

SHOTINGS IN PITTSBURGH,  
PENNSYLVANIA

Mr. SPECTER. Mr. President, I seek recognition today to speak about an incident that has sent shock waves throughout the conscience of our Nation. On April 28th, in Pittsburgh, Pennsylvania, five of my constituents were brutally murdered and one critically injured in what seems to be a hate crime. Reports indicate that the perpetrator actively and methodically sought out his minority victims during the 72-minute rampage. The victims of this brutal rampage were a 63-year-old Jewish woman, a 31-year-old man of Indian descent, a 22-year-old African-American student, a 27-year-old Vietnamese man, and a 34-year-old Chinese-American man. In addition to the five people killed, another 25-year-old man of Indian descent was shot in the neck and critically injured. The alleged killer also fired rounds at two synagogues and spray-painted the word "Jew" and two swastikas on the wall of one of them.

The alleged murderer was arraigned on five counts of homicide, seven counts of ethnic intimidation, three counts of criminal mischief, two counts each of arson and institutional vandalism and one count each of attempted homicide, firearms violations, reckless endangerment and aggravated assault. This senseless rampage that left five people dead and one in critical condition poses some of the most important and vexing law enforcement challenges currently facing our Nation. Such heinous hate-filled acts of violence divide our communities, intimidate our citizens, and poison our collective spirit. While our hearts are grieving for those who have lost loved ones, we must try and find some consolation by using this atrocity to send a strong message that hate crimes will not be tolerated.

Such vicious attacks are a form of terrorism that threaten the entire Nation and undermine the ideals on which we were founded. I am a principal sponsor of S. 622, the Hate Crimes Prevention Act of 1999. I was the District Attorney in Philadelphia for eight years and I did not like Federal encroachment on State jurisdiction—but there are some instances when Federal intervention is necessary. Some of the ugliest instances of violence in our nation have been motivated by hatred based on race, color, religion, national origin, sexual orientation, and disability. It is in the case where it is plain that it was a hate crime situation—in these extremely usual situations, the I believe Federal authority ought to be present where it is necessary.

I know that there are those that are concerned about the expansion of Federal jurisdiction, which is something that we should be very careful about. It is with this very concern in mind that this legislation has been narrowly tailored to target a very, very important area—it has been done with a scalpel

and not a meat axe. We need to let people out there know that if the crime is bad enough and the local prosecutors won't act that there is a Federal authority to come in where absolutely necessary. Current law, 18 United States Code, Section 245, permits federal prosecution of a hate crime only if the crime was motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a "federally protected right." These activities are: (A) enrolling in or attending a public school or public college; (B) participating in or enjoying a service, program, facility or activity provided or administered by any state or local government; (C) applying for or enjoying employment; (D) serving in a state court as a grand or petit juror; (E) traveling in or using a facility of interstate commerce; and (F) enjoying the goods or services of certain places of public accommodation. The statute's dual requirement that the government has to prove that the defendant committed an offense not only because of the victim's race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined "federally protected activities" substantially limits the potential for federal prosecution of hate crimes, even when the crime is particularly heinous. The Hate Crime Prevention Act will make it easier for the Federal government to successfully prosecute hate crimes by amending current law to eliminate the dual requirement and by expanding the list groups entitled to protection under Federal law to include women, homosexuals and the disabled. Under this bill, hate crimes that cause death or bodily injury can be investigated federally, regardless of whether the victim was exercising a federally protected right. In cases involving violent hate crimes based on the victims gender, sexual orientation, or disability, the bill would make it a Federal crime to willfully cause bodily injury to any person, or attempt to do so through use of a firearm or explosive device, whenever the incident affected or involved interstate commerce. No longer would Federal criminal civil rights jurisdiction hinge upon whether a racial murder occurs on a public sidewalk versus a private parking lot. No longer would the Federal government be without the power to work with State and local officials in the investigation and prosecution of a racist who targets and assaults an African American. Criminals will no longer be able to evade Federal prosecution simply because their victims were not enrolling in a public school, using a place of public accommodation, or participating in any of the six federally protected activities at the time they were assaulted.

Mr. President, this is a bill that is narrowly tailored to reach only the most egregious forms of hate crimes. It is important to note that this bill does

not impact issues such as job discrimination, political speech or graffiti.

America is the great melting pot. People of different races, religion, and creed join together from all around the globe seeking freedom—religious freedom, political freedom and economic freedom. But unfortunately in our society today there are those who harbor animus towards others because of the color of their skin or the church they attend. Few crimes tear more deeply at the fabric of our Nation than crimes motivated by such hatred. We must continue to work towards freeing our Nation from such violence, discrimination, hatred, and bigotry through education and public awareness. However, while we work towards this goal we must ensure that each and every American is protected from crimes based on race, color, religion, national origin, gender, sexual orientation, or disability.

ADDITIONAL STATEMENTS

RICHARD B. HARVEY

• Mrs. FEINSTEIN. Mr. President, today I honor Dr. Richard B. Harvey, Distinguished Service Professor of Political Science on the occasion of his retirement from Whittier College. Over the span of four decades, Dr. Harvey has also served as Assistant Dean, Dean of Academic Affairs and Chair of the Political Science Department of Whittier College.

In addition to his academic pursuits, Dr. Harvey is the accomplished author of *The Dynamics of California Government and Politics*, a well known textbook in its sixth edition, Earl Warren, Governor of California, and a number of articles and book reviews. He is also a radio commentator, delivering political analysis of election results.

His educational leadership has inspired countless young students to pursue civic opportunities. Dr. Harvey's *Politics Outside the Classroom* course exposed students various powerhouses in the Los Angeles and Sacramento areas. Students met and discussed California politics with some of the state's most influential political officials, learning more about the practical world of politics than a textbook or lecture can offer.

Dr. Harvey's dedication to educating students and his belief in the significance of the political process are worthy of recognition. He earned a B.A. degree from Occidental College, and M.A. and Ph.D. degrees from the University of California, Los Angeles.

Mr. President, I ask my colleagues to join me in wishing Dr. Richard Harvey best wishes on his retirement and in all of his future endeavors. His dedication and commitment to teaching California politics for over forty years has set an example that will be emulated for years to come. ●