

In addition, section 608 extends by 6 months the due date of the Civil Justice Reform Act reports on the demonstration and pilot programs. The bill at section 609 also extends the authorization of appropriations by 1 year of the use of arbitration by district courts under 28 U.S.C. §651. This will give us more time, if needed, to consider how we will implement permanently alternative dispute resolution in the courts.

In conclusion, this bill is the result of careful consideration by members of the subcommittee and their staff, in close collaboration with the Administrative Office, who have all worked long and hard in attempting to produce a strong, bipartisan piece of legislation. I am pleased to say that the legislation we are introducing today not only enhances and improves the operation of the Federal judiciary, but also takes into consideration any potential increase in costs to the Federal budget.●

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1889. A bill to authorize the exchange of certain lands conveyed to the Kenai Native Association pursuant to the Alaska Native Claims Settlement Act, to make adjustments to the National Wilderness System, and for other purposes; to the Committee on Energy and Natural Resources.

THE KENAI NATIVE ASSOCIATION EQUITY ACT

● Mr. MURKOWSKI. Mr. President, today I introduce the Kenai Native Association Equity Act. This legislation will correct a significant inequity in Federal law with respect to lands conveyed to the Kenai Natives Association [KNA] under the Alaska Native Claims Settlement Act [ANCSA]. This legislation, which will mark the final outcome of a process begun nearly 14 years ago.

The legislation directs the completion of a land exchange and acquisition package between the U.S. Fish and Wildlife Service [USFWS] and KNA. The legislation will allow KNA, for the first time, to make economic use of lands conveyed them under ANCSA. The final stage of this process began by directing in Public Law 102-458, a land exchange and acquisition package between the USFWS and KNA. Over the past year, negotiations were completed, resulting in the legislation I am introducing today.

Mr. President, unlike other corporations in ANCSA, KNA, as an urban corporation, was not entitled to receive monetary settlement or additional lands than those granted under ANCSA. KNA ultimately selected 19,000 of its 23,040 entitlement within what later became the Kenai National Wildlife Refuge. KNA lands are located between operating oilfields within the refuge to the North and urban and suburban developments to the South.

At the request of the USFWS, KNA officials chose lands along the boundaries of the refuge so that development would be allowed. Notwithstanding the

representation that development would be allowed, the USFWS advised KNA after selections were made that use of the property would be severely restricted by the application of section 22(g) of ANCSA.

Section 22(g) requires that all uses of private inholdings within the refuge comply with the laws and regulations applicable to the public lands within a refuge and that those lands be managed consistent with the purpose for which the refuge was established. Section 22(g) has been an ongoing problem in Alaska as it has significantly limited the economic use of private lands within refuges.

Pursuant to agreements between USFWS and KNA, this legislation will allow USFWS to acquire three small parcels of land and KNA's remaining ANCSA entitlement at appraised value. These parcels include: Stephanka Tract, 803 acres on the Kenai River; Moose River Patented Tract, 1,243 acres; Moose River Selected Tract, 753 acres; and Remaining Entitlement, 454 acres.

The total habitat acquisition of 2,253 acres will be purchased with Exxon Valdez oilspill funds at a cost of \$4,443,000. Therefore, there would be no cost to the Federal Government for the purchase of these lands. Refuge boundaries would be adjusted to remove 15,500 acres of KNA lands from the refuge, thus resolving the 22(g) conflict. This can be done because, although the property is within the refuge—it does not belong to the Federal Government. KNA would also receive the refuge headquarters site in downtown Kenai which consists of a building and a 5-acre parcel.

Under the terms of this agreement, the USFWS has proposed, in order to maintain equivalent natural resource protection for Federal resources, that Congress designate the Lake Totatonten area, approximately 37,000 acres, as a BLM Special Management Area [SMA]. The lake is adjacent to the Kanuti National Wildlife Refuge. The SMA would be subject to subsistence preferences under ANILCA and to valid existing rights. While I support the intent of this provision I do intend on exploring its implications on land use closely during Senate hearings before the Energy and Natural Resources Committee.

Mr. President, I believe the Kenai Native Association has waited long enough to resolve these issues. It is my intention to move this legislation quickly and get it behind us.●

By Mr. FAIRCLOTH (FOR HIMSELF, Mr. KENNEDY, Mr. HATCH, Mr. BIDEN, Mr. LOTT, Mr. DASCHLE, Mr. THURMOND, Mr. BYRD, Mr. WARNER, Mr. LEAHY, Mr. COCHRAN, Mr. HEFLIN, Mr. D'AMATO, Mr. JOHNSTON, Mr. GRAMM, Mr. BREAUX, Mr. FRIST, Ms. MOSELEY-BRAUN, Mr. LEVIN, Mr. SIMON, Mr. ROCKEFELLER, Mr. REID, Mr. DODD, Mr. GLENN, Mr. KERREY, Mr. KERRY, Mr. HARKIN, Mr. BRADLEY, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mrs. BOXER, Mr. WYDEN, Mrs. HUTCHISON, Mr. COVERDELL and Mr. PRYOR):

S. 1890. A bill to increase Federal protection against arson and other destruction of places of religious worship.

THE CHURCH ARSON PROTECTION ACT OF 1996

Mr. FAIRCLOTH. Senator KENNEDY and I stand here today united in our belief that the rash of church arson must end and now. If we in Congress cannot agree that church burning is a despicable crime, what can we agree upon? It is not a matter of liberals, conservatives, blacks, or whites. It is about justice, faith, and right and wrong. Five of these churches—sadly, including a recent one on last Sunday night—were located in my home State of North Carolina.

I have every confidence that local law enforcement in my State can solve these crimes, but there is a real possibility that persons from outside of my State and other States may have set the fires, and that is the need for this bill and for Federal law enforcement assistance and a Federal statute. We have taken too long as a nation to react to this tragedy.

I do not know why the response has been so slow, nor do I fully understand if these crimes were the acts of conspirators or copycats.

What I do know is that we are sending a clear message today to anyone who is thinking about burning a church, that the wrath of the Federal Government will fall upon them. Scoundrels who burn churches have no refuge in our America on this day or any other day. They should and will be prosecuted and punished to the fullest extent of the law.

To that end, Senator KENNEDY and I have introduced this bill, full of both symbol and substance, to protect houses of worship.

Growing up and living in the rural South, I understand better than a lot of people that the church serves as a center of family life, of the community life, and in so many of these areas life is built around the church. Consequently, they hold in more ways than one a sacred place in the hearts of the people within that community. There is far more potential in these churches to cure what ails us as a nation than the Federal Government will ever possess. Let us renew our commitment with energy and conscience to protect the rights of all Americans without regard to race or religion.

Mr. KENNEDY. Mr. President, recently, the entire Nation has watched in horror and disbelief as an epidemic of terror has gripped the South. Events we all hoped were a relic of the past are now almost a daily occurrence. The wave of arsons primarily directed at African American churches is a reminder of some of the darkest moments in our history—when African-Americans were mired in a quicksand of racial injustice. We have come a long way from the era of Jim Crow, the Klan, and nightly lynchings. But these arsons are a chilling reminder of how far we have to go as a nation in rooting out racism.

In the 1960's, at a time when acts of violence against African-Americans were commonplace, when white freedom workers were being murdered by cowardly racists, Congress first began to speak vigorously and in a bipartisan fashion to condemn this violence and address the many faces of bigotry. Today, we again speak with a united voice in introducing bipartisan legislation to address this alarming recent epidemic of church burnings.

I commend my colleague from North Carolina, Senator FAIRCLOTH, for his leadership on the legislation we are introducing today. It is vitally important for the American people to recognize that all Americans—Democrats and Republicans, whites and nonwhites, Catholics, Protestants, Jews, and Muslims—must speak with a united voice in condemning and combating these outrageous acts. We must send the strongest possible signal that Congress intends to act swiftly and effectively to address this festering crisis.

President Clinton has also spoken eloquently on this issue, and has provided strong leadership. I applaud his efforts to commit substantial additional Federal resources to the investigations. Just as it was appropriate in the 1960's for the Federal Government to play an important role in reducing racial unrest, it is vitally important today for the Federal Government to take an active role in combating these racist arsons.

