

moving their headquarters to a mailbox in Bermuda just to avoid paying taxes, I say shame on them.

I think we have to begin to think, here in the Congress: What do we do about the crisis in corporate governance in an increasing number of American firms? Where will it go?

When the average corporate executive in this country is now making 530 times the average compensation of workers in the corporation, isn't there something wrong here?

We have seen speculative bubbles recently, bubbles that are unhealthy in our economy. Is this not just another unhealthy bubble that is going to break at some point? Will the American people trust corporate governance when we have people at the top who are taking hundreds and hundreds of millions of dollars out themselves and are not worried about the long-term financial solvency of the corporation, but worried only about what their compensation does relative to the stock value in the next quarter? Because their compensation is tied to short-term stock prices, they may have \$50 million, \$100 million, or \$200 million at stake for them personally.

Will the American people trust corporate governance when we see corporate executives such as Mr. Lay, Mr. Skilling, Mr. Fastow, and others cashing out and putting millions and millions into their bank accounts even as they are telling employees, "Hold onto your stock. Tomorrow is going to be a better day. Our future is brighter. Hang onto your stock, don't sell"—even as they are furiously selling off their shares privately in order to enrich themselves?

There are some legislative measures that we ought to consider, in my judgment. I will talk more about them later. Today, I wanted to raise some public questions about the state of corporate governance in our country, and the erosion in confidence in our economic system. And to say that we have some work to do on this issue.

Mr. President, I yield the floor.

**LOCAL LAW ENFORCEMENT ACT
OF 2001—Continued**

The PRESIDING OFFICER (Mr. BAUCUS). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I inquire as to the pending business.

The PRESIDING OFFICER. The pending business is S. 625.

Mr. SMITH of Oregon. Are we in morning business now?

The PRESIDING OFFICER. The Presiding Officer informs the Senator we are not in morning business. We are on the bill.

Mr. SMITH of Oregon. I thank the Chair and ask I be allowed such time as I may consume.

The PRESIDING OFFICER. The Senator has that right.

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, I rise to speak today on the issue of the Local Law Enforce-

ment Act of 2001. It is the hate crimes bill that we are now taking up. It is a bill I am pleased to coauthor with Senator KENNEDY from Massachusetts. It is a bill that is appropriately taken up now.

I know some of my colleagues, partisans on my side of the aisle, may say that we should not take up something like this at a time of war, a war on terrorism. But I searched my memory. Whenever America has been at war before, we have not abandoned domestic issues. Immediately following Pearl Harbor, we dealt with all kinds of things, from tax rates to civil rights, and the war proceeded. It is not inappropriate that in a time of war on terrorism we focus on domestic terrorism.

The President gave a great speech last night. He talked about how we can better create, for our Nation's protection, a more seamless way to provide for the common defense. I look forward to supporting him in that. But I say that hate crimes legislation is part and parcel of that same effort. It is a part of our war on terrorism. It is a part of the discharge of our responsibility to take care of our citizens.

I have always believed government's first duty is to provide security against violence to its citizens. We are doing that abroad, and we are doing it perhaps as never before at home. But I think it is very appropriate that for a day or 2 the Senate turn its attention to this law, which was created, in its initial form, more than 30 years ago.

Hate crimes legislation is not a new concept. Hate crimes legislation, as I understand its history, was created to give the Federal Government the ability to enforce civil rights, in Southern States in particular, where lynching laws were not enforced and where much violence was committed against our African American brothers and sisters.

It gave the Federal Government the right, the ability, to show up to work, to provide for the common defense. And that law, which covers race, religion, and national origin, is in effect. It has been fully vetted in the United States Supreme Court. It is constitutional. And it truly, as the Court has held, simply adds an element, as we do to all crimes, as to how you consider them, what penalties you apply, and what prosecution and vigor you employ.

It is entirely appropriate that we now add to this list of race, religion, and national origin, other identified minority groups in this country who, because of their status, are demonstrably more vulnerable to violence, to crime.

I have made, for more than a year, the practice of entering in the CONGRESSIONAL RECORD a tragic chronology, a catalog of hate crimes committed throughout our country.

