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**Folder Title:**  
Department of Justice - Hate Crimes Bill

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<b>G</b>	<b>17</b>	<b>24</b>	<b>4</b>	<b>3</b>

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THE WHITE HOUSE

WASHINGTON

June 7, 1989

*EMILY —*  
*Thanks very much for*  
*the update.*  
*Roger*

MEMORANDUM FOR ROGER B. PORTER

FROM: EMILY M. MEAD *EM*

SUBJECT: Update on Hate Crimes Statistics Bill introduced  
by Senator Simon.

The Hate Crimes Statistics Bill would direct the Department of Justice to compile and publish data on crimes that manifest prejudice based on race, religion, sexual orientation or ethnicity.

The Hate Crimes bill (S.419) was placed on the Calendar on May 1, 1989. No date has been set for full Senate consideration.

H.R. 1048, the House version has not been voted out of the subcommittee (Weekly report 5/25 incorrectly reported that the bill had been favorably reported out of the subcommittee.)

The bill will probably be voted out shortly for full House consideration.

BACKGROUND

The Hate Crimes bill was introduced in the 99th and 100th Congresses. In the 100th Congress the bill was passed by the House of Representatives by a 383-29 vote but held up in the Senate by Senator Helms who tried to remove the references to sexual preferences. This was the only major objection.

In the 101st Congress the language in S. 419 and H.R. 1048 concerning "sexual preference" remains. However, an amendment was adopted by voice vote in the House subcommittee on May 18th which reads as follows:

"The Attorney General may, in his discretion, add to the foregoing categories whenever he deems it appropriate for the purpose of identifying the incidence of such crime against any other identifiable group of persons."

Hopefully this will ease the concerns of those who objected to naming homosexuals as a separate constitutionally protected group.

## ENDORSEMENTS

On March 8, the Department of Justice submitted a letter to Senator Biden indicating support of the objectives of the bill and no opposition to the bill's enactment.

On May 18, the Department of Justice submitted a letter to Congressman Schumer, Chairman of Subcommittee on Criminal Justice, stating that "in view of the importance that the Department places on the elimination of crimes motivated by racial and other forms of hatred, we support enactment of H.R. 1048.

On April 28, David Demarest, Bobbie Kilberg and Sarah DeCamp wrote a memorandum to Governor Sununu urging that the President "move quickly to endorse the Hate Crimes Bill...(this would) convey a positive civil rights message and would be well received by religious and racial minorities in this country."

The bill has also been endorsed by the Police Foundation, the Police Executive Research Forum, the National Black Police Association, the National Organization of Black Law Enforcement Executives, the American Jewish Committee, Anti-Defamation League of the B'nai B'rith.

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AMENDMENT BY MR. GEKAS TO H.R. 1048

on page 2, line 10, after "ethnicity." add the following new sentence.

"The Attorney General may, in his discretion, add to the foregoing categories whenever he deems it appropriate for the purpose of indentifying the incidence of such crime against any other identifiable group of persons."

ADOPTED  
Sub committee MARK UP  
5/18/89  
Voice Vote

07/14/89  
13.1216:53  
DOJ:ULM

NO. 002

002

**U.S. Department of Justice****Office of Legislative Affairs**

Office of the Assistant Attorney General

Washington, D.C. 20530

Honorable George J. Mitchell  
Majority Leader  
United States Senate  
Washington, D.C. 20510

Dear Senator Mitchell:

This letter expresses the Department of Justice's unqualified support for S. 419, the "Hate Crimes Statistics Act," as reported by the Committee on the Judiciary. While our earlier letter to the Committee had endorsed the concept behind the bill, but expressed some reservations regarding the bill itself, those concerns have been addressed. Specifically, the Attorney General has been given sufficient discretion to establish guidelines for the collection of the required data, and the list of crimes in the bill is designed to conform to the updated Uniform Crime Reports.

The Department of Justice, therefore, urges speedy passage of this legislation.

The Office of Management and Budget has advised this Department that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

Carol T. Crawford  
Assistant Attorney General



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 8, 1989

The Honorable Joseph R. Biden  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for the views of the Department of Justice on S. 419, the "Hate Crimes Statistics Act." The Department of Justice supports the concept embodied in the bill, but has several concerns which require attention.

The bill would require the Attorney General to collect data, beginning in 1990, regarding crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder and non-negligent manslaughter; forcible rape; aggravated assault, simple assault and intimidation; arson; and destruction, damage or vandalism of property; and to publish an annual summary of the data. The bill leaves to the Attorney General the establishment of guidelines for collecting the data. The bill also makes clear that it does not create any new causes of action and that the data "shall be used only for research or statistical purposes." The bill also defines sexual orientation as meaning "consensual homosexuality or heterosexuality."

The bill now pending before the Committee addresses many of the major concerns that the Department raised in the last Congress. However, we continue to emphasize that the collection of reliable data regarding the motivation behind crimes presents difficult technical problems. Particularly when a common crime is committed by a member of one racial or ethnic group against a member of another such group, it will be difficult to apply objective criteria to determine reliably whether the crime was motivated by race, ethnicity, personal animosity, or financial gain. We are particularly concerned about the ability of law enforcement field personnel to identify motivation or to measure intent accurately and consistently for data reporting purposes.

Given the enormous difficulties inherent in producing reliable data based upon the perpetrator's motivation, it is important that the list of offenses set out in the bill track the offense categories and definitions used in the FBI's new Uniform Crime Report (UCR) incident-based system. To assure the comparability of data, to the extent that the incidence of listed offenses is reported nationally, it is important that the Attorney General has discretion to use definitions which parallel those in UCR. A copy of the UCR incident-based reporting system handbook is attached for your reference. We are generally satisfied that the bill, as drafted, leaves the Attorney General sufficient discretion to address these reporting and classification problems. We are, however, puzzled and concerned that "forcible fondling" and "forcible sodomy" have been dropped from the bill as reported by the Committee in the 100th Congress. Use of the UCR category "forcible sexual offenses" would encompass all three offenses.

We are reasonably satisfied that the definition of "sexual orientation" contained in the bill resolves the ambiguities regarding the scope of previous bills, as does the language disavowing any intent to create a new cause of action.

The Department has successfully prosecuted large numbers of crimes that were motivated by racial and ethnic hatred. The prosecution of hate crimes has long been a high priority within the Department. Indeed, in the last fiscal year, it conducted a record number of such prosecutions. The Department will continue its vigorous enforcement of existing statutes that prohibit criminal activity motivated by prejudice, regardless of whether Congress passes S. 419. The collection of accurate data might contribute to our overall knowledge and awareness of such crimes if reliable and credible data can be assembled. In view of the importance that the Department places on the elimination of crimes motivated by racial and other forms of hatred, we support the objectives of S. 419 and do not oppose the bill's enactment.

The Office of Management and Budget has advised us that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,



Thomas M. Boyd  
Assistant Attorney General

cc: The Honorable Strom Thurmond

101ST CONGRESS  
1ST SESSION

S. 719

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IN THE SENATE OF THE UNITED STATES

Mr. SIMON (for himself, Mr. HATCH, Mr. METZENBAUM, Mr. CRANSTON, Mr. KERRY, Mr. BIDEN, Mr. SPECTER, Mr. KENNEDY, Mr. SIMPSON, Mr. KOIL, Mr. LEVIN, Mr. REIGLE, Mr. BURDICK, Mr. MATSUNAGA, Mr. INOUE, Mr. BINGAMAN, Mr. DASCHLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. GORTON, Mr. SANFORD, Ms. MIKULSKI, Mr. SARBANES, Mr. ADAMS, Mr. LEIBERMAN, Mr. BOSCHWITZ, and \_\_\_\_\_) introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

---

**A BILL**

To provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assem-*  
3 *bled, That (a) this Act may be cited as the "Hate Crime*  
4 *Statistics Act".*

5 (b)(1) Under the authority of section 534 of title 28,  
6 United States Code, the Attorney General shall acquire  
7 data, for the calendar year 1990 and each of the succeeding  
8 4 calendar years, about crimes that manifest evidence of

1 prejudice based on race, religion, sexual orientation, or  
2 ethnicity, including where appropriate the crimes of  
3 murder, non-negligent manslaughter; forcible rape; aggra-  
4 vated assault, simple assault, intimidation; arson; and de-  
5 struction, damage or vandalism of property.

6 (2) The Attorney General shall establish guide-  
7 lines for the collection of such data including the  
8 necessary evidence and criteria that must be present  
9 for a finding of manifest prejudice and procedures  
10 for carrying out the purposes of this section.

11 (3) Nothing in this section creates a cause of  
12 action or a right to bring an action, including an  
13 action based on discrimination due to sexual orienta-  
14 tion. As used in this section, the term "sexual orien-  
15 tation" means consensual homosexuality or hetero-  
16 sexuality. This subsection does not limit any existing  
17 cause of action or right to bring an action, including  
18 any action under the Administrative Procedure Act  
19 or the All Writs Act.

20 (4) Data acquired under this section shall be  
21 used only for research or statistical purposes and  
22 may not contain any information that may reveal the  
23 identity of an individual victim of a crime.

1           (5) The Attorney General shall publish an  
2    annual summary of the data acquired under this sec-  
3    tion.

4           (c) There are authorized to be appropriated such sums  
5    as may be necessary to carry out the provisions of this  
6    section through fiscal year 1994.



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

*File  
Hate Crimes*

**SPECIAL**

May 18, 1989

**SPECIAL**

TO: HMTLY MEAD, OPD --- urgent

FROM: GREG JONES, x3454

*GNTJ*

Do you have any objection to this proposed DOJ report  
on the House version of the hate crime statistics bill?

Please note that DOJ now expressly supports the legislation  
(versus "supports the objectives" in the Senate).

SUBCOMMITTEE MARKUP OF THIS BILL IS AT 10 AM THIS MORNING.

THANKS.

CC: Mike Sloan  
Jim Jukes



## U.S. Department of Justice

## Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

The Honorable Charles E. Schuker  
Chairman  
Subcommittee on Criminal Justice  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is to proffer the views of the Department of Justice regarding H.R. 1048, a bill to require the collection and publication of statistics regarding crimes motivated by prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity. The Department of Justice supports the goal embodied in the bill and believes that with minor changes the bill will lead to increased knowledge and awareness of crimes motivated by prejudice.

The bill would require the Attorney General to collect data, beginning in 1991, regarding crimes "that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity," including the crimes of "homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate." The bill makes clear that it does not establish any new causes of action and that the data "shall be used only for research or statistical purposes."

The collection of reliable data regarding the motivation behind crimes presents difficult technical problems. It is particularly difficult to apply objective criteria to determine reliably whether a common crime committed by a member of one racial group against a member of another such group was motivated by race, ethnicity, personal animosity, or financial gain. We are particularly concerned about the ability of law enforcement field personnel to identify motivation or to measure intent accurately and consistently for data reporting purposes.

For that reason, it is important that the Attorney General be given sufficient discretion to address these reporting problems, including the authority to establish standards and procedures for collecting these data. We note that S. 419, the Senate counterpart to H.R. 1048, expressly gives the Attorney General this authority. While we assume that the bill as written

would give the Attorney General the same authority, a provision similar to that in S.419 should be added to H.R. 1048.

In addition, because of the difficulty of collecting reliable data on such a large scale, it is important that the Attorney General have authority to adapt the list of offenses in the bill to track the offense categories and definitions used in the FBI's Uniform Crime Report (UCR) incident-based system. This discretion is necessary to insure the comparability of data, without which it will be impossible to develop a meaningful picture of the incidence of hate-crimes. Thus, while we assume that the Attorney General would have such authority under the bill as written, the bill should make clear that the Attorney General has the authority to adapt the crimes enumerated in the bill to fit the UCR.

The Department of Justice has successfully prosecuted large numbers of crimes that were motivated by racial and ethnic animus. Because of their devastating impact on the victims and their incompatibility with fundamental principles of our society, the prosecution of these crimes has long been a high priority within the Department. Indeed, in the last fiscal year, the Department conducted a record number of such prosecutions. The Department will continue its vigorous enforcement of statutes that prohibit criminal activity motivated by prejudice, regardless of whether Congress passes H.R. 1048, but the collection of reliable data would contribute to our knowledge and awareness of such crimes. In view of the importance that the Department places on the elimination of crimes motivated by racial and other forms of hatred, we support enactment of H.R. 1048.

The Office of Management and Budget has advised us that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Carol T. Crawford  
Acting Assistant Attorney General

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 DON EDWARDS, CALIFORNIA  
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 GEORGE E. BANGMESTER, ILLINOIS

## ONE HUNDRED FIRST CONGRESS

## Congress of the United States

## House of Representatives

## COMMITTEE ON THE JUDICIARY

2137 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

May 16, 1989

## MINORITY MEMBERS

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 BILL MCCOLLUM, FLORIDA  
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 MICHAEL D'HWINE, OHIO  
 WILLIAM E. DARRHEMEYER, CALIFORNIA  
 HOWARD COBLE, NORTH CAROLINA  
 D. FRENCH SLAUGHTER, JR., VIRGINIA  
 LAMAR B. SMITH, TEXAS  
 LARKIN I. SMITH, MISSISSIPPI  
 CHUCK DOUGLAS, NEW HAMPSHIRE  
 CRAIG T. JAMES, FLORIDA

MAJORITY--325-3851

MINORITY--325-6806

To: Minority Members, Criminal Justice Subcommittee  
 From: Raymond V. Smietanka, Minority Counsel  
 Re: H.R. 1048 (Hate Crime Statistics Act)

Chairman Schumer has scheduled a markup for Thursday morning (May 18th) on H.R. 1048, the so-called Hate Crimes Statistics Act. The bill is similar to proposals which have passed the House during the last two Congresses. Last year's bill (H.R. 3193) was, however, the subject of some controversy during floor consideration because it included crimes against homosexuals as among those to be tallied in counting hate crimes. Because the issues have been so thoroughly aired and there is no substantial difference last year's bill and this year's, the Chairman apparently believes there is little need for hearings prior to markup by the subcommittee.

H. R. 1048 would require the Attorney General to collect data until Fiscal Year 1995 on the incidence of crimes manifesting "prejudice based upon race, religion, homosexuality or heterosexuality, or ethnicity." The types of crimes for which the Attorney General would have to collect data would be: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and "such other crimes as the Attorney General considers appropriate". The legislation requires that an annual summary be published of the data. While the authorization is for "such sums as are necessary", the Congressional Budget Office estimate for H.R. 3193 of the 100th Congress was an annual expense of "less than \$1 million to nearly \$10 million", depending on the methodology employed in gathering the statistics.

As noted, the bill would require that hate crimes against homosexuals should be counted as "hate crimes" just as those against persons based upon their race, religion or ethnicity, a feature that some Members found objectionable during consideration of the bill during the 100th Congress. Attached are the dissenting views to the report of the Judiciary committee on H.R. 3193 detailing the concerns of those members.

-2-

Proponents of the legislation were originally led by the Anti-Defamation League of the B'nai B'rith whose representatives at hearings before the subcommittee during the 99th Congress cited an alarming rise in anti-semitic violence. The collection of statistics is considered by proponents as an important step in documenting trends in hate crimes so that countermeasures can be crafted.

Mr. Gekas, who had been an original supporter of the Hate Crime Statistics Act when it was proposed during the 99th Congress, made unsuccessful efforts at every stage to delete the language on homosexuality from H. R. 3193 last year. On the floor, as the result of a parliamentary maneuver by Mr. Miller (R-Wash) acting in concert with Mr. Frank (D-Mass), Mr. Gekas was unable to move to strike the homosexuality language. Because he had not prevailed on the issue, Mr. Gekas was constrained to vote against the legislation which ultimately was adopted by a vote of 383-29. It is anticipated that Mr. Gekas will again move to strike this language; no other amendments are likely.

DISSENTING VIEWS OF MR. GEKAS, MR. McCOLLUM, MR. COBLE, MR. DANNEMEYER AND MR. SMITH TO H.R. 3193

Accurate statistics showing the incidence of hate crime in this country can certainly be of value in helping to formulate law enforcement's response. However, the approach suggested by H.R. 3193 is not a promising one because it seeks to acquire too much information about too many crimes at too great an expense for everyone.

