

Mr. SESSIONS. I thank the Chair and ask unanimous consent for 1 additional minute.

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

Mr. SESSIONS. Mr. President, I will conclude by saying there are a host of reasons why we need not, ought not pass the DREAM Act itself. But that is a matter of debate that we have had several different times now. What we need to be doing now is providing support for the soldiers, sailors, airmen, marines, and guardsmen we sent in harm's way by passing the Defense authorization bill and the Defense appropriations bill. We don't need to be talking about the DREAM Act. We don't need to be talking about hate crimes. We don't need to be offering the first amendment out of the chute, an amendment that provides habeas benefits to unlawful combatants, legal rights that have never been given by the United States in the history of the Republic, nor any other nation in the history of the world.

We need to get serious and get some work done here that is important and not be distracted with amendments that are going to be politically controversial and can only make it more difficult for us to do our duty as a Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

FIGHT TO END HATE CRIMES

Mr. CARDIN. Mr. President, only 2 weeks ago this Nation marked the 50th Anniversary of the Civil Rights Act of 1957. That landmark legislation, signed into law on September 9, 1957, was Congress' first civil rights bill since the end of Reconstruction.

It established the Civil Rights Division of the Justice Department and empowered Federal prosecutors to obtain court injunctions against interference with the right to vote. It also established a Federal Commission on Civil Rights with authority to investigate discriminatory conditions and recommend corrective measures.

In the Judiciary Committee, under the leadership of my distinguished colleague, the senior Senator from Vermont, we held a hearing to commemorate this milestone, to talk about our Nation's progress over the past half century and how we must move forward if we are to live up to the ideals enumerated in the Constitution. My former colleague from the House and an American hero, JOHN LEWIS, shared his recollections and his hopes for the future with us.

Today, however, it is with great sadness that I come to the Senate floor to talk about a rash of incidents that have occurred over the past month in this region of the country. These incidents are a painful reminder of just how far we have to go.

At the College Park Campus of the University of Maryland, fewer than 10

miles from here, students found a noose hanging in a tree near the University's African-American Cultural Center. It is believed that the noose had been hanging there for almost 2 weeks before the assistant editor of the school's African-American newspaper noticed it and notified the police.

University President C.D. Mote has denounced the incident, as have student leaders and faculty. It is under investigation as a possible hate crime and may be connected to the trial of six African-American teenagers in Jena, Louisiana. In that case, three nooses were placed in the so called "white-only" tree on campus after black students sat under it. The ensuing altercations led to charges of attempted murder against only the black teenagers, charges that have since been dismissed.

In Montgomery County, Maryland, three separate acts of vandalism were reported at Jewish centers in Rockville, Gaithersburg, and Silver Spring.

In two of those cases, vandals defaced banners declaring the synagogues' support for the State of Israel, scrawling anti-Semitic slurs on them. Police are investigating all three acts as possible hate crimes.

Then, in the hills of Big Creek, West Virginia, a 20-year-old African-American woman was held captive in a shed for more than a week. During her ordeal, she was beaten, choked, stabbed, sexually assaulted, and forced to perform inhumane acts. Throughout, she was called racist slurs and was told she was being victimized because of her skin color. She was rescued by police responding to an anonymous tip. A local Sheriff described this as "something that would have come out of a horror movie." Six people, all white, have been arrested in connection with the assault and kidnapping, and police are still searching for two more. The young woman is recovering in a hospital from her ordeal.

In Gaithersburg, Maryland, a Muslim family was again the victim of vandalism. Over the years, the family had been victimized multiple times, beginning in 1994 when they moved to the area. Their house and automobiles were broken into, garbage and dead animals were strewn in their yard, and racist notes were taped to their door.

This time, on September 11, tires on both of the family's vehicles were slashed. The mother has worked hard to counteract anti-Muslim and anti-Arab sentiment in America, speaking at schools and libraries about Islam and Arab-American culture and teaching a cultural sensitivity class. Police are continuing to investigate this incident as a possible hate crime.

In Manassas, Virginia, the Ku Klux Klan recently began distributing leaflets urging "white Christian America" to stand up for its rights. The neighborhood has recently begun a demographic shift as older residents moved out and younger Latino families moved in.