On these charts I have in the Chamber—perhaps you cannot read them because of the small print—but each of them represents a day in which I have identified a hate crime that has been

committed in our country. They are committed against African Americans. They are committed against the disabled. They are committed against women. And they are committed against gays and lesbians.

All of these crimes have one thing in common: they are committed against a minority community, and they have, at their heart, a malignant heart that hates. And that is the impelling force for committing violence against a minority person. And the crime is visited on a minority, on that American, because that is the common thread in all of this. They are committed against American citizens.

The common thread in this crime against Americans is that it is visited upon an individual, but it terrorizes an entire minority community. And we have said, since hate crimes were established back in the 1960s, there are just some things that are so heinous, so at odds with America's best values, that we are just going to say, as a matter of law, this is a new category of crime, and we are going to pursue it, and we are going to allow all branches of government, all levels of government—local, State, and now Federal—to participate in the pursuit and the prosecution of those who would commit these kinds of terrorist activities against a whole community. And that is what we are doing.

Today, I am going to add another one to this sad chronology. It occurred in Honolulu, HI, in May of last year—a year ago. Two teens were charged with attempted murder after allegedly dousing the tents of gay campers with flammable liquid while those campers were inside, setting one on fire in Polihale State Park.

Victims in the attack said the perpetrators threw rocks and shouted slurs relating to the sexual orientation of the victims prior to setting the tent on fire. Two men were sentenced, then, to 5 years each in prison.

We all know of the heinous murder committed on James Byrd, who was dragged to death on a lonely, dusty Texas road. That shocked America. But in the case of Mr. Byrd, the Federal Government showed up to work because the Federal hate crimes law applies to issues of race. And the law enforcement folks in Texas will tell you that the Federal Government was very helpful in the pursuit, the prosecution, and the conviction of the murderers of James Byrd.

I think in that same year all of us felt horrified by the murder of Matthew Shepard in Wyoming. But in that case, because sexual orientation was not an allowed category under Federal law, the Federal Government was prohibited from showing up for work.

I wish all Americans could have been with me in my office when I was visited by Wyoming State Troopers—Republicans—advocating to me please support this because they were overwhelmed with the national focus that this case brought. They really could

have used the help of the Federal Government.

That is the whole point of this. I personally changed my mind on this subject because of the murder of Matthew Shepard. Frankly, I was chagrined that more of my partisans were not at his vigil. I observed it in a hotel room on CNN in Oregon. I was disappointed that more of my folks weren't there.

Hatred doesn't care if you are a Republican or a Democrat. As Americans, we all ought to be willing to stand up and say: Gosh—at every level of government, local, State, and Federal—let us show up for work and prosecute these most heinous kinds of crimes and murders.

I know there are some good, faithful, religious people who believe they should oppose this law because of this one category—the category of sexual orientation. They believe that because of their faith and their religion they cannot support this. But I say you should support this not in spite of your faith, you ought to support it because of your faith.

The example that I find in the Scripture which is so compelling is that of Christ. When confronted with a woman who was about to be stoned because of adultery—he didn't endorse her lifestyle—he saved her life.

Should we do any less? I say to people of faith that I don't care how you pray. But if that story inspires you like it does me, because of your faith support this.

That reflects the best values of the human heart, and the highest values of the American people. We ought to say as a matter of law—law isn't a teacher, and, no, we can't enforce morality—but we can hold up the law and say this is what we believe.

The Ten Commandments are a great example of a law to the children of Israel. They didn't always obey. But it reflected their highest values and caused them to live up, in many cases, to the highest of ideals. We should not do any less.

I am proud to stand here as a supporter of this expansion of an old law that reflects our best values.

I call upon Republicans, Independents, and Democrats to understand the spirit behind what it is we are doing.

Since I have been a U.S. Senator, I have been privileged to serve on the Senate Foreign Relations Committee. Every time I leave the shores of this blessed land and confront conflicts in Europe, conflicts in Eurasia, and conflicts in Asia, I am astounded at the tribal angst and hatred that besets most parts of this world.