Legislation somewhat similar to this bill passed the House without controversy during the 99th Congress after hearings of the Judiciary Committee indicated an unaccountable rise in racial and religious hate crime. Unfortunately, some persons looked upon last year's consensus legislation as merely a tempting vehicle to dramatize what they assert is an increase in crime against homosexuals. These persons succeeded in expanding the definition of hate crimes in this year's bill to include crimes based upon something described as the "sexual orientation" of the victim. This expansion should be reversed by amendment.

We would obviously expect statistics developed by H.R. 3193 to inspire Federal legislation to counteract hate crimes or assist in the allocation of Federal law enforcement resources. But normally a Federal nexus is essential to justify a Federal response. Absent such a nexus, one must be able at the very least to base Federal involvement in essentially State matters on the goal of either supporting the common good or promoting State law enforcement. It must be emphasized that crime against any class of person is obviously reprehensible. However, there is no reason to believe that crime against homosexuals transcends the ability of individual States to respond. There is no evidence of an interstate organization such as the Ku Klux Klan or the Nation focused on homosexuals. There is no mention of homosexual rights in the Constitution. In fact, there appears no convincing evidence that homosexuals are more targeted for crime than groups such as women, the elderly, members of the police or passengers on urban mass transit. Thus gathering at considerable cost Federal statistics on crime against homosexuals is not only unjustified in itself but also unfair vis-a-vis other affinity groups.

It is noteworthy that the Congressional Budget Office, unable to predict the methodology to be employed in gathering hate crime statistics, estimated the cost of last year's legislation at less than \$1 million to as much as \$8 million annually. Adding crimes based upon the "sexual orientation" of the victim could only force this cost toward the upper end of, or beyond, this estimate. Not surprisingly, the CBO has estimated the cost of H.R. 3193 at as much as \$10 million annually—an incredible price for an object of such questionable value.

The Department of Justice has criticized this bill as being "unrealistic" because it lists too many offenses for which a motivation must be ascertained. As Assistant Attorney General John Bolton has noted: "To force statisticians through millions of burglary and theft cases in an effort to identify motivation of the perpetrator calls to mind the search for a needle in a haystack." Including "sexual orientation" only serves to make the needle smaller and the haystack larger.

In view of the cost, the question recurs as to why statistics are important. They are valuable not in themselves but rather to help discover the existence and extent of a problem and to support its solution. Statistics merely lay the foundation for a subsequent Federal response. Since this response is likely to take us down an even more costly path, it is all the more essential that targeted groups be within the scope of Federal responsibility in the first place. It is a Federal responsibility to ensure the equal protection of all citizens regardless of their race, religion or ethnic origin. It is not a Federal obligation to protect citizens in their sexual orientation.

For these reasons, I respectfully dissent.

GEORGE W. GEKAS.  
BILL McCOLLUM.  
BILL DANNEMEYER.  
HOWARD COBLE.  
LAMAR SMITH.

○

COPY

1/11/89 2:41

April 4, 1989

ACTION

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER

SUBJECT: Hate Crimes Bill

I. BACKGROUND: The Hate Crime Statistics Bill introduced by Senator Paul Simon [S.419] in the 101st Congress would direct the Department of Justice to compile and publish data on crimes (murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property) that manifest prejudice based on race, religion, sexual orientation or ethnicity. The data would be collected for the years 1990 - 1995.

In the 100th Congress, a similar bill passed the House of Representatives in May, 1988 by a vote of 383-29. In the Senate, the Judiciary Committee voted out a Hate Crimes bill without dissent but the bill died when the Senate adjourned. Senator Helms tried to remove references to sexual preference. This was the only major objection.

II. ANALYSIS: Bias motivated attacks against certain groups of Americans are increasing. A comprehensive, accurate, and up-to-date record is needed to determine if certain groups are more likely to be the victims of hate crimes. The data acquired would be used solely for research and statistical purposes and would not contain information that would reveal the identity of a victim.

The Bill has been co-sponsored by Senators Hatch, D'Amato, Gorton, Jeffords, Simpson and Representatives Fish, Morella, Shays, Hyde, and Molinari.

On March 8th of this year, the Department of Justice submitted a letter to Senator Biden indicating support of the objectives of the bill and no opposition to the bill's enactment.

The bill has been endorsed by the Police Foundation, the Police Executive Research Forum, the National Black Police Association, and the National Organization of Black Law Enforcement Executives, and the American Jewish Committee.

III. RECOMMENDATION: Endorsement of this bill would be perceived as part of the President's "positive civil rights agenda." If approved, this endorsement will be included in an upcoming speech, announced by the press office, or become the focal point of an appropriate meeting.

IV. DECISION:

\_\_\_ action \_\_\_ approve as amended \_\_\_ reject \_\_\_ no action

ment trial and that Hastings won the earlier judgment because he lied.

The Senate will hear one-hour arguments from attorneys for Hastings and for the House managers before it votes. The matter was postponed from March 8-9 because of the protracted debate on the nomination of John Tower to be secretary of defense. (*Tower debate, p. 530*)

None of the 13 other impeachment proceedings that have come to the Senate during its history has involved an earlier acquittal.

House managers maintain that constitutional separation of powers requires Congress to make an independent judgment, irrespective of the outcome of a criminal case. They say an impeachment is not a criminal proceeding and therefore the constitutional prohibition against double jeopardy (being tried twice for the same offense) does not apply. (*Weekly Report p. 451*)

The House vote to impeach Hastings stemmed from an alleged 1981 bribery scheme and Hastings' alleged leak of wiretap information in 1985. The 16 articles of impeachment Hastings wants dismissed allege conspiracy to accept a bribe, perjury and undermining the judiciary's integrity.

Even if Hastings' motion is approved, a Senate trial on the remaining charge — that he improperly disclosed confidential information learned in 1985 as the supervising judge of a wiretap — is virtually assured.

Once the Senate votes on Hastings' motion to dismiss the 16 articles, it will immediately take up a resolution (S Res 38) that would allow the case to be heard by a special committee rather than by the full Senate. ■

#### LAW ENFORCEMENT

### 'Hate Crimes' Bill Backed by Panel

The Justice Department would collect and publish data on crimes motivated by prejudice under a bill approved by the Senate Judiciary Committee March 9.

The so-called "hate crimes" legislation (S 419), introduced by Paul Simon, D-Ill., calls for the attorney general to set criteria for determining whether a crime was committed against an individual because of his race, religion, ethnicity or sexual ori-

entation. Only certain serious crimes, such as murder, rape, assault and arson, would be tracked.

The bill is intended to provide a national data base that would be used to monitor the extent of crimes of prejudice.

The committee passed the bill unanimously by voice vote. However, Strom Thurmond, R-S.C., and Charles E. Grassley, R-Iowa, expressed concerns about the cost and standards for collection of data. Grassley cautioned that a criminal's motivation might not be easily determined. He also contended that the bill delegated a responsibility to the attorney general that should be Congress', that of setting criteria for defining "hate crimes."

Simon maintained that the attorney general is the appropriate authority to establish such guidelines. Simon also said that eight states now collect similar crime statistics and that none has reported significant costs.

In 1988, the Congressional Budget Office estimated the cost of a similar bill at between \$1 million and \$10 million annually.

The Justice Department, in a March 8 letter to Judiciary Committee Chairman Joseph R. Biden Jr., D-Del., generally supported the bill but raised questions about the difficulties of collecting the data. Assistant Attorney General Thomas M. Boyd wrote, "Particularly when a common crime is committed by a member of one racial or ethnic group against a member of another such group, it will be difficult to apply objective criteria to determine reliably whether the crime was motivated by race, ethnicity, personal animosity or financial gain."

The bill would require data to be collected in 1990-95 on crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property.

The bill is similar to S 702, which was approved by the Senate Judiciary Committee last year. That bill did not make it to the Senate floor, but the House passed a related measure (HR 3193) sponsored by Rep. John Conyers Jr., D-Mich. (*1988 Weekly Report p. 2303*)

Conyers reintroduced his bill (HR 1048) Feb. 22. He referred to the much publicized death of a black man in the Howard Beach area of Queens, N.Y., and said, "few across the nation, however, will ever know about the thousands of other lesser known incidents unless information about them is compiled." ■

#### CONFIRMATION

### Bennett Approved As 'Drug Czar'

The often controversial William J. Bennett passed quietly through a confirmation process and was approved by the Senate March 9 as director of the new Office of National Drug Control Policy.

The Senate voted 97-2 to confirm Bennett, who was described on the floor as honorable, capable and indefatigable. (*Vote 21, p. 549*)

Opposing the nomination were Jeff Bingaman, D-N.M., and Paul Simon, D-Ill., both of whom criticized Bennett's leadership as secretary of education during the Reagan administration.

Earlier in the day, the Senate Judiciary Committee approved the nomination 13-1. Simon, the lone opponent, said he feared that Bennett, who was secretary from 1985-88 and an outspoken critic of the nation's education system, offered "a lot of visibility but not much action."

A spokesman for Bingaman said after the Senate vote that Bingaman also questioned Bennett's lack of law-enforcement experience.

Bennett generally has attracted widespread support from senators and little public complaint since his Jan. 12 nomination by President Bush. (*Weekly Report p. 450*)

#### National Drug Strategy

The drug director's job was created in the 1988 anti-drug-abuse law (HR 5210 — PL 100-690) cleared by Congress last Oct. 22. (*Background, 1988 Weekly Report p. 3145*)

Bennett will be required to consult with the heads of all federal agencies responsible for drug-related programs and to prepare a national drug strategy within 180 days of confirmation.

The goal of a national strategy, Bennett said during his confirmation hearings March 1-2, "is a steady reduction in the flow of drugs through our streets and communities and a corresponding reduction in the deadly hold they now have over so many of our friends and families and neighbors."

Bennett declined to answer questions about his specific strategies for heading off drug abuse. He said he wanted first to study the situation. ■

April 14, 1989

MEMORANDUM

SUBJECT: Civil Rights Agenda of the Bush Administration Since  
1/20/89

MAJOR ACTIONS

- o On March 8, the DOJ submitted a letter to Senator Biden indicating support of the objectives of the Hate Crimes Bill [S. 419] and no opposition to the bill's enactment.

The Hate Crimes Bill provides for the collection of data about crimes motivated by race, religion, ethnicity or sexual orientation.

- o On March 13, Attorney General Dick Thornburgh announced that the Department of Justice had filed Federal housing discrimination lawsuits seeking monetary damages and civil penalties under the expanded enforcement authority provided for in the Fair Housing Amendments Act of 1988 which became effective on March 12.

[President Bush was one of 12 southern Congressman to vote for the Civil Rights Bill of 1968. This was the first open housing law of the 20th century.]

- o On April 5, President Bush reaffirmed his dedication to the Historically Black Colleges and Universities (HBCUs) by announcing a proposal to authorize \$60 million in additional funds for endowment grants. (\$10 million for FY 1990, 20 million FY 1991 and 1992, and \$10 for FY 1993.) The Executive Order on Historically Black Colleges and Universities will soon be issued.

OTHER ACTIONS

- o On January 23, the DOJ filed a complaint against the Board of Education of Prince George's County, MD, alleging a pattern or practice of employment discrimination on the basis of race and sex.
- o On January 27, a federal grand jury indicted two Georgia troopers and a county sheriff on charges of violating the civil rights of a man they apprehended after a car chase.

(more)

- o On February 10, the DOJ filed a lawsuit against the Holiday Spa Health Club chain, based in Towson, Maryland, alleging that the chain has engaged in a pattern and practice of racial discrimination against blacks.
- o On February 27, the DOJ filed a motion to intervene in a private housing discrimination lawsuit in Mississippi in support of civil rights plaintiffs challenging a zoning ordinance.

ACTION ON BEHALF OF THE CIVIL RIGHTS OF OTHER MINORITIES

- o On February 6, the DOJ announced that federal observers would be assigned to polling places in Sandoval County, New Mexico, school districts for board and bond elections. The elections follow a Justice Department suit filed on December 5, 1988, seeking a comprehensive bilingual election program in the county that would allow persons who speak the Navajo and Pueblo languages to participate effectively in the electoral process.
- o On February 21, the DOJ filed a consent decree in the U.S. District Court of Portland, Oregon, requiring the State to make sweeping improvement at the Fairview Training Center to ensure that the Center's 950 mentally retarded residents receive the care and treatment to which they are entitled under the Constitution and Federal law.

PRESIDENTIAL PROCLAMATIONS AND ADDRESSES

- o On February 1, a message from the President was issued on the observance of National Afro-American (Black) History Month, February, 1989.
- o On March 9, the President addressed the United Negro College Fund Dinner in New York City.

COPY

4:140 12

April 4, 1989

ACTION

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER

SUBJECT: Hate Crimes Bill

I. BACKGROUND: The Hate Crime Statistics Bill introduced by Senator Paul Simon [S.419] in the 101st Congress would direct the Department of Justice to compile and publish data on crimes (murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property) that manifest prejudice based on race, religion, sexual orientation or ethnicity. The data would be collected for the years 1990 - 1995.

In the 100th Congress, a similar bill passed the House of Representatives in May, 1988 by a vote of 383-29. In the Senate, the Judiciary Committee voted out a Hate Crimes bill without dissent but the bill died when the Senate adjourned. Senator Helms tried to remove references to sexual preference. This was the only major objection.

II. ANALYSIS: Bias motivated attacks against certain groups of Americans are increasing. A comprehensive, accurate, and up-to-date record is needed to determine if certain groups are more likely to be the victims of hate crimes. The data acquired would be used solely for research and statistical purposes and would not contain information that would reveal the identity of a victim.

The Bill has been co-sponsored by Senators Hatch, D'Amato, Gorton, Jeffords, Simpson and Representatives Fish, Morella, Shays, Hyde, and Molinari.

On March 8th of this year, the Department of Justice submitted a letter to Senator Biden indicating support of the objectives of the bill and no opposition to the bill's enactment.

The bill has been endorsed by the Police Foundation, the Police Executive Research Forum, the National Black Police Association, and the National Organization of Black Law Enforcement Executives, and the American Jewish Committee.

III. RECOMMENDATION: Endorsement of this bill would be perceived as part of the President's "positive civil rights agenda." If approved, this endorsement will be included in an upcoming speech, announced by the press office, or become the focal point of an appropriate meeting.

IV. DECISION:

\_\_\_\_\_action \_\_\_\_\_approve as amended \_\_\_\_\_reject \_\_\_\_\_no action

THE WHITE HOUSE  
WASHINGTON

April 28, 1989

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: DAVID DEMAREST  
BOBBIE KILBERG BK  
SARAH DECAMP

RE: HATE CRIMES BILL

We strongly recommend that the President move quickly to endorse the Hate Crimes Bill introduced in the 101st Congress by Senator Paul Simon. The Department of Justice indicated support of the objectives of bill and no opposition to the bill's enactment in a letter to Senator Biden on March 8 of this year.

A personal endorsement of this legislation by the President would convey a positive civil rights message and would be well received by religious and racial minorities in this country.

III. RECOMMENDATION: Endorsement of this bill would be perceived as part of the President's "positive civil rights agenda." If approved, this endorsement will be included in an upcoming speech, announced by the press office, or become the focal point of an appropriate meeting.

IV. DECISION:

\_\_\_ action \_\_\_ approve as amended \_\_\_ reject \_\_\_ no action

THE WHITE HOUSE

WASHINGTON

June 28, 1989

MEMORANDUM FOR EMILY MEAD  
OFFICE OF POLICY DEVELOPMENT

FROM: NELSON LUND *NL*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: "Hate Crimes" Bill

This is to follow up on our conversation last night about H.R. 1048. I understand that the Administration has already gone on record as supporting this legislation, and that some thought is now being given to suggesting that the President himself publicly endorse it in his speech on Friday.

For two reasons, I am skeptical about the wisdom of such a step. First, the bill cannot reasonably be characterized as a major initiative, and it would be unfortunate if the President were accused of overselling its importance. Second, the bill suggests a certain symbolic equivalence between homosexuality on the one hand and race, religion, and ethnicity on the other. If the President tries to use the bill for symbolic purposes, this symbolic equivalence might provoke a strong adverse reaction, especially from conservative religious groups.