Finally, Mr. President, last Friday, it was reported that the Metropolitan Police Department here in Washington is investigating a series of hate crimes targeting gay and transgender people. The latest attack happened seven blocks from here near the Verizon Center, where reportedly a group of young men threw a 16-year-old male-to-female transgender person through a plate glass window. Police reports indicate that the suspect had been arrested twice before for similar attacks against gay men.

The Federal Bureau of Investigation has reported that in 2005 there were approximately 7,100 incidents classified as hate crimes. The FBI uses voluntary reports from local law enforcement agencies across the country to determine the totals, but the actual number could be far higher.

The Southern Poverty Law Center has analyzed data compiled and reported by the federal Bureau of Justice Statistics. That November 2005 report, based on data from the biannual National Crime Victimization Survey (NCVS), found that fewer than half of hate crimes are reported to the police and others are not counted by the FBI. This is because they are not recorded as hate crimes, or because some police departments do not report statistics to their State offices. The NCVS estimates that the United States averages about 191,000 hate crimes each year.

The report also found that hate crimes involve violence far more than other crimes. The data showed that four out of five hate crimes were violent—involving a sexual attack, robbery, assault or murder, as compared to 23 percent of non-hate crimes.

Mr. President, the situation is even more dire than most Americans imagine. The Southern Poverty Law Center's Intelligence Project counted 844 active hate groups in the United States in 2006.

Hate crimes' tentacles reach far beyond the intended targets. They bring a chill to entire neighborhoods and create a sense of fear, vulnerability, and insecurity in our communities. They poison the well of our democracy and strike at the very heart of the American spirit.

Our local law enforcement agencies need help in investigating and prosecuting these crimes, and this help must come from the United States Attorney General and the Department of Justice.

I am a cosponsor of the Mathew Shepard Local Law Enforcement Hate Crimes Prevention Act, S. 1105, to strengthen existing Federal hate crime laws. I want to thank Senator KENNEDY for his leadership on this issue.

While the responsibility for prosecuting hate crimes primarily rests with the individual States, this new measure will give local law enforcement additional tools to combat violent hate crimes. It also will provide Federal support through training and assistance to ensure that hate crimes

are effectively investigated and prosecuted. In addition, it will ensure that Federal investigations and prosecutions are carried out when local authorities request assistance or are unwilling or unable to effectively prosecute cases.

It is important that the Federal Government have the ability to take aggressive action against hate crimes in States where current laws are inadequate. For example, only 31 States and the District of Columbia include sexual orientation-based or disability-based crimes in their hate crimes statutes. This law will help ensure that all hate crimes are fully investigated and prosecuted.

This measure, which has strong bipartisan support, would strengthen existing law in two ways. First, it would eliminate a serious limitation on Federal involvement under existing law—namely, the requirement that a victim of a hate crime was attacked because he or she was engaged in federally-protected activity such as voting or attending school. It also would authorize the Department of Justice to investigate and prosecute hate crimes based on sexual orientation, gender, gender identity, or disability. Current law does not provide authority for involvement in these four categories.

Hate crimes are un-American. They cannot be tolerated. When individuals are targeted and attacked because of who they are, entire communities suffer and we are all diminished by it.

S. 1105 would give us the tools we need to be more effective in combating crimes of hate. The House passed its version of hate crimes legislation on May 3 and now the Senate must do our part. I call on my colleagues to support S. 1105 and I urge its passage without further delay.

MILITARY COMMISSIONS ACT

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, first of all, thank you for taking some time and presiding in the chair so I can make this statement.

Last year, I made a very difficult decision. I voted for the Military Commissions Act because I believed it would make our Nation safer and help us fight the war on terrorism. I did not support the bill, however, without reservations.

I said at the time it was not the law I would have written. To the contrary, I supported the bill with the understanding we would go back and fix some of the problems that remained unsolved. Tomorrow, the Senate has an opportunity to fix one of the most glaring of those problems, the failure to provide detainees with the right to habeas corpus.

A right to habeas corpus was a fundamental right in the eyes of our Founding Fathers. It was seen as a mechanism for accountability within our

Government, giving prisoners a way to challenge detentions that were unlawful or unconstitutional.

