June 16, 2000

CONGRESSIONAL RECORD—SENATE

11175

the opportunity to get this issue of Cuba-United States relations out of politics and have a bipartisan commission make recommendations from which we might consider some different ways of approaching what has been a 40-year-old policy?

I should have said at the very outset of my remarks—and I apologize for not doing so because it needs to be said—that I carry, nor does anyone who supports this commission, any grief for Fidel Castro or the dictatorship in Cuba. The conditions these people have to live in are deplorable—the hardships, the denial of human rights, the economic deprivation. I hold great respect for the Cuban exile community in this country. They have come to be great Americans and have contributed significantly to the economic well-being of our country. They have made contributions as public servants and as patriots—men and women in uniform. But too often this issue has been dominated by how we deal with one individual.

There are 11 million people living 90 miles off our shores. We need to think about the post-Castro period as well. How can we create a softer landing? How can we try to at least frame issues which will allow for a transition there and avoid the potential conflict in civil strife that could occur on the island of Cuba?

I hope that the Cuban American Foundation will support the idea of a bipartisan commission—a commission that would incorporate and include people of different points of view to try to come up with some common ground on which they could recommend to a new administration and to this Congress or the next Congress.

This proposal is not some radical or fringe idea. It is strongly supported by the mainstream of our foreign policy establishment such as Dr. Henry Kissinger and Bill Rodgers support this effort. I appreciate their willingness to say so. I suspect they would be willing to serve as commissioners if they were asked to.

In light of the systemic changes that have transformed the globe over the last 40 years, I believe a fundamental rethinking of the U.S.-Cuban policy is in order. In fact, such a rethinking is long overdue and it is very much in our national interest to do it at this juncture.

The pending amendment that we offered on Tuesday deals with the problem by broaching anything relating to Cuba in an election year or any year for that matter.

The sad reality is that the only way we are going to get this dispassionate review of our current policy and sensible recommendations with respect to how that policy should change is by bringing together a commission of respected outside experts to advise the executive and the legislative branches on future policy options.

I said a moment ago that some 11 million people live less than 100 miles from our shores. We owe it to the American people to seriously analyze the consequences to the United States of a major civil upheaval on the island of Cuba and to devise a policy that minimizes the possibility of such an event occurring.

Does anyone believe for one moment that a sea of humanity would not stream from the island toward U.S. shores if civil conflict erupts there?

Two years have passed since Pope John Paul II made a historic visit to Cuba that called upon that country to open up to the world and for the world to open up to Cuba.

Even after such an unprecedented event, the centerpiece of our policy remains the same—an embargo which blocks restive, travel, and a slow flow of information to Cuba and thereby strangle Cuba economically.

This hard-line stance continues to hold sway in Washington today in large measure because successive administrations have hung up any domestic political considerations and have been fearful of provoking the ire of those who are obsessed with the island of Cuba and its personification in the person of Fidel Castro.

We have just entered a new millennium. Surely it is time to break with the policy that is largely centered on the fate of one individual and replace it with one that is more future-oriented—one that focuses on the other 11 million individuals who also reside on the island of Cuba, and on the millions of Cuban-Americans. Many of them believe we ought to think differently today. They do not speak out on the issue but would welcome the opportunity to see a commission created which would give us a chance to look at other policy options.

The time has come to have a reasoned conversation regarding Cuba and U.S. policy, and about the effectiveness of our policy. I think the establishment of a bipartisan commission would be the starting point for just such a conversation and just such a debate. Hopefully, the end point of that conversation would be the development of a national consensus around a new Cuba policy—one that is compatible with America’s values and beliefs, one that truly serves our own national interests.

I hope my colleagues will agree with this analysis. If so, I urge them to support this amendment when it is voted on next Tuesday.

I yield the floor and suggest the absence of a quorum.

The PRESIDENT OFFICER. The clerk will call the roll.

The PRESIDENT OFFICER. The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. We are under a time agreement.

The PRESIDING OFFICER. Under the previous order, the Senator has 15 minutes.

