

many Americans do not know where Laramie, Wyoming, was until about a year ago Matthew Shepard, an openly gay 21-year-old university student, was savagely beaten, burned, tied to a wooden fence in a remote area, and left to die in subfreezing temperatures.

There is nothing about these cases that reflects poorly on those individual towns across America. In fact, hate crimes like these, unfortunately, are happening in towns big and small, major metropolises, small neighborhoods all across this country.

Since 1991, when the Department of Justice started keeping hate crime statistics, they found after surveying hundreds of police department law enforcement agencies around this country that about 4,600 hate crimes had been committed. When they did a similar survey in 1997, they found that that number had nearly doubled to over 8,000.

This is an epidemic, Mr. Speaker. Matthew Shepard made us all gasp in horror. But now we in Congress have an opportunity to act.

Not so long ago, in 1990 and 1994, this House did act in passing the Hate Crime Statistics Act and Hate Crimes Sentencing Enhancement Act. But we have seen again and again that that law needs to be strengthened. We learned frankly from cases all across this country that there are problems with the current law that we are obligated to fix.

The Federal prosecution of hate crimes can only happen if the crime is motivated by race, religion, national origin, color, and the assailant intended to prevent the victim from exercising a very narrowly defined protected right, like voting or attending school.

The law is so narrowly written that we are seeing problems with prosecutions all around this country. In 1994, a Federal jury in Fort Worth, Texas, acquitted three white supremacists of Federal civil rights charges arising from unprovoked assaults on African-Americans, including one incident where the defendant knocked the man unconscious as he stood near a bus stop.

□ 1815

Some of the jurors revealed after the acquittal that although they were absolutely convinced that the crime was racially motivated, they could not find that it fit into one of these narrow racially protected activities. The same happened in 1992 when two white men chased a man of Asian descent from a nightclub in Detroit and beat him to death. The Department of Justice, with a great deal of help from the State and locality, tried to prosecute it using the current hate crimes law and failed because the law was too narrowly crafted.

We have an opportunity with the bill that is currently before the House Committee on the Judiciary to deal with this problem, to broaden the

crimes which the Federal Government, with the help of the States and localities, can prosecute. We have seen over and over again that if the Federal Government brings its forces to bear, that we can make a difference.

Mr. Speaker, sometimes this House is criticized for acting only in the face of abject crisis. I believe that that crisis has been shown to us by the horror of Matthew Shepard. Now is the opportunity for us to act in this time of crisis, to pass the Hate Crimes Enhancement Act, to finally begin to do something to stop that increasing trend of hate crimes. I cannot promise anyone in this Chamber that if we were to pass this act, there will not be people with hate in their hearts, there will not be people who do horrific things in small towns and big cities all across this country. But I do know we have an obligation to act, because what happened to Matthew Shepard was not just a blow to that small town, it was not just a blow to gay rights, it was not just a blow to that person's family, it was a blow to our national family. It was a horror that all of us must address.

IN SUPPORT OF THE HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore (Mr. COOKSEY). Under a previous order of the House, the gentleman from New York (Mr. NADLER) is recognized for 5 minutes.

Mr. NADLER. Mr. Speaker, we are faced with an historic opportunity once again this year to pass legislation to combat violent hate crimes that continue to plague our country.

Last year, despite the brutal killing of Matthew Shepard simply because he was gay, we failed to incorporate the Hate Crimes Prevention Act into a bill to fund the Justice Department. We must not make the same mistake again this year.

In the year that followed Matthew Shepard's death, thousands of hate crimes were committed and Congress failed to protect gays, lesbians, bisexuals, transgender individuals and others from these heinous crimes.

Tragically, we are all far too familiar with the violent acts of terrorism that are sweeping our country. The August 10 shooting of a Filipino-American letter carrier, shooting to death, three young children who were shot and two adults at the Los Angeles Jewish community center is one of a series of brutal hate crimes that continue to plague victims, families, communities and the Nation. These violent acts come on the heels of the July 4 shooting spree in Illinois and Indiana, and the burning of three synagogues in northern California.