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

FACSIMILE TRANSMISSION COVER PAGE

TO: Emily Mead

FAX No. 456-7739

Phone No. 456-6252

FROM: Faith Burton

Phone No. 633-5310

DATE: July 5, 1989

NUMBER OF PAGES: 6 (excluding transmittal page)

CONTENTS: DoJ letters on Hate Crimes, HR 1048 & S. 419

NOTE TO FAX CENTER: Upon receipt of this transmittal, please notify \_\_\_\_\_ at \_\_\_\_\_

NOTE: Please call \_\_\_\_\_ to confirm receipt of this transmission. Thank you.



## U.S. Department of Justice

## Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUN 08 1989

Honorable Jack Brooks  
Chairman  
Committee on the Judiciary  
United States House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

This is to proffer the views of the Department of Justice regarding H.R. 1048, a bill to require the collection and publication of statistics regarding crimes motivated by prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity. The Department of Justice supports the goal embodied in the bill and believes that with minor changes the bill will lead to increased knowledge and awareness of crimes motivated by prejudice.

The bill would require the Attorney General to collect data, beginning in 1991, regarding crimes "that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity," including the crimes of "homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate." The bill makes clear that it does not establish any new causes of action and that the data "shall be used only for research or statistical purposes."

The collection of reliable data regarding the motivation behind crimes presents difficult technical problems. It is particularly difficult to apply objective criteria to determine reliably whether a common crime committed by a member of one racial group against a member of another such group was motivated by race, ethnicity, personal animosity, or financial gain. We are particularly concerned about the ability of law enforcement field personnel to identify motivation or to measure intent accurately and consistently for data reporting purposes.

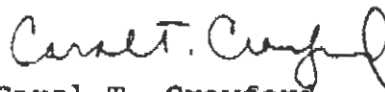
For that reason, it is important that the Attorney General be given sufficient discretion to address these reporting problems, including the authority to establish standards and procedures for collecting these data. We note that S. 419, the Senate counterpart to H.R. 1048, expressly gives the Attorney General this authority. While we assume that the bill as written would give the Attorney General the same authority, a provision similar to that in S. 419 should be added to H.R. 1048.

In addition, because of the difficulty of collecting reliable data on such a large scale, it is important that the Attorney General have authority to adapt the list of offenses in the bill to track the offense categories and definitions used in the FBI's Uniform Crime Report (UCR) incident-based system. This discretion is necessary to insure the comparability of data, without which it will be impossible to develop a meaningful picture of the incidence of hate-crimes. Thus, while we assume that the Attorney General would have such authority under the bill as written, the bill should make clear that the Attorney General has the authority to adapt the crimes enumerated in the bill to fit the UCR.

The Department of Justice has successfully prosecuted large numbers of crimes that were motivated by racial and ethnic animus. Because of their devastating impact on the victims and their incompatibility with fundamental principles of our society, the prosecution of these crimes has long been a high priority within the Department. Indeed, in the last fiscal year, the Department conducted a record number of such prosecutions. The Department will continue its vigorous enforcement of statutes that prohibit criminal activity motivated by prejudice, regardless of whether Congress passes H.R. 1048, but the collection of reliable data would contribute to our knowledge and awareness of such crimes. In view of the importance that the Department places on the elimination of crimes motivated by racial and other forms of hatred, we support enactment of H.R. 1048.

The Office of Management and Budget has advised us that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,



Carol T. Crawford  
Assistant Attorney General



## U.S. Department of Justice

## Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 8, 1989

The Honorable Joseph R. Biden  
Chairman  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

This responds to your request for the views of the Department of Justice on S. 419, the "Hate Crimes Statistics Act." The Department of Justice supports the concept embodied in the bill, but has several concerns which require attention.

The bill would require the Attorney General to collect data, beginning in 1990, regarding crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder and non-negligent manslaughter; forcible rape; aggravated assault, simple assault and intimidation; arson; and destruction, damage or vandalism of property; and to publish an annual summary of the data. The bill leaves to the Attorney General the establishment of guidelines for collecting the data. The bill also makes clear that it does not create any new causes of action and that the data "shall be used only for research or statistical purposes." The bill also defines sexual orientation as meaning "consensual homosexuality or heterosexuality."

The bill now pending before the Committee addresses many of the major concerns that the Department raised in the last Congress. However, we continue to emphasize that the collection of reliable data regarding the motivation behind crimes presents difficult technical problems. Particularly when a common crime is committed by a member of one racial or ethnic group against a member of another such group, it will be difficult to apply objective criteria to determine reliably whether the crime was motivated by race, ethnicity, personal animosity, or financial gain. We are particularly concerned about the ability of law enforcement field personnel to identify motivation or to measure intent accurately and consistently for data reporting purposes.

Given the enormous difficulties inherent in producing reliable data based upon the perpetrator's motivation, it is important that the list of offenses set out in the bill track the offense categories and definitions used in the FBI's new Uniform Crime Report (UCR) incident-based system. To assure the comparability of data, to the extent that the incidence of listed offenses is reported nationally, it is important that the Attorney General has discretion to use definitions which parallel those in UCR. A copy of the UCR incident-based reporting system handbook is attached for your reference. We are generally satisfied that the bill, as drafted, leaves the Attorney General sufficient discretion to address these reporting and classification problems. We are, however, puzzled and concerned that "forcible fondling" and "forcible sodomy" have been dropped from the bill as reported by the Committee in the 100th Congress. Use of the UCR category "forcible sexual offenses" would encompass all three offenses.

We are reasonably satisfied that the definition of "sexual orientation" contained in the bill resolves the ambiguities regarding the scope of previous bills, as does the language disavowing any intent to create a new cause of action.

The Department has successfully prosecuted large numbers of crimes that were motivated by racial and ethnic hatred. The prosecution of hate crimes has long been a high priority within the Department. Indeed, in the last fiscal year, it conducted a record number of such prosecutions. The Department will continue its vigorous enforcement of existing statutes that prohibit criminal activity motivated by prejudice, regardless of whether Congress passes S. 419. The collection of accurate data might contribute to our overall knowledge and awareness of such crimes if reliable and credible data can be assembled. In view of the importance that the Department places on the elimination of crimes motivated by racial and other forms of hatred, we support the objectives of S. 419 and do not oppose the bill's enactment.

The Office of Management and Budget has advised us that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

  
Thomas M. Boyd  
Assistant Attorney General

cc: The Honorable Strom Thurmond

## FOREWORD

Information about the National Incident-Based Reporting System (NIBRS) is contained in the three documents described below:

### **Volume 1: Data Collection Guidelines**

This document is for the use of state and local UCR Program personnel (i.e., administrators, training instructors, report analysts, coders, data entry clerks, etc.) who are responsible for collecting and recording NIBRS crime data for submission to the FBI. It contains a system overview and descriptions of the offenses, offense codes, reports, data elements, and data values used in the system.

### **Volume 2: Data Submission Specifications**

This document is for the use of state and local systems personnel (i.e., computer programmers, analysts, etc.) who are responsible for preparing magnetic tapes for submission to the FBI. It contains the tape data submission instructions, tape layouts, error-handling procedures, designations of mandatory and optional data elements, and data element edits that must be followed in submitting magnetic tapes to the FBI for NIBRS reporting purposes.

### **Volume 3: Approaches to Implementing an Incident-Based Reporting (IBR) System**

This document is for the use of state and local systems personnel (i.e., computer programmers, analysts, etc.) who are responsible for developing a state or local IBR system which will meet NIBRS' reporting requirements. It contains suggested approaches to developing an IBR system, including a model incident report, standard data entry guide, data entry screens, and software design suggestions.

Copies of the above-listed documents can be obtained by writing to the:

Uniform Crime Reporting Section  
Federal Bureau of Investigation  
Washington, D.C. 20535

U.S. Department of Justice  
Federal Bureau of Investigation



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# Uniform Crime Reporting

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## National Incident-Based Reporting System

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VOLUME 1  
Data Collection Guidelines

July 1, 1988

Enter a NUMBER (1-4) or 'STOP' .....

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LEGI-SLATE Report for the 101st Congress

Tue, April 4, 1989 9:44am (EDT)  
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Status Report for S.419  
All Actions Since Introduction

-----  
Measure, Sponsor and Short Title:  
S.419 by SIMON (D-IL) -- Hate Crime Statistics Act

All Specified Actions:  
02/22/89 -- In The SENATE  
Introduced by SIMON (D-IL)  
Referred to SENATE COMMITTEE ON THE JUDICIARY  
Remarks by SIMON (D-IL) in "Congressional Record" (CR Page S-1563)  
Full text of measure printed in "Congressional Record" (CR Page S-1563)  
Remarks by HATCH (R-UT) in "Congressional Record" (CR Page S-1563)  
Remarks by CRANSTON (D-CA) in "Congressional Record" (CR Page S-1565)  
Remarks by D'AMATO (R-NY) in "Congressional Record" (CR Page S-1602)  
Remarks by LIEBERMAN (D-CT) in "Congressional Record" (CR Page S-1609)

03/08/89 -- In The SENATE  
Remarks by SIMON (D-IL) in "Congressional Record" (CR Page S-2378)

03/09/89 -- In The SENATE  
Ordered reported by SENATE COMMITTEE ON THE JUDICIARY  
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*Reduce  
File -  
Hate Crimes }*

LEVEL 1 - 1 OF 3 STORIES

Copyright © 1989 States News Service

February 23, 1989, Thursday

LENGTH: 432 words

BYLINE: By Anne Hazard, States News Service

DATELINE: WASHINGTON

KEYWORD: hate

## BODY:

Former Indiana Sen. Birch E. Bayh joined law enforcement and human rights officials Wednesday to tell members of Congress that hate crimes are being perpetrated against minorities in alarming numbers.

"Our statistics show us that fully one out of every five . . . minority Americans is subjected to some type of abuse," said Bayh, who is chairman of the National Institute Against Prejudice & Violence.

The former lawmaker addressed supporters of a bill introduced in the House and Senate Wednesday that would require the Justice Department to compile and publish data on crimes motivated by hatred of a race, religion, ethnic background or sexual orientation.

Such information would enable police to do their jobs better, Bayh said, by telling them whether such crimes are increasing and where they are occurring. The bill would guarantee confidentiality to victims. It also would encourage aid to victims of hate crimes.

Sponsor Sen. Paul Simon, D-Ill., predicted passage of the bill. However, "I don't want anyone to be sanguine," he said. "We do face the possibility of a filibuster."

A similar measure last year passed the House and the Senate Judiciary Committee, but floundered after North Carolina Sen. Jesse Helms tried to amend it with language denouncing homosexuality.

Many of the bill's supporters complained about the lack of a national network to pool information about hate crimes.

The American Defamation League of B'Nai B'rith recently reported that anti-Semitic incidents rose from 906 in 1986 to 1,281 last year.

The National Gay and Lesbian task force documented 7,008 incidents against homosexuals in 1987, up from 2,043 incidents in 1985.

Bayh, who practices law in Washington, said the institute, which studies the incidence of hate crimes and their effect on victims, had documented the occurrence of such crimes on 174 college campuses since September 1986.

"Often these are repeat offenses, not just isolated incidents," he said.

@ 1989 States News Service, February 23, 1989

In a later interview, he said the institutions include such Indiana colleges as DePauw University in Greencastle, Indiana University in Bloomington, Purdue University in West Lafayette, Franklin College in Franklin and Notre Dame University in South Bend.

Victims of hate crimes feel isolated and are afraid to carry out activities of daily life, according to Bayh. The effect of such a crime on a victim may last for years.

Passage of the "Hate Crime Statistics Act," Bayh said, would provide moral support to victims of hate crimes by letting them know the acts committed against them are considered crimes.

LEVEL 1 - 2 OF 3 STORIES

Copyright © 1989 States News Service

February 23, 1989, Thursday

LENGTH: 556 words

BYLINE: By Anne Hazard, States News Service

DATELINE: WASHINGTON

KEYWORD: crime

## BODY:

Condemning "hate crimes" like the church burning that occurred last year in Alton, Sen. Paul Simon introduced legislation Wednesday to help police stem the tide of such incidents.

The Illinois legislator discussed the "Hate Crimes Statistics Act" Wednesday at a press conference. Law enforcement and human rights officials supported the measure, saying criminal acts against minorities are occurring with increasing frequency.

The burning of the New Bethel African Methodist Episcopal Church in Alton in April and again in October was cited as a recent example of the rising number of hate crimes.

James R. Calvin, a navy enlisted man who was absent without leave from the San Diego Naval Base, was arrested last October and charged with arson in connection with the second incident.

A March trial date has been set but could be changed, pending the outcome of motions by the defense, said Sargent Don Spaul of the Madison County Sheriff's Office.

Simon's bill would require the Justice Department to compile and publish data on crimes motivated by hatred of race, ethnic background, religion or sexual orientation.

The data would help police by showing whether such crimes are increasing and where they are occurring, Simon said.

"We know in one form or another, violence too often . . . has taken place," Simon said. "Let's find out where we are so we can deal with the poison that's taken place in our system."

Many of the bill's supporters complained about the lack of a national network to pool information about hate crimes. Illinois was cited as one of a few states that has begun collecting hate crime statistics.

Former Indiana Sen. Birch Bayh, who is chairman of the National Institute Against Prejudice and Violence, which studies hate crimes, said the organization's research indicates one of every five minority Americans is subjected to abuse.

@ 1989 States News Service, February 23, 1989

The American Defamation League of B'Nai B'rith recently reported that anti-Semitic incidents rose from 906 in 1986 to 1,281 last year.

The National Gay and Lesbian task force documented 7,008 incidents against homosexuals in 1987, up from 2,043 incidents in 1985.

Bayh, a lawyer who practices in Washington, said the institute had documented the occurrence of hate crimes on 174 college campuses since September 1986.

"Often these are repeat offenses, not just isolated incidents," he said.

Cassandra Yelverton, a spokeswoman for the institute, said the colleges include such Illinois institutions as the University of Illinois-Urbana, MacMurray College in Springfield, Eastern Illinois University in Charleston, DePaul University in Chicago, Northwestern University in Evanston, Northern Illinois University in De Kalb, the University of Western Illinois in Macolmb, Aurora University in Aurora and the University of Chicago.

Victims of hate crimes feel isolated and are afraid to carry out activities of daily life, according to Bayh. The effect of such a crime on a victim may last for years, he said.

Simon predicted passage of the bill. However, "I don't want anyone to be sanguine," he said. "We do face the possibility of a filibuster."

A similar measure last year passed the House and the Senate Judiciary Committee, but floundered after North Carolina Senator Jesse Helms tried to amend it with language denouncing homosexuality.

## LEVEL 1 - 3 OF 3 STORIES

The Associated Press

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February 22, 1989, Wednesday, AM cycle

SECTION: Washington Dateline

LENGTH: 383 words

HEADLINE: Lawmakers Push For Hate Crime Reporting Requirement

BYLINE: By CHRISTOPHER CALLAHAN, Associated Press Writer

DATELINE: WASHINGTON

KEYWORD: Hate Crimes

## BODY:

The Justice Department must collect and publicize data on "hate crimes" so attacks against people based on race, religion, ethnic background and sexual orientation can be fought more effectively, lawmakers from both parties said Wednesday.

"There is prejudice abroad in the land. By ignoring it, we silently condone it," said Rep. Barbara B. Kennelly, D-Conn. "By documenting its existence, incident by incident, we are forced to face its reality, whereby we begin to find a solution."

Such hate crimes are now reported to the federal government only as assaults, arson, vandalism, threats or homicides without details of their roots in discrimination.

The House passed the Hate Crime Statistics Act last year, but the measure died in the Senate.

Congressional aides said the measure failed last year because Sen. Jesse Helms, R-N.C., wanted to strip out mention of "sexual preference" in the final days of the session. Sen. Paul Simon, D-Ill., the bill's Senate author, refused and time ran out.

But this year, advocates are confident the bill will be enacted. An aide to Helms said she did not know what position the conservative senator would take on the legislation, but supporters said they were pushing the measure early to give themselves enough time to circumvent any Helms opposition.

Proponents again vowed not to remove the sexual preference language from the bill. Maine Attorney General James Tierney warned that such a move could send a signal of condoning crimes against homosexuals

Simon planned to bring the measure up for a vote in the Senate Judiciary Committee as early as next week, and Mrs. Kennelly predicted easy passage in the House.