I also commend Congressmen HENRY HYDE and JOHN CONYERS, who developed the bipartisan House bill that was passed swiftly and unanimously yesterday, and I urge the Senate to act with similar swiftness.

There are four basic components to the Faircloth-Kennedy bill. First, it provides needed additional tools for Federal prosecutors to address violence against places of worship. The bill amends the primary Federal statute dealing with destruction of places of worship to make it easier to prosecute these cases. Current law contains onerous and unnecessary jurisdictional obstacles that have made this provision largely ineffective. In fact, despite the large number of incidents of destruction or desecration of places of religious worship in recent years, only one prosecution has been brought under this statute since its passage in 1988. Our bill will breathe life into this statute by removing these unnecessary obstacles.

In addition, our bill strengthens the penalty for church arson by conforming it with the penalties under the general Federal arson statute. By conforming the penalty provisions of these two statutes, the maximum potential penalty for church arson will double, from 10 years to 20 years. Our bill also extends the statute of limitations from 5 to 7 years, giving investigators needed additional time to solve these difficult crimes.

Giving prosecutors additional tools will enable them to address the current

crisis more effectively. However, we must also deal with the aftermath of the arsons that have left so many needy communities without a place of worship. The bill contains an important provision granting the Department of Housing and Urban Development the authority to make loan guarantees to lenders who provide loans to places of worship that have been victimized by arson.

This provision does not require an additional appropriation of funds to HUD. It simply gives HUD authority to use funds it already has. These loan guarantees will serve an indispensable function to help expedite the rebuilding process and the healing process.

These arsons have placed an enormous burden on State and local law enforcement, who also must investigate the crimes and address the tense aftermath within their communities. Our bill contains two measures to assist State and local law enforcement and local communities in responding to these vicious crimes. The Department of the Treasury is authorized to hire additional ATF agents to assist in these investigations, and to train State and local law enforcement officers in arson investigations. ATF already trains 85 to 90 percent of local law enforcement in how to investigate arson. This authorization will facilitate needed additional training.

The bill also authorizes the Department of Justice to provide additional funds to the Community Relations Service, a small but vital mediation arm established by the Civil Rights Act of 1964. The mission of the Community Relations Service is to go into a community and reduce racial unrest through mediation and conciliation. The Community Relations Service has worked effectively to calm communities during some of the Nation's most difficult moments in the battle for racial justice, and it has earned the respect of law enforcement officials and community leaders nationwide.

In 1996, its budget was cut in half—from 10 million to \$5 million. As a result, at a time when its services are in enormous demand, the Community Relations Service is about to be forced to lay off half of its already slim staff. This bill authorizes the restoration of funds to the Community Relations. We must act now, because its services are urgently needed.

Finally, the bill reauthorizes the Hate Crimes Statistics Act. This rash of arsons demonstrates the need to document all hate crimes nationwide. Reauthorizing the Hate Crimes Statistics Act is essential, and law enforcement groups, religious leaders, and civil rights leaders throughout the Nation strongly support it.

Taken together, this bill represents a sensible and practical response to the church arson crisis. We have a constitutional obligation to preserve the separation of church and state, but we also have a Federal obligation to protect the right of all Americans to wor-

ship freely without fear of violence. We believe this legislation is a timely and constructive step to stem the tide of violence in the South. If more can be done, we will do it.

In a larger sense, this tragic violence provides an opportunity for all Americans to examine our consciences on the issue of prejudice. We must work to root out racism and bigotry in every form. If we create a climate of intolerance, we encourage racist acts of destruction. While I respect and indeed cherish the first amendment right of free expression, we must be mindful that words have consequences. It is distressing that hate crimes are on the rise—whether arson of a church or assaults and murders because of bigotry. At other times in our history, we have been able to act together to heal a sudden or lingering sickness in our society, and we will do so now. The fundamental challenge is to re-commit ourselves as a Nation to the basic values of tolerance and mutual respect that are the Nation's greatest strengths.

The courage and faith demonstrated by the parishioners and clergy of the burned churches is an inspiration to the entire country. Their churches may have burned, but their spirit endures, and it is stronger than ever.

I also welcome the outpouring of generosity from numerous sources in the private sector. I commend the many individuals, businesses, congregations, and charitable organizations that have pledged financial support to rebuild the churches. These generous acts, as Martin Luther King once said, "will enable us as a Nation to hew out of the mountain of despair a stone of hope."

I urge my colleagues to join in expediting action on this urgent legislation. America is being tested, and the people are waiting for our answer.

Mr. President, this Faircloth-Kennedy bill addresses the recent spate of arsons that have gripped the South. The bill contains a number of measures designed to assist prosecutors and investigators in pursuit of the cowardly perpetrators of these crimes, and to assist victims and communities in the rebuilding process. This statement pertains to Congress' constitutional authority to amend the criminal provision pertaining to destruction of religious property and violent interference with right of free exercise of religious worship.

The bill amends title 18, United States Code, section 247 to make it easier for prosecutors to establish Federal violations in instances of destruction or desecration of places of religious worship. Although section 247 was passed in 1988, there has been only one Federal prosecution due to the onerous jurisdiction requirements contained in section 247(b).

The interstate commerce requirement of section 247(b)(1) is much greater than in other similar Federal statutes. For example, title 18, United States Code, section 844(i) is the general Federal arson statute and contains

a much lower interstate commerce threshold than is found in section 247(b)(1).

The \$10,000 requirement of section 247(b)(2) is arbitrary and unnecessary, and does not reflect the serious nature of many bias motivated acts of violence against places of religious worship. For example, there have been a number of incidents of bias-motivated violence committed by skinheads against synagogues which involved firing gunshots into these sacred places of worship, or the desecration of solemn symbols or objects, such as a Torah.

The Justice Department is providing specific examples of the limitations of section 247 which it will present at a hearing scheduled for June 25, 1996 in the Judiciary Committee. The monetary damage amount in these incidents described above is minimal. Yet, the devastation caused by these crimes is enormous, and the Federal Government can and should play a role in prosecuting these heinous acts of desecration.

The Faircloth-Kennedy bill amends section 247 in a number of ways. Most importantly, the onerous jurisdictional requirements of section 247(b) are discarded in favor of a more sensible structure that will better enable prosecutors to pursue the cowardly perpetrators of these crimes.

Section 2 of the bill contains congressional findings that set out in explicit detail the constitutional authority of Congress to amend section 247. A hearing was conducted in the House of Representatives on May 21, 1996, and a hearing will be conducted in the Senate on June 25, 1996, in which substantial evidence has or will be presented to support these congressional findings.

Congress has three separate bases of constitutional authority for amending section 247. First, Congress has authority under section 2 of the 13th amendment to enact legislation that remedies conditions which amount to a badge or incident of slavery. The Supreme Court, in *Jones v. Alfred H. Mayer Co.*, 392 U.S. 409 (1968), and *Griffin v. Breckenridge*, 403 U.S. 88 (1971), held that Congress has broad power under the 13th amendment to enact legislation that addresses societal problems of discrimination. In *Griffin*, the Supreme Court held that "there has never been any doubt of the power of Congress to impose liability on private persons under section 2 of the th[e] Thirteenth Amendment.

The arsons that have occurred have been directed primarily at African-American churches. Although a number of the perpetrators have not been apprehended, it is clear from the statement of the Justice Department that a substantial number of the arsons were motivated by animus against African-Americans. Indeed, these events are a tragic reminder of a sad era in our Nation's history, when African-Americans were mired in a quicksand of racial injustice. As such, Congress has the authority under the 13th amendment to amend section 247, and to eliminate the

interstate commerce requirement altogether.

Congress also has authority under the commerce clause to enact this legislation. As the record makes clear, the churches, synagogues, and mosques that have been the targets of arson and vandalism, serve many purposes. On Saturdays or Sundays, they are places of worship. During the rest of the week, they are centers of activity. A wide array of social services, such as inoculations, day care, aid to the homeless, are performed at these places of worship. People often register to vote, and vote at the neighborhood church or synagogue. Activities that attract people from a regional, interstate area often take place at these places of worship. There is ample evidence to establish that Congress is regulating an activity that has a "substantial effect" upon interstate commerce.