Congress has been far too slow in responding to the hate crimes that continue to threaten our communities all across America. Week after week we hear horror stories of murderers attacking innocent people because they

are, or are perceived, to be members of a certain community, because they are of a particular ethnic group, or thought to be of a particular ethnic group, or race or color or creed or sexual orientation. These hate crimes devastate families and local communities and they also send a chill down the backs of everyone else that belongs to the same group.

Remember, hate crimes are especially odious because they victimize more than just the individual victim, they also are acts of terrorism directed against an entire class of citizens. When a hate crime is committed, it sends a message to every member of the targeted group that they risk their lives simply by being a member of a targeted group. No American should have to be afraid to live in any community because they are threatened with violence because of who they are.

We should instruct the conferees to accede to one version of the Senate language, to agree to add gender and disability and sexual orientation to the Federal hate crimes law. There is a necessity to do this in order so that we can give help to States that have their own hate crimes laws but need Federal assistance in investigating crimes.

The Senate has already passed the Hate Crimes Prevention Act as an amendment to the Commerce, Justice, State and Judiciary appropriations bill which is now in the conference committee. Over the summer, I organized a group of 62 other Members of the House, both Republicans and Democrats, to join together and urge the conferees to include the Hate Crimes Prevention Act in the final appropriations bill. I hope we are successful and that we can pass meaningful reform this fall. It is certainly within our grasp, but we need all the help we can get to urge other Members of the House and of the Senate to include this vital legislation, the Hate Crimes Prevention Act, in the final version of the appropriations bill.

We must all redouble our efforts to pass sensible hate crimes prevention legislation this year. We must continue our fight to protect American families from violent bigotry and from vicious acts of hatred. Our constituents and the citizens of this great country expect no less of us.

IN SUPPORT OF HATE CRIMES PREVENTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Speaker, I am proud to rise today and speak in favor of the Hate Crimes Prevention Act of 1999 which is cosponsored by myself and 184 of my colleagues in this House.

Just a few weeks ago, our country was shocked when a gunman entered a Jewish community center in Los Angeles, shooting at innocent children. His intent, and I quote, "sending a message

by killing Jews." What kind of message was he sending? A message of hatred.

One year ago yesterday, in Laramie, Wyoming, a young man named Matthew Shepard was killed. The reason? Because he was gay.

In Jasper, Texas, a man was murdered and dragged through the streets because he was an African-American.

All of these incidents are hate crimes. They do not just affect the group that was killed, they affect each and every one of us.

This is especially troubling to me because of the rash of anti-immigrant billboards and posters in my district of late which falsely blame immigrants for all of society's problems. Having spent my entire life in Queens County in New York, I recognize the problems faced on a daily basis by minorities who strive to eliminate any form of discrimination still present in our society. Unfortunately, the billboards of late only tell that discrimination is alive and well.

I believe the Hate Crimes Prevention Act of 1999 is a constructive and measured response to a problem that continues to plague our Nation. Violence motivated by prejudice. This legislation is also needed because many States lack comprehensive hate crime laws.

I understand there are some people who believe that hate should not be an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough as is. I answer with the most recent figures from 1997, when 8,049 hate crimes were reported in the United States, 8,049 crimes, because of hate. According to the FBI, hate crimes are underreported. So the actual figure is much, much higher.

I say to my colleagues, penalties for committing a murder are increased if the murder happens during the commission of a crime. Murdering a police officer is considered first degree murder, even if there was no premeditation. Committing armed robbery carries a higher punishment than petty larceny. There are degrees to crimes. Local governments and State governments and the Federal Government recognize that. And committing a crime against someone because of their race, color, sex, sexual orientation, religion, ethnicity or other group should warrant a different penalty. These crimes are designed to send a message, "We don't like your kind and here is what we're going to do about it." So why can we not punish crimes motivated by hate differently than other crimes?