The Associated Press, February 22, 1989

Baltimore County Police Col. Leonard J. Supenski said the measure would have a tangible effect on police trying to cope with hate crimes by pointing out problem areas and trends.

"We simply must have reliable information," said Supenski. "Who is involved? What happened? What does it look like? Where is it happening? How often? To how many victims? By whom? Answers to these questions are important in assessing the needs of the victim and the community in order to determine appropriate police response."

"You can't deal with the problem if you don't know the reality of the facts," added Sen. Howard Metzenbaum, D-Ohio.

Benefit, pension costs are also much less.

Can be 2/3 cost of career -

4000 of Boston College students - replied favorably  
to ROTC idea

Police Chiefs around country are happy about it.

Every city needs police

Fully funded / matching -

Feds only come in to pick up 10 ans.

Supporters

TEETER - Steelman, Pinkham, M. Williams from Campaign

Alan Specker drew up bill - New Congress

Sent to CBO & CRS -

Bob Dornan

Paul Weyrich

Free Campus Foundation

Emily Phil Brady -

Daryl (E) Gates - L.A. (Idiot)

1 Brady -

125,000

no respect in community

25,000 Make impact - civilian group

drive back thru house

outside too - some will stay.

Didn't need it - has

"best in world" -

Fed - Edu - Joint - OMB

1987 - Issues - Scholarship -

FY 91 -

↓ Fund - John Gardner -

916 -

322 - 445 -

9900 2 782 -

Mr. Roots

445-7644

445-2323

Armaleng  
Johnson -



Ken Yale - Tort ↔ Schall Tony -  
Civil Division -  
Thru Camp - impossible ↔

Weatherless, Patz - AA  
Eight - seven  
Crime victims week in early April -  
April 9 - week #:

Mon or Tues ↔  
Campus -  
Victims - rights - compensation -

Official request from AG ⊕ Volunteers are  
involved (→) support groups are -  
official state compensation (→)

SAFE - Communications -

Pres - 2:30 - Sunu, Baken, Gray, Bennett -  
Funeral - Ass. of Comm. Party Assisted +  
but thunder storm during funeral.

legislative Affairs -

Boyd Hollinsworth ↔

Cong. Republican leadership - meeting yesterday -  
"Assault weapons" - rifles -  
Assault Rifle

Michael  
Williams  
Meeting  
1:00 -  
Janet Hale  
Petersmeyer

Ethics - Speech -

Memo - R

Backed off

THE WHITE HOUSE

Office of the Press Secretary

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For Immediate Release

April 3, 1989

STATEMENT BY MARLIN FITZWATER  
ASSISTANT TO THE PRESIDENT AND PRESS SECRETARY

President Bush met this morning for approximately one hour and five minutes with representatives of the families of victims of Pan Am Flight 103. President Bush expressed his sorrow and deep concern with respect to the families of the victims of this tragic incident. President Bush said he had read some of the letters from families and was generally aware of their concerns.

The following representatives attended: Burt Ammerman, Joe Horgan, Paul Hudson, Wendy Giebler, and Vicki Cummock. The group discussed their concern for airport security and various efforts that might be taken to improve it. They had discussed these matters with Secretary of Transportation Samuel Skinner. Secretary Skinner will address many of these concerns, along with other announcements on airport security, at a press conference later today. The group also discussed the government's liaison with them in the aftermath of the incident.

President Bush asked Secretary Skinner to remain in contact with the group and to keep them advised of security issues of concern to them. The meeting was sensitive, solemn and productive. The families appreciated the President's sincerity and the opportunity to discuss the issue with him.

Also attending the meeting were Secretary Skinner, Governor Sununu and General Scowcroft.

# # #

4/5

Hate crime stats  
from L. Gray.

Document Originally  
Attached to  
Following Page

ment trial and that Hastings won the earlier judgment because he lied.

The Senate will hear one-hour arguments from attorneys for Hastings and for the House managers before it votes. The matter was postponed from March 8-9 because of the protracted debate on the nomination of John Tower to be secretary of defense. (*Tower debate, p. 530*)

None of the 13 other impeachment proceedings that have come to the Senate during its history has involved an earlier acquittal.

House managers maintain that constitutional separation of powers requires Congress to make an independent judgment, irrespective of the outcome of a criminal case. They say an impeachment is not a criminal proceeding and therefore the constitutional prohibition against double jeopardy (being tried twice for the same offense) does not apply. (*Weekly Report p. 451*)

The House vote to impeach Hastings stemmed from an alleged 1981 bribery scheme and Hastings' alleged leak of wiretap information in 1985. The 16 articles of impeachment Hastings wants dismissed allege conspiracy to accept a bribe, perjury and undermining the judiciary's integrity.

Even if Hastings' motion is approved, a Senate trial on the remaining charge — that he improperly disclosed confidential information learned in 1985 as the supervising judge of a wiretap — is virtually assured.

Once the Senate votes on Hastings' motion to dismiss the 16 articles, it will immediately take up a resolution (S Res 38) that would allow the case to be heard by a special committee rather than by the full Senate. ■

## LAW ENFORCEMENT

### 'Hate Crimes' Bill Backed by Panel

The Justice Department would collect and publish data on crimes motivated by prejudice under a bill approved by the Senate Judiciary Committee March 9.

The so-called "hate crimes" legislation (S 419), introduced by Paul Simon, D-Ill., calls for the attorney general to set criteria for determining whether a crime was committed against an individual because of his race, religion, ethnicity or sexual ori-

entation. Only certain serious crimes, such as murder, rape, assault and arson, would be tracked.

The bill is intended to provide a national data base that would be used to monitor the extent of crimes of prejudice.

The committee passed the bill unanimously by voice vote. However, Strom Thurmond, R-S.C., and Charles E. Grassley, R-Iowa, expressed concerns about the cost and standards for collection of data. Grassley cautioned that a criminal's motivation might not be easily determined. He also contended that the bill delegated a responsibility to the attorney general that should be Congress', that of setting criteria for defining "hate crimes."

Simon maintained that the attorney general is the appropriate authority to establish such guidelines. Simon also said that eight states now collect similar crime statistics and that none has reported significant costs.

In 1988, the Congressional Budget Office estimated the cost of a similar bill at between \$1 million and \$10 million annually.

The Justice Department, in a March 8 letter to Judiciary Committee Chairman Joseph R. Biden Jr., D-Del., generally supported the bill but raised questions about the difficulties of collecting the data. Assistant Attorney General Thomas M. Boyd wrote, "Particularly when a common crime is committed by a member of one racial or ethnic group against a member of another such group, it will be difficult to apply objective criteria to determine reliably whether the crime was motivated by race, ethnicity, personal animosity or financial gain."

The bill would require data to be collected in 1990-95 on crimes of murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property.

The bill is similar to S 702, which was approved by the Senate Judiciary Committee last year. That bill did not make it to the Senate floor, but the House passed a related measure (HR 3193) sponsored by Rep. John Conyers Jr., D-Mich. (*1988 Weekly Report p. 2303*)

Conyers reintroduced his bill (HR 1048) Feb. 22. He referred to the much publicized death of a black man in the Howard Beach area of Queens, N.Y., and said, "few across the nation, however, will ever know about the thousands of other lesser known incidents unless information about them is compiled." ■

## CONFIRMATION

### Bennett Approved As 'Drug Czar'

The often controversial William J. Bennett passed quietly through a confirmation process and was approved by the Senate March 9 as director of the new Office of National Drug Control Policy.

The Senate voted 97-2 to confirm Bennett, who was described on the floor as honorable, capable and indefatigable. (*Vote 21, p. 549*)

Opposing the nomination were Jeff Bingaman, D-N.M., and Paul Simon, D-Ill., both of whom criticized Bennett's leadership as secretary of education during the Reagan administration.

Earlier in the day, the Senate Judiciary Committee approved the nomination 13-1. Simon, the lone opponent, said he feared that Bennett, who was secretary from 1985-88 and an outspoken critic of the nation's education system, offered "a lot of visibility but not much action."

A spokesman for Bingaman said after the Senate vote that Bingaman also questioned Bennett's lack of law-enforcement experience.

Bennett generally has attracted widespread support from senators and little public complaint since his Jan. 12 nomination by President Bush. (*Weekly Report p. 450*)

### National Drug Strategy

The drug director's job was created in the 1988 anti-drug-abuse law (HR 5210 — PL 100-690) cleared by Congress last Oct. 22. (*Background, 1988 Weekly Report p. 3145*)

Bennett will be required to consult with the heads of all federal agencies responsible for drug-related programs and to prepare a national drug strategy within 180 days of confirmation.

The goal of a national strategy, Bennett said during his confirmation hearings March 1-2, "is a steady reduction in the flow of drugs through our streets and communities and a corresponding reduction in the deadly hold they now have over so many of our friends and families and neighbors."

Bennett declined to answer questions about his specific strategies for heading off drug abuse. He said he wanted first to study the situation. ■

The biggest problem for the experts—although it had a relatively minor impact on the family's taxes—was calculating the deduction for interest. The 1986 law made major changes on this deduction.

Ten preparers were wrong in claiming the husband's mother, who lived with the family all year, as a dependent. Nineteen experts claimed three times too much depreciation on equipment used in the wife's new business.

By Mr. SIMON (for himself, Mr. HATCH, Mr. METZENBAUM, Mr. CRANSTON, Mr. KERRY, Mr. BIDEN, Mr. SPECTER, Mr. KENNEDY, Mr. SIMPSON, Mr. KOHL, Mr. LEVIN, Mr. RIEGLE, Mr. BURDICK, Mr. MATSUNAGA, Mr. INOUE, Mr. BINGAMAN, Mr. DASCHLE, Mr. JEFFORDS, Mr. D'AMATO, Mr. GORE, Mr. PELL, Mr. GORTON, Mr. SANFORD, Ms. MIKULSKI, Mr. SARBANES, Mr. ADAMS, Mr. LIEBERMAN, Mr. BOSCHWITZ, Mr. GLENN, and Mr. CHAFEE):

S. 419. A bill to provide for the collection of data about crimes motivated by race, religion, ethnicity, or sexual orientation; to the Committee on the Judiciary.

#### HATE CRIME STATISTICS ACT

Mr. SIMON. Mr. President, I rise today to introduce the Hate Crimes Statistics Act. I am very pleased that 29 of my colleagues, including seven members of the Judiciary Committee, have joined me as original cosponsors of the Act. I want to extend my special thanks to Senators HATCH, METZENBAUM, CRANSTON, and KERRY whose leadership on the issue has ensured its continued progress. I am also particularly pleased to note that the chairman of the Judiciary Committee, Senator BIDEN, has added his name to the list of original cosponsors.

Since my introduction of the Hate Crimes Statistics Act in the 100th Congress, I have spoken on the floor and in the Judiciary Committee about incidents of hatred and violence which continue to plague our country. Unfortunately, once again, I must report that hate-related violence appears to be on the rise. Just a few examples demonstrate the extent of the problem. In November, a 28-year-old Ethiopian man was beaten to death with a baseball bat as he was walking down the street in Oregon. Three members of the largest, most violent skinhead group in Oregon have been accused of the murder. Also in November, the Tifereth Israel Synagogue in San Diego, CA, was extensively spray-painted with antisemitic graffiti. Swastikas and other hate-related messages like "Adolf lives" were painted on the synagogue walls and stained glass windows. Also, this fall, the house of our colleague, Rep. MIKE ESPY, the first black Congressman from Mississippi since reconstruction, was maliciously vandalized.

These stories are just a small sample of the many incidents which occurred in 1988 alone. Indeed the limited data

available suggests that 1988 may have been one of the worst years for hate-related activity. The Anti-Defamation League of B'nai B'rith [ADL] reported that incidents of antisemitic behavior in 1988 rose to a 5-year high. Klan-watch of the Southern Poverty Law Center, which tracks the activities of the white supremacist groups, reported that white supremacist violence appeared to surge in 1988.

While there is little doubt that hate-motivated crimes exist and appear to be on the rise, there is no national data base to monitor the real extent of the problem. Without this information, many questions remain unanswered. These questions include whether the attacks that we read about are isolated events or symptoms of a more pervasive problem; whether hate-related violence is more prevalent in particular sections of the country or in particular kinds of communities; whether certain groups are more frequently victimized than others and whether we are experiencing a resurgence of racism and other types of bias.

The Hate Crime Statistics Act addresses this problem by directing the Attorney General to acquire data about serious crimes which manifest prejudice based on race, religion, sexual orientation, or ethnicity. We have worked with the Justice Department to ensure conformity with their existing programs for data collection. The bill specifically authorizes the Attorney General to establish guidelines for the collection of data. It also ensures that the privacy of crime victims will be protected by limiting the use of data to research or statistical purposes. The bill is virtually identical to S. 702, which unanimously passed the Senate Judiciary Committee last summer. It is also similar to H.R. 3193, which overwhelmingly passed the House last spring.

Collecting data will not erase bigotry. However, as Elie Weisel so dramatically portrayed in his book *Night* and as Attorney General Thornburgh wrote in the introduction to ADL's audit of antisemitic incidents, "unblinking exposure is the first step in prevention and reform."

It is my intention to move the bill as quickly as possible. I urge my colleagues to join the cosponsors of the bill in this effort and work with us for its prompt enactment. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill and statements were ordered to be printed in the RECORD, as follows:

S. 419

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) this Act may be cited as the "Hate Crime Statistics Act".*

(b)(1) Under the authority of Section 534 of title 29, United States Code, the Attorney General shall acquire data, for the calendar year 1990 and each of the succeeding 4 calendar years, about crimes that manifest evi-

dence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term "sexual orientation" means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act.

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 1994.

Mr. HATCH. Mr. President, I am pleased to join Senator PAUL SIMON and others in cosponsoring the Hate Crimes Statistics Act. This act requires the Attorney General to acquire data for the next 5 calendar years "about crimes that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity, including where appropriate the crimes of murder, nonnegligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson and destruction, damage or vandalism of property."

Under the act, the Attorney General must establish guidelines for the collection of this data to ensure that the incidents reported truly reflect prejudice based on the characteristics delineated in the bill.

This bill is virtually identical to one which was reported favorably by the Judiciary Committee on a voice vote, August 10, 1988.

I stress that this act is only about Federal data collection. It creates no substantive rights or causes of action, as made clear by section 2(c). Moreover, it does not direct any State or local government or police agency to take any particular action. I hope, however, that the data collected under the act will be useful to state and local law enforcement agencies in deploying their resources and addressing hate crimes in their jurisdictions.

Mr. President, this act serves a vital purpose. While the Federal Bureau of Investigation, through its Uniform Crime Reporting [UCR] Program, collects national crime statistics, there is no Federal recordkeeping concerning the occurrence of hate crimes.

Hate crimes are among the most heinous of all crimes because they strike so deeply at their victims' individuality and self-esteem. Differences in the race, religion, and ethnicity of our citizens should be a source of national strength, cultural diversity, and celebration of our Nation's pluralism. Hate crimes present a particular threat to the fabric of our free society because they use characteristics such as race, religion, and ethnicity to foster a sense of division and fear among citizens.

For persons who are members of minority groups with a history of mistreatment or persecution, these crimes understandably create anxiety, unease, and concern about the security of their place as Americans in their own land or as persons striving to become citizens. Emotional and psychological scars can result from these crimes. For Jewish people, who have suffered terribly from persecution, the desecration, vandalism, burning of synagogues and stores, defacing of cemeteries and property with Swastikas and Nazi slogans, and physical intimidation are horrible reminders of such persecution and the bigotry they still must sometimes face. For black Americans, who have endured slavery, lynchings, Jim Crow laws, and continuing discrimination, and for other racial and ethnic minorities with a history of ill treatment and discrimination by others, physical violence because of their race or ethnicity is a particularly brutal manifestation of hatred. For Catholics, who have faced religious prejudice, a cross-burning is an act meant to deny the legitimacy of their faith. All of these crimes are intended to deny persons a sense of their own worth and their place in their native or adopted land.

Such crimes must never be tolerated. The Federal Government can help by compiling reliable data on the incidence of hate crimes. Through the use of such data, law enforcement agencies can better address—and seek to prevent—these crimes in their communities. We currently have no uniform method of determining if these crimes are on the rise and where they are taking place. This bill is aimed at rectifying that information gap.

