minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, today I rise to honor one of south Florida's most beloved treasures and one of our Nation's most outspoken advocates on behalf of higher education, Sister Jeanne O'Laughlin, retiring President of Barry University.

When Sister Jeanne became President in 1981, Barry University was a struggling college of 2,000 students. Since then, she has raised over $170 million and has transformed Barry into a thriving university, serving more than 8,500 students.

But for the record, Sister Jeanne impacted much on my life and I want to recognize it here today.

Mr. Speaker, Sister Jeanne and I are both lung cancer survivors.

Having gone through diagnosis and treatment before me, sister Jeanne's model of resolve and optimism has brought me through some of my darkest days. Today I thank Sister Jeanne O'Laughlin for her many gifts to south Florida over the years and for her personal gift to me at my time of crisis.

Mr. Speaker, we look forward to many wonderful things to come from Sister Jeanne as she moves to the next phase of her unending quest to make the world a smarter and more loving place for all of us.

EXPRESSING SENSE OF CONGRESS THAT ALL AMERICANS OBSERVE THE 50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION WITH A COMMITMENT TO CONTINUING AND BUILDING ON THE LEGACY OF BROWN

Mr. SENSENBRENNER. Mr. Speaker, pursuant to the previous order of the House, I call up the concurrent resolution (H. Con. Res. 414) expressing the sense of the Congress that, as Congress recognizes the 50th anniversary of the Brown v. Board of Education decision, all Americans are encouraged to observe this anniversary with a commitment to continuing and building on the legacy of Brown, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of H. Con. Res. 414 is as follows:

H. CON. RES. 414

Whereas on May 17, 1954, the United States Supreme Court announced in Brown v. Board of Education (347 U.S. 483) that, "in the field of education, the doctrine of 'separate but equal' has no place";

Whereas the Brown decision overturned the precedent set in 1896 in Plessy v. Ferguson (163 U.S. 537), which had declared "separate but equal facilities" constitutional and allowed the continued segregation of public schools in the United States on the basis of race;

Whereas the Brown decision recognized as a matter of law that the segregation of public schools deprived students of the equal protection of the laws under the Fourteenth Amendment to the Constitution of the United States;

Whereas the Brown decision stood as a victory for plaintiff Linda Brown, an African American third grader who had been denied admission to an all white public school in Topeka, Kansas;

Whereas the Brown decision stood as a victory for those plaintiffs similarly situated to Linda Brown in the cases that were consolidated with Brown, which included Briggs v. Elliot (103 F. Supp. 920), Davis v. County School Board (103 F. Supp. 337), and Gephardt v. Belton (91 A.2d 137);

Whereas the Brown decision stood as a victory for those that had successfully dismantled school segregation years before Brown through legal challenges such as Westminster School District v. Mendez (161 F.2d 774), which ended segregation in schools in Orange County, California;

Whereas the Brown decision stands among all civil rights cases as a symbol of the Federal Government's commitment to fulfill the promise of equality;

Whereas the Brown decision helped lead to the repeal of "Jim Crow" laws and the elimination of many of the severe restrictions placed on the freedom of African Americans;

Whereas the Brown decision helped lead to the enactment of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, religion, or national origin in workplaces and public establishments that have a connection to interstate commerce or are supported by the State;

Whereas the Brown decision helped lead to the enactment of the Voting Rights Act of 1965 which promotes every American's right to participate in the political process;

Whereas the Brown decision helped lead to the enactment of the Fair Housing Act of 1968 that prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-relating transactions, on the basis of race, color, national origin, religion, sex, familial status, or disability; and

Whereas in 2004, the year marking the 50th anniversary of the Brown decision, inequalities evidenced at the time of such decision have not been completely eradicated: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes and celebrates the 50th anniversary of the Brown v. Board of Education decision;

(2) encourages all Americans to recognize and celebrate the 50th anniversary of the Brown v. Board of Education decision; and

(3) renews its commitment to continuing and building on the legacy of Brown with a pledge to acknowledge and address the modern day disparities that remain.

The SPEAKER pro tempore (Mr. OSE). The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 15 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

□ 1030

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 414, currently under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support today of House Concurrent Resolution 414, which recognizes the 50th anniversary of the U.S. Supreme Court's decision in Brown v. Board of Education and calls on Americans to observe this anniversary with a commitment to continuing and building on the legacy of Brown.