Mr. Speaker, this legislation does not punish free speech as some have contended. Nowhere does it say you cannot hold a certain political belief or view or a particular philosophy. What it does say is that if you commit a violent act because of those beliefs, you will be punished and punished differently.

Hate crime laws are also constitutional. The U.S. Supreme Court's rul-

ing in *Wisconsin v. Mitchell* unanimously upheld a Wisconsin statute which gave enhanced sentences to a defendant who intentionally selects a victim because of the person's race, religion, color, disability, sexual orientation, sex or nation of origin.

I believe we ought to stand up as a Congress and as a country to pass the Hate Crimes Prevention Act to make our laws tougher for the people who carry out these heinous crimes.

The Senate has already included it as part of the fiscal year 2000 Commerce-Justice-State appropriations bill. I would urge the House conferees to recede to the Senate on this section. At the very least, H.R. 1082 should be brought to the House floor for consideration. We must end the hate that is permeating our society.

—————

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS PURSUANT TO TREASURY DEPARTMENT SPECIFIC LICENSES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(e)(6), as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, Public Law 104-114, 110 Stat. 785, I transmit herewith a semiannual report "detailing payments made to Cuba . . . as a result of the provision of telecommunications services" pursuant to Department of the Treasury specific licenses.

WILLIAM J. CLINTON.

THE WHITE HOUSE, October 13, 1999.

—————

IN SUPPORT OF HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, under the Violent Crime Control and Law Enforcement Act of 1994, Congress has defined a hate crime as "any act of violence against a person or property based on the victim's race, color, gender, national origin, religion, sexual orientation or disability."

I am here today, Mr. Speaker, to talk about the victims of hate crimes that provide a real-life definition.

James Byrd, Jr., an African-American male victim, chained to the back of a pickup truck and dragged along a dirt road, murdered by supporters of a white supremacist organization.

Thanh Mai, a Vietnamese-American victim who died from a split skull after

being taunted and called a "gook" and struck to a cement floor.

A Latino-American family victimized by arsonists who burned down their home after spray-painting racist messages on the walls.

Women in Massachusetts victimized by a sexual batterer who was found to have violated the State's hate crime law for his biased crimes against women.

Jewish children victimized by shootings at their community center by a man who had connections to an anti-Semitic organization.

And today, we remember Matthew Shepard, a 21-year-old college student who was brutally and savagely beaten, strapped to a fence like an animal and left to die, all because of his sexual orientation.

These are only a few of the human faces that fell victim to intolerance, bias and bigotry. In fact, FBI statistics reveal that in 1997, a total of 8,049 biased motivated criminal incidents were reported. Of these incidents, 4,700 were motivated by racial bias, 1,400 by religious bias, 1,100 by sexual-orientation bias, 800 by ethnicity/national origin bias, and 12 by disability bias.

□ 1830

The number of incidents reported in my home State of Maryland was 335.

As we discuss this issue, I believe that there are two questions our Nation must answer: First, why should we care?

I submit to my colleagues today that we should care because our Nation was built on a foundation of democracy and independence for all. Our Declaration of Independence states that we hold these truths to be self-evident, that all men are created equal, and they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. We all take pride in these words, Mr. Speaker, but we all have a duty as American people to recognize this principle applies to all of our Nation's citizens regardless of their race or national origin, gender, sexual orientation, religion or disability status.

As cosponsor of the Celebrating One America resolution that this House passed today by unanimous consent sponsored by my good friend from New York (Mr. RANGEL), I believe that we should reach out across our differences in ethnicity, race and religion to respect each other and to celebrate in friendship our unity and one America. We must all remember that although we are a melting pot of various cultures, ideals and physical make-ups, we are all one human race.

As one 16 year-old recently wrote:
 "He prayed, it wasn't my religion;
 He ate, it wasn't what I ate;
 He spoke, it wasn't my language;
 He dressed, it wasn't what I wore;
 He took my hand, it wasn't the color of mine;

But when he laughed, it was how I laugh, and when he cried, it was how I cry."