HATE CRIMES PREVENTION ACT AMENDMENT

Mr. KENNEDY. Mr. President, at an appropriate time, I intend to offer the Hate Crimes Prevention Act as an amendment to the Department of Defense Authorization Act. It is essential for the Senate to deal with this important issue.

Hate crimes are modern day lynchings, and this is the time and the United States Senate is the place to take a stand against them. We must firmly and unequivocally say “no” to those who injure or murder because of hate. Every day that Congress fails to act, people across the Nation continue to be victimized by acts of bigotry based on race, religion, sexual orientation, gender, or disability.

Hate crimes are a national disgrace and an attack on everything this country stands for. These crimes send a poisonous message that minorities are second class citizens with fewer rights. And, sadly, the number of hate crimes continues to rise.

70,000 hate crime offenses have been reported in the United States since 1991. In 1991 there were 4,500 hate crimes; 7,500 in 1993; 7,900 in 1995, and over 8,000 in 1997. There were 7,700 hate crimes reported in 1998, and although the numbers dropped slightly, the number and severity of offenses increased in the categories of religion, sexual orientation, and disability.

This is a serious and persistent problem—an epidemic that must be stopped.

All of us are aware of the most highly-publicized hate crimes, especially the brutal murders of James Byrd in Jasper, Texas, and Matthew Shepard in Laramie, Wyoming. But these two killings are just the tip of the iceberg. Many other gruesome acts of hatred have occurred this year:

On January 28 in Boston, a group of high school teenagers sexually assaulted and attacked a 16-year-old high school student on the subway because she was holding hands with another young girl, a common custom from her native African country. Thinking the victim was a lesbian, the group began groping the girl, ripping her clothes and pointing at their own genitals, while shouting “Do you like this? Do you like this? Is this what you like?”

When the girl resisted, officials said, a teenage boy who was with the group pulled a knife on the girl, held it to her throat and threatened to slash her if she didn’t obey her attackers. The girl was left unconscious from the beating.
Three high school students were arrested in the attack and charged with civil rights violations, assault with a dangerous weapon, and battery, and indecent assault and battery.

On February 6 Tuscon, Arizona, a 20-year-old gay University of Arizona student was sitting at a cafe when a man came up behind him and punched and stabbed him with a large knife. Witnesses heard the perpetrator using vicious anti-gay epithets. The victim was treated at a local hospital and survived. The attack spurred an anti-hate rally on the campus a few days later, drawing over 1,000 people.

On March 1 in Wilkinsburg, Pennsylvania, a black man was charged with a hate crime after going on a shooting rampage killing three white men and leaving two others critically wounded. Prior to the attack, the severely intoxicated man that he wouldn't hurt her because he was "out to get all white people." The perpetrator was shooting racial epithets at white maintenance workers, and shot only white men on his rampage. Authorities found anti-white and anti-Jewish writings in his home.

On April 29 in Pittsburgh, Pennsylvania, Richard Scott Baumhammers, 34, a white man was charged with murder and hate crimes in a shooting rampaging at an Indian grocery. He also fired shots at two synagogues, and the walls of a mosque. Two swastikas were painted in red on one of the buildings. According to press reports, attorney of the accused is raising an insanity defense.

On June 4 in Rapid City, South Dakota, press reports indicate that police are baffled by a series of eight inexplicable drowning deaths among mostly Native Americans along Rapid Creek that have occurred over the course of 14 months. Law enforcement officials initially thought that the severely intoxicated men had drowned by accident. But local Native Americans believe an "Indian-hater" is waiting for the victims to become drunk and then dragging, rolling or pushing them into the water. These incidents come on the heels of a March 2000 report from the U.S. Civil Rights Commission that shows that racial tensions in South Dakota are high, and that Native Americans in the state feel that the justice they received.

The most brutal and shocking hate crimes continue to make national headlines. Yet this list highlights just a few of the many hate crimes that afflict communities throughout the nation. This problem cannot and should not be ignored.