Mr. President, I would like to include as cosponsors of this legislation the Senator from West Virginia [Mr. BYRD]; the Senator from Connecticut [Mr. DODD]; and the Senator from Alabama [Mr. HEFLIN].

Mr. President, I ask unanimous consent the upcoming hearing on church arson currently scheduled for June 25, 1996 by the Judiciary Committee as well as excerpts of other statements submitted in the context of that hearing be made a part of the overall record pertaining to consideration of the Faircloth-Kennedy church arson prevention bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPT OF STATEMENT OF DEVAL PATRICK, ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, BEFORE THE COMMITTEE ON THE JUDICIARY, MAY 21, 1996

Mr. Chairman and Members of the Committee, I appreciate the opportunity to appear today to discuss the efforts of the Department of Justice to prosecute those individuals responsible for the deplorable act of setting fires to houses of worship and intimidating their parishioners.

Let me assure you all, first and foremost, that the Department of Justice considers investigation of church fires and prosecution of those persons responsible for attempting to destroy houses of worship to be among our most important investigative and prosecutorial priorities. Houses of worship have a special place in our society. They are, of course, the center of a community's spiritual life. In many communities, the church is the center of its social life as well. As we have seen in communities that are the subject of today's hearing, destruction of a church can have devastating effects:

When the fire is accompanied by an explicit or implied threat of violence directed at church members because of their race, these devastating effects are multiplied. In our society, arson of a church attended predominantly by African Americans carries a unique and menacing threat—that those individuals are physically vulnerable because of their race. These threats are intolerable; no one in our society should have to endure them. The Department of Justice is committed to insuring that those who make such threats will be prosecuted and will serve sentences commensurate with the cowardly and despicable nature of their actions.

I will provide a more general overview of federal prosecutorial activities.

FEDERAL JURISDICTION

There are a number of statutes that provide federal jurisdiction over arsons at churches.

We also have jurisdiction under 18 U.S.C. 247 and 248. Under 18 U.S.C. 247, anyone who "intentionally defaces, damages, or destroys and religious real property, because of the religious charter of that property, or attempts to do so," through use of fire, has committed a felony. Subsection (b) of the statute states that the defendant must have traveled in interstate or foreign commerce, or used a "facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce" in committing the crime, and caused more than \$10,000 damage.

Section 844(h) of Title 18 applies when fire or an explosive is used to commit another crime, and section 844(i) of Title 18 prohibits the use of fire when destroying a building used in interstate or foreign commerce. Section 248(a)(3) of Title 18 makes it a crime to "intentionally damage[] or destroy[]" the property of a place of religious worship." As we discuss later, however, our ability to use 248 may be limited.

SUCCESSFUL PROSECUTIONS

Investigation of church fires is extremely challenging. Fire often destroys all of the relevant evidence. In addition to examining the evidence at the scene of the fire, many witnesses must be interviewed in order to get a lead, as there are seldom witnesses to an arson at a church, particularly churches located in rural areas, as many of these churches are. There are currently over 200 federal agents from the ATF and FBI assigned to the various fires we are investigating.

We have had successful federal prosecutions, and have secured sentences commensurate with the seriousness of these crimes. Two recent cases demonstrate the type of investigations and prosecutions that vindicate federal rights.

MAURY COUNTY, TENNESSEE

In January of 1995, two African American churches and an African American-owned tavern were burned. Local law enforcement investigated, and arrested three suspects, all of whom said the fires were the result of actions they took while intoxicated, and were intended only as a joke. The FBI also investigated, and determined that all three defendants spent a Sunday watching the Super Bowl, drinking, and discussing their hatred of African Americans. The discussion later turned specifically to "burning nigger churches." After gathering various supplies, the defendants first drove to an adjoining county and tried to set fire to the tavern by throwing a molotov cocktail through the window. It failed to ignite. They also burned a cross on the tavern property. They then crossed back into Maury County and went to the Friendship Missionary Baptist Church, an African American church, and threw a railroad tie and molotov cocktail through the window. The fire ignited and caused heavy damage to the church. They also attached a small cross to the church sign and ignited it. They then drove to another African American church, the Canaan African Methodist Episcopal Church, again throwing a molotov cocktail into the church and causing damage, and again leaving a cross on church property.

The FBI obtained inculpatory statements and physical evidence, and identified other persons who later testified before the grand jury concerning the defendants' intent to burn African American churches. Attorneys from the United States Attorney's Office for

the Middle District of Tennessee, as well as from the Criminal Section of the Civil Rights Division, participated in the Federal prosecution of these three defendants. They also met often with local church officials, not only to keep them apprised of the developments in the Federal prosecution, but also to discuss with them the impact of this attack on the members of the church.

The defendants were arrested in August of 1995 on Federal charges of violating 18 U.S.C. 241 by conspiring to set fire to the two African American churches and the tavern. They pled guilty to the Federal charges in October of 1995. Two of the defendants were sentenced to 33 months in Federal prison, and the third to 57 months, for this hate crime.

One reason we decided to proceed with a Federal prosecution was that because the tavern firebombing occurred in another county, trial in State court would have required separate State indictments and resulted in the juries in each case seeing only part of the overall crime. The Federal conspiracy charge permitted the full scope and nature of the crime to be presented in one prosecution, and provided certain evidentiary advantages, such as the admissibility of co-conspirator statements. In addition, the sentences these defendants would have received under local law were much less than Federal law would permit. The Federal sentencing guidelines permitted the court to tailor sentences which reflected the culpability and subsequent cooperation and acceptance of responsibility by the defendants. The Government was able successfully to argue at sentencing that the leader of three defendants deserved an enhanced sentence. The Federal investigation also revealed that the local firefighters who responded to the first church burning were placed at a substantial risk of death or serious bodily injury by the fire, which also persuaded the court to impose an enhanced sentence. The decision to proceed against these defendants in Federal court and on Federal charges resulted in sentences that fit the contemptible nature of their actions and the effect of those actions on the members of the churches they attempted to destroy.

PIKE COUNTY, MISSISSIPPI

On April 5, 1993, on the 25th anniversary of the death of Rev. Martin Luther King, Jr., two African American churches in rural southern Mississippi burned to the ground. The FBI, with some cooperation by the local sheriff's department, took the lead in the investigation and identified three suspects, one adult and two juveniles. The Bureau contacted the father of one suspect, and met with the suspect, his father and his attorney. Later the Bureau agent and a lawyer from the Criminal Section of the Civil Rights Division met with another suspect and the suspect's parents. The suspects admitted setting fire to the churches. The churches were chosen because they were African American churches, and the suspects admitted making racially derogatory remarks such as "Burn Nigger Burn" and "that will teach you Niggers" when setting the fires.

These fires were set in an area of Mississippi with a disturbing and violent racial past. This prosecution sent a strong message that this sort of violence will not be tolerated. A thorough six month investigation was done, followed by grand jury testimony. On October 1, 1993, all three participants pled guilty to violating 18 U.S.C. 241. Two defendants were sentenced to 37 months in Federal prison and one to 46 months.

These are two instances of successful Federal investigation and prosecution of hate crimes involving the burning of African American churches. Other fires have been investigated jointly with State and local au-

thorities. Some of these have resulted in State convictions and lengthy sentences.

INCREASE IN REPORTS OF CHURCH FIRES

We have found a disturbing increase in the number of fires at churches reported to the Justice Department over the past two years. As of May 1, 1996—only four months into the year—we had received reports of fires at 24 churches, seventeen of which occurred at churches in which the membership is predominantly African American. During 1995, we received reports of fires at 13 churches, and reports of acts of vandalism at three churches that did not involve fires. Eleven of the fires that occurred in 1995 were at African American churches. From 1990 through 1994, we received and investigated reports of fires at only 7 houses of worship, 6 of which were at African American churches, and acts of vandalism at 5 synagogues.