A right to habeas corpus has remained a cornerstone of our criminal justice system since our very beginning as a Nation. It continues to be reaffirmed time and time again by every court in the land. Granting all prisoners the right to petition for habeas corpus is something that makes our Nation special and sets us apart.

Now, I am sure many Americans may wonder: Well, what is habeas corpus? What is the big fuss about this habeas corpus thing? Well, let me try to explain.

Habeas corpus gives a person, a citizen, people, the right to ensure they are being held by the Government lawfully, that they were not the victim of malfeasance or misfeasance on the part of the Government. It is not an easy standard to meet, and it is not taken lightly by the court system.

To make a case for habeas corpus requires a significant amount of proof that a detention of that individual violates the laws of the United States. Let me say that one more time. Proving that you are entitled to relief, proving that you are entitled to a writ of habeas corpus by the court, is not an easy task.

The claim is usually denied. Only those who truly deserve the writ are able to obtain it. I say this to reassure those who may feel that granting detainees the right to habeas corpus, as the amendment would do, would quickly let loose those who would then attack our country and our citizens. That simply will not happen.

What will happen is those detainees who are being held unlawfully, if there are any who are being held unlawfully, who are being denied their basic human rights, will have a chance to make their case in court. They will, for the first time, be able to argue they are being held without any evidence of wrongdoing. They will be able to argue, possibly, they were tortured for a confession that is simply not true.

In short, they will be allowed to hold our great Nation to the standard of fairness, lawfulness, and decency that our Founding Fathers established when they penned the U.S. Constitution.

Some people may not believe detainees are entitled to such a basic right. They argue these people may not be U.S. citizens; that they do not believe the Constitution provides them with any protection or any guarantees.

I disagree. I would ask those people one thing: If the terrorists convince us to throw away the very rights that make us free, the very rights that make our Nation what we uniquely are, does that not mean the terrorists have won?

If we believe in the rule of law, and if we believe in a system of justice, we must give all people detained by our Government the right to challenge that detention. Our Government must play by the rules. It must detain people

who are supposed to be detained, and it must be prepared to make that case in a court of law.

The United States can do better than depending on indefinite, unchallengeable detentions to imprison an individual suspected to be a terrorist. We do not need shortcuts to keep our Nation safe.

We can fight the war on terror and respect human rights at the same time. What makes America worthy of fighting for and dying for is the Constitution and the Bill of Rights. It sets us apart from the rest of the world, and we cannot permit its erosion or its undermining. The Constitution and the Bill of Rights need to be preserved.

Therefore, I intend to fully support the Leahy-Specter amendment that will be offered tomorrow to restore habeas rights to detainees. I urge my colleagues to do the same.

I yield the floor.

EULOGY FOR HOWARD GITTIS

Mr. SPECTER. Mr. President, a very close, personal friend and a great American died the day before yesterday, Howard Gittis, a very distinguished Philadelphia lawyer in the great tradition of Andrew Hamilton who defended Peter Zenger. Those of us who are Philadelphia lawyers take great pride in that tradition from Andrew Hamilton and the historic defense of Peter Zenger, and Howard Gittis was in that mold.

I have been a personal friend of Howard Gittis for some 50 years. I was told he went to sleep on Sunday night and didn't awaken, died in his sleep apparently of a heart attack.

Howard Gittis was a partner in the very prestigious firm of Wolf, Block, Schorr & Solis-Cohen for some 23 years. He then joined a noted entrepreneur, Ronald Perelman of New York, and was the executive vice president of McAndrews & Forbes in New York City.

Howard was noted for his charitable contributions both as an alumnus of the University of Pennsylvania Law School, where he contributed substantially to Penn's law school which named Gittis Hall and the Gittis Center for Clinical Legal Studies at Penn in honor of Howard Gittis's contribution to the law school and his charitable support of the university.

Not only did he support the University of Pennsylvania, but he also served on the board of Temple University for 31 years, including 5 as chairman of the board, and the Temple Student Center is named for him.

Always affable, always cheerful, always ready to lend assistance to friends or even to those who were not close friends. He left an indelible mark in the Philadelphia legal community and in the New York business community.

His funeral services occurred earlier today in New York and burial occurred this afternoon in Philadelphia.