We know that hate groups have increased in number in recent years. A study by the Southern Poverty Law Center reported last year that 474 hate groups exist nationwide. Clearly, the Internet has given them a larger megaphone. In earlier years, hate groups would spread their messages of hate by using bulletin boards, newsletters, cable television, and occasional rallies. Now, the Internet gives them a vastly increased audience that can be reached with little effort. Hate sites have proliferated at distressing rates, and recruitment by hate groups has increased substantially. No minority is safe. African-Americans, Hispanics, Jews, gays, lesbians, Arab-Americans, Native Americans—all are targeted by these hate groups, which hide behind the first amendment as they spread their hateful messages. Unless we find better antidotes to the poison of high-tech hate, the problem of hate crimes in our free society will become increasingly severe.

The federal government has a special role in protecting civil rights and preventing discrimination. We need to take two major steps. We need to strengthen current federal laws against hate crimes based on race, religion or national origin. We also need to add gender, sexual orientation, and disability to the types of hate crimes where federal prosecution is available. Our goal is to make the Justice Department a full partner with state and local governments in investigating and prosecuting these vicious crimes. We must find a way to act on this important issue and now is the time to do it. The silence of Congress on this basic civil rights issue has been deafening, and it is unacceptable. We must stop acting like we don't care—that somehow this fundamental issue is just a state problem. It isn't. It's a national problem, and it's an outrage that Congress continues to be A.W.O.L. in the national battle against hate crimes.

Recent incidents of hate crimes have shocked the conscience of the country. It is clear that tolerance in America faces a serious challenge. We cannot allow hate to hide behind our recent economic prosperity or its tremendous technological advances, when issues that go to the heart of the nation's founding ideals and basic values are at stake. When bigotry exists in America, we have to root it out.

Current federal laws are clearly inadequate. It's an embarrassment that we haven't already acted to close the glaring gaps. For too long, the federal government has been forced to fight hate crimes with one hand tied behind its back. Federal participation in civil rights prosecutions in nothing new. In fact, it is Federalism 101. Federal involvement in the prosecution of racial bigotry dates back to the Reconstruction Era following the Civil War. These federal civil rights laws were updated in the 1960's, but now they are no longer adequate to meet the current challenge. Civil rights is still the unfinished business of America, and action we propose is in the best tradition of responsible federal legislation.

Our amendment addresses two serious deficiencies in the principal federal hate crimes statute, 18 U.S.C. § 245, which currently applies to hate crimes committed on the basis of race, color, religion, or national origin.

First, in these cases, the statute requires the government to prove that the defendant committed an offense not only because of the victims race, color, religion, or national origin, but also because of the victim's participation in one of six narrowly defined "federally protected activities" listed in the statute. These activities are:

1. Enrolling in or attending a public school or public college;
2. Participating in a service or activity provided by a state or local government;
3. Applying for employment or actually working;
4. Service on a jury in a state or local court;
5. Traveling in interstate commerce; or
6. Accessing a facility in interstate commerce;
7. Enjoying the goods or services of certain places of public accommodation.

In other words, even in these types of hate crimes, the prosecution must prove that in addition to the bigotry, the attack was also made because the victim was engaged in one of these specific activities. Too often, federal prosecutions are not possible because this additional burden of proof in federal law is too great.

Second, the federal statute provides no coverage at all for hate crimes based on the victim's sexual orientation, gender, or disability. In the Matthew Shepard case in Wyoming, for example, no federal prosecution was possible because of this unacceptable gap in federal law.

Together, these limitations prevent the federal government from working with state and local law enforcement agencies in the investigation and prosecution of many of the most vicious hate crimes.

Our legislation adds new provisions to Title 18 to remedy each of these limitations.

In cases involving racial, religious, or ethnic violence, the amendment prohibits the intentional infliction of bodily injury, without regard to the victim's participation in one of the six "federally protected activities."