This pattern of church fires has not been limited to one region of the country. The reports of church fires occurring in 1996 have come from Alabama, Georgia, Louisiana, Mississippi, Tennessee, Virginia, South Carolina, and Texas in the southern United States, and also from Arizona, Maryland, and New Jersey. In 1995, we investigated church fires that occurred in Alabama, North and South Carolina, and Tennessee, and also one that occurred at an African American church in Washington state.

Nearly one-quarter of the cases reported to us in 1995 and 1996 have been resolved. Of the 24 fires reported to us as of May 1 of this year, arrests have been made in two cases, and one has been determined to have been accidental. The rest remain under active federal investigation, and we are hopeful that we can bring some to conclusion soon. Of the 13 fires and 3 incidents of vandalism occurring in 1995, 10 remain under active federal investigation. Two investigations have been closed after successful federal prosecution, and one fire was determined to be accidental. Arrests have been made in two of the incidents still under active investigation. The three incidents of vandalism at churches in Alabama were resolved through local prosecution.

We have taken a number of steps to encourage local law enforcement personnel throughout the country and others to contact the FBI and ATF whenever a fire appears suspicious. We have also spoken to church and civil rights leaders in many areas to encourage them to get the word out to their parishioners and members that fires and acts of vandalism at houses of worship are of serious federal concern, and that they should quickly report these incidents to both local and federal officials.

I recently went to Boligee, Alabama, to visit the sites of recent church arsons and to meet with local law enforcement officials as well as officials of the damaged churches. I spoke both of the high priority these cases have in the Department of Justice, and of our need for a close relationship with local law enforcement and local citizens regarding these kinds of actions. I was heartened by the reception I was given by local church officials, and I hope they, and other church members and other citizens around the country fully understand the Department's commitment. I know that Assistant Secretary James Johnson from the Department of the Treasury has also made a number of visits to churches around the country victimized by suspicious fires, and has explained the manner in which the federal government is responding to these fires.

I am sure that local church and community members are as frustrated as we are by those instances in which church fires are not yet solved. I certainly hope that those same officials and citizens understand that we are

actively investigating these fires, and doing whatever we can to determine what happened and to make arrests where criminal activity occurred. It is important to remember that arsons are among the most difficult crimes to solve. Fire often destroys important evidence. Some of these fires were set at churches located in rural, isolated areas, and for that reason the fires at some were extensive. In some instances, churches burned to the ground. It is not yet clear whether the increase in the number of fires reported to us reflects an increase in the number of fires that have occurred; or reflects an increase in reporting. As I stated earlier, we have actively encouraged local citizens and law enforcement officials to report all fires at houses of worship to federal officials, and recent publicity about some church fires may have encouraged the reporting of others.

It is clear, however, from some of the cases that have been solved, that some of the people who have set fires at houses of worship are motivated by hate. Most of the other cases are still under investigation. As you know, I cannot discuss specifics of any open case. I can say, however, that during our investigation we focus not only on the circumstances of the specific fire before us, but also on whether, if we identify an individual or individuals responsible for the fire, there is any evidence that these individuals have any ties to fires that have occurred elsewhere in the country. Because these investigations are ongoing, it is premature to draw conclusions one way or the other as to whether the fires we are seeing are part of an organized hate movement.

DIFFICULTIES WITH FEDERAL JURISDICTION

While I mentioned the Federal statutes that give us jurisdiction over some fires and acts of vandalism at houses of worship, using those statutes does present some difficulties.

18 U.S.C. 241 applies when we have two or more defendants acting in a conspiracy. While we can get significant jail sentences under section 241, we can use section 241 only when we have a conspiracy of two or more persons. When we do not have two or more individuals involved in the fire, section 241 is not available.

When we are left with only one suspect, our jurisdiction is provided by 18 U.S.C. sections 247 or 248. Prosecutions under section 247 are complicated significantly by the fact that subsection (b) of the statute states that the defendant must have traveled in interstate or foreign commerce, or used a "facility or instrumentality of interstate or foreign commerce in interstate or foreign commerce" in committing the crime, and caused more than \$10,000 damage. These provisions make this statute nearly impossible to use. The \$10,000 requirement means that when the damage from the fire is minimal, or when hate is expressed, not through fire but through desecration or defacement of houses of worship, 18 U.S.C. 247 is not an available source of jurisdiction. In those cases, the message of hate is just as clear, and the effect on the victims often just as palpable and disturbing, but an important law enforcement tool is not available.

18 U.S.C. 248(a)(3) also provides Federal jurisdiction in church arsons. While that section could be a useful tool to address this problem, we believe that the Supreme Court's recent decision in *United States v. Lopez*, 115 S.Ct. 1624 (1995), may make use of that provision more difficult.

Section 844(h) of title 18 applies when fire or an explosive is used to commit another crime, and section 844(i) of title 18 prohibits the use of fire when destroying a building used in interstate or foreign commerce. Their utility is limited, however, where no other crime is present, or the interstate commerce nexus is not met.

CONCLUSION

The Clinton Administration is determined to address this problem using all the law enforcement and investigative tools available, working cooperatively with our Federal as well as State and local law enforcement. Solving these crimes, and punishing those responsible, remains a high priority for this Administration.

STATEMENT BY THE REV. DR. JOSEPH E. LOWERY, PRESIDENT, SOUTHERN CHRISTIAN LEADERSHIP CONFERENCE, CHAIRMAN, BLACK LEADERSHIP FORUM, INC., TO THE JUDICIARY COMMITTEE, TUESDAY, MAY 21, 1996

Mr. Chairman, and Members of the Judiciary Committee, the Department of Justice through the Assistant Attorney General, Civil Rights Division, has advised us that (as of April 24, 1996) they have investigated "fires and incidents of desecration" at 46 different houses of worship in 15 States . . . since 1990.

Of the 46 incidents listed, 29 remain unsolved. So far in 1996, 25 incidents have been reported, and 23 remain unsolved.

We have been outraged at these continuing attacks on places of worship—and sorely disappointed that until recently law enforcement in particular, as well as government and media in general—have seemed only mildly interested in focusing on these acts of terrorism. Scant notice was given by national media until a church where the assistant pastor was a well known professional football star—was torched.

In late 1995, SCLC intensified its protest and plea to law enforcement agencies to unleash all available resources to bring these criminals to justice.

In early 1996 we visited the sites of burned churches in Alabama and Louisiana. Subsequently, Asst. Atty. Gen. Deval Patrick visited our offices in Atlanta to assure us that the investigation of these fires would be given top priority. An official in the enforcement division of the Treasury Department (ATF) also called and informed us that a Joint Task Force with the Justice Dept.—consisting of approximately 100 persons—had been assigned to the investigation. We were advised that two of the officers originally assigned to the Task Force had been removed after it was discovered that they had been among ATF agents who attended a Good Ol' Boy Roundup, where shameful racist activities took place. It is our understanding that none of the agents who frequented these "Roundups" has been dismissed or severely disciplined. African Americans are concerned that many law enforcement agencies include personnel who are also members of racist groups.

We are not surprised at this feeble response to racist behavior—for like the national response to these church burnings, it represents a fifty-first state in the nation—"the state of denial". While we have been shocked as a nation at the rise of hate groups and right-wing terrorists that have bombed federal buildings, and militia groups that pose serious threats to democracy, we have downsized the racist nature of these groups. History, however, is clear that hate mongers in this nation are usually integrated with white supremacists, anti-Semites, and neo-Nazis. They are usually gun addicts and are heavily armed with assault weapons.

Is it any wonder that we are outraged that law enforcement agencies insist on denying the racist nature of these attacks on the soul of the Black community—our churches?

A few days ago a gang of white teenagers in Ft. Myers, Florida—known as "Lords of Chaos"—shot and killed a high school band director who uncovered their mayhem. This gang of white teens—from affluent homes

(some of whom were honor students)—had burned a soft drink warehouse, a restaurant with exotic birds; had burned property of a Baptist church and were on their way to attack Disney World with assault weapons. What the media have hardly mentioned is that their plans included a shooting spree against Black tourists following the attack on Disney.