We do know that hate crimes occur across our country. Not long ago, a black teenager was killed in Howard Beach, NY, in a crime of racial hatred. In July 1987, a black woman in San Jose, CA, was terrorized by white supremacists making racial threats. These hate mongers also denied her access to a public park. During the winter of 1982-83, the White Knights of Liberty conducted nighttime cross burnings in front of interracial couples in North Carolina. In February, 1982, a member of the Social Nationalist Aryan People's Party murdered two blacks and a white person he erroneously believed to be a Jewish professor and seriously wounded a fourth person at Cleveland State University in Cleve-

land, OH. In 1981, members of the United Klans of America murdered a black teenager in Mobile, AL. In 1980, a former member of the American Nazi Party murdered two black men jogging with two white women in Salt Lake City, UT, in a sniper attack. This same individual was later also convicted of the 1977 bombing of a synagogue in Chattanooga, TN.

Crimes of violence and vandalism have been directed against Asian immigrants.

A Chinese-American was chased through the streets of Detroit by a white man and his stepson after a dispute at a nightclub. The two whites were upset about the impact of Japanese car imports on American jobs and beat the Chinese-American to death with a baseball bat.

Last September 17, on the Jewish Sabbath, two teenage boys desecrated a Brooklyn, NY, synagogue. Swastikas were sprayed on the walls. Six precious Torah scrolls were ripped and burned, and the synagogue itself suffered heavy damage from fire.

Last year the Yeshiva High School in Doraville, GA, was vandalized and spray-painted with anti-Semitic and racist slogans, such as "Niggers and Jews, we're coming for you."

In the mid-1980's, Hispanic residents of Cedartown, GA, were subjected to violence because of their ethnicity and resentment about the jobs they were taking in the community. The cars owned by Hispanics were rammed by Klansmen in pickup trucks. The trailers and homes of Hispanic workers were shot at in the evening hours.

According to the Anti-Defamation League of B'nai B'rith in its 1988 audit of anti-Semitic incidents, "During 1988, 823 episodes of vandalism and desecration, and 658 acts of harassment, threat, and assault against Jewish individuals, their property and their institutions resulted in the highest number of anti-Semitic incidents reported in more than 5 years. . . . The 1988 vandalism figure represents an 18.5 percent increase over 1987. . . . This is the second straight year of substantial increase in anti-Semitic vandalism after a general 4-year downward trend."

Some hate groups, loosely connected to each other, operate in all parts of the country. Neo-Nazi "Skinheads" or "Skins" are youthful gangs which sprout neo-Nazi rhetoric and preach hatred and violence toward blacks, Hispanics, Jews, Asians, and homosexuals. These hate groups can be found all over the Nation, particularly in the Pacific Northwest, the Southwest, the Midwest, and the Southeast. Other white supremacists groups similarly operate in more than one region of the country. See Hate Groups in America, Anti-Defamation League of B'nai B'rith, 1988. The Justice Department has vigorously prosecuted these groups. The victims of racial violence in cases brought by the Department include black homeowners and college

students, Asian homeowners and restaurant patrons, Jewish workers and Hispanic travelers.

Thus, hate crimes are a national concern and affect citizens who belong to a variety of groups targeted by the hatemongers.

In consideration of this problem, I believe it should be clearly understood that our democratic institutions are strong. The overwhelming majority of our citizens are intolerant of hate crimes and those who perpetrate them. Local, State, and Federal law enforcement agencies have been on the job. For example, the Anti-Defamation League of B'nai B'rith cited the Justice Department's superb job in prosecuting the hate groups in its 1987 report, "The Hate Movement Today." Most, if not all, of the incidents I have mentioned earlier resulted in the apprehension and conviction of the criminals involved. Frequently, there is a public outcry about these crimes, and local citizens have often rallied to the support of their neighbors who are the victims of these crimes.

While I do not feel we face an epidemic of these crimes, we do face too many of them. This act will provide a useful tool to law enforcement agencies to identify those areas where resources can be deployed and this problem better attacked.

I want to address two further points. Some of my colleagues may be concerned that this Act provides an imprimatur for homosexual rights legislation. It does not. As I mentioned earlier, it creates no substantive rights or cause of action, "including an action based on discrimination due to sexual orientation." Section 2(c). Violence or other illegal criminal activity specified in the act directed at a person because of sexual orientation, however, is as much a local or State criminal offense as it is when directed to a person because of race, religion, or ethnicity. Obviously, no one favors the commission of the crimes listed in the act for any reason. If violence or other hate crime activity directed toward persons because of their sexual orientation is a problem that is identifiable through this kind of data collection, law enforcement agencies can benefit from the collection of such information. The Attorney General, of course, must take care that the data collection is reliable and truly reflects criminal activity based on prejudice. In short, this data collection measure regarding the commission of crimes is no precedent for asserting protected status under our civil rights laws.

Finally, there is one omission in this act which I hope we can correct in committee or on the floor. The act does not require statistics to be kept on crimes that manifest prejudice based on membership or nonmembership in a labor organization. An amendment offered in the committee last year by Senator GRASSLEY, which I supported, failed by a 7-to-5 vote. I

will support the inclusion of such language in the act in this Congress.

Mr. CRANSTON. Mr. President, I am very glad to join my good friend from Illinois, Senator SIMON, in introducing this important legislation which would direct the Attorney General to collect data on the incidence of crimes that manifest prejudice based on race, religion, sexual orientation, or ethnicity. This bill is similar to legislation I introduced in the 100th Congress, S. 2000, that was incorporated into S. 702 which unanimously passed the Senate Judiciary Committee last summer. While this is a very simple bill, it represents a significant step toward addressing the serious problem of the incidence of hate crimes in the United States.

Unfortunately, Mr. President, the need for this legislation is obvious. Across the country there are reports that hate crimes motivated by prejudice are on the increase. The Anti-Defamation League of B'nai B'rith recently reported that anti-Semitic incidents rose to a 5-year high in 1988, with harassment up 41 percent and vandalism up 19 percent from 1987. In June of 1988, the National Gay and Lesbian Task Force reported that hate crimes directed at gay and lesbian individuals increased by 42 percent from 1986 to 1987. Additionally, the Klanwatch project of the Southern Poverty Law Center notes that the seriousness of the problem is reflected in the increased number of Federal prosecutions involving hate crimes during late 1988. According to Klanwatch, the U.S. Justice Department brought cases against 16 defendants in 10 cases of racially motivated violence in the last 4 months of 1988, compared to 13 cases brought in the entire year preceding September 1988. Additionally, during 1988, Klanwatch received reports of hate crime incidents in 35 States and the District of Columbia; of the reported hate crimes, 27 percent were directed at Jews, 56 percent directed at blacks, and 17 percent directed at others.

In spite of this evidence, Mr. President, there is no national system for collecting data on the severity, pattern, and location of these hate crimes. With this information, law enforcement officials and prosecutors will be better able to utilize their resources and to target specific neighborhoods or organizations for special attention. Some States have already recognized that this data is a valuable law enforcement tool and have adopted their own system for tracking the incidence of hate crimes. But these individual efforts are not enough. Racism and bigotry are clearly national problems, and we need a national solution.

For these reasons, I urge my colleagues to support this legislation.

By Mr. FORD:

S. 421. A bill to amend the Petroleum Marketing Practices Act; to the

Committee on Energy and Natural Resources.

PETROLEUM MARKETING PRACTICES ACT  
AMENDMENTS

● Mr. FORD. Mr. President, today I am again introducing the Petroleum Marketing Practices Act amendments, making minor modifications to the act consistent with the original congressional intent. Last year, on March 16, I introduced identical legislation, and hearings were held on October 4 before the Senate Energy Subcommittee on Energy Regulation and Conservation. A similar measure, H.R. 1842, passed the House Energy and Commerce Committee on October 20.

The Petroleum Marketing Practices Act was enacted in 1978 to assure fairness and equalize the bargaining positions between franchisors and franchisees during the renewal or renegotiation of their agreements. The act attempted to promote fair competition, prevent unreasonable terminations and nonrenewals, and enhance stability in the marketing of gasoline at the retail level.

This legislation modifies the original act in three important ways to more fully realize its intended purposes. First, it requires any changes proposed at the time of renewal of a franchise agreement to be "fair and reasonable." Present law allows franchise nonrenewals based on a failure to agree to changes or additions to the underlying franchise agreement, so long as such changes or additions are made "in good faith" and not "for the purpose of preventing the renewal of the franchise relationship". This standard poses the danger of requiring overly subjective assessments of the motivation underlying changes or additions to the franchise agreement. And it is inconsistent with other areas of the act where the "reasonableness" standard is followed.

For instance, Mr. President, termination or nonrenewal of a franchise is permissible upon the occurrence of a relevant event, categories of which are delineated in the act, which makes such termination or nonrenewal "reasonable." In addition, termination or nonrenewal is allowed where the franchisee fails to comply with any provision of the franchise which is both "reasonable" and of "material significance." And the act allows nonrenewal where the franchisor determines, in good faith, that the continuation of the relationship would be uneconomical despite any "reasonable" changes or additions which might be made to the agreement. I believe the "fair and reasonable" standard will enable changes or additions to be viewed in a much more objective manner, consistent with the purposes and other provisions of the act.

Second, the legislation clarifies the definition of "franchise" to make clear that all contracts "economically necessary to the operation of the franchise" will be considered part of the franchise agreement, so that the termina-

tion of such contracts between a franchisor and franchisee which are closely related to the operation of a retail gasoline facility will also be subject to the PMPA. In this light, cancellation of contracts which would make the operation of the franchise uneconomical for the franchisee must be done in accordance with the permissible grounds under the act.

Third, Mr. President, the legislation protects franchisees from being terminated in situations where the retail gasoline facility is operated pursuant to a lease negotiated between the franchisor and the owner of the property, and the franchisor allows the lease to expire. Under this proposal, if the franchisor intends to let the lease expire and the franchisee is able to negotiate its own lease agreement with the owner of the property, then the franchisee may continue to operate.

Mr. President, I believe these changes are straightforward and necessary, and will go a long way toward assuring that the PMPA is being implemented as initially intended. I urge my colleagues to join me in cosponsoring this measure and securing its swift passage.●

By Mr. FORD:

S. 422. A bill to require the Secretary of Agriculture and the Secretary of Commerce to conduct a joint study of commodities and products that may be produced and marketed in conjunction with the production of tobacco; to the Committee on Agriculture, Nutrition, and Forestry.

STUDY OF COMPLEMENTARY COMMODITIES AND  
PRODUCTS OF TOBACCO PRODUCERS

● Mr. FORD. Mr. President, today I am reintroducing legislation to require a study identifying commodities and agricultural products with production and marketing requirements complementary to those of tobacco. Given the cyclical, labor-intensive nature of tobacco production and marketing, such a study would be helpful in demonstrating to farmers the manner in which they can get the most from their resources.

Tobacco remains the mainstay of Kentucky agriculture. It is the very nature of tobacco, yielding a gross return of \$3,500 per acre, that has enabled Kentucky agriculture to diversify. Kentucky ranks 12th among States in corn production, and ranks in the top 20 in the production of soybeans, hay, winter wheat, and sorghum. Its livestock operations are equally diverse, ranking 12th in the number of cattle and calves used in beef and dairy production, and 14th in hog production.

There are 99,000 farms in Kentucky, and nearly all are involved in some form of tobacco production. Despite the appearance of diversity in Kentucky agriculture, it is tobacco that makes up 20 percent of the total farm receipts and more than half of all crop receipts, all on just over 1 percent of

moments which have shaped the destiny of black society.

Mr. President, "Speak Of Me As I Am" is an exciting choreographed production with specially designed sets and theatrical lighting effects. It is exuberant, subtle, informative and exciting. I am extremely proud to pay tribute to the Town and Gown Theater and I congratulate them on a magnificent performance. I hope that my colleagues and others in Washington had the opportunity to take advantage of seeing one of my State's greatest treasures.●

#### THE CHEMICAL AND BIOLOGICAL WEAPONS CONTROL ACT OF 1989

● Mr. D'AMATO. Mr. President, today I join 19 of my colleagues as a cosponsor of the Chemical and Biological Weapons Control Act of 1989. The evenly bipartisan sponsorship of this measure indicates the universal recognition of its importance.

The resurgence in the use and spread of chemical and biological weapons has reached a global crisis level, demanding immediate and strong action. The most distressing turn of events in the past quarter century has been the increasing availability of these weapons to Third World countries who show little restraint in unleashing them on their immediate neighbors. The specter haunting our future is the proliferation of this technology to the point that irresponsible powers can threaten territories far beyond their own borders through the use of ballistic or cruise missiles.

The New York Times recently called chemical and biological weapons the "poor man's atomic bomb." While their effects are not of the scale of a modern nuclear device, the horror is comparable; chemical and biological weapons have the same characteristics of massive, indiscriminate, and lingering destruction. The ready availability of the component chemicals compounds the problem, making the spread of such weapons easier. The difficulty in monitoring production of poison agents by belligerents is demonstrated by the case of the Libyan chemical plant near Tripoli which can be converted to the productions of pharmaceuticals in order to cover its sinister purpose.

Mr. President, the aim of the Chemical and Biological Weapons Control Act of 1989 is to punish those countries who openly show their disregard for the 1925 Geneva protocol. President Bush has said:

Nations guilty of chemical warfare must pay a price. They must know that violation of the ban against the use of such weapons carries a heavy penalty. Not just a fine or a minor sanction that can be ignored.

Mr. President, this act is intended to get and hold the attention of those nations which may contemplate the use of chemical and biological weapons. It will demonstrate the resolve of the

United States to stop the worldwide danger imposed by this abhorrent form of warfare.●

#### THE HATE CRIME STATISTICS ACT

● Mr. D'AMATO. Mr. President, I am pleased today to join several of my colleagues in cosponsoring the Hate Crimes Statistics Act. This is a simple, yet very important measure that merits swift passage.

This bill directs the Attorney General to collect and publish statistics indicating the nature and extent of crimes motivated by bigotry and based on hate for certain racial, ethnic, and religious groups, among others. It may come as a surprise to many that at present no such collection effort is mandated. The truth is that data on hate crimes is collected, at best, in a haphazard and sporadic manner, exclusively on the State and local level. This legislation will assure, henceforth, the prosecution of a coordinated and centralized data collection effort.

If America is to preserve its cultural, ethnic, and religious diversity, we must bring down upon those who would blemish our cultural fabric a legal and moral wrath. To effectively deal with the bigots among us, we must substitute our reliance on anecdotal evidence with hard data. This data will serve as an important tool in a campaign of public awareness, and will bolster the power of bully pulpits nationwide.

This bill came within a razor's edge of passing last Congress. The House passed it by substantial margin and the Senate Judiciary Committee reported it unanimously. It was the subject of close negotiations in the waning hours of the 100th Congress, and most surely would have passed but for adjournment.

Their is no question that this bill enjoys widespread, bipartisan support, as well it should. Any Member concerned about the integrity of diversity in America should support this bill.

Mr. President, be it a swastika painted on a synagogue or a cross burned on a lawn, hate crimes must not be tolerated. I urge my colleagues to join us in sending a message across the land.●

#### NEW YORK STATE SENATOR MARTIN J. KNORR

● Mr. D'AMATO. Mr. President, I rise today to pay tribute to a respected former member of the New York State legislature on his retirement. For 35 years, the Honorable Martin J. Knorr represented Queens, NY, in both the New York State Assembly and Senate.

Senator Knorr's lifetime of public service includes more than just his legislative experience. Prior to his election to the New York Assembly, he was the assistant attorney general of New York State, law assistant of the surrogate court of Queens, associate attorney of the New York State De-

partment of Taxation and Finance, and supreme court law secretary, 11th judicial district, Queens County.

While in Albany, Senator Knorr did not forget his civic responsibilities back home in Queens, and served as president of the associated organizations of Ridgewood, Glendale, Maspeth and Middle Village; founder of the west Queens Coordination Civil Council; member of the board of trustees of Christ the King Regional High School in Queens; and several other community groups.

Over the years, Martin Knorr served with distinction, and earned the respect of both those he represented, and those who served with him. The people of Queens, and the entire State of New York will certainly miss his presence in Albany. I salute Senator Knorr on his lifetime record and accomplishments. I know that my colleagues will want to join me in wishing Marty a happy and fruitful retirement.●

#### NATIONAL ARBOR DAY

● Mr. D'AMATO. Mr. President, I rise today to give my support to Senate Joint Resolution 40, a resolution introduced by my neighbor from New Jersey, Senator BRADLEY. National Arbor Day designates "the last Friday in April" as a time to give special recognition to trees, a vital part of our environment.