In cases involving hate crimes based on the victim's sexual orientation, gender, or disability, the amendment prohibits the intentional infliction of bodily injury whenever the act has a connection to interstate commerce.
In addition, when state and local officials request federal assistance, our amendment authorizes the federal government to work in partnership with state and local officials in all aspects of the investigation and prosecution of hate crimes. These provisions will permit the federal government to work in partnership with state and local officials in all aspects of the investigation and prosecution of hate crimes. This amendment has the support of the Department of Justice, constitutional scholars, law enforcement officials, and many organizations with a long and distinguished history of involvement in combating hate crimes, including the Leadership Conference on Civil Rights, the Anti-Defamation League of B'nai B'rith, the National Gay and Lesbian Task Force, the National Organization for Women's Legal Defense and Education Fund, the National Coalition Against Domestic Violence, and the Consortium for Citizens with Disabilities. This hate crimes amendment is not a full answer, but it will send a strong signal from the President and Congress that violence against individuals because of their membership in certain groups will not be tolerated, and that the federal government will now be a full partner in meeting this threat in the years ahead. It is time to stop abdicating our federal responsibility and start doing more to win this all-important battle against hate crimes. If we fail, America is not America.

Mr. President, to review for the Senate quickly, this chart indicates the number of incidents, by bias motivation: Red being race ethnicity and national origin, blue being sexual orientation, and yellow being disability. As you can see from these numbers, they have been virtually flat over the period of these last couple of years. We have seen the increased numbers that have taken place on the basis of sexual orientation and increased numbers with regard to disability. The fact is, in examining these cases, particularly in 1997 and 1998, we find that the incidence of violence has increased dramatically and the viciousness in manifestations of hatred has increased significantly, reflecting itself in these acts of violence against individuals. One of our great leaders in this cause was our former colleague, Paul Simon of Illinois, who was a strong advocate on this legislation many years ago. We settled at that time for just collecting information. Prior to a few years ago, we did not have accurate information. Now we have accurate information and it cries out for action. There is no justification for delay, given that we have the information and we do know the cases that are taking place. We do not have to just rely on the various ad hoc cases that all of us read about, tragically almost every single day. We are in a crisis. We know from the direct testimony and comments from local law enforcement officials of the value and help and assistance that can be provided and that is needed in the prosecution of these cases. I will take the time of the Senate on Monday to go through a greater description of exactly what we are doing and what we are not doing; the limitations that we have placed upon the prosecution. We will have a chance to review for the Senate what the other amendment, the Hatch amendment that will be before the Senate will do, what it will do and also what it will not do. We will have that opportunity on Monday afternoon, the middle of the afternoon. It is imperative to take a vote on whether we are going to be serious here, with the Federal Government participating with States and local communities, trying to do something about the odious aspects of hate crimes.

Finally, as we know, these incidents of crime are not just acts against individuals. These acts really impact and affect a whole community because they are based on such bigotry and hatred and reflect that kind of hatred and viciousness, that the whole community is tainted by these kinds of activities. It cries out for appropriate involvement by the Federal Government to be a stronger, more effective partner with local law enforcement officials, in partnership with State and local law enforcement officials so that we have the strongest, most effective, most coherent mobilization against these acts of violence and prejudice that we possibly can muster.

Our bipartisan amendment, led by Senator KENNEDY, does three things: It removes the restrictions on the types of situations in which the Justice Department can prosecute defendants for violent crimes based on race, color, religion, or national origin. Second, it will assure that crimes targeted against victims because of disability, gender, or sexual orientation that cause death or bodily injury can be prosecuted if there is a sufficient connection to interstate commerce. Third, it requires the Attorney General to certify in writing that he or she has reasonable cause to believe that the crime was motivated by bias and that, in fact, the Federal Government had been in close consultation with State and local law enforcement officials and that they did not have any objection to Federal help or that they had asked for Federal assistance. This is not a question of the Federal Government coming in and saying: We are going to call all the shots, and preempt the local jurisdictions. In fact, we want to support those local jurisdictions. We have 28 States in this country that have no authority to prosecute bias-motivated crimes based on disability or sexual orientation. We have a substantial number of States in this country that lack the legal authority to address these issues that are so important to the fundamental values of this country.

We are not saying that every single crime in America is a hate crime. We certainly know that all crimes are and one proposition alone, and that is we are seeking to deter violent crime borne out of prejudice and hatred. So open our discussions about preferences for individuals, advantages that might in some way be bestowed with respect to civil rights statutes. That is not what this legislation does at all.