We are witnessing a frightening and serious assault on African Americans in this nation, in the judicial and legislative suites—as well as in the streets. One hundred years ago, around the time of Plessy vs. Ferguson (separate but equal) African Americans were stripped of political power and our properties including churches were burned. One hundred years later the ghost of Plessy vs. Ferguson and the forces that ended reconstruction are haunting the nation. Our children are cast into inferior courses by "tracking" and other forms of miseducation and denial of justice and equal opportunity in education. Our voting rights are being devastated by federal judges who hold the sacred rulings of their predecessors in contempt. Equal opportunities in employment and economic enterprise are imperiled by the assault on affirmative action. The rhetoric around welfare reform suggests that welfare recipients are black, lazy, dishonest, and need to be penalized for being poor. It is soundly perceived and believed that efforts to balance the budget are totally insensitive to the needs of the poor and elderly—and that the budget should be balanced on the backs of the poor. So-called angry white males are concerned that affirmative action, the Federal government, and welfare recipients are their enemies and are responsible for their economic uncertainties. These misconceptions are fomented by the rhetoric and policies of extremists in both the public and private sector.

While we continue to call for intensive and massive efforts by law enforcement to bring these criminals to justice, we recognize that concomitantly, we must: (1) recognize the widening impact of anti-Black, anti-poor policies, in creating attitudes of hostility that can translate into acts of hostility; (2) we must hold accountable the extremist groups that fan flames of racial and class divisions.

We would strongly urge the Congress of these United States to:

1. Call for a massive, intense effort on the part of the FBI, and the entire law enforcement contingency of the United States government to bring to justice those who committed these crimes.

2. Commend, support and encourage the ministers, congregations and communities that refuse to be intimidated by these cowardly acts of terrorism. The message must be loud and clear that the African American community will not be intimidated in 1996 any more than we were in 1896, 1963 or any other time. These attacks stiffen our resistance to oppression and render firm our resolve in the pursuit of justice and equity.

We respectfully urge this committee and the Congress to remember the history of fire bombing of churches in our community. While no life has been lost, we recall with deep pain and sorrow the murder of four little girls in Sunday school in a church in Birmingham, Alabama. These criminals must be stopped before such tragedies recur.

3. We respectfully urge the committee and the Congress to seek ways and means of addressing the economic distress, the loss of jobs, the growing fears and uncertainties about the future in ways that do not make African Americans, Hispanics, women, and low income persons—scapegoats.

We urge the Congress to engage in a positive campaign to achieve racial justice and

an end to political, judicial, economic and street violence.

We believe that an intelligence system and advanced criminological technology that can identify terrorists in faraway lands, and in New York and Oklahoma, ought to be able to apprehend angry arsonists who burn churches.

Finally, some religious extremists have offered rewards for the culprits and challenged civil rights groups to match the reward monies.

We believe the religious community could better serve the common good by engaging in joint efforts to eliminate the climate of hostility which encourages acts of hostility. We are willing to work together for social justice, the beloved community, and an end to economic, political, judicial and physical violence.

EXCERPTS OF TESTIMONY OF JOHN W. MAGAW, DIRECTOR, BUREAU OF ALCOHOL, TOBACCO AND FIREARMS, BEFORE THE COMMITTEE ON THE JUDICIARY, MAY 21, 1996

Thank you, Mr. Chairman, Mr. Conyers, and members of the Committee, for providing this forum to discuss the Federal response to the recent series of church fires, predominately African-American, that have occurred in the Southeastern United States. The Bureau of Alcohol, Tobacco and Firearms is the arson investigative agency of the Federal government, and we bring unparalleled expertise to fire investigations. Today, I'd like to highlight ATF's role in working with State and local fire and police authorities, the Federal Bureau of Investigation, and the Civil Rights Division of the Department of Justice in investigating these fires. The burning of churches is a particularly heinous crime because those who would attack our churches seek to strike at our most fundamental liberties and sources of personal support. African-American churches historically have served as places of sanctuary, centers of the community, and symbols of freedom. ATF is committed to fully applying all of our investigative resources to determine the cause of these fires and arrest those responsible for the arsons.

Although ATF has dedicated a tremendous amount of resources to investigating this unusual increase in the number of church fires, church fires are not necessarily a new phenomenon. According to statistics compiled by the National Fire Data Center (NFDC) in the U.S. Fire Administration, 179 church fires were reported in 1994. The NFDC estimates that the statistics represent half of the actual number of fires which occur each year. ATF has investigated 135 church fires across the United States since October 1, 1991. However, as depicted in the displayed pie chart, all church fires that ATF initially investigates are not determined to be arsons.

CURRENT CHURCH FIRE INVESTIGATIONS

Since January 1995, ATF has conducted more than 2,600 fire investigations. During this same period, ATF has conducted 51 church fire investigations. Twenty-five of these investigations are arsons which occurred at predominately African-American churches in the Southeast. These include six in Tennessee: five each in Louisiana and South Carolina; four in Alabama; three in Mississippi; and one each in Virginia and Georgia. These locations are reflected in the displayed map chart. As you know, these investigations are ongoing and, therefore, I am unable to go into detail about the specifics of these fires. I can tell you that, as of May 15, 1996, there have been two individuals arrested in connection with fires in Williamsburg County and Manning, South Carolina. In addition, there have been three arrests in Lexington County, South Carolina; one arrest in Tyler, Alabama; and another in

Sartia, Mississippi. I am confident that we will make additional arrests in the near future.

The concentration of arsons at African-American churches, depicted on the line chart, raises the obvious possibility of race/hate-based motives. The proximity in time and geographic region indicates the possibility that some of the fires are connected. Because of the potential of racial motives, and the possibility that some fires may be connected, there has been an extraordinary degree of coordination of the various investigations. We are always aware of the possibility that evidence and information developed in one investigation might provide valuable leads in another. While the targets, timing, and locations of the arsons have resulted in heightened attention to race/hate-based motives and possible connections, ATF must also examine all other possible motives for the fires. Motives can range from blatant racially motivated crimes to financial profit to simply personal revenge or vandalism. In any event, the motive in one arson does not automatically speak to the motive in another arson or series of arsons. A conspiracy was uncovered involving at least two fires in South Carolina. We have not yet found any evidence of an interstate or national conspiracy, but until our work is done no motive or suspect will be eliminated.

The Bureau of Alcohol, Tobacco and Firearms (ATF) is the arson investigative agency of the Federal government and we bring unparalleled expertise to fire investigations. ATF derives its authority to investigate arson incidents, in part, from 18 U.S.C. Section 844(i) which makes it a Federal crime to use explosives or fire to destroy property affecting interstate commerce. The legislative history of this law makes it clear that Congress intended it to cover churches and synagogues. The interstate nexus generally flows from national or international affiliations that involve the movement of funds, property, and other support services across State boundaries.

Since January 1995, ATF has conducted more than 2,600 fire investigations. During this same period, ATF has conducted 51 church fire investigations. Twenty-five of these investigations are arsons which occurred at predominately African-American churches in the Southeast. We are working in concert with over 20 State and local law enforcement and fire agencies, as well as with the FBI, the Civil Rights Division of the Department of Justice, U.S. Attorneys' offices, and local prosecutors. We have committed virtually every arson investigative resource at our disposal to the investigation of the African-American church fires. Approximately 100 ATF special agents have been assigned to the active investigations in the Southeast. We have employed all of ATF's investigative resources, such as our National Response Teams, Certified Fire Investigators, and ATF-trained accelerant detecting canines to help process the crime scenes.

Because of the potential of racial motives, and the possibility that some fires may be connected, there has been an extraordinary degree of coordination of the various investigations. A conspiracy was uncovered involving at least two fires in South Carolina. We have not found any evidence so far of an

interstate or national conspiracy, but until our work is done no motive or suspect will be eliminated. African-American churches have served as places of sanctuary, centers of the community, and symbols of freedom. We will continue to vigorously pursue all investigative leads to solve these arsons and remove the fear.

