

A liberal will vilify the rich. A conservative recognizes the benefits to society that the rich provide and the benefits of having a society where people strive to become rich.

A liberal believes, apparently, that the rich acquire their wealth at the expense of the poor. A conservative knows that Bill Gates and Michael Jordan achieve riches because they produce things that other people value.

Our choice is to put obstacles in the way of those striving to become rich, or take away people's incentive to pursue that same course.

For this American holder of public office who is proud to call himself a conservative, it is not a difficult choice.

SMALL BUSINESS PAPERWORK REDUCTION ACT

(Mrs. LINDA SMITH of Washington asked and was given permission to address the House for 1 minute.)

Mrs. LINDA SMITH of Washington. Mr. Speaker, I am often asked what is the great secret in Washington State's success. Yes, we have beautiful natural wonders and thriving high-tech industries, and we are a great place to come and visit. Well, I want to tell my colleagues, even though we are beautiful in Washington State, it is really the people.

Today, I want to tell my colleagues about the people in Washington State and what makes our thriving economy grow: small business owners. Mr. Speaker, 63 percent of all businesses in Washington are operated by sole proprietors and 97 percent have less than 100 employees. These men and women provide nearly 60 percent of all jobs in the State, and lead the way in new job creation. They are the leaders in our community.

However, each year, massive amounts of paperwork are stifling their potential, job growth and productivity. For firms with fewer than 20 employees, these firms are paying \$2,000 per year per employee that could go into salaries, jobs and others new sources of income for the communities.

Today, I am proud to cosponsor the Small Business Paperwork Reduction Act, H.R. 3310, and I will be proud to vote for it this afternoon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

TRAFFIC STOPS STATISTICS STUDY ACT OF 1998

Mr. HYDE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 118) to provide for the collection of data on traffic stops, as amended.

The Clerk read as follows:

H.R. 118

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Traffic Stops Statistics Study Act of 1998".

SEC. 2. ATTORNEY GENERAL TO COLLECT.

The Attorney General shall conduct a study of stops for routine traffic violations by law enforcement officers. Such study shall include collection and analysis of appropriate available data. The study shall include consideration of the following factors, among others:

- (1) The number of individuals stopped for routine traffic violations.*
- (2) Identifying characteristics of the individual stopped, including the race and or ethnicity as well as the approximate age of that individual.*
- (3) The traffic infraction alleged to have been committed that led to the stop.*
- (4) Whether a search was instituted as a result of the stop.*
- (5) How the search was instituted.*
- (6) The rationale for the search.*
- (7) Whether any contraband was discovered in the course of the search.*
- (8) The nature of such contraband.*
- (9) Whether any warning or citation was issued as a result of the stop.*
- (10) Whether an arrest was made as a result of either the stop or the search.*
- (11) The benefit of traffic stops with regard to the interdiction of drugs and the proceeds of drug trafficking, including the approximate quantity of drugs and value of drug proceeds seized on an annual basis as a result of routine traffic stops.*

SEC. 3. LIMITATION ON USE OF DATA.

Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of any individual who is stopped or any law enforcement officer. Data acquired under this section shall not be used in any legal or administrative proceeding to establish an inference of discrimination on the basis of particular identifying characteristics.

SEC. 4. RESULTS OF STUDY.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall report the results of the study conducted under this Act to Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 118, the Traffic Stops Statistics Act of 1997, was introduced by the ranking minority member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS). This bill has bipartisan support and the support of the Department of Justice. H.R. 118 will authorize the Attorney General to conduct a study of the reasons why police make routine traffic stops.

Racial profiling is a law enforcement method that uses race, age, dress, vehi-

cle type, and other factors to identify people who police believe are more likely to be involved in crimes.

Profiling is often used to stop those suspected of crimes without any indication of criminal activity. However, there is a growing number of reported incidents and allegations that black American males are being stopped for no reason. They are merely stopped, not given tickets, not given citations.

The fourth amendment provides, "The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated." Traffic stops based solely on race are wrong and must not be tolerated.

The study will provide for the collection of data that will help determine whether police are using race as the predominant reason to stop motorists of color. The study will include consideration of such factors as the race and age of the individual stopped; the traffic infraction alleged to have been committed that led to the stop, if any; whether a search was instituted; the rationale for the search; whether contraband was discovered during the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of the stop or search.