This legislation is about deterring violence, deterring crime, deterring these extraordinary acts of violence that, in my view, stain our national greatness. We are not going to be able to remove that stain completely. We are not going to be able to stop individuals from having hateful and prejudicial thoughts. Clearly, we can put the Federal Government in a position to be a stronger, more effective partner with local law enforcement officials in fighting this unique form of crime that has affected so many of our communities.

This is not a time for further study. This is not a time to say the Federal Government’s response should only be to collect statistics. This is a time for the Federal Government in partnership with State and local law enforcement officials to do something about the odious acts of violence and prejudice that we possibly can muster.

Our bipartisan amendment, led by Senator KENNEDY, does three things: It removes the restrictions on the types of situations in which the Justice Department can prosecute defendants for violent crimes based on race, color, religion, or national origin. Second, it will assure that crimes targeted against victims because of disability, gender, or sexual orientation that cause death or bodily injury can be prosecuted if there is a sufficient connection to interstate commerce. Third, it requires the Attorney General to certify in writing that he or she has reasonable cause to believe that the crime was motivated by bias and that, in fact, the Federal Government had been in close consultation with State and local law enforcement officials and that they did not have any objection to Federal help or that they had asked for Federal assistance. This is not a question of the Federal Government coming in and saying: We are going to call all the shots, and preempt the local jurisdictions. In fact, we want to support those local jurisdictions. We have 28 States in this country that have no authority to prosecute bias-motivated crimes based on disability or sexual orientation. We have a substantial number of States in this country that lack the legal authority to address these issues that are so important to the fundamental values of this country.

We are not saying that every single crime in America is a hate crime. We certainly know that all crimes are
tragic, and we grieve for the families, but not all crimes are based on hate. A hate crime, where the perpetrator intentionally chooses the victim because of who the victim is. It is our view that a hate crime affects not only the victim, but if it goes unaddressed, it chipens all of us. It makes our country less special because it devalues an entire community. It devalues all of us in our Nation.

This is not providing special protection to certain groups. It makes sure we stand up for the rights of those individuals who are singled out solely for reasons born out of hatred and prejudice and we not allow those in our country who do wish to harm these individuals to perpetrate these brutal acts with no response from our communities.

Some argue that hate crime laws threaten free speech. In the law we are hoping the Senate will adopt, it does not punish beliefs or thoughts. We are not punishing those in this legislation; we are punishing violent acts. I know of no Member of the Senate who is pro-violence. I do not think there is a single Member of the Senate who wants to be on the cause or in support of violent acts. Here we draw the line in the sand and we say we are not going to get in the way of people's thoughts and beliefs, lawful expression of one's deeply held religious views, but we are saying that causing or attempting to cause bodily injury is not speech protected by the first amendment.

I am very hopeful that in the next few days the Senate will support this legislation. We are not federalizing criminal activity that is better left to the States. I mentioned the fact that so many States in our country lack these laws, and we have gone beyond the time to just study this and collect further statistics. If one looks at what happened in the brutal instance of Matthew Shepard and the horrific murder of James Byrd, Jr., it is awfully hard to say as you look at those brutal acts: We ought to study things a little bit more and collect some statistics before the Federal Government, in effect, acts to be a better partner with State and local authorities in addressing these issues.

It is time to correct the deficiencies in current law. A crime motivated by race, religion, or ethnic origin can be prosecuted by Federal authorities because it occurred on a public sidewalk but not if it took place in a private parking lot across the street. This is just one example of the gaps and the deficiencies in the current hate crimes statute.

When we vote on this issue, there will be support from Senators on both sides of the aisle. I commend my friend and colleague from Oregon, Senator Gordon Smith, who has stood with me again and again on this issue.

When we vote on this, it seems to me, this will be nothing short of a referendum in the Senate on whether this body is going to continue to tolerate violent acts born of prejudice. As I mentioned, I do not know of any Senator who is in favor of violence. Violent acts, born of prejudice—acts that we all know are wrong—are taking place in too many communities in our country. They are a stain on our national greatness.