In 1896, the Supreme Court decided Plessy v. Ferguson, which held that separate but equal public facilities were lawful. This decision paved the way for the systematic segregation of America based on race. In the wake of that decision, State legislatures felt vindicated passing a number of laws, including the infamous Jim Crow laws, which ensured that the right to equal protection of the laws was a right in name only for African Americans and other minorities.

Many fought for years to try and reverse this pattern of discrimination. Some met with limited success, such as Gonzalo and Felicitas Mendez, who in 1947 prevailed in their efforts to allow students of Mexican ancestry to attend the same California public elementary schools as attended by white children, but it was not until Oliver Brown and his brave fellow plaintiffs from Kansas, Virginia, South Carolina, and Delaware successfully challenged the school segregation policies in those States that this pattern of inequality began to change for all persons.

As Chief Justice Earl Warren, who had recently been appointed to the Supreme Court by President Eisenhower, stated for a unanimous majority, "We conclude that in the field of public education the doctrine of 'separate but equal' has no place."

In the 50 years since the Brown decision, much has changed in this country. Brown provided the spark for the Eisenhower administration to push through the 1957 and 1960 Civil Rights Acts. These acts, in turn, provided the blueprint for the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

All of these acts served to further dismantle the barriers to equality that African Americans and other members of minority groups had faced in the decades after Plessy. It is for this reason that Congress, and indeed, all Americans, should celebrate the anniversary of Brown and take this opportunity to reflect anew on the importance of equality in society.

I would like to commend the gentleman from Michigan (Ranking Member CONYERS) for introducing this resolution and would also like to thank the gentleman from New Jersey (Mr. PAYNE), the gentleman from Kansas (Mr. RYUN), the gentlewoman from California (Ms. LORETTA SANCHEZ), and the gentleman from California (Mr. COX) for their own resolution which helped inform the measure we have before us today. I am pleased to note that most of the leadership of both parties have signed on as cosponsors of this resolution, and I urge all my colleagues to join me in supporting it.

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

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

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

Mr. CONYERS. Mr. Speaker, this is indeed a historic moment in the history of this country and in the Congress as well.

I begin by really lifting up the name of the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), who, with me, was able to get a unanimous resolution on this matter celebrating Brown v. the Board from the Committee on the Judiciary. I sincerely thank him.

I have two colleagues that I want to mention because they had resolutions that we worked into ours, and we came up with one. The first was the gentlewoman from California (Ms. LORETTA SANCHEZ), who brought to our committee's attention that in California they had worked out, in effect, a Brown v. Board-type solution even before the Brown decision, and we will hear from her later on this matter.

The other person was the gentleman from New Jersey (Mr. PAYNE), who is on the floor now, who had an important resolution as a ranking member of the Committee on Education and the Workforce. His interests on this were very large, and we were able to all work these regulations out.

What is the significance of Brown? It reversed an 1896 decision, Plessy v. Ferguson, which indicated that under the 14th amendment separate and equal was acceptable. Of course, there is very little in real-time that separate can be equal, but that was the law up until 1954 when a unanimous Supreme Court decision changed it.

But the Brown decision went further. It was a decision about education; but thanks to the civil rights movement, Dr. King, Rosa Parks and even our own gentleman from Georgia (Mr. LEWIS) in the Congress, it was expanded to cover all forms of social life in the country.

Finally, this resolution seeks to renew our commitment. Everything is not okay, as our colleagues all know and as this resolution which we are to support makes clear. So I am very happy to be with all of my colleagues today.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. RYUN), who represents Topeka, Kansas, that led the way to get the Brown decision decided by the Supreme Court.

Mr. RYUN of Kansas. Mr. Speaker, I thank the gentleman for the time.

Mr. Speaker, I rise to honor the 50th anniversary of the Supreme Court decision of Brown v. Board of Education, the landmark case that desegregated schools in America. This Monday, May 17, 2004, I will be pleased to welcome people from across this Nation to my district for a celebration of this anniversary.

On Monday, we will look back over 50 years of work to bring equality to America, specifically to our public education system.

May 17 will also mark the culmination of an effort I began 3 years ago to honor the 50th anniversary of Brown v. the Board. In the 107th Congress, I was privileged to author legislation to establish a Federal commission tasked with educating the public about this decision. With the help of my colleagues in Congress, the commission became a reality and has played a vital role in planning for next week's anniversary.

Recently, I was also pleased to draft language calling on Congress to honor the anniversary of Brown v. Board. I am grateful that the resolution we consider today accomplishes this goal, and I am pleased to lend it my support.