Mr. KENNEDY. Mr. President, I ask unanimous consent that a section-by-section analysis of the legislation be printed in the RECORD.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

FAIRCLOTH-KENNEDY CHURCH ARSON
PREVENTION ACT

Section One: Short Title: This section notes that the bill may be cited as "The Church Arson Prevention Act of 1996."

1. Sections Two and Three: Amendment to Federal Criminal Code.—Title 18, United States Code, Section 247, is one of the principal federal statutes addressing destruction of religious property. Since its passage in 1988, this provision has been used once by federal prosecutors, despite the hundreds of incidents of destruction or desecration of religious property. (The one case involved the murder of a cult member by another cult member.) The reason prosecutors do not use the statute is because it contains jurisdictional requirements that, as a practical matter, have been impossible to meet.

Specifically, section 247(b) contains a very high interstate commerce requirement, a requirement that is not constitutionally mandated, even after *Lopez*. The level of interstate commerce required under section 247(b) is much higher than is required in other similar federal statutes, such as the arson statute.

In addition, in cases of destruction of religious property, there is a requirement that the damage exceed \$10,000. The monetary requirement is arbitrary, and does not reflect the seriousness of many crimes. For example, there have been a number of very serious cases involving skinheads firing gunshots into synagogues that could not be prosecuted under this statute because the damage did not exceed \$10,000.

The upshot of these two requirements is that section 247 is essentially useless because prosecutors cannot meet the unduly onerous jurisdictional requirements. The attached bill (Section 3) addresses this problem by eliminating these unworkable jurisdictional requirements and replacing them with a more sensible scheme that will expand the scope of a prosecutor's ability to prosecute religious violence under section 247. The monetary requirement is eliminated altogether, and the interstate-commerce requirement is replaced by a much more workable framework that will enable prosecutors to prosecute church arsons, as well as other serious acts of religious violence, under this statute. The House bill contains a very similar provision, and the Administration supports this approach.

The Senate bill pertaining to section 247 contains two additional features that are not contained in the House bill. First, the Senate bill conforms the penalty provisions of section 247 so that they are identical to the general federal arson statute. Presently, if a defendant is prosecuted under the federal arson statute for the arson of a building in which nobody is injured, he faces a maximum possible penalty of 20 years. However, if that same person burns down a place of religious worship, and is prosecuted under section 247, the maximum possible penalty is 10 years. Similarly, the statute of limitations for prosecutions under the general federal arson

statute is seven years, while it is only five years under section 247. The Senate bill corrects these anomalies by conforming these provisions of section 247 to the provisions of the federal arson statute.

The Senate bill (Section 2) also contains the requisite Congressional findings that enable Congress to amend section 247. These findings, in conjunction with the extensive factual record that is being generated, are intended to ensure that the bill withstands constitutional scrutiny.

2. Section 4: Loan Guarantees.—The Senate bill contains a provision intended to assist victims in seeking to rebuild without running afoul of First Amendment establishment clause concerns. Under this provision, HUD will have the authority to use up to \$5,000,000 from an existing fund to extend loan guarantees to financial institutions who make loans to 501(c)(3) organizations that have been damaged as a result of an act of terrorism or arson. This provision does not require an appropriation of additional funds to HUD. It will simply give HUD the authority to use already existing funds in a new manner. The financial benefit derives primarily to the financial institution, which now has the ability to make certain loans that it might now otherwise have considered. The House bill does not contain this provision.

3. Section 5: Additional Resources to ATF.—ATF trains approximately 85-90% of state and local law enforcement in how to investigate suspicious fires. It has been very difficult for state and local enforcement to keep pace with the recent spate of arsons. As a result, ATF has played a prominent role in these investigations. The bill contains authorization language (Section 5) for ATF to add investigators and technical support personnel to participate in these investigations, and to train state and local law enforcement with the necessary arson investigation skills to enable them to conduct these difficult investigations. The House bill does not contain this provision.

4. Section 5: Additional Resources to Community Relations Service.—The Community Relations Service is the mediation/conciliation arm of the Justice Department that was created as part of the Civil Rights Act of 1964. Its mission is to go out in the community to quell racial unrest through mediation and conciliation. From working in Memphis following the death of Martin Luther King to working in Los Angeles during the Rodney King riots, the Community Relations Service has worked to calm communities during our nation's most tense moments. CRS focuses on non-litigation approaches to problem solving, and has earned the respect of police chiefs and community leaders across the country.

In an unfortunate development, CRS had its budget cut in half (10 million to 5 million) during the 1996 appropriation cycle. Consequently, effective June 22nd, at a time when their services are in great demand, CRS will be forced to lay off almost half its staff, unless they get additional money. Section 5 of the bill contains authorization language for CRS to receive such sums as are necessary to perform these essential services. It is Senator Kennedy's hope that CRS ultimately will be funded at 1995 levels. The House bill does not contain this provision.

5. Section 6: Reauthorization of the Hate Crimes Statistics Act.—Newspaper reports give differing accounts of the number of church fires that have occurred over the past two years. The inability to document the number of such incidents points to the need to reauthorize the Hate Crimes Statistics Act permanently.

Section 7 contains a provision permanently reauthorizing the Hate Crimes Statistics

Act. Although the Senate has already passed a separate bill reauthorizing the HCSA, the House has not acted. Given the paucity of time remaining in this legislative term, it is imperative to pass the HCSA reauthorization as soon as possible. As a result, it has been included in the Senate bill.

If you have any questions, feel free to contact me at 224-4031. I hope your Senator will consider co-sponsoring this proposal so that the Senate can send a strong message to the American public on this pressing issue.

6. Section 7: Sense of the Senate.—Section 7 is a sense of the Senate resolution commending individuals and entities who have assisted financially, or offered to assist financially, in the rebuilding process. This resolution encourages the private section to continue these efforts.

7. Section 8: Severability Provision.—This clarifies the severability of all provisions of this bill.

Mr. KENNEDY. I think I have 2 minutes left. I yield 2 minutes to the Senator from Alabama for his comments.

Mr. THURMOND. Mr. President, may I make an inquiry? Am I listed on that bill as cosponsor? I just want to find out.

Mr. KENNEDY. Senator FAIRCLOTH, I think, is indicating in the affirmative, Senator.

Mr. FAIRCLOTH. Yes, the ones so far are Senator LOTT, Senator THURMOND, Senator WARNER, Senator D'AMATO, Senator GRAMM, Senator Frist, and Senator COCHRAN. There are several others, and many more who are going to sign on, but you are listed, Senator THURMOND.

Mr. KENNEDY. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 3 minutes, 30 seconds.

Mr. KENNEDY. I yield 2 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, we recently awoke once again to disturbing news that has become all-too-commonplace. We were told that during the night, additional southern black churches had been burned. These recent church burnings came amidst heightened national concern over the epidemic of such episodes throughout the South. As each fire is reported, we cling to the hope that what we will hear is that it was the result of an accident and not the work of some demented arsonist. The evidence, however, points away from the accidental fire.

As these hateful incidents continue to occur with alarming regularity, we are reminded of some of the most terrible moments of the civil rights struggle of the 1960's. Then, homes, businesses, churches, and other property was set afire in the dark of the night by those who wanted to preserve the existing social order. Their goal was to intimidate and frighten those working legally for the causes of equality and integration.

To those of us who remember those dark days and who applaud the progress which has been made in our society since then in terms of race re-

lations, these current images of fires at churches in the early hours before dawn are profoundly disturbing and disconcerting. This is not supposed to happen in this day and age, not in the South or anywhere in this country.

Such incidents remind us that such hatred is alive in the United States of America and it is directed today at the very heart of these small, rural black communities. We ask ourselves who would hate a group enough to burn its church, the spiritual and social center of the community. The forces of evil are intentionally striking at the very soul of these communities by destroying their most sacred and powerful symbols.

Last week, the President said:

"This country was founded on the premise of religious liberty. It's how we got started * * * It is the cruelest of all ironies that an expression of bigotry in America that would sweep this country is one that involves trashing religious liberty.

