In a report sponsored by the National Gay and Lesbian Task Force which show 100% increase in crimes against Jewish property and institutions. Acts against Jewish property and institutions. Acts of vandalism committed against Jewish property and institutions. Acts of vandalism committed against Jewish property and institutions.

More than 12,000 incidents of vandalism occurred in 1988.

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 freedom of speech, this country has too many victims of crimes motivated by prejudice. Just one of these crimes is simply too many.

Despite advances in civil rights, we still witness horrendous attacks and crimes against 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 CONNERS, 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 to reveal where and why these crimes are being committed. This data 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 these basic universal principles of violence and criminal means to understand it. 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 reliable statistics which help to analyze and understand the problem. I urge you to vote for your support.

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 non-confrontational approach to the problem. First, a process for a national study of the incidence of hate crimes, as 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 targeted hate crimes involving antisemitism is the anti-defamation 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 vandalism committed against Jewish property and institutions. Acts of vandalism occurred at a ratio of 2 to 1 to other types of hate crimes.

The compilation of hate crime statistics is both necessary and feasible. I urge you to support H.R. 3193/B. 2000. The Hate Crimes Statistics Act. This bill will require the Justice Department to develop 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 with them, we need a national census of reported hate crimes.

As Police Commissioners of 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 heinous category 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 impeded by the lack of official, comprehensive, uniform, unbiased (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/B. 2000.
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 every conceivable college and university. In March, a Chinese-American man in Portland was beaten by three youths as they shouted racial epithets at him.

Journey City, NJ, is suffering from a rash of violent incidents of harassment against Americans of Indian ancestry. One person has been killed. These attacks may be related to a group called the "Dobusters." 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 perpetuate the barriers to full acceptance into American society still facing Americans of Asian ancestry. I have heard of Cambodian-Americans being assaulted in Massachusetts; Native Americans being harrassed 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 hate 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 yield 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 of thirty States who write in strong support for H.R. 3193. They say that this straightforward legislation will assist them in their 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, 

Massachusetts.  

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

May 18, 1988

Sincerely,

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

The CHAIRMAN. The bill is now before the Committee on the Judiciary for the purpose of obtaining evidence and hearing witnesses in connection with the consideration of the bill.

The Clerk will call the roll.

The roll call is closed. The Sergeant at Arms is directed to close the gallery doors.

The CHAIRMAN. The Clerk will call the roll.

The roll call is closed. The Sergeant at Arms is directed to close the gallery doors.

DEPARTMENT OF ATTORNEY GENERAL, 

Rhode Island.

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

The CHAIRMAN. The Clerk will read.

Sincerely,

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

The CHAIRMAN. The bill is now before the Committee on the Judiciary for the purpose of obtaining evidence and hearing witnesses in connection with the consideration of the bill.
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 instance 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 that 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.

PERFECTION AMENDMENT OFFERED BY MR. MILLER OF WASHINGTON

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

The Clerk read as follows:

PERFECTION 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, this perfection 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 perfectly correct. If the perfection amendment
is adopted, there will not be a vote on the motion to strike.

Mr. GEKAS. Mr. Chairman, I understand that. This represents 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.

Mr. Chairman, this is a dangerous trend. It is dangerous to gay people who have suffered more particularly because 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 to 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 we think they are 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 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 there is 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 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” and is half a dozen of the other. That in itself does not compel me, or uncon­vince 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 nationality while it does not do the same for being either 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 who 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 aware, as the gentleman from Michigan (Mr. CONVERSE) outlined that part of the reason that we have this in the bill today is because the gay rights organizations who testified or requested that it be included at least in part apply to the gentleman from Texas that, he back in his jurisdiction and I mine can, if we ask, find that there is a reason that this particular category, because crimes which are carried out against the elderly group 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 that is 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 not to have the opportunity to do that because that would be constitutionally possible, or apparently I am constitutionally 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 names and throw things at them out of 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 persons who 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 different from a 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 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 we are talking about these other groups, including sexual orientation, and treat them separately if the original intent of this was to get at the swastikas 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 the legislation. The 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.

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 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.

Mr. GEKAS. Mr. Chairman, if I can correct 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, 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. Because when you do, 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
Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield to me?

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

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

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

Mr. MILLER of Washington. 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 to me?

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

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

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

Mr. MILLER of Washington. 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.

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

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Mr. MILLER of Washington. Mr. Chairman, will the gentleman yield to me?
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. 3135, 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. Malik).

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

RECORDED VOT

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

Buchanan

Buechner

Dempsey

DeSaulnier

Dicks

DiGangi

Dixon

Downey

Dreer

Durbin

Dwyer

Ecker

Eckert

Eidson

Eisch

Elpers

Engstrom

Ernst

Erickson

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Statistics support this belief. In New York City alone, the victims of antisemitic violence increased 83 percent last year. Studies have shown that nearly 1 in 4 gay men and nearly 1 in 10 lesbians have 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.

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 their race, religion, sexual orientation, or ethnicity, 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 poverty more generally that to condone, or even tolerate, violence and intimidation 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 the Hate Crime 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 Forth Smith 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 Anti-defamation 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 extremist 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 political commitment has made the 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 presence of these incidents, 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 the amendment. It is estimated that 25 percent of all gay men and 10 percent of lesbians have physically assaulted solely because of their sexual orientation. The AIDS epidemic has led to heightened levels of harassment and intimidation against gay and lesbian population. In 1986 alone, local organizations across the country documented 4,946 acts of antigay violence. Of those incidents 732 were physical assaults, 340 were serious bodily injuries, and 683 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 victims an 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 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.

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

Mr. Chairman, because of the unusual and expeditious action, particularly expedient 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 that portion of the amendment.

I ask unanimous consent 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. Conyers], and others, and that bill, which hopefully will become law and has the support of the administration, together with this bill, works to end 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. Is there objection to the request of the gentleman from Michigan?

There was no objection.
Accordingly the Committee rose; and the Speaker pro tempore (Mr. Folsom) having assumed the chair, Mr. Levin of Michigan, Chairman of the Committee of the Whole House on the State of the Union, reported that the 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.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 383, noes 1438.

The Clerk announced the following pairs:

On this vote: Mr. Stratton for, with Mr. Boulter against.

The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

AUTHORIZED THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3193, HATE CRIMES STATUTE 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.

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

Mr. GEHRARDT, 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:

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

The previous question was ordered.