I would like to thank the Brown Foundation, located in Topeka, Kansas, for its leadership in helping America remember its struggle for equality. I want to specifically thank Cheryl Brown Henderson for her undying dedication to this issue. Cheryl's assistance has been invaluable, and I am grateful for her contributions.

President Bush's presence in Topeka on Monday will lend national significance to this occasion and also indicates his ongoing commitment to the ideals embodied in Brown v. Board. I am grateful for the President's support, and I look forward to welcoming him to Kansas.

Finally, I encourage all Americans to take this opportunity to rededicate themselves to the ideals set forth in our Constitution that all men are created equal; that they are endowed by our Creator with certain unalienable rights; that among these are life, liberty and the pursuit of happiness.

Mr. Speaker, I thank my colleague for the opportunity to highlight this monumental anniversary on the floor. I thank the chairman for his work, and I urge my colleagues to lend their support to this measure.

The SPEAKER pro tempore. Does the gentleman from New Jersey (Mr. PAYNE) seek to control the time?

Mr. PAYNE. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from New Jersey will control the time.

There was no objection.

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

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

Mr. PAYNE. Mr. Speaker, let me commend the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing this resolution and certainly the gentleman from Michigan (Ranking Member CONYERS), who is a living history of what is great about this country with his own history in the House of Representatives, being the second-longest-serving Member here.

Mr. Speaker, I rise today to express my strong support for H. Con. Res. 414, a resolution which urges Congress to renew its commitment to continuing and building on the legacy of Brown v. the Board of Education.

This month marks the 50th anniversary of the landmark Brown v. the Board of Education decision, declaring segregation of public schools unconstitutional. The chain of events began in Topeka, Kansas, where an African American third grader by the name of Linda Brown had to walk 1 mile through a railroad switchyard to get to her segregated elementary school, even though a white school was only seven blocks away.

Linda's father, Oliver Brown, tried to enroll her in the white elementary school, but the principal refused to admit her. Mr. Brown, along with other parents, went to the Topeka NAACP, filing a request for an injunction that would forbid the segregation of Topeka's public schools. In the initial trial, the court sided with the Board of Education saying that the precedent of Plessy v. Ferguson, passed in 1896, allowed separate but equal school systems.

Led by Thurgood Marshall, who later, of course, became the first African American to serve on the United States Supreme Court, the case was brought before the Nation's highest Court. At first, in 1952, the Supreme Court sent the case back to a lower court. The case came back to the High Court in 1953 and was heard along with others from South Carolina, Virginia, Delaware, and the District of Columbia.

Interestingly, in September of 1953, with the courts seemingly split, and the cases sent back down, the cases were in jeopardy; but what happened was that Chief Justice Fred Vinson died in his sleep. President Eisenhower, therefore, nominated a new Supreme Court Justice, the Republican Governor of California, Earl Warren. It was under Earl Warren's leadership that he brought the Court together; and he persuaded the Court, after the persuasive arguments of Brown v. the Board of Education, to have a unanimous decision. He wanted no dissent, and a unanimous decision was given by the Supreme Court under the leadership of Earl Warren. It surprised many Americans, but he lived up to that great title.

So separate but equal was thrown out, and Thurgood Marshall's argument that the 14th amendment equal protection clause precluded States from imposing distinctions based on race had prevailed.

So I conclude, I believe that Brown v. the Board of Education was one of the

most significant cases regarding segregation. The Brown case provided momentum for increased civil rights advocacy and legislation, opening equal opportunity to education to all in our society and then to other public accommodations.

However, we should remember that Brown was neither the beginning nor the end of the struggle for justice and equality. Today, equal education opportunities for all children are still a dream for many. In both the North and South, segregation has been thrown into reverse gear with 70 percent of the Nation's African American students in predominantly minority schools, and so I urge my colleagues to support H. Con. Res. 414, which commemorates the historic Brown v. the Board of Education decision and encourage Congress to continue to build on the legacy of Brown.

Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. 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 distinguished gentleman for the time.

Let me congratulate the gentleman from Michigan (Mr. CONYERS), the ranking member, and the chairman of the full Committee on the Judiciary for this joining together of a unanimous consent order to bring this historic civil rights resolution to the floor of the House. This is historic; and allow me to thank the gentleman from New Jersey (Mr. PAYNE) for not only his knowledge but also the work he has done on the Committee on Education and the Workforce in trying to implement the Brown decision; and my good friend and colleague the gentlewoman from California (Ms. LORETTA SANCHEZ) for working and informing us and adding to the history of the Brown decision as it relates to California and our many friends around the Nation.