I thank God that we live in a land where we have two oceans, two centuries with two relatively peaceful neighbors, and a long time to avoid the development of these kinds of racial, cultural, and other kinds of differences that cause us to want to commit crime, violence, and murder against people because of their differences. That reflects the worst of humankind.

As a member of the Foreign Relations Committee, I have decried hate crimes—however you want to describe them—on many continents on this planet. As a Republican, I believe I cannot be silent about hate crimes committed at home. I think we all ought to step up to the high ideals that this law represents.

When I chaired the Subcommittee on Europe, we held a hearing about anti-Semitism. We were privileged to have Eli Wiesel come and speak to us. In that hearing, he said something about what motivates the kinds of angst and hatred that have beset the Jewish people for a millennia of time. I want to share with you his words.

He said to this committee:

To hate is to deny the other person's humanity. It is to see in "the other" a reason to inspire not pride, but disdain; not solidarity, but exclusion. It is to choose simplistic phraseology instead of ideas. It is to allow its carrier to feel stronger than "the other," and thus superior to "the other." The hater . . . is vain, arrogant. He believes that he alone possesses the key to truth and justice. He alone has God's ear.

This law that we will be privileged to vote on in a few days makes it clear that we include—that we not exclude—what are called hate crimes. Why wouldn't we extend them to other Americans because they are demonstrably more vulnerable?

Gays and lesbians—why wouldn't you extend the protection to them? Do you hate them? I don't.

I believe it is possible on a principled ground to oppose some things that the gay community wants. I am not for gay marriage. But when it comes to public safety, the dignity of a job, the right to have a roof over your head, how can we withhold our help because we don't share a lifestyle?

I withhold those judgments. I say we should help because we are Americans, and because we aspire to the highest ideals of our Constitution and the highest ideals of the religious traditions—as varied as they are—that we hold in this country.

We are privileged to live in a land where we separate church and state.

I have said to people who are opposed to my support of this law, if you want to talk about sin, then go with me to church. If you want to talk about public policy, let us go together to the Senate, and figure out how to protect all people, because that is what our Constitution provides for.

I say to folks on my side, this shouldn't be a Republican-Democrat issue. This is an issue about the heart. It is an issue entirely appropriate to take up in a time and in a war on terrorism. Whether terrorism comes from a bin Laden, or whether terrorism comes from a couple of murderers in Wyoming, it is terror, nonetheless, foreign and domestic.

Our Constitution calls upon us in its Preamble to provide for the common defense, and to ensure domestic tranquility. Hate crime laws, since their origin, have helped us to do that. It

hasn't stopped it. You can't legislate people to change their hearts. But you can help them to by putting up the law, and saying these are our highest values. We will enforce them with the force of law. By holding them up and setting the example, we can help change hearts and minds.

While this law to many is just symbolism, I tell you it can become substantive, if we all show up for work and live up to our best ideals and not fall to the lowest of traits of humankind.

I call upon all our colleagues to support this legislation. Let's do it with an enormous majority, and let's do it regardless of party affiliation. Let's do it because with all of these victims, we share the common thread that we are Americans.

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 5 minutes each.

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

THE FBI REFORM ACT, THE TERRORIST BOMBING CONVENTION AND THE SUPPRESSION OF THE FINANCING OF TERRORISM CONVENTION IMPLEMENTATION ACT, THE ANTI-ATROCITY ALIEN DEPORTATION ACT AND THE MYCHAL JUDGE POLICE AND FIRE CHAPLAINS SAFETY OFFICERS' BENEFIT ACT

Mr. LEAHY. Mr. President, I rise today to speak principally on behalf of four important pieces of legislation. Two have important implications for national security, a third would help keep war criminals and those who commit atrocities abroad out of our country and the fourth would add a degree of fairness for law enforcement victims of September 11. All have been cleared on the Democratic side of the aisle.

Three are being blocked by holds placed by anonymous Republican Senators. One has passed the Senate and is being held up by the Republican leadership in the House. I appeal, again, today to our Republican colleagues to stop holding these important bills hostage, remove your secret hold, or at least come forward and identify yourself and your concern so that we may debate and make bipartisan progress on these important legislative matters.

First is S. 1974, the FBI Reform Act, which I introduced with Senator