Most would agree that one of the most logical institutions or symbols for bringing different people together would be a house of worship. What better venue could there be for transcending social and cultural division than the spiritual setting provided by a church?

These fires are far more than an expression of religious bigotry. The fact that these small churches are so much more to the community than simply places of worship makes the expressions of hatred even more egregious. They go beyond religion to the very essence of racial hatred. We have to ask ourselves what kind of hatred could possibly motivate individuals to destroy these symbols of a community in such a despicable manner.

As the Government searches for ways to address this epidemic, including the legislative efforts which I strongly support, we have to look at the twin possibilities of a conspiracy and the work of copycat arsonists. If it is a conspiracy, the work of one isolated group or groups fanning their hatred across the South, then our task is to find the perpetrators and prosecute them to the fullest extent of the law. Some of the evidence points to a conspiracy, such as the timing of the fires—they have all occurred in the very early hours of the morning, before day-light. As disturbing as it would be, it would be better for us as a country if the fires are the result of a conspiracy, the work of one group of individuals that does not reflect the current sentiment in this region of the country.

If, on the other hand, they are the result of copycats, which is more likely the case, then we are dealing with a societal disease. Addressing such a societal ill is far more difficult and requires a much different response that goes beyond basic law enforcement. At the same time, it provides us with an opportunity to reevaluate race relations in this country and to seek new ways to improve them. As these tragic fires illustrate, some remedial atten-

tion with regard to continued progress in race relations is needed.

There are some ways in which communities can be brought together because of these fires. White churches should invite their black neighbors who have lost their places of worship to come and worship with them. Black and white churches should come together in forming watches to prevent these attacks in the future. Ministers—black and white—should speak forcefully about racial equality and of the importance of honoring houses of God and keeping them sacred.

These rather small but common-sense acts of neighborliness and spiritual leadership could direct more attention on where we are in terms of racial attitudes and relations. It is sad that with all the progress we have made over the last few decades, these kinds of terrorist acts still occur. Throughout my career, I have striven to promote racial harmony in my State and throughout the Nation. I am proud of the progress we have made. But, as my time in the Senate draws to a close, I am, frankly, quite disheartened that these kinds of incidents are again plaguing our society.

While we do all in our power possible to stop these hate crimes, bring their perpetrators to justice, and encourage compliance with the law, we should also ask ourselves if there is more we can do as individual communities to advance the causes of equal rights and racial harmony. So, Mr. President, I support the Faircloth-Kennedy bill. I think it is an improvement over the House bill. A lot of work has gone into this. I think it approaches the situation with an investigatory device, to try to enhance the right of the FBI to investigate these terrible acts that are occurring throughout our Nation.

Senator PRYOR has asked me to add his name to this. I am sure there will be others. I ask unanimous consent the cosponsors' names be allowed to be entered for a period of time following this.

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

Mr. HEFLIN. Mr. President, I also see this as an opportunity to bring further improvement in regard to race relations. Yesterday I spoke with a group of Methodist ministers. I told them this was an opportunity to extend a hand of friendship to the black members of churches that were destroyed, to endeavor to try to work with them to improve their lot in the agony they are suffering today. I think this is an opportunity.

I do not know whether this is a conspiracy or whether it is a copycat situation. If it is a conspiracy, we should root out the perpetrators of this and punish them. If it is a copycat situation, then we have to try to work to remove the root cause.

So, it is something I think the American people ought to be aware of, and that they ought to do everything they can to address these crimes.

I fully support this bill.

Mr. KENNEDY. Mr. President, I yield the remainder of our time.

Mr. FAIRCLOTH. Mr. President, any time I have remaining I also yield back.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. NUNN. Mr. President, the Senator from Massachusetts and the Senator from North Carolina, have they completed their remarks and the introduction of their bill?

Mr. KENNEDY. I thank the Chair and ranking minority member for yielding for this purpose. We yield back our time.

Mr. NUNN. I congratulate both Senators on taking this step. I think there is nothing that is so discouraging and heartbreaking than to see the burnings that have taken place of churches across much of our country.

I congratulate both the Senator from Massachusetts and the Senator from North Carolina. Maybe we can get unanimous support for denouncing this unexplainable and detestable series of acts. Whatever the cause, I think the message should go out that the U.S. Senate is firmly on record, both sides of the aisle, every political philosophy, deploring this kind of conduct.

So I congratulate both Senators for introducing this bill. I know it will receive prompt and careful consideration by the Senate and the respective committees.

Ms. MIKULSKI. Mr. President, I rise today to voice my strong condemnation of the rash of church burnings that have swept through the South. This is a national crisis.

These acts of terrorism, which are aimed solely at predominately black churches, strike at the very heart of what is sacred in our country—the right to freedom of religion and fundamental civil rights. Churches, mosques, temples, and synagogues are sanctuaries where Americans enjoy the freedom to worship. That is why these acts are truly repugnant, and I am outraged that the arsons continue.

Yesterday the Senate passed unanimously a resolution expressing our horror at these repugnant acts, and calling for rigorous investigation and prosecution of these crimes. I was proud to be a cosponsor of that resolution.

But we can and must do more. That is why I am cosponsoring the bill introduced by my colleagues, Senators KENNEDY and FAIRCLOTH, that will make it easier for the Federal Government to investigate and prosecute crimes involving the intentional destruction of churches.

Our Nation has made tremendous progress since the civil rights movement in the 1960's. Church burnings turn the clock back on the strides we have made since the 1960's and bring shame to our great Nation. Our Nation cannot tolerate the increasing number of black church arsons. The burnings have reached epidemic proportions.

It is a painful reminder of a time when hate and ignorance prevailed in many parts of the country. The perpetrators of these crimes must be caught and punished. They must know that our Nation will not tolerate or encourage these cowardly acts. Citizens around the country are outraged that places of worship—mostly in small Southern towns—are being burned to the ground. Many of the churches are historic landmarks. Some were erected over 100 years ago.

Black churches are the lifeblood in small Southern communities—by burning these churches the arsonists strike at the very heart of the black community. But, all of us who worship and believe in God are hurt by these church burnings; they strike everyone.

Faith built our country. We must begin building bridges to destroy the plague of racism. It is the basis of our freedom to worship wherever they please. These fundamental freedoms must be protected from those who would like to bully and intimidate peaceful, worshipping citizens.

Nearly 40 churches have burned since the beginning of the year. This is the worst kind of terrorism. It is reminiscent of a time when the Ku Klux Klan and other hate groups felt free to burn crosses, lynch innocent blacks, and burn churches. The current wave of church burnings has targeted remote, isolated places of worship in Southern black communities. These arsonists sneak into the night to torch churches falsely believing they will not be caught. We must not let these arsonists continue to commit their acts without being punished.

Our country will not tolerate this kind of moral outrage and shame. Federal prosecutors should be able to investigate and prosecute these criminals to the fullest extent allowed by law. Federal prosecution of those who are responsible for these fires at churches should be the highest national priority. We need to have the resources to go after these criminals; a civilized society cannot continue to have churches being burned to the ground every other day.

It is encouraging that my Senate colleagues in a bipartisan fashion have come together to condemn the church burnings. This is an issue that crosses all racial and party lines. We need to begin rebuilding—the churches across the South and the moral fabric of our country.

We must do all that we can to bring these criminals to justice. We are all the victims of the rash of church burnings in our country.

I urge my colleagues to support the Kennedy-Faircloth bill. The legislation will give law enforcement officials the tools they need to stop this terrible epidemic.

We must come together to begin healing the racial wounds caused by the church fires. Racism and hatred have no place in our country.

Mr. KERRY. Mr. President, I join my colleagues to express concern and outrage at the dastardly acts of hatred and violence against black churches, against good and decent people, people of faith with a strong sense of community. This legislation is a bipartisan statement that the United States Senate is determined to bring this outrage to a halt.