I am proud to be an original cosponsor, and I stand to acknowledge that Brown did open the door. As was stated in Grotter v. Bollinger: ''We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to 'sustaining our political and cultural heritage' with a fundamental role in maintaining the fabric of society.''

Why the case was so important is because the Court in Brown said this Court has long recognized that education is the very foundation of good citizenship and, might I say, opportunity.

So, as the Grotter case concluded, we still recognize even with Brown that in this Nation race unfortunately still matters.

□ 1045

And so it is imperative that all of the Nation on May 17, 2004, lift up the song of Brown v. Board of Education to be able to announce, if you will, the vitality of that case and yet where we have to go.

It is important to note that after Brown, there is still work. Even with the Civil Rights Acts of 1964 and 1965, we must in fact follow through on getting rid of the alternative schools, poor test scores in the minority community, and poor physical conditions of those schools.

As Dr. Martin Luther King said, ''There are at least three basic reasons why segregation is evil. The first reason is that segregation inevitably makes for inequality. There was a time that we attempted to live with segregation. There was always a strict enforcement of the separate, without the slightest intention to abide by the equal.''

But even so, we must promote equality. I thank Dr. Martin Luther King and for all those who worked so hard, and I give thanks to the decision rendered in Brown v. Board of Education.

Mr. Speaker, let me begin to honor a great decision out of the highest Court in the land with an excerpt from its progeny, the 2003 decision of Grotter v. Bollinger:

> We have repeatedly acknowledged the overriding importance of preparing students for work and citizenship, describing education as pivotal to ''sustaining our political and cultural heritage'' with a fundamental role in maintaining the fabric of society. *Plyler* v. *Doe*, 457 U.S. 202, 221 (1982). This Court has long recognized that ''education . . . is the very foundation of good citizenship.'' *Brown* v. *Board of Education*, 347 U.S. 483, 493 (1954). For this reason, the diffusion of knowledge and opportunity through public institutions of higher education must be accessible to all individuals regardless of race or ethnicity. Effective participation by members of all racial and ethnic groups in the civic life of our Nation is essential if the dream of one Nation, indivisible, is to be realized. . . . diminishing the force of such stereotypes is both a crucial part of the Law School's mission, and one that it cannot accomplish with only token numbers of minority students. Just as growing up in a particular region or having particular professional experiences is likely to affect an individual's views, so too is one's own, unique experience of being a racial minority in a society, like our own, *in which race unfortunately still matters.* (emphasis added)

It is with great pride and hope that I rise in support of H. Con. Res. 414 to recognize the 50th anniversary of a historic piece of jurisprudence in the name of education, civil rights, human rights, democracy, and diversity. Yesterday, in a markup of the Full Committee on the Judiciary, we voted 27 yeas and 0 nays—unanimously to report this resolution out favorably and to move to conference, and I would expect to see the same kind of alliance at the full House scale, the Senate scale, the joint conferee scale, and on a worldwide scale to pay tribute to the spirit of a decision that changed the structure and focus of U.S. education and began the process of meeting the challenges and opportunities of equal opportunity and a quality education for all students.

I joined the distinguished Ranking Member from Michigan as an original co-sponsor of this important resolution celebrating the 50th anniversary of some of the most profound and meaningful jurisprudence in the history of the United States. On May 17, 1954, Brown v. Board of Education of Topeka Kansas reversed Plessy v. Ferguson, which established the "separate but equal" doctrine that stamped African Americans with a badge of inferiority as articulated by Judge John Marshall Harlan, the lone dissenter in that case.

With the Brown decision, the meaning of "equal protection of the laws" took on real meaning for African Americans and other minorities. It fueled the momentum of the Civil Rights Movement that spurred America's realization of change.

I take a special interest in supporting Brown and its progeny both in the courtroom and out on the battlefields of society. We should all recall the recent threat to affirmative action that was defeated in Grutter v. Bollinger. It is shameful that almost a century from the great decision, the principles of equality were again challenged by way of college admissions criteria. It is shameful that the Board of Regents at Texas A&M University chose to abandon the jurisprudence of Brown and Bollinger and refused to utilize affirmative action to repair its significantly disparate racial student body ratio—this fall, it was 82% white, 2% black, 9% Hispanic, and 3% Asian-American.