The evidence is in, and it is clear. It is time, through Federal legislation, to send a strong and unequivocal message that we will not look the other way in the face of these crimes, that they will not be tolerated, that the full force of Federal law enforcement will be brought, and will be brought in conjunction with State and local authorities, to ensure that these violent acts are prosecuted and we have taken every step to deter them.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the amendment Senator KENNEDY will offer on Monday, of which I am pleased to be a cosponsor.

One of the things we try to do in this Chamber, as lawmakers, is to adopt laws that express and encode our values as a society, to, in some sense, put into law our aspirations for the kind of world we want the victims of a hate crime to be living in. The Federal prosecution of those who are accused of harboring animus, a personal animus, a hatred that comes from feelings about the victim's race, religion, nationality, gender, disability, or sexual orientation.

It is also a way, as is traditionally the province of criminal law, not just to speak to the common moral consensus of our society about what is right and what is wrong because that is what the law is all about, but hopefully by pushing those who are proven to have committed the wrongs, to deter others in the future from committing those same acts that society generally finds abhorrent.

Current law expresses this but in a way that is limited. It permits Federal prosecutions of hate crimes resulting from death or bodily injury if two conditions are met: First, the crime must be motivated by the victim's race, religion, national origin, or color; second, the perpetrator must have intended to punish the victim for engaging a federally protected right such as voting or traveling interstate. Of course, I support this law and the goals that it embraces: The Federal prosecution of people who inflict serious harm on others because of the color of the victim's skin, the sound of the victim's voice, a foreign accent, or the particular place in which the victim worships God. In short, these are crimes committed because the victim is different in some way from the perpetrator. Such crimes, I conclude, should be federally prosecuted.

As we have had U.S. attorneys invoking these laws, carrying them out, we have discovered some shortcomings and some ways in which we can make them better, which is to say, ways in which we can more fully express some of the principles I talked about at the outset: equality, tolerance, doing everything we can to stop the most abhorrent acts of violence against people based on their characteristics. I think we ought to add to the list of prohibited bases of these crimes, crimes committed against someone because of gender, because of sexual orientation, religious, gender-based, or disability-based discrimination in the workplace, in housing, in life.
and because of disability. That is what is provided in the amendment the senior Senator from Massachusetts will offer on Monday and of which I am proud to be a cosponsor.

I suppose some people may hear these categories that I have mentioned and say: People commit crimes based on that basis? The fact is, they do. Sometimes they become quite visible and notorious. Crimes such as that committed against Matthew Shepard, who was killed because he was a gay man, are not less despicable and, of course, therefore no less deserving of Federal protection and prosecution than are those committed against others based on a characteristic, a status of the person, that are currently included in the Federal law. Adding these categories—gender, sexual orientation, disability—seems to me to be an appropriate extension of the basic concept of equal protection under the law. As the law now stands, it also imposes a requirement, a prosecution relating to race, color, religion, and national origin that we ought to change, which is that the law is only triggered if the victim is prevented from exercising a specifically enumerated federally protected activity.

There are obviously crimes that are committed based on hatred that are triggered in cases other than the simple prevention of the exercise of a federally protected activity, thus, the provision of this amendment that would eliminate this obstacle and, therefore, broaden the ability of Federal prosecutors to pursue crimes motivated by racial or religious hatred.

The amendment that will be introduced on Monday also includes new language requiring the Justice Department, prior to indicting a defendant in a hate crime based on the categories I have enumerated, including those added to the amendment by the Senator from Massachusetts, a determination by the Justice Department that the defendant is not going to prosecute a hate crime, therefore avoiding both an overlap and the opportunity for prosecution by those in law enforcement closest to the crime, the alleged crime, and will also have to certify that the State requested or does not object to Justice Department prosecution or that the State has completed prosecution. It seems that you wouldn’t have to say that, but just to be sure to avoid a kind of double exposure, double prosecution, that certification should satisfy the concerns some of my colleagues may have who may feel that prosecution by the Department interferes with State efforts to bring perpetrators of hate crimes to justice. In other words, the State is given the first opportunity and the superior opportunity to prosecute these cases. Only if the State does not will Federal prosecutors be able to proceed.