The study will also report on the beneficial efforts of law enforcement departments to fight the war on drugs by recording the approximate quantity of the drugs and the value of drug proceeds seized on an annual basis as a result of traffic stops. The Department of Justice will submit the results of the 2-year study to Congress.

Mr. Speaker, this is a good bill, and I am pleased to support it.

Mr. Speaker, I reserve the balance of my time.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to endorse the remarks made by the gentleman from Illinois (Mr. HYDE), the Chairman of the Committee on the Judiciary, about the Traffic Stops Statistics Study Act. I am deeply indebted to him for moving this bill from the committee to the full House.

This is an offense and an activity that is very familiar to many people. It is something that has happened to more African Americans, particularly males, than I would care to admit today on the floor of the House of Representatives. There are very few of us in this country who have not been stopped at one time for an alleged traffic violation that we constituted really simple racial harassment.

Mr. Speaker, I say this as a friend of law enforcement, as one who has always received the support and has worked closely with police organizations across the country for many years. Law enforcement officers may admit to isolated instances of racially

targeted police stops, but very few will concede that this harassment is routine, that it happens literally everywhere; and it is to this complaint that this study, this examination of this peculiar kind of incident in law enforcement, is directed.

There have been limited studies that have occurred which have found that as many as 72 percent of all routine traffic stops occur with African-American drivers in a population that we all know is not over 15 percent. The coincidence need not to be confirmed.

In the Ninth Circuit Court of Appeals, we had a case in which the court itself, in 1993, came to a conclusion that we think will be supported by the study that is proposed in the bill before us. That was the case of a police officer from Santa Monica who was found to have violated the rights of 2 African-American men that he stopped and subsequently arrested at gunpoint. The case is cited here because it was an example of how police routinely violate the constitutional rights of others by stopping them without just cause. There must be a cause to stop someone. It cannot be subjective; it cannot be racially motivated. There has to be a reason.

Now, for those who might say, well, why do we not just go to court and let the lawsuits flow, the lawsuits cannot solve this problem. First of all, the individual costs that must be borne by plaintiffs would, in most cases, be more than they could bear; and it would also take considerable amounts of time.

Last year, in November, the American Civil Liberties Union sought a fine for contempt of court against the State police near us, the Maryland State police, arguing that police were still conducting a disproportionate number of searches of cars driven by African Americans 2 years after they had agreed to stop that practice as a result of a 1992 lawsuit. In other words, they were violating the agreement.

The State police statistics show that 73 percent of the cars stopped and searched on interstate I-95 a few blocks from here, between Baltimore and Delaware, since January of 1995, were conducted on the cars of African Americans, despite the fact that only 14 percent of those driving along that part of the freeway were African Americans. Moreover, there was nothing found in 70 percent of those searches.

Mr. Speaker, this and other evidence suggests that African Americans are routinely being stopped by law enforcement simply because of the color of their skin, and it is precisely this sort of unfair treatment that leads many people to distrust the criminal justice system. If we expect everyone to abide by the rules, and we do, we must ensure that those rules are applied equally to everybody, and they are frequently not.

In many ways, this sort of harassment is even more serious than police brutality itself. Not to minimize police brutality, but these are insidious ways

of antagonizing people, and this treatment must be examined.

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The measure before us today will not stop or punish the treatment, it will investigate as to whether it in fact goes on in the proportions that our hearings suggest that it does.

Unlike police brutality, which frequently comes to light, these punishments are like knife cuts. They are not reported. There is nothing done with them. They are wounds to the psyche that spread, they never heal, and they are painful to those that sustain them.

So what we are saying is that this is not an anti-police piece of legislation, it is a piece of legislation to determine whether a practice that we have long suspected is still in fact going on. As we know here in this Chamber, the Supreme Court has expanded police powers by holding that an individual need not be informed that they have a right not to consent to a search of their vehicles.

There is a bit of flux in the law on this subject. So this measure, that authorizes the Attorney General to conduct a study regarding the race and alleged infractions of drivers stopped by the police, is designed to provide us with specific information regarding the extent of the problem, and will provide information as to the rationale for any search made subsequent to a traffic stop, and of course, any contraband recovered in that search.

Through this study, I hope we will increase police awareness of the problem involved of some few police officers targeting minorities routinely for car searches when there is, indeed, no justification. Perhaps we can discover the extent of the problem, and hopefully reduce the number of discriminatory, inappropriate traffic stops by police officers made based on the color of the skin of the motorist.

Because the study proposed by this legislation presents a reasonable way of dealing with an issue I have been hearing complaints about throughout my service in the Congress, I deeply appreciate my colleagues on the Committee on the Judiciary and our chairman for bringing this measure to the floor, and I urge that we support the bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding time to me. I thank the gentleman for his leadership on this bill.

Mr. Speaker, I do appreciate the gentleman from Illinois (Mr. HYDE) for the expeditious manner in which this legislation came to the floor, and the gentleman from Florida (Mr. CANADY) as well for consenting and working with the ranking member in realizing the importance of the information that we are trying to secure.

I would like to emphasize one or two or three or four different points on this issue.

One, let me say, we do not come to the floor of the House to personalize our presentations, but as the mother of a young black boy, and as someone who relates constantly to young African American teenagers, along with other ethnic groups in my community, this is an issue that has long confronted us, and one that we have, in some instances, accepted and suffered in silence.

For every young child is taught to respect the blue and white, or the men and women in blue, of the law enforcement officer of your community. We as parents still do that. But the tragedy of teaching them that kind of respect sometimes befalls them in a negative way.

It is not infrequently that I talk to parents of minority children who are fearful of having them drive throughout their community or be in neighborhoods where they might be suspected of acting illegally, albeit they are there for legitimate and legal reasons.

Just recently I had a family tell me that after they moved into a very prominent neighborhood, and their young male African American son was going home to his home, that about 10 or so police cars ran up into the driveway to begin to shine flashlights in his face and wonder why he was sticking a key in the front door. Though this is not a traffic stop, these are incidents that occur on a regular basis. So this study is in fact needed.

I am delighted that the Attorney General will not isolate the study but will study the Nation, for it will respect and respond to the issues dealing with race and ethnicity, particularly in groups of Asians, African Americans, and Hispanics, those who are traveling in modern cars and those whose cars may not look too recent.

It is important to find out whether the traffic infraction alleged to have been committed was committed and what was it that led to a stop; whether a search was instituted as a result of the stop; how the search was instituted; the rationale for the search; whether any warning or citation was issued as a result of the stop; and whether an arrest was made as a result of either the stop or the search.

It is important to emphasize again that although African Americans make up between 12 and 14 percent, they make up 72 percent of all routine traffic stops. This study will help us determine what occurs in the Asian community, or what occurs to the new immigrants in the Vietnamese community, what occurs in the Hispanic community, in all parts of our country.

Just a few doors away from this House we can find examples of mistreatment of those who are African American and minorities. Robert Wilkins is a Harvard Law School graduate, a public defender here in the District of Columbia. Mr. Wilkins is also an African American.

In May, 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A State trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, well under the speed limit, and based upon this grave crime, ordered all the family members out of the car so he could search for drugs. In this time of grief and tragedy, they had to be disturbed with this kind of treatment. Of course, no drugs were found.

The State trooper in the case claimed the rented Cadillac the family was driving made him think them suspicious, as well as the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a State trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason that he and his family were ordered out of their vehicle on a busy highway?

Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

Again, reemphasizing the point made by the gentleman from Michigan (Mr. CONYERS), how interesting it is that even after getting an agreement through the ACLU, we find some 2 years later that these stoppings of individuals of African American heritage are still occurring.

In fact, despite the agreement that was gotten by the ACLU, we find that State police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since 1995 were those of African Americans, again, despite the fact that only 14 percent of those driving along that stretch were African Americans.

This is a piece of legislation that is long overdue, and its emphasis should not detract from the fact that its importance is the right of the protection of the Constitution and the Bill of Rights. It is the protection of those constitutional provisions that will apply to all citizens.

We are long overdue in trying to find out why we have this kind of disparate treatment, why many of us as parents of African American children are fearful of sending our young people out on the freeways and highways of America. If this is to be a country for all people, then the laws must treat everyone fairly. I appreciate very much the efforts of the gentleman from Michigan (Mr. CONYERS) and the gentleman from Illinois (Mr. HYDE) for this legislation.

Mr. Speaker, I rise today in strong support of Congressman CONYER'S H.R. 118, the "Traffic Stops Statistics Act of 1997." This legislation is an important step towards addressing the discrimination faced by minorities on our nation's roadways.

The Traffic Stops Statistics Act authorizes the Attorney General to conduct a study of stops for routine traffic violations by law en-

forcement officers. The study is to include consideration of such factors as: (1) the race and ethnicity of the individual stopped; (2) the traffic infraction alleged to have been committed that led to the stop; (3) whether a search was instituted as a result of the stop; (4) how the search was instituted; (5) the rationale for the search; (6) whether any warning or citation was issued as a result of the stop; and (7) whether an arrest was made as a result of either the stop or the search.

The need for such a study becomes readily apparent when we review the few, limited studies already conducted in this area. Those studies reveal that although African Americans make up only 14 percent of the population, they account for 72 percent of all routine traffic stops. To make matters worse, far more blacks stopped for traffic violations are subject to car searches than comparable whites. The numbers are so out of line that coincidence is impossible.

For an example of the arbitrary and discriminatory treatment of African Americans on our nation's roadways, we need not look far beyond the Beltway. Robert Wilkins is a Harvard Law School graduate—a public defender here in the District of Columbia. Mr. Wilkins is also African-American. In May 1992, Mr. Wilkins went to a family funeral with his aunt, uncle, and cousin. A state trooper stopped Mr. Wilkins for doing 60 miles per hour on the interstate, and based upon this grave crime ordered all the family members out of the car so he could search for drugs. Of course, no drugs were found. The state trooper in this case claimed the rented Cadillac the family was driving made him suspicious, as did the fact that Mr. Wilkins appeared nervous when stopped. Are we to believe that being nervous when pulled over by a state trooper is cause to suspect that a respected attorney returning from a family funeral is a drug trafficker? Are we to believe that the race of the Wilkins family was not the reason he and his family were ordered out of their vehicle on a busy highway? Under the Fourth Amendment, a law enforcement official must have reasonable grounds to suspect illegal activity before searching a car during a routine traffic stop. The dislike or suspicion of a person's race does not constitute reasonable grounds.

In November 1996, the ACLU sought a fine for contempt of court against the Maryland State Police, arguing that police were still conducting a disproportionate number of drug searches of cars driven by African Americans almost two years after agreeing to remedy these practices as a result of a 1992 lawsuit. Despite the agreement, state police statistics show that 73 percent of cars stopped and searched on I-95 between Baltimore and Delaware since January, 1995 were those of African Americans, despite the fact that only 14 percent of persons driving on that stretch of road were black. Police found absolutely nothing in 70 percent of those searches.

The Traffic Stops Statistics Act study will discourage law enforcement officers from such discriminatory treatment of minorities by discouraging the use of race as the primary factor in making determinations as to whether or not to institute a car search. It will also provide statistical data as to the nature and extent of the problem of African Americans being targeted for traffic stops.

I want to commend Mr. CONYERS and his staff for their determination and tireless work

in bringing this legislation before us today. I urge my colleagues to cast a vote today for fairness and justice and to vote in support of H.R. 118, the "Traffic Stops Statistics Act."

Mr. Speaker, I ask my colleagues to vote for this legislation.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and pass the bill, H.R. 118, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ARLINGTON NATIONAL CEMETERY BURIAL ELIGIBILITY ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3211) to amend title 38, United States Code, to enact into law eligibility requirements for burial in Arlington National Cemetery, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3211

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Arlington National Cemetery Burial Eligibility Act".

SEC. 2. PERSONS ELIGIBLE FOR BURIAL IN ARLINGTON NATIONAL CEMETERY.

(a) IN GENERAL.—Chapter 24 of title 38, United States Code, is amended by adding at the end the following new section:

"§2412. Arlington National Cemetery: persons eligible for burial

"(a) PRIMARY ELIGIBILITY.—The remains of the following individuals may be buried in Arlington National Cemetery:

"(1) Any member of the Armed Forces who dies while on active duty.

"(2) Any retired member of the Armed Forces and any person who served on active duty and at the time of death was entitled (or but for age would have been entitled) to retired pay under chapter 1223 of title 10.

"(3) Any former member of the Armed Forces separated for physical disability before October 1, 1949, who—

"(A) served on active duty; and

"(B) would have been eligible for retirement under the provisions of section 1201 of title 10 (relating to retirement for disability) had that section been in effect on the date of separation of the member.