Trees are an important natural resource; trees stabilize our environment, provide raw materials, and add to our nature's beauty. However, we may lose our forests forever if we do not preserve and protect them today. I commend Senator BRADLEY in taking the initiative in recognizing this danger. I am proud to join him as a cosponsor of this resolution, and urge my colleagues to do the same.●

#### FIFTIETH ANNIVERSARY OF BOONVILLE, MO, LIONS CLUB

● Mr. DANFORTH. Mr. President, I am pleased to offer my enthusiastic congratulations to the Boonville, MO, Lions Club which celebrates its 50th anniversary on February 25, 1989.

Long before President Bush spoke of a "thousand points of light," the Lions sparkled in Boonville. Over the years they have been recognized for their tireless work to aid both research and victims of sight and hearing impairments, diabetes, and other maladies. Always a strong force in local charities, they truly embody their motto: "We Serve."

The Lions Club of Boonville has enjoyed 50 years of achievement through good deeds and good fellowship, I salute them.●

#### RACHEL VERMILLION

● Mr. McCONNELL. Mr. President, I rise today to insert into the RECORD a

are likely to go to trial in the next few months.

In Ventura County, Deputy DA Carol Nelson is handling the *People v. Lynda Azell*, a murder case which was originally set for trial yesterday, but which is now expected to begin in March or April. While no DNA evidence was introduced in the preliminary hearing, it is expected to be used at trial.

The evidence consists of approximately sixty human hairs, some of which have been analyzed by the Cellmark Company. This case will provide a very clear test because there is virtually no other physical evidence, and conventional methods of forensic analysis were attempted to no avail.

Meanwhile, in Orange County, Deputy DA Dennis Bauer is handling the *People v. Danny Harris*, a case involving as many as 63 counts of serial rape, which is expected to reach trial in May or June. There will be an admissibility hearing in February or March.

This case, too, is a real showcase for DNA evidence. During the period when the crimes were committed, two serial rapists with very similar MO's were working in Orange County. Using conventional methods, it would have been impossible to say which of the two suspects was responsible for many of these crimes. Through DNA analysis, however, suspect Harris has been tied conclusively to five cases.

There are other cases in the works in DA's offices around the state, but these two are likely to provide the first critical tests of DNA evidence in California. We wish the prosecutors well. We are confident that they will prevail.

After we take our first tentative steps in court, we must be ready to hit full stride with this technology. That will be both complicated and expensive. Very few crime labs in the state will be capable of doing this work. And it is important that those who can do it do it the same way.

Researchers have developed more than 500 different DNA probes to date. If LPAD uses one series, while the LA Sheriff's Office uses another, we're all going to waste a lot of time and money. No single agency, no matter how large or sophisticated, can manage this project in splendid isolation. Uniform local, state and federal standards are essential.

The Attorney General's DNA Advisory Board, along with the California Criminalistics Institute, or C.C.I., and the F.B.I., have been working on that problem for the past year. We are now prepared to establish a state-wide system of standardized DNA laboratory work to support criminal investigation and prosecution in California.

The CACLD and BPS have recommended a regional approach, funded on a state/local cost-sharing basis—along the lines of the Cal-ID fingerprint system. Their proposal calls for three to five regional DNA labs in California. One will be run by the Department of Justice. The others will be staffed by host law enforcement agencies.

The state will provide equipment and facilities for each laboratory. Host agencies will provide the personnel. C.C.I. will provide training and general supervision. The result will be an efficient system for making the technology readily available throughout California.

The DNA Advisory Board has accepted the recommendation in concept. And a budget request to fund initial development has been submitted. Unfortunately, the Governor disapproved it for fiscal reasons. So, we will have to take this proposal directly to the Legislature.

We are preparing legislation that will give specific form to the regional laboratory pro-

posal. I expect to be able to make a detailed announcement about the plan, and about additional DNA-related proposals, within the next month.

Make no mistake about it. The future of this technology as a tool of justice in California is very bright.

And yet, there are days when no part of life looks bright. Yesterday I traveled to Stockton to attend the memorial service for the five children who were murdered in their schoolyard. As I prayed with the mourners, I felt that special grief we in law enforcement feel when we are sworn to protect the innocent but we cannot do it.

Usually there is no action we can take at such moments, no consolation except to redouble our efforts to prevent the violence—and, when we cannot, to seek out and punish those responsible.

But in this case I feel there is something very specific that we can do, something very tangible that this organization can help accomplish. We can halt the legal sale of weapons like the one that was fired on those children—and is fired every day on the gang-infested streets of our cities, all too often at policemen in the line of duty.

Military assault rifles must be banned in California. That much we can do in memory of those five young lives.

And, in the broader sense, there is also something else that we can do. We can give police and prosecutors in this state the finest support available anywhere in the world.

We can use new technologies like DNA wisely and well to protect the public. We can use every resource to ensure that justice in California is swift and justice is sure. For, in the end, that is the best and perhaps the only protection we can offer the innocent. ●

#### HATE CRIMES STATISTICS ACT OF 1989

● Mr. LIEBERMAN. Mr. President, I am proud to rise as a cosponsor of the Hate Crimes Statistics Act of 1989, which is being introduced by my colleagues Senator HATCH and Senator SIMON.

Hate crimes are a growing problem in the United States. The Southern Poverty Law Center reported that in 1988, racial violence was on the upswing, due in part to the disturbing proliferation of violent, racist Skinhead gangs throughout the country. In a special report on hate crimes in 1988, the Klanwatch Intelligence Report notes that Skinheads were linked to four murders and two-thirds of the racial assaults documented by Klanwatch last year.

Crime motivated by religious hatred has also risen over the past year. The Anti-Defamation League reported that in 1988, 823 episodes of vandalism and desecration and 458 acts of harassment, threats, and assaults were committed against Jews, their property and their institutions—the highest number in 5 years.

Hate crimes are on the increase in my State of Connecticut. From 1987 to 1988, there was a threefold increase in the number of anti-Semitic incidents in Connecticut, including the burning of a synagogue in West Haven and the desecration of a Holocaust memorial in New Haven. The latter case was accompanied by vandalism at the Afro-

American Cultural Center at Yale University within the same 24-hour period.

Overall in Connecticut, there were 27 hate crimes from July to December of 1988. We know that fact because Connecticut has a new law requiring the State police to maintain statistics on hate crimes—a law I was pleased to support as attorney general. That is what the Hate Crimes Statistics Act of 1989 is all about. We have reason to believe hate crimes are on the increase nationally, but there are no comprehensive, accurate, up-to-date statistics kept on the national incidence of such crimes.

Such data would be very useful to law enforcement organizations, State and local governments, the media, antidiscrimination organizations, and the general public. Investigators will be able to assess whether certain attacks are isolated incidents or symptomatic of pervasive problems, whether hate-related violence is more prevalent in certain regions or communities, and whether particular groups are suffering greater numbers of attack.

Organizations such as Klanwatch, the Southern Poverty Law Center, and the Anti-Defamation League do what they can to gather information on hate crimes, but they cannot do it alone. The Hate Crimes Statistics Act of 1989 addresses this problem by requiring the Attorney General and the Justice Department to collect data on crimes which manifest prejudice based on race, ethnicity, sexual orientation, or religious preference; acts which violate the free exercise of civil and constitutional rights.

Collecting data alone will not erase bigotry. But without the facts, we cannot hope to mount a coordinated, national response to hate crimes. Cross burnings are more than "arson." Painting swastikas on a synagogue is more than "vandalism." Such acts intimidate and harass not just the immediate victim, and not just the group represented by the victim, but all of us who believe in the principles of the Constitution.

Passage of this bill is critical to understanding the national scope and magnitude of the problem of hate crimes. It is an important first step toward the goal of eradicating bigotry. The 101st Congress has a significant opportunity to take that step, and I urge my colleagues to join me in support of this legislation. ●

#### 1988 CAMPAIGN SPENDING

● Mr. BOREN. Mr. President, the election spending to win a seat in this body has once again set a new record. Through the 1988 election cycle, the sad fact is: the average cost to win a seat in the U.S. Senate was \$4,083,308. This compares with just over \$3 million in the 1986 cycle.

Mr. President, this again illustrates that we are becoming a "Congress on

out literally for a series of events that led to her not being able to pay the existing debt. The authorities acted because they had no other choice.

But the community, which happened to be my own hometown, reacted very promptly and promised itself that this spectacle should never happen again.

Again, I am introducing a piece of legislation which would amend the Older Americans Act providing for a State plan whereby if the point should be reached of eviction in any case involving a person over 65 years of age, there should be a delay period so that the community's area agency on aging or other agencies can come to the aid of that person and smooth the transition for whatever the legal act should call for at that time. I ask my colleagues for cosponsorship of this legislation.

#### HATE CRIMES STATISTICS BILL

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, today my good friend and distinguished colleague, JOHN CONYERS, is introducing the hate crimes statistics bill, a bill which is necessary and long overdue.

Nearly every day, I hear of a different tragedy—a beating, an act of vandalism, or sometimes murder—which is motivated by the hatred of one American for another.

The victims are not only the Indian-American in New Jersey, who was beaten to death because he wore a small dot on his forehead; or the recent Ethiopian immigrant in Portland, OR, who was killed because he was African-American; or the family, originally from Laos, who moved from State to State not only in search of work but to escape the brutality which followed them solely because they were from Southeast Asia.

These people are the innocent victims of hate. But as long as this scourge continues, all of us, and our institutions, are also victims.

I could go on and on with a sad and shocking litany of such events. Hate crimes are certainly not on the decrease in our Nation.

What other acts could be more antithetical to our ideals and principles? We are a nation founded on freedom and the concept of equal rights for all. Our greatness comes from our diversity and the blood and sweat of immigrants from every corner of the globe. When one of our citizens terrorizes another because of differences of race, religion, sexual preference, or culture, the very core of our principles is threatened.

There is no question that these crimes and the attitudes which permit them must be confronted. Yet, how can we begin to fight them, when their depth and scope are unknown?

Right now, we rely only on spotty, anecdotal information. This bill sets up a system whereby hate crimes are added to the standard Federal crime data collected.

The hate crimes statistics bill, which has been the subject of hearings and scrutiny, has already passed the House of Representatives. I urge my colleagues to join me in supporting this legislation, and I look forward to the day when it becomes law. I hope that day is soon.

#### INTRODUCTION OF HEALTH CARE SAVINGS ACCOUNTS

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, our Nation faces many pressing health care needs. While the 101st Congress may consider worthwhile proposals to address these needs through an expansion of Federal programs, it is doubtful that the Federal Government alone can meet our Nation's health care needs without first putting our endangered Medicare Program back on sound financial footing.

In their 1988 annual report to Congress, the Medicare trustees estimated that because of our aging population by the year 2005 the Medicare trust fund will be bankrupt and therefore unable to pay promised benefits to current and future retirees. The trustees have repeatedly urged Congress to act promptly to put Medicare on sound footing, or face the prospect of enacting a substantial tax increase, a cut in benefits, or both.

That is why I am reintroducing the Health Care Savings Account Act today, along with 29 of our colleagues. This legislation will allow individuals to contribute during their working years to voluntary tax-favored savings accounts to pay for health care needs in retirement. As an incentive, individuals would receive a 60-percent income tax credit for their contributions, and would be required to use the accumulated funds for their health needs in retirement before making claims on Medicare. By thus reducing claims on—and expenses by—Medicare, our bill can put Medicare on sound financial footing for all retirees, including those who choose not to exercise this new option. Besides financing doctor and hospital bills now covered by Medicare, health care savings accounts could help individuals pay for long-term care insurance, home-care, and prescription drugs.

Mr. Speaker, I urge my colleagues to protect Medicare's future by adopting the Health Care Savings Account Act.

#### VACLAV HAVEL

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, yesterday the prominent Czech playwright, Vaclav Havel, was sentenced to 9 months in prison for participating in rallies protesting the 1968 Soviet invasion of Czechoslovakia.

Vaclav Havel has been nominated by the Helsinki Commission to receive the 1989 Nobel Peace Prize. His arrest has been protested, as surely his imprisonment will be, by many brave Czechs.

Appeals on Havel's behalf have been made by leading American literary figures, including Arthur Miller and the Pen American Center—who this week are protesting Iranian persecution of Author Salman Rushdie. Thirty Members of the House have written to the President of Czechoslovakia, Gustav Husak, calling for the immediate release of Havel.

The men who lead Czechoslovakia must not be under the illusion that their acts of repression will go unnoticed anywhere in the world. Neither trade or other relations with the United States can improve until Czechoslovakia demonstrates that it has the courage to join the Soviet Union's first, tentative reforms respecting public debate and personal liberties.

The spirit of Josef Stalin must not be renewed. Free Vaclav Havel now.

□ 1420

#### CHILD SUPPORT ENFORCEMENT AMENDMENTS OF 1984—EXTENSION

(Mr. SCHULZE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHULZE. Mr. Speaker, today, I am introducing legislation which amends section 464(c) of the Social Security Act to force delinquent parents to take more responsibility for the care and welfare of their children. Single mothers with adult physically or mentally handicapped offspring often must bear single handedly the financial burdens of the costly care that these special individuals require. My legislation will extend a provision of the Child Support Enforcement Amendments of 1984 allowing the U.S. Treasury to "intercept" a delinquent parent's Federal income tax refund and transfer the intercepted funds to the party owed the money.

Federal law states that submission for the interception of funds may be made only on behalf of minor children. Current law is inadequate because it does not allow for situations where the person owed child support is no longer a minor but remains fully dependent of the custodial parent due to a mental or physical disability. My legislation will, however, extend the law to allow single parents with physically or mentally handicapped adult offspring to collect past-due child support on behalf of the offspring. The

be blacks, Hispanics, Southeast Asians, Jews, and gays and lesbians.

The study further indicates that while most States have enacted some legislation targeting hate crimes, only a few have thus far enacted laws mandating the collection of data on them. Maryland became the first State to collect statistics on hate crimes when in 1981 it required its State Police to collect the data and provide monthly summaries to the Maryland Human Relations Commission. In 1986, Pennsylvania required its police agencies to file monthly reports on hate crimes with the State Police Bureau of Community Services. Connecticut, Illinois, and Oklahoma enacted laws in 1987 requiring the collection of data on hate crimes.

To facilitate the investigation and prosecution of hate crimes, some police departments have established bias crimes units. The New York Police Department uses decoy teams to identify and arrest those who perpetrate such offenses. The action was taken in response to a rise in hate crimes in that city; nearly 500 of these offenses were reported in 1987, twice the number reported in 1986.

In 1985, the National Organization of Black Law Enforcement Executives [NOBLE] received funding from the National Institute of Justice to study the police response to racial and religious violence. NOBLE produced two publications, "Racial and Religious Violence: A Model Law Enforcement Response," and "Racial and Religious Violence: A Law Enforcement Guidebook," which recommend policies, practices, and procedures, and emphasize the need for more information and analysis.

The following law enforcement organizations endorsed the Hate Crimes Statistics Act during the 100th Congress: The Police Foundation, the Police Executive Research Forum, the National Black Police Association, and the National Organization for Black Law Enforcement Executives.

H.R. —

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Hate Crime Statistics Act".

#### SEC. 2. ACQUISITION AND PUBLICATION OF DATA.

(a) IN GENERAL.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire, for calendar year 1991 through calendar year 1995, data on the incidence of criminal acts that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity. The crimes with respect to which such data shall be acquired are as follows: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and such other crimes as the Attorney General considers appropriate.

(b) CONSTRUCTION.—Nothing in this Act creates a right for an individual to bring an action complaining of discrimination based on homosexuality.

(c) LIMITATION ON USE AND CONTENT OF DATA.—Data acquired under this Act shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(d) ANNUAL SUMMARY.—The Attorney General shall publish an annual summary of the data acquired under this Act.

#### SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal year 1991 through fiscal year 1996.

#### SECTION-BY-SECTION ANALYSIS

Section one of the bill provides that the short title of the legislation is the "Hate Crimes Statistics Act".