At a time when so much else is going on here in the Capitol with the high profile issues of this session—the Patients’ Bill of Rights, whether we are going to give Medicare coverage or drug benefits for seniors, campaign finance reform—this amendment brings us back to America’s first principles of equality and tolerance and challenges each of us to think about the appropriate and constructive role that the law can play, understanding that the law can’t control the hearts of people in this country.

Ultimately, we have to count on people’s own sense of judgment and tolerance and, hopefully, the effect that other forces in their lives will have on them to make them fair and tolerant, such as their families, their schools, their religions, their faith. But here is the law to say in the cases when all of those things fail. Those are the cases.

The amendment should satisfy the concerns we ought to change, which is that sometimes does live in people’s hearts and souls, to say that this is unacceptable in America and to attach to that statement the sanction of law, hoping that we thereby express the higher aspirations we have for this great country of ours as it continues over the generations to try to realize the noble ideals expressed by our founders in the Declaration and the Constitution, but also to put clearly into the force of law the punishment that comes with law when one goes so far over the line to commit an act of violence based on hatred, hoping thereby that we will deter such heinous acts from occurring again in the future.

I hope my colleagues over the weekend will have a chance to take a look at this amendment, will come to the floor and talk about it, and perhaps question those of us who have proposed it. Then I hope a strong bipartisan majority will vote for it when it comes to a vote next Tuesday.

I thank the distinguished Chair. I yield the floor.

BRIDGING THE DIGITAL DIVIDE

Mr. KERRY. Mr. President, I would like to take a few minutes to discuss an issue of considerable importance, one I feel very strongly about and one that I think the Senate should address before the end of this Congressional session, and that is Mr. President, the issue of the digital divide. The digital divide is one of the key issues the Congress is currently facing—and will continue to face—in the foreseeable future. Right now we are wrestling with how to best encourage growth in this new economy, but at the same time, how to ensure that growth is evenly spread, that everyone in our society has an opportunity to participate in this new economy and reap its economic rewards.

Mr. President, these are amazing times in which we live and the new economy is responsible for much of this nation’s unprecedented prosperity: the stock market is soaring to unimaginable heights, IPO’s are raining down and consumers are purchasing tens of thousands of millionaire in this country. The innovations of the new technologies are astounding: You can order a Saturn online and the very next day a new car shows up in your drive-way. Each day 50,000 new E-BAY subscribers sign up for the world’s largest auction. The NetSchools program provides every child with a kid-proof laptop PC that is connected to teachers and classmates using wireless infrared technology and has had tremendous results improving academic achievement, attendance, and parental involvement in extremely disadvantaged communities. A surgeon in Boston can direct a doctor in the Berkshires to do a biopsy by using telemedicine equipment. These innovations and hundreds more like them are changing how we live.

The wealth creation—for those on the right side of the divide—generated by this New Economy is breathtaking. Mr. President: College students from the dorm room to the board room as high tech moguls, like Jerry Yang and Michael Dell. Starting salaries for high tech jobs even for students coming out of college can range from $70,000–$100,000—even more with stock options. Pick up the San Jose Mercury News job section each day and—literally—you will find advertisements for upwards of 10,000 high tech and information technology jobs. Silicon Valley has created more than 275,000 new jobs since 1992—and median family income has soared to $87,000 per year—the third highest in the country.

But as we all know Mr. President, the new economy has not evenly spread its wealth to all Americans and income disparity in this nation continues to grow. One of the greatest challenges we currently face is to connect those not participating in the new economy with the skills, resources, and support necessary for them to do so. A January 2000 study by the Center on Budget and Policy Priorities and the Economic Policy Institute found that in two-thirds of the states, the gap in incomes between the top 20 percent of families and the bottom 20 percent of families grew between the late 1980s and the late 1990s. In three-fourths of the states, income gaps between the top fifth and middle fifth of families grew over the last decade. By contrast, income disparity declined significantly in only three states. Clearly Mr. President, the digital divide and the economic divide are closely interrelated and must be responded to as such.

Mr. President, the new economy is more than the latest and greatest innovations in information and the highest-flying Internet companies. It is a knowledge economy, with a large share of the workforce employed in office jobs requiring some level of