At Prairie View A&M University, a District Attorney challenges students' right to vote in a local primary election based on domicile. Ultimately, the student body, Waller County activists, elected officials, educators, spiritual leaders, and many other supporters were successful in bringing about a settlement offered by the challengers. Nevertheless, from that experience, we learned that this Nation is still a long way from where it should be in terms of providing equal opportunity and access to education, voting rights, and civil rights.

The sentiment and mentality that threaten to erode our progress are not always as clear as at Prairie View or in a blatantly anti-affirmative action admissions policy. Socioeconomic status plays a role in rendering meaningless the promise of Brown v. Board of Education. When children are poor, expectations are lower. Unfortunately, if your mother or father works in the sweatshops in East Harlem or picks broccoli in Northern California, you are likely receiving a sub-standard and slower-paced education. Teachers have a duty to show these children that their neighborhoods do not define who they are and what their futures hold.

On the third anniversary, Dr. Martin Luther King, Jr. made one of his first important addresses to discuss the implications of the Supreme Court's decision in Brown. He referred to that decision as "simple, eloquent and unequivocal" and a "joyous daybreak to end the long night of enforced segregation." At that address, Dr. King said the following profound words:

> There are at least three basic reasons by segregation is evil. The first reason is that segregation inevitably makes for inequality. There was a time that we attempted to live with segregation. . . . there was always a strict enforcement of the separate without the slightest intention to abide by the equal. . . .
>
> But even if it had been possible to provide the Negro with equal facilities in terms of external construction and quantitative distribution we would have still confronted inequality . . . in the sense that they would not have had the opportunity of communicating with all children. You see, equality

is not only a matter of mathematics and geometry, but it's a matter of psychology. . . . The doctrine of separate but equal can never be. . . .

But not only that, segregation is evil because it scars the soul of both the segregated and the segregator. . . . It gives the segregated a false sense of inferiority and it gives the segregator a false sense of superiority. . . . It does something to the soul. . . .

Then there is a third reason why segregation is evil. That is because it ends up depersonalizing the segregated. . . . The segregated becomes merely a thing to be used, not a person to be respected. He is merely a depersonalized cog in a vast economic machine. And this is why segregation is utterly evil and utterly un-Christian. It substitutes an ''I/It'' relationship for the ''I/Thou'' relationship.

We should be moving ahead instead of backward. Mr. Speaker, as Dr. King said of the great decision that we now honor, I challenge this nation to also be unequivocal about committing to equality. I support the Ranking Member's resolution and encourage the Members of this Committee to do the same.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I commend the gentleman from Michigan (Mr. CONYERS) and the chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing to the floor this important resolution recognizing and celebrating the 50th anniversary of Brown v. Board of Education, and I am pleased to be an original cosponsor of this resolution.

Mr. Speaker, it is important to note that this resolution calls upon Congress to do more than just noting the historical significance of the 50th anniversary of the Brown decision. It asks Congress to renew its commitment to continue building on the legacy of Brown with a pledge to acknowledge and address the modern-day disparities that perpetuate a separate but unequal society.

Yet while we celebrate the Brown I decision, we must candidly discuss the many challenges that remain in the quest to achieve equal opportunity for all Americans. Professor Charles Ogletree of the Harvard Law School has written a very powerful book on the legacy of the Brown decision, entitled ''All Deliberate Speeds: Reflections on the First Half-Century of Brown v. Board of Education.'' Professor Ogletree reminds us the second Brown case, decided on December 31, 1955, was every bit as important as the first Brown case, which was decided on May 17, 1954.

While the first case contains the powerful language that we all know, declaring that separate but equal educational facilities were inherently unequal and no longer had a place in American society, in the Brown II decision the Court called for school desegregation to proceed, and I quote, ''with all deliberate speed.'' Mr. Speaker, deliberate means slow, and, unfortunately, while we surely are making progress, the last 50 years of history demonstrates that our progress toward a color-blind, racially equal society has been slow indeed.

Mr. Speaker, let me briefly quote Professor Ogletree's powerful words. He said, and I quote, ''Brown v. Board of Education was important because it ended legal segregation. However, the Court's decision, though unanimous, contained a critical compromise which undermined the broad purposes of the campaign to end racial segregation immediately and comprehensively.''