Section two of the bill requires the Attorney General, under the authority of 28 U.S.C. 534 (which provides for the acquisition, preservation, and exchange of identification records and information, and the appointment of officials) to acquire data on crimes that manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity. The crimes for which data will be collected include homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, and threat. The data acquired can only be used for research and statistical purposes and may not contain information that may reveal the identity of an individual crime victim. A summary of the data is to be published annually for five calendar years, starting with the data for the calendar year 1991.

Section three of the bill authorizes the appropriation for fiscal year 1991 through fiscal year 1996 of such sums as are necessary to carry out the legislation.

#### LEGISLATION TO ESTABLISH FIRST HOME SAVINGS ACCOUNTS FOR YOUNG AMERICANS

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. MAVROULES. Mr. Speaker, since coming to Congress 15 years ago, working toward ensuring opportunities for young Americans to own their own homes has been one of my top priorities. Yet, recent trends have gone against affordable housing for our young people. The American dream of that first home and the benefits of home ownership must not be cast aside.

Today I am introducing legislation to establish first home savings accounts for young Americans—a savings incentive to help young people realize that dream of owning their first home.

My bill would allow a \$2,000 yearly deduction to a first home savings account or, the withdrawal of up to \$20,000 without penalty from 401K or IRA savings plans. The first home savings accounts would be capped at \$20,000, yet encourage all young Americans to save, a goal which we must meet as a nation.

I urge my colleagues to join me in encouraging savings and home ownership.

SRI LANKA NATIONAL DAY

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. TORRICELLI. Mr. Speaker, I rise today to recognize the 41st anniversary of Sri Lanka's independence this month. Over these years, the United States has actively worked to support Sri Lanka's independence and to

promote her political and economic development.

Although Sri Lanka has experienced episodes of violence between the two major ethnic communities, the Sinhalese and the Tamils, over the past few years, a couple of positive developments give hope that lasting peace will come to Sri Lanka. In July 1987, Sri Lanka and India signed a peace accord which has helped to reduce terrorist activity. Late last year, Sri Lanka successfully completed a presidential election in which Ranasinghe Premadasa was elected prime Minister on December 19, 1988. As we congratulate Sri Lanka on their 41st anniversary, I would like to reaffirm the commitment of the American people in assisting Sri Lanka to once again enjoy the benefits of economic prosperity and social tranquility.

To assist in Sri Lanka's development, the United States and Sri Lanka have successfully created mutually beneficial economic links. For example, in 1985 the United States opened a Sri Lanka Business Development Center to assist in the promotion of private enterprise projects in Sri Lanka. This center has been working together with the Sri Lanka Government to shift the economy toward a more decentralized and market-oriented system in which private entrepreneurship, both domestic and international, flourishes. The Government of Sri Lanka has almost completed the \$2 billion Mahaweli project, a massive hydroelectric, irrigation, and resettlement program. Accomplished with significant assistance from the United States and other countries, the Mahaweli project will generate 1.7 billion kilowatt hours of electricity through the damming of the nation's longest river.

Through our shared interest in democratic principles, the United States also continues to give firm support to Sri Lanka in her effort to resolve recent episodes of social and political violence. We in the United States have and will continue to support a process of dialog, compromise, and political choice to resolve the genuine grievances that exist. Minority rights should continue to be protected and access to local political institutions should be guaranteed without discrimination. Calls for the partition of Sri Lanka should not be heeded; she should remain unified.

As Sri Lanka celebrates her independence, we join with the Sri Lanka people in looking forward to further progress on their already impressive record of national development. By remaining committed to the upholding of democratic principles and institutions and the guarantee of security for all her citizens, Sri Lanka will once again prosper in an atmosphere of domestic peace and harmony.

BLACK HISTORY MONTH

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. McMILLEN of Maryland. Mr. Speaker, as we commemorate "Black History Month," I would like to take this opportunity to bring your attention to the rich contributions made to black history by Marylanders. Residents of my State and the Fourth Congressional District have contributed to the achievements, the

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LEGI-SLATE Report for the 101st Congress

Tue, April 4, 1989 9:45am (EDT)

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Status Report for H.R.1048  
All Actions Since Introduction

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Measure, Sponsor and Short Title:

H.R.1048 by CONYERS (D-MI) -- Hate Crime Statistics Act

All Specified Actions:

02/22/89 -- In The HOUSE

Introduced by CONYERS (D-MI)

Referred to HOUSE COMMITTEE ON THE JUDICIARY

Remarks by MINETA (D-CA) in "Congressional Record" (CR Page H-324)

Extensions to Remarks by KENNELLY (D-CT) in "Congressional Record" (CR Page E-459)

Extensions to Remarks by CONYERS (D-MI) in "Congressional Record" (CR Page E-464)

Full text of measure printed in "Congressional Record" (CR Page E-465)

02/22/89 -- In The SENATE

Remarks by SIMON (D-IL) in "Congressional Record" (CR Page S-1563)

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February 22, 1989, into the CONGRESSIONAL RECORD.

In his February 9th budget, President Bush proposed many new programs but very little extra spending. The budget clearly shows the problem that Washington faces: without a tax increase or sharp cuts in defense or social security, there is very little money for new programs. In addition, while the Bush budget emphasizes where he wants to spend more money, it gives scant attention to where he wants to spend less.

Total budget outlays in 1990 under the Bush budget would be \$1.160 trillion and total receipts would be \$1.066 trillion. That would yield a deficit of \$94 billion compared to \$170 billion in 1989. The key elements of the Bush budget are a "freeze" on defense spending with no real growth for one year, an estimated \$86 billion in new revenues arising from economic growth, and a series of new spending initiatives.

The President has laid out the most pressing domestic needs for the country, with an emphasis on increasing productivity, investing in people, and ending the scourge of drugs. He has proposed new programs to alleviate the shortage of child care, guarantee poor mothers access to health care, prop up the eroding public educational system, house the homeless, redevelop urban slums and declining rural areas, expand drug education and interdiction efforts, extend the frontiers of space, and clean up the air, water, and contaminated nuclear energy plants.

His priorities are sound, but his budget does not indicate how he is going to reach his objectives. The President has generous rhetoric but penny-pinching proposals. For example, while he wants to be known as the "education President," his innovative education proposals total only \$58 million, less than \$1.50 for every child in our public schools. It is hard to see how so little additional money will help us recover from the deterioration of public education in the country. He recognized his dilemma when he said that "there are many areas in which we would all like to spend more than I propose, but we cannot until we get our fiscal house in order." One risk to the President's approach is that his sweeping language can unleash pent-up demands for much larger spending programs.

On the tax side, the President proposes generous tax breaks for investors, independent oil and gas drillers, computer companies, and inner-city manufacturers. He proposes reinstating a tax deduction for adoption expenses and giving low-income families up to \$1000 in tax credits or cash for the cost of caring for young children. Chief among his proposals is his plan to cut the top capital gains tax rate from 33 percent to 15 percent for assets held 1 year or longer. He claims that would yield \$4.8 billion in additional revenues because investors would sell their stocks in order to take advantage of a more generous tax rate. Economists disagree over whether cutting the capital gains tax rate will produce more revenue.

The President seems committed to reversing one of the proudest achievements of the Reagan administration: Tax reform. He not only proposes reducing the capital gains tax, which erodes the reform principle that earned and unearned income should be taxed equally, he has proposed a large number of special interest tax breaks that the 1986 tax reform act was designed to curtail.

The budget illustrates how policymakers are boxed in. The President's position on taxes has made tax increases virtually impossible. Yet the huge budget deficits, strictly legislated deficit targets, and festering

problems like the savings-and-loan bailout and the cleanup of nuclear weapons plants, all but rule out any major spending increases. The President and the Congress are more constrained on the budget than any President or Congress in recent times.

To his credit, the Bush budget takes steps to smooth out some of the rougher edges of the Reagan budgets to make it kinder and gentler. Its new directions are ones that are popular in the Congress, such as more attention to education and the environment. It eliminates various traditional Reagan proposals that were nonstarters and made many of his budgets dead on arrival. President Bush's call for bipartisan cooperation and his conciliatory language were well received in the Congress.

A major concern in the Congress about the President's budget is that it lacks detail. His budget is replete with proposals expanding government programs but gives little attention to the difficult political task of where to cut federal spending to meet mandated deficit targets. About half of his proposed cutbacks are spelled out (with the largest savings to come from curbing increases in Medicare and Government worker retirement and health program costs); the rest he leaves to be negotiated with the Congress. At the heart of his spending reduction strategy is the \$136 billion pool of popular programs that he would lump together and freeze overall. He makes no specific proposals whatsoever for programs lumped into this black box other than to say that if the Congress wants to increase funding for some, offsetting cuts will have to be made in others. I view this budget as an opening bid by the President for his forthcoming negotiations with the Congress. He certainly is not showing all of his cards.

Moreover, the President's budget is based on rosy economic assumptions that minimize the cuts needed to hit the deficit targets. A major premise of this budget is the theory that the nation can, to a large extent, grow its way out of the deficit. He assumes that strong economic growth will generate an additional \$86 billion in government revenue in 1990. With the economy already close to full employment and full capacity use, most economists put the economy's potential growth at about 2.5 percent a year and reject the President's view that the economy can grow at a rate of 3.25 percent per year over the next 5 years.

My concern is that as the President and the Congress maneuver over the budget, they will engage in clever tactics and political symbolism rather than building a budget to meet the needs of the Nation and producing a sound long-range approach to solving our budgetary problems.

#### HATE CRIMES STATISTICS ACT INTRODUCED

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mrs. KENNELLY. Mr. Speaker, today I am joined by over 45 of my colleagues in introducing the Hate Crime Statistics Act, a bill to require the collection and publication of statistics on crimes motivated by hatred of a person's race, ethnic background, religion, or sexual orientation. This legislation is identical to legislation which passed the House on May 18, 1988 by a resounding margin of 383 to 29. And the bill is very similar to legislation that

passed the House by a voice vote on July 22, 1985.

I first introduced a hate crime bill on February 4, 1984 in response to a series of incidents with possible religious overtones, in my district. Sadly, these types of incidents are not uncommon. Each year, hundreds of acts of violence and intimidation are committed against groups and individuals in every region of the country because of their race, religion, sexual orientation, or ethnic background. At present, it is impossible to measure the extent of the problem. Without solid information on when, where, and how often these crimes occur, we cannot take the positive steps we must take to end this violence.

Mr. Speaker, the basic idea behind hate crime legislation is simple: The more we know about these crimes of hate, the better chance we have to prevent them. I am convinced that the hate crime data this bill calls for is urgently needed by the law enforcement officials and public policymakers in this country. I urge my colleagues to join me in cosponsoring this most important legislation.

#### TRIBUTE TO GEN. CHARLES BOLTE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. SKELTON. Mr. Speaker, on Saturday February 11, Gen. Charles L. Bolte, a decorated combat veteran of two world wars, lost that final battle that all of us are destined to lose. I want to take this time to recognize the accomplishments of a man who gave a lifetime of distinguished service to our Nation.

He responded to the call of his country early this century as a company commander in the 4th Infantry Division, seeing action in the St. Mihiel, Meuse-Argonne, and Aisne-Mame offensives during World War I. After the signing of the Armistice on November 11, 1918, Charles Bolte participated with other units of the American Expeditionary Forces as part of the Army of Occupation in Germany. Future duty would find him sent by his country to the other end of the world, to serve with U.S. Army units stationed in China.

During the 1930's, the country struggled through the ravages of the Great Depression. An Army too poor to equip its forces with the latest in weapons and equipment and too poor to provide them adequate training, made the best of a tough situation by sending its officers to school. It was during the interwar years, the golden age of military education, that Charles Bolte attended the Infantry School at Fort Benning, the Command and General Staff College at Fort Leavenworth, and the Army War College, located at that time here in Washington, DC, at Fort McNair. He also served as a member of the faculty or staff of those institutions.

Thus, Charles Bolte and hundreds of his fellow officers were adequately prepared to take on the responsibilities and duties thrust on them at the beginning of World War II—fighting an war on a global scale. During that war Maj. Gen. Charles Bolte saw action in some of the most difficult combat in Europe, as the commanding general of the 34th Infan-

Rajiv Gandhi's Congress Party won in some district, while losing in others. The freedom to hold differing political views was reaffirmed, the people expressed their wishes, and all parties abided by it. However, there has been some violent dissent in India, and we in the House who have been in the vanguard of the protection of human rights, around the world, need to demonstrate our strong opposition to violence.

There is a proposed bill soon to be introduced in the House to deny non-discriminatory trade treatment, or most-favored-nation status, to the products of India. The reasons for denial outlined in the proposed bill are the alleged human rights violations, especially against Sikhs in the Punjab. These allegations include arbitrary arrests, detention of prisoners without trial, torture of prisoners, and the use of progovernment death squads in the Punjab.

The proposed bill is based primarily on the alleged detention of 300 Sikhs without charge or trial in a jail in the Indian city of Jodhpur since 1984. The fact is, however, that 380 people had been originally detained in that jail out of which 188 continue to be held. They are charged and are on trial for waging war against the country and the illegal possession of arms.

India has been a functioning and viable democracy since 1947. It has a rule of law and a constitution that protects the rights of its citizens. And yet a dangerous situation has been created by small groups of terrorists and criminals. A reign of terror has been unleashed in the Punjab in which nearly 2,300 people lost their lives last year. Terrorists in the Punjab have been indiscriminate in their killing; their targets ranging from political leaders to children. A large number of victims of terrorism have been innocent Sikhs themselves, particularly those who have opposed violence and have called for a political dialogue between the Indian Government and responsible Sikh leaders.

Our attention has been drawn to stray cases of violation of human rights in the Punjab. In the massive anti-terrorist operations which are ongoing in that area there may indeed have been cases of misuse of power of miscalculations. Unfortunately, we cannot ignore the fact that innocent and unarmed people in the Punjab have been victims of violence and crime at the hands of a small group of fanatics, secessionists, and criminals. Just as terrorist victims deserve our deepest sympathy, those who are fighting against terrorism deserve support. What they do not deserve is a break in equal trade relations.

I would like to share with my colleagues the State Department's recent assessment of the situation in the Punjab in response to a request for their views on House Concurrent Resolution 343, introduced last August which concerns the human rights of the Sikhs in the Punjab. The State Department responded that "the Indian authorities are attempting to confront a terrorist movement which has claimed over 2,300 victims this year, well over twice the rate of killings in 1987. The terrorists are well-armed with automatic machine guns and rocket-propelled grenade launchers. In many instances, they are better armed than the police units fighting them." It is also the view of the Department that the "harsh police tactics" referred to in the legislation "are in part an attempt to protect innocent lives and property from extremists."

In recent years we and India have enriched our relationship through trade, science, and technology, and narcotics control. Bilateral trade in 1988 reached the \$5.7 billion mark. The interaction between the business and industrial communities of India and the United States has continued to flourish under the various agreements on trade and collaboration in advanced technology. A relationship of trust has been built up which we must continue to support. Any effort to deny nondiscriminatory trade treatment to India will seriously and adversely affect our economic and trade relations between our two countries.

### HATE CRIME STATISTICS ACT IS KEY TO FIGHTING BIAS CRIMES

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 22, 1989

Mr. CONYERS. Mr. Speaker, Today, February 22, 1989, I reintroduced the Hate Crime Statistics Act, a bill that will aid law enforcement officials in the fight to eradicate hate crimes.

During the past few years, there have been an increasing number of physical and psychological attacks on persons who were targeted solely because of their race, religion, sexual orientation, or ethnic origin. They have been carried out by organized groups, as well as by nonaffiliated individuals.

The Hate Crime Statistics Act will require the Department of Justice to annually collect and publish statistics on "crimes which manifest prejudice based on race, religion, homosexuality or heterosexuality, or ethnicity." There are presently no comprehensive, accurate, and up-to-date statistics kept on the national incidence of these crimes. Once available, such statistics could provide the basis of more effective law enforcement efforts in communities throughout the nation seeking to combat hate crimes.

During the 100th Congress, I introduced identical legislation, H.R. 3193—see House Report No. 100-575. That bill passed the House on May 18, 1988, by an overwhelming margin of 383 to 29. It had been endorsed by 30 state attorneys general. A similar bill was favorably reported by the Senate Judiciary Committee but received no further action before adjournment.