Make no mistake, those who have set these churches ablaze have rekindled our desire to stamp out bigotry and prejudice everywhere. There was a time in America, not long ago, when many of us were involved in the Civil Rights movement with men and women of good will—white and black—who demonstrated and marched for equal rights and justice in the face of the worst kind of violence, hatred, and bigotry. Black churches had long been a refuge from prejudice and served as the symbol of community for millions of Americans who were the victims of blind intolerance that raged throughout this country.

We cannot and must not let the hatred and ignorance of a few criminals, arsonists, separatists, or supremacists turn back the clock on the progress we have made toward racial equality. We must, in this face of the haters, the bigots, and the racists, strengthen our resolve to tear down the walls that divide us and stand together, shoulder-to-shoulder, in solidarity against intolerance and this kind of violent, destructive, sociopathic behavior directed at our fellow citizens.

Those who have committed these hate crimes have forgotten the lessons of history. They have forgotten or never learned what America went through in the 1960s. They have forgotten the faces on the bridge in Selma, the burning bus of the Freedom Riders ablaze in Anniston, AL and the horrifying scene of demonstrators being dragged from the bus and beaten. They have forgotten the image of "Bull" Connor ordering the use of police dogs and fire hoses on demonstrators in Birmingham. They have forgotten or never learned the meaning of the assassination of Dr. King. These thugs are no different than the haters, cowards, and common criminals in white hoods who burned crosses in the middle of the night in a reign of terror against innocent people who sought only fairness, equal rights, and justice.

We can thank God that history has taught most of us a lesson. History has passed its own lesson on the cross-burners along with men like "Bull" Connor because of their racism, ignorance and cowardice. But now, years later, those who learned nothing from history, or those too young, too alone, too desocialized, disinterested, or demoralized to know better are burning churches instead of crosses, and they must be brought to justice.

As a nation and as one people united in our constitutional, religious, and philosophical belief in equal justice

under the law, we cannot let the actions of these criminals result in bitterness, anger, or retaliation. We cannot let them divide us. We must remember the words of Martin Luther King who said,

"I've seen too much hate to want to hate myself, and I've seen hate on the faces of too many sheriffs, too many White Citizens Councilors, and too many Klansmen of the South to want to hate, myself; and every time I see it, I say to myself: hate is too great a burden to bear."

Let Dr. King's words be our lesson as we find these criminals, bring them to justice, and rally together for an end to hatred and intolerance in this Nation.

I commend the Senators who have taken the leading roles in crafting the language on which we will be voting, and I urge my colleagues to support the bill.

Mr. President, I yield the floor.

Mr. KOHL. Mr. President, I rise to cosponsor the Church Arson Protection Act of 1996 introduced today by Senators KENNEDY and FAIRCLOTH.

Since the beginning of this year, a series of fires have swept our country. More than 30 predominantly African-American churches in the southeast have been burned. Not all of the fires have been set by people filled with racial hatred. But many have. And even one is too much.

Passing this measure is the least we can do to address this problem. With this new law, we send a clear message to every person who is thinking of setting fire to a place of worship: we will catch you. If you think that any church is small and remote, think again. No church is too small or remote for us not to care about it. If you think that you can burn all of the evidence, think again. We will find the evidence. If you think that no one cares if you burn a church used by African Americans, think again. This Nation condemns your actions.

In the last few months, the FBI, the Bureau of Alcohol, Tobacco and Firearms, and State and local law enforcement have vigorously investigated the fires in our churches. They have made numerous arrests and have leads on many other cases.

Despite this progress, the news of these fires is genuinely disturbing and perplexing. How could anyone do such a heinous thing? How could anyone burn a church and feel proud of their actions? No one who is truly committed to the principles of our country could do this. This Nation was founded on tolerance and respect for religious worship. And the greatest battle of our country's short life has been fought for the principle of racial tolerance.

Many people may say that these fires are a blow aimed at racial and religious equality. And they are. But they are feeble and small swats. We will rebuild the burned churches; we will condemn the bigots who started the fires; and with this law, we will help assure that punishment is swift, sure, and severe. These fires cannot undo the progress in

race relations that we have made as a nation.

So today, I rise to cosponsor this legislation. And I urge my fellow Senators to pass it rapidly and unanimously.

Mr. D'AMATO. Mr. President, what has happened recently in this country is abominable and we have all heard the reports: yet another church, attended by black parishioners, was torched in the South. The recent rash of arson attacks on black churches should put this country in fear; it has to this Senator.

These cases of arson are more than the destruction of a structure; it is the destruction of the congregation and the communities themselves. This is the time for this body, and for all this Nation, to lend their support to these communities and these congregations for they have suffered a tremendous loss. If we allow this to continue with impunity in America, what protection do any of us have?

The reporting of over 30 church burning in 18 months indicates the need for a swift and just response. The responsible parties must be caught and prosecuted to the fullest extent of the law. These malicious burnings must end and end now.

By Mrs. BOXER (for herself and Mr. BINGAMAN):

S. 1891. A bill to establish sources of funding for certain transportation infrastructure projects in the vicinity of the border between the United States and Mexico that are necessary to accommodate increased traffic resulting from the implementation of the North American Free Trade Agreement, including construction of new Federal border crossing facilities, and for other purposes; to the Committee on Environment and Public Works.

THE BORDER INFRASTRUCTURE, SAFETY, AND CONGESTION RELIEF ACT OF 1996

Mrs. BOXER. Mr. President, I rise today to introduce the Border Infrastructure, Safety and Congestion Relief Act of 1996 with Senator BINGAMAN of New Mexico.

When the Senate debated the North American Free Trade Agreement, I opposed it on the grounds that the United States was unprepared for its impact on our environment, infrastructure, and labor relations. In fact our Mexican border States face trying to handle the increased traffic from NAFTA in less time than it takes to design, review and construct major highway projects.

Now that NAFTA is a reality, however, I am determined to make it work to California's best advantage.

Whatever its shortcomings, NAFTA has increased trade across our borders. However, this trade boom now threatens to overwhelm residents and businesses in the border region of San Diego and Imperial Counties. In California's border community of Otay Mesa, my colleagues, you can see that the new global economy is choking old city streets.

To get a good idea of the problem, you need look no further than Otay Mesa Road.

Just a few miles up the road is the Otay Mesa Port of Entry. Serving a border region of over 4 million people, it is the third-busiest truck crossing on the United States-Mexico border and the only commercial crossing facility linking San Diego and Tijuana. The number of trucks crossing annually at Otay Mesa has increased from 668,000 in 1993 to more than 1.5 million today. Daily traffic is expected to double again by the year 2010.

The Otay Mesa Port is connected to the U.S. Interstate Highway System by this one city street, which narrows to two lanes before reaching Interstate 905. Otay Mesa Road already carries traffic that is three times its design capacity.

In Imperial County the situation is similar, if slightly less intense. The Calexico/Mexicali Port of Entry serves a regional population of 1 million. The border crossing opens on to a two-lane road with no shoulders, which is expected to carry truck, car and bus traffic through the heart of Calexico.

Between Otay Mesa and Calexico, construction is beginning on a new Federal border port of entry at Tecate. The U.S. Department of Transportation is providing no direct funding to link any of these stations with the regional road networks.

The California Transportation Commission recently approved shifting \$244 million from other transportation projects in the State to the border region as a down payment on about \$1 billion in needed infrastructure improvements to serve commercial vehicle traffic crossing the California-Mexico border.

The State of California is doing its share. Now, State transportation officials are demanding Federal assistance—over and above the State's current Federal highway funding—to help pay for these border improvements.

That is why Senator BINGAMAN and I are introducing the Border Infrastructure, Safety and Congestion Relief Act of 1996.

Our bill provides a two-level system for Federal assistance to fund the States' top-priority border infrastructure projects:

First, it establishes a \$500 million Border Infrastructure Trust Fund to provide grants by the Secretary of Transportation to the States in order to pay for new or upgraded connections to the National Highway System.

States could also be reimbursed for projects that have begun any time since 1994, when NAFTA was implemented. This means that California would not be penalized for putting its State money up early to prepare for NAFTA with projects such as the new inspection station at Otay Mesa.

We also allow provide up to \$10 million, if needed, for the Attorney General to use to provide transportation improvements for the Border Patrol