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I thank the gentleman from Wisconsin for introducing this resolution, and, in particular, I want to thank my friend, the gentleman from Michigan (Mr. CONYERS) for including in this important bill a reference to Mendez v. Westminster.

I rise today in support of this resolution recognizing the importance of Brown v. Board of Education. But Brown v. Board of Education was actually built on a few important cases, one of which is the Mendez v. Westminster, which happened, if you can believe this, in Orange County, California.

In 1945, Felicitas Mendez took her child, Silvia, and her niece and her nephew down the block to the local school to enroll them. The niece and the nephew were lighter skinned; they could go to that school. She was told that her own daughter, who was darker skinned, would have to go across town to the Mexican school. Felicitas Mendez was a Puerto Rican.

The Mexican school took the Asians and the blacks and all the other dark-skinned people, like Mexicans and Puerto Ricans. Well, Gonzalo and Felicitas Mendez decided to fight that, and they filed a lawsuit, along with four other families, against Westminster, Anaheim, Santa Ana, and El Modena districts, seeking an injunction against all schools in Orange County.

On February 18, 1946, Mendez v. Westminster was decided in favor of the Mendez family, and on April 14, 1947, the Ninth Circuit Court of Appeals ruled in favor of the Mendez family's case. It was the first case in Federal Court of the doctrine of separate but equal, naming it unconstitutional. California Governor Earl Warren signed desegregation of California, 8 years ahead of the rest of the Nation.

Of course, 8 years later Thurgood Marshall would use that case as he argued Brown v. Board of Education, and Warren sat on that Supreme Court. The bravery and the dedication of Gonzalo and Felicitas Mendez opened the doors for better education to all children in the United States, and I thank this Congress for acknowledging how important Brown v. Board of Education is.

Mr. PAYNE. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore (Mr. OSE). The gentleman from New Jersey has 2 minutes remaining.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

The SPEAKER pro tempore. The gentleman from New Jersey yields 2 minutes and the gentleman from Wisconsin yields 1 minute.

The gentlewoman from the District of Columbia is recognized for 3 minutes.

Ms. NORTON. Mr. Speaker, I thank the chairman of the full committee for his generosity, and I thank him for his leadership, and I thank the ranking member, the gentleman from Michigan (Mr. CONYERS) as well for his leadership on this important issue. I also thank the gentleman from New Jersey (Mr. PAYNE) for his leadership on education issues in our Congress.

I think it is fair to say that the Brown decision is the most important court decision in American history. The decision saved our country from catastrophic racial division that could have come to race war rather than to a nonviolent revolution led by Dr. Martin Luther King that began with the peaceful overthrow of legal discrimination with Brown v. Board of Education.

Most shamefully, our country tolerated segregated schools here in the Nation's Capital as well. I attended those segregated schools. We pay tribute and I offer my personal thanks to the plaintiffs in Bolden v. Sharp, the decision which was one of the cases that went to the Supreme Court grouped together under Brown v. Board of Education.

But, Mr. Speaker, Brown is much larger than school desegregation, as large a mission as that decision took on. After Brown, public funding of segregated policies or programs became constitutionally untenable. Brown did more than we had the right to expect from any one court decision, but Brown could not prevent resegregation through white flight, or discriminatory housing. Brown could not fund our Nation's schools. And Brown cannot raise test scores of children.

On this 50th anniversary, let us remember that Brown did its job, and it left the Congress and the American people with work still to do.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if one looks back at the history of the consideration of civil rights bills in the Congress, the Civil Rights Act of 1957, the Civil Rights Act of 1960, the Civil Rights Act of 1964, the Voting Rights Act 1 year later, and the Fair Housing Act of 1968, these were all passed due to bipartisan support on the floor of the House and the Senate and bipartisan cooperation with whichever administration was in office at the time, the Eisenhower administration, the Kennedy administration, or the Johnson administration.

This resolution is in the spirit of bipartisanship because there is no difference between Republicans and

Democrats, historically, as well as today, in their commitment to equal rights for all Americans.

The Constitution is color-blind. We should not discriminate based upon race, creed, color, national origin, gender or disability, and those are the types of protections that this Congress, through bipartisan effort, was able to enact into law, but more importantly to get the American public, even those who held out almost to the bitter end, to support today.

And that is why America is so much different than countries in the rest of the world, because we faced up to our discriminatory history, and we were able to overcome that first legally, but the hearts of America followed the law in this case.

Yes, there is more work to do. Nobody argues that point. But the framework that provided the tremendous progress that has been made in the last 50 years since the landmark decision of Brown v. Board of Education has been because people of differing political ideologies and people of differing political party affiliations have gotten together.

We can make that progress in the next 50 years, like we did in the last, if that type of bipartisan cooperation continues. This is a bipartisan resolution, and I am happy, on behalf of the majority party on the Committee on the Judiciary, to bring this resolution to the floor, a resolution that has been offered by our ranking minority party member. It is a good resolution, and it ought to be approved unanimously.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to celebrate the upcoming 50th anniversary of Brown v. Board of Education. It was 50 years ago that the Supreme Court unanimously decreed segregated public schools unconstitutional. The effects of that decision live on in myriad ways, and yet, in much of America, equality and integration remain ideals rather than realities.

In 1954 the U.S. Supreme Court stated that separate is inherently unequal. The Court concluded, "that in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." The Court found that the evils of racial segregation affected students' motivation and retarded educational and mental development.

Education is a right, not a privilege. The Court wrote: ". . . it is doubtful that any child may reasonably be expected to succeed in life if he (or she) is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms."

In the 11th Congressional District of Ohio, Barbara Byrd-Bennett, CEO of the Cleveland Municipal School District continues this legacy Brown v. Board of Education, championing the rights of our young people and working to ensure that they are afforded the best education possible. Six years ago, in 1998, the Cleveland Municipal School District ranked last among Ohio school systems, and was placed in academic emergency status. Under the direction of Ms. Byrd-Bennett the Cleveland Municipal School District now stands as one of Ohio's "most improved school districts."

Under Ms. Byrd-Bennett's leadership academic successes are clear:

Reading scores have increased by more than 30 percent;

Children have breakfast and lunch at school at no cost, and over 93 percent are immunized;

Graduation rates have increased by 10 percent and 74 percent of last year's graduates went on to college;

Suspensions are down nearly 45 percent, expulsions are down 9 percent and assaults on students are down 13 percent;

Fourth and 6th grade reading results were up 19 percent and 28 percent, respectively, in 1 academic year; and

Only 22 percent of 4th grade students passed the State reading test in 1998 compared to 59 percent passed, in 2003, an increase of 37 percent from 5 years ago. Reading performance at the 6th grade has improved by 32 percent.

I believe that education is the key to success. I am working on behalf of all the constituents of the 11th Congressional District in Ohio to make sure that public education remains the number one issue in America. I want for those who have a desire to go to college to be prepared and equipped with the tools necessary for success.

While highlighting successes and recognizing achievements, we must also focus on current realities to further aid us in shaping national education priorities. According to the National Education Association:

Poor and minority children risk doing poorly in school. Contributing factors include: rigorous curriculum, teacher preparation/experience/attendance, class size, technology-assisted instruction, school safety, parent participation, student mobility, birth weight, lead poisoning, and nutrition;

In 1994, 31 percent of black, 24 percent of Hispanic, and 35 percent of American Indian high school graduates took remedial courses, compared to 15 percent of whites and Asians;

Few minorities have access to or are enrolled in Advanced Placement courses,

Student achievement gap still wide; and

Only 5 percent of African American 4th grade students and 4 percent of 8th grade students met national proficiency standards in 1996.

In addition, under the Bush budget $9.4 billion less for education than was promised in the No Child Left Behind Act; this means that 2.4 million children will not get the help with reading and math they were promised. Under the Bush budget 56,000 teachers won't get trained and 1.3 million children won't get the after school programs they were promised.

According to the National Education Association, the budget eliminates funds for 38 programs, including dropout prevention and gifted and talented education, and once again fails to increase Pell Grants for our Nation's poorest college students. Yet, incredibly, the President wants $50 million for a national experiment with school vouchers, which take away much needed resources from public schools, and trillions more in tax cuts continue to flow to the wealthy.

According to Barbara Bowman, professor of early childhood education at the Erikson Institute, "We're still quite a long way from a concerted national effort. What Brown did was make for a concerted national effort, but it required people to change. We haven't gotten that kind of centering of interest right now."

America's public schools are dealing with a level of linguistic and cultural diversity unknown 50 years ago, when the Supreme Court outlawed school segregation in its Brown v. Board of Education decision of May 17, 1954.

Today, public schools struggling to fulfill the spirit of the Brown decision, equal access to educational opportunity for all now we have a task made more complex and difficult by an ever-growