The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

(Mr. STUPAK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KUCINICH) is recognized for 5 minutes.

(Mr. KUCINICH addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

(Mrs. CLAYTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 55 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1636

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHUSTER) at 4 o'clock and 36 minutes p.m.

PROFILING AND MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I wanted to take a little time this afternoon and have an in-depth discussion on a couple of different issues that I think are very important with the current matters that we have facing us. The first matter I would like to discuss at some length would be profiling and the need for profiling for the national security of this country. I have some experience in security. I used to be a police officer. I have a pretty good idea of what we need to do to look out for suspects and how we can help and assist all citizens of this country, regardless of their background, in being sure that they are secure and safe as they walk the streets of this country, or as they go up into a building.

The second thing I want to discuss at length this afternoon is missile defense. It is absolutely critical at this juncture in our Nation's history that we prepare, that we prepare a missile defense system for this Nation. Anything that falls short of a complete missile defense system for this Nation, in my opinion, would demonstrate dereliction of the duties that we have, the responsibilities that we accepted when we were sworn in to represent the people of this Nation.

Let me start with profiling. I have seen, and I have been very disappointed and discouraged recently, about some people playing what I would call the race card against profiling. We have to talk in a very serious tone and with thoughts of the consequences of doing things and not doing things, about tools of enforcement that we can utilize within the borders of our country and outside the borders of our country and for the people that want to cross the borders of our country and for the people that want to leave the borders of our country, tools that we can use to help secure the national security. One of those tools is profiling.

Now, let me distinguish at the very beginning the difference between what I describe and what I define as racial profiling, which most people in this country, including myself, are justified in opposing, and utilizing race as one of the components of a threat profile. We will see on this chart to my left, again, how do I define racial profiling. My colleagues will see I have obviously a red circle through racial profiling.

Racial profiling is where that is the only determinant factor that one utilizes in one's profile construction. Now, obviously, if race is one's only determinant factor, the only factor considered, it raises a balloon for a very legitimate argument that one is creating or causing discrimination.

Now, there are some cases where one may not have any other factors other than the person's ethnic background; and in that case, for example, one puts out a description only using the ethnic background because that is all the information one has. Let me give an example. One is called to the scene of a bank robbery and the witnesses at the bank robbery, within moments after the bank robbery is committed, when you arrive at the bank, all they can tell you is I do not know what size they were, I did not see their face, but it was a white man. It was a white male. Then, one is justified in saying, in immediately putting out an alert, look, we know that the suspect was a white male. That is all we have at this point in time. All units be advised, there is a white male that just committed a bank robbery.

I do not know anybody that says that is not a legitimate purpose or a legitimate means. But where one would run into problems and where one sees discrimination is if, for example, an Irish person is getting ready to get on a plane or an Arab is getting on a plane and simply because of the fact that their ethnic background is Muslim or Arab you pull them aside and question them, simply because, and the only determining factor in making that decision is their nationality or their ethnic background. That is not enough to justify it under our Constitution, in my opinion. I think it is discrimination, but we have to weigh out these situations.

Now, I can tell my colleagues that my stand in utilizing ethnic, or not excluding, that is perhaps a better way to put it, my position is that we should not exclude ethnic background any more than we should exclude age or religion when we build a profile with a number of components.

Now, some of the people who have opposed this frankly are taking examples, extreme examples of abuse by law enforcement where, in fact, they may be right, the people, the critics may be right, that in those particular cases, ethnic or what we would call racial profiling took place and there was a clear demonstration of discrimination. But let me tell my colleagues, for example, the other day in my debate I said, look, we have bad arrests in this country. We have a cop who makes a bad arrest, poor judgment. We have a lot of good police officers out there; but every once in a while, a bad police officer or a good police officer even makes a bad judgment call. If we have a bad arrest, should you immediately jump from the conclusion that you have had one bad arrest and therefore, logically, you should have no more arrests so that we avoid all future bad arrests? Of course we would not draw that kind of conclusion. That is exactly the type of conclusion that my critics are attempting to draw when I speak of national security and a profiling system that will help us protect our national security.

What my critics try to do is they try to come out and say, look, here is a case. This person was detained as they wanted to board an airplane, only because of the fact that they were Arabic background. They are Arabs. That is the only reason they were detained. It is a clear case of discrimination. They go through all of these facts that of course make the case seem horrible. And maybe it was a bad, bad case. But that is not the situation that is occurring out there. I have said to people before, look, I realize that with the millions and millions of travelers that we have in this country every day, that there are going to be some select, some very select situations of discrimination. But it is very easy to overstate that number. It is very easy to criticize law enforcement. It is very easy to criticize airport security on this profile.

What I have said to my critics is, produce the numbers. Show us case by case, and if we have a case where we have bad performance by law enforcement or bad performance by airport