The Subcommittee on Criminal Justice, which I formerly chaired, held oversight hearings on antigay violence and anti-areb violence during 1986, and two hearings on legislation to establish a commission on racially motivated violence in 1988. The Subcommittee on Civil and Constitutional Rights held an oversight hearing on anti-Asian violence in 1987, and on anti-Native American violence in 1988. The witnesses at each of these hearings stated that reports of hate crimes received by their organizations are increasing. They also urged that the Department of Justice begin to produce nationwide data about them.

On January 13, 1988, the Center for Democratic Renewal released "They Don't All Wear Sheets: A Chronology of Racist and Far-Right Violence 1980-1986," which provides some statistical data on bias motivated crimes. The Center reports that there were nearly three

thousand incidents of hate motivated violence, harassment, and vandalism during the seven year period. This figure is based upon data compiled from press accounts, victim statements, law enforcement agency reports, and information supplied by civil rights groups and government human relations agencies. Its statistical accuracy is limited by the lack of a national reporting system for hate crimes.

In 1987, the Anti-Defamation League of B'nai B'rith [ADL] issued a special report entitled "The Hate Movement Today: A Chronicle of Violence and Disarray" that suggests that there was more criminal violence by extremists during the past 3 years than there has been over the previous two decades.

The ADL released its annual audit of anti-semitic incidents during January 1988. The organization reported 1,018 incidents, an increase of 12 percent over last year. Of these, 694 involved acts of vandalism ranging from swastika daubings to arson and pipe bombings. The number of acts of harassment, threat, and assault was 324.

Dramatic incidents like the death of Michael Griffith in the Howard Beach neighborhood of Queens, NY in 1986, or the death of Vincent Chin in Detroit in 1982, capture the attention of the national news media and, as the result of the headlines they generate, pierce the consciousness of most Americans, reminding us that hate crimes are still a reality today.

Few across the Nation, however, will ever know about the thousands of other lesser known incidents unless information about them is compiled and published in the manner provided for in the Hate Crimes Statistics Act.

Participants in the "Brotherhood March" in Forsyth County, GA, on January 17, 1987, were attacked by white hooded Ku Klux Klansmen hurling rocks, bottles, and racial slurs. This unfortunate incident brought home to many the fact that the Klan is still a visible and active organization, despite a decline in membership. Over the past decade, however, a number of new, more sinister, and more militant extremist groups such as the White Aryan Resistance and the Skinheads have surfaced and engaged in robbery, assaults, bombing, and murder to advance their white-supremacist agenda. Although their leadership has been the target of arrests and successful prosecutions, these groups continue to survive and sow the seeds of racial hatred.

In response to the public's growing concern about hate crimes and the inability of most law enforcement agencies to address the problem adequately, the National Institute of Justice [NIJ] commissioned Peter Finn and Taylor McNeil of Abt Associates Inc. to conduct a study of the effective steps being taken by police and prosecutors to combat them. The study, entitled "The Response of the Criminal Justice System to Bias Crimes," was submitted to NIJ in October 1987.

The authors interviewed 40 individuals, 21 of which represented police agencies or district attorneys offices. They concluded that while there is no accurate data regarding the number of bias crimes committed each year, there is plenty of documentation to suggest that the problem is widespread and increasing. The study indicates that 50 percent of the people arrested for hate crimes are teenagers and young adults between the ages of 16 and 25. The most frequent victims were found to

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ONE HUNDRED FIRST CONGRESS

## Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

2137 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

May 16, 1989

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MAJORITY—225-3881

MINORITY—225-8906

To: Minority Members, Criminal Justice Subcommittee  
 From: Raymond V. Smietanka, Minority Counsel  
 Re: H.R. 1048 (Hate Crime Statistics Act)

Chairman Schumer has scheduled a markup for Thursday morning (May 18th) on H.R. 1048, the so-called Hate Crimes Statistics Act. The bill is similar to proposals which have passed the House during the last two Congresses. Last year's bill (H.R. 3193) was, however, the subject of some controversy during floor consideration because it included crimes against homosexuals as among those to be tallied in counting hate crimes. Because the issues have been so thoroughly aired and there is no substantial difference last year's bill and this year's, the Chairman apparently believes there is little need for hearings prior to markup by the subcommittee.

H. R. 1048 would require the Attorney General to collect data until Fiscal Year 1995 on the incidence of crimes manifesting "prejudice based upon race, religion, homosexuality or heterosexuality, or ethnicity." The types of crimes for which the Attorney General would have to collect data would be: homicide, assault, robbery, burglary, theft, arson, vandalism, trespass, threat, and "such other crimes as the Attorney General considers appropriate". The legislation requires that an annual summary be published of the data. While the authorization is for "such sums as are necessary", the Congressional Budget Office estimate for H.R. 3193 of the 100th Congress was an annual expense of "less than \$1 million to nearly \$10 million", depending on the methodology employed in gathering the statistics.

As noted, the bill would require that hate crimes against homosexuals should be counted as "hate crimes" just as those against persons based upon their race, religion or ethnicity, a feature that some Members found objectionable during consideration of the bill during the 100th Congress. Attached are the dissenting views to the report of the Judiciary committee on H.R. 3193 detailing the concerns of those members.

-2-

Proponents of the legislation were originally led by the Anti-Defamation League of the B'nai B'rith whose representatives at hearings before the subcommittee during the 99th Congress cited an alarming rise in anti-semitic violence. The collection of statistics is considered by proponents as an important step in documenting trends in hate crimes so that countermeasures can be crafted.

Mr. Gekas, who had been an original supporter of the Hate Crime Statistics Act when it was proposed during the 99th Congress, made unsuccessful efforts at every stage to delete the language on homosexuality from H. R. 3193 last year. On the floor, as the result of a parliamentary maneuver by Mr. Miller (R-Wash) acting in concert with Mr. Frank (D-Mass), Mr. Gekas was unable to move to strike the homosexuality language. Because he had not prevailed on the issue, Mr. Gekas was constrained to vote against the legislation which ultimately was adopted by a vote of 383-29. It is anticipated that Mr. Gekas will again move to strike this language; no other amendments are likely.

**DISSENTING VIEWS OF MR. GEKAS, MR. McCOLLUM, MR. COBLE, MR. DANNEMEYER AND MR. SMITH TO H.R. 3193**

Accurate statistics showing the incidence of hate crime in this country can certainly be of value in helping to formulate law enforcement's response. However, the approach suggested by H.R. 3193 is not a promising one because it seeks to acquire too much information about too many crimes at too great an expense for everyone.

Legislation somewhat similar to this bill passed the House without controversy during the 99th Congress after hearings of the Judiciary Committee indicated an unaccountable rise in racial and religious hate crime. Unfortunately, some persons looked upon last year's consensus legislation as merely a tempting vehicle to dramatize what they assert is an increase in crime against homosexuals. These persons succeeded in expanding the definition of hate crimes in this year's bill to include crimes based upon something described as the "sexual orientation" of the victim. This expansion should be reversed by amendment.

We would obviously expect statistics developed by H.R. 3193 to inspire Federal legislation to counteract hate crimes or assist in the allocation of Federal law enforcement resources. But normally a Federal nexus is essential to justify a Federal response. Absent such a nexus, one must be able at the very least to base Federal involvement in essentially State matters on the goal of either supporting the common good or promoting State law enforcement. It must be emphasized that crime against any class of person is obviously reprehensible. However, there is no reason to believe that crime against homosexuals transcends the ability of individual States to respond. There is no evidence of an interstate organization such as the Ku Klux Klan or the Nation focused on homosexuals. There is no mention of homosexual rights in the Constitution. In fact, there appears no convincing evidence that homosexuals are more targeted for crime than groups such as women, the elderly, members of the police or passengers on urban mass transit. Thus gathering at considerable cost Federal statistics on crime against homosexuals is not only unjustified in itself but also unfair vis-a-vis other affinity groups.

It is noteworthy that the Congressional Budget Office, unable to predict the methodology to be employed in gathering hate crime statistics, estimated the cost of last year's legislation at less than \$1 million to as much as \$8 million annually. Adding crimes based upon the "sexual orientation" of the victim could only force this cost toward the upper end of, or beyond, this estimate. Not surprisingly, the CBO has estimated the cost of H.R. 3193 at as much as \$10 million annually—an incredible price for an object of such questionable value.

The Department of Justice has criticized this bill as being "unrealistic" because it lists too many offenses for which a motivation must be ascertained. As Assistant Attorney General John Bolton has noted: "To force statisticians through millions of burglary and theft cases in an effort to identify motivation of the perpetrator calls to mind the search for a needle in a haystack." Including "sexual orientation" only serves to make the needle smaller and the haystack larger.

In view of the cost, the question recurs as to why statistics are important. They are valuable not in themselves but rather to help discover the existence and extent of a problem and to support its solution. Statistics merely lay the foundation for a subsequent Federal response. Since this response is likely to take us down an even more costly path, it is all the more essential that targeted groups be within the scope of Federal responsibility in the first place. It is a Federal responsibility to ensure the equal protection of all citizens regardless of their race, religion or ethnic origin. It is not a Federal obligation to protect citizens in their sexual orientation.

For these reasons, I respectfully dissent.

- GEORGE W. GEKAS.
- BILL McCOLLUM.
- BILL DANNEMEYER.
- HOWARD COBLE.
- LAMAR SMITH.



AMENDMENT BY MR. GEKAS TO H.R. 1048

on page 2, line 10, after "ethnicity." add the following new sentence.

"The Attorney General may, in his discretion, add to the foregoing categories whenever he deems it appropriate for the purpose of indentifying the incidence of such crime against any other identifiable group of persons."

ADOPTED  
Subcommittee MARK UP  
5/18/89  
Voice Vote

*Civil Rights*  
0030810

THE WHITE HOUSE  
WASHINGTON

April 28, 1989

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: DAVID DEMAREST  
BOBBIE KILBERG BK  
SARAH DECAMP

RE: HATE CRIMES BILL FILE

We strongly recommend that the President move quickly to endorse the Hate Crimes Bill introduced in the 101st Congress by Senator Paul Simon. The Department of Justice indicated support of the objectives of bill and no opposition to the bill's enactment in a letter to Senator Biden on March 8 of this year.

A personal endorsement of this legislation by the President would convey a positive civil rights message and would be well received by religious and racial minorities in this country.

April 4, 1989

ACTION

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER

SUBJECT: Hate Crimes Bill

I. BACKGROUND: The Hate Crime Statistics Bill introduced by Senator Paul Simon [S.419] in the 101st Congress would direct the Department of Justice to compile and publish data on crimes (murder, non-negligent manslaughter, forcible rape, aggravated assault, simple assault, intimidation, arson, and destruction, damage or vandalism of property) that manifest prejudice based on race, religion, sexual orientation or ethnicity. The data would be collected for the years 1990 - 1995.

In the 100th Congress, a similar bill passed the House of Representatives in May, 1988 by a vote of 383-29. In the Senate, the Judiciary Committee voted out a Hate Crimes bill without dissent but the bill died when the Senate adjourned. Senator Helms tried to remove references to sexual preference. This was the only major objection.

II. ANALYSIS: Bias motivated attacks against certain groups of Americans are increasing. A comprehensive, accurate, and up-to-date record is needed to determine if certain groups are more likely to be the victims of hate crimes. The data acquired would be used solely for research and statistical purposes and would not contain information that would reveal the identity of a victim.

The Bill has been co-sponsored by Senators Hatch, D'Amato, Gorton, Jeffords, Simpson and Representatives Fish, Morella, Shays, Hyde, and Molinari.

On March 8th of this year, the Department of Justice submitted a letter to Senator Biden indicating support of the objectives of the bill and no opposition to the bill's enactment.

The bill has been endorsed by the Police Foundation, the Police Executive Research Forum, the National Black Police Association, and the National Organization of Black Law Enforcement Executives, and the American Jewish Committee.

III. RECOMMENDATION: Endorsement of this bill would be perceived as part of the President's "positive civil rights agenda." If approved, this endorsement will be included in an upcoming speech, announced by the press office, or become the focal point of an appropriate meeting.

IV. DECISION:

\_\_\_\_\_action \_\_\_\_\_approve as amended \_\_\_\_\_reject \_\_\_\_\_no action

**U.S. House of Representatives  
Committee on the Judiciary  
Washington, DC 20515-6216  
One Hundred First Congress**

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THE WHITE HOUSE

WASHINGTON

June 28, 1989

MEMORANDUM FOR EMILY MEAD  
OFFICE OF POLICY DEVELOPMENT

FROM: NELSON LUND *NL*  
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: "Hate Crimes" Bill

This is to follow up on our conversation last night about H.R. 1048. I understand that the Administration has already gone on record as supporting this legislation, and that some thought is now being given to suggesting that the President himself publicly endorse it in his speech on Friday.

For two reasons, I am skeptical about the wisdom of such a step. First, the bill cannot reasonably be characterized as a major initiative, and it would be unfortunate if the President were accused of overselling its importance. Second, the bill suggests a certain symbolic equivalence between homosexuality on the one hand and race, religion, and ethnicity on the other. If the President tries to use the bill for symbolic purposes, this symbolic equivalence might provoke a strong adverse reaction, especially from conservative religious groups.

Report for S.419 Hate Crimes Statistics Act  
As introduced in the Senate  
Complete Text of this version

II

101st CONGRESS  
1st Session

S. 419

To provide for the collection of data about crimes motivated by race,  
religion, ethnicity, or sexual orientation.

-----  
IN THE SENATE OF THE UNITED STATES

February 22 (legislative day, January 3), 1989

Mr. Simon (for himself, Mr. Hatch, Mr. Metzenbaum, Mr. Cranston, Mr. Kerry,  
Mr. Biden, Mr. Specter, Mr. Kennedy, Mr. Simpson, Mr. Kohl, Mr. Levin, Mr.  
Reisley, Mr. Burdick, Mr. Matsunaga, Mr. Inouye, Mr. Bingaman, Mr. Daschle,  
Mr. Jeffords, Mr. D'Amato, Mr. Gore, Mr. Pelly, Mr. Gorton, Mr. Sanford,  
Ms. Mikulski, Mr. Sarbanes, Mr. Adams, Mr. Lieberman, Mr. Boschwitz, Mr.  
Glenn, and Mr. Chafee) introduced the following bill; which was read twice  
and referred to the Committee on the Judiciary

-----  
A BILL

To provide for the collection of data about crimes motivated by race,  
religion, ethnicity, or sexual orientation.

=====  
Be it enacted by the Senate and House of Representatives of the United  
States of America in Congress assembled, That (a) this Act may be cited as the  
"Hate Crime Statistics Act".

(b)(1) Under the authority of section 534 of title 28, United States Code,  
the Attorney General shall acquire data, for the calendar year 1990 and each  
of the succeeding 4 calendar years, about crimes that manifest evidence of  
prejudice based on race, religion, sexual orientation, or ethnicity, including  
where appropriate the crimes of murder, non-negligent manslaughter; forcible  
rape; aggravated assault, simple assault, intimidation; arson; and  
destruction, damage or vandalism of property.

(2) The Attorney General shall establish guidelines for the collection  
of such data including the necessary evidence and criteria that must be  
present for a finding of manifest prejudice and procedures for carrying  
out the purposes of this section.

(3) Nothing in this section creates a cause of action or a right to  
bring an action, including an action based on discrimination due to sexual  
orientation. As used in this section, the term "sexual orientation" means

consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act or the All Writs Act.

(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

(5) The Attorney General shall publish an annual summary of the data acquired under this section.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 1994.

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Please enter NAME of desired report (or 'MENU').....

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April 4, 1989

ACTION

MEMORANDUM FOR GOVERNOR SUNUNU

FROM: ROGER B. PORTER

SUBJECT: Hate Crimes Bill

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The bill has been endorsed by the Police Foundation, the Police Executive Research Forum, the National Black Police Association, and the National Organization of Black Law Enforcement Executives, and the American Jewish Committee.

III. RECOMMENDATION: Endorsement of this bill would be perceived as part of the President's "positive civil rights agenda." If approved, this endorsement will be included in an upcoming speech, announced by the press office, or become the focal point of an appropriate meeting.

IV. DECISION:

\_\_\_\_\_action \_\_\_\_\_approve as amended \_\_\_\_\_reject \_\_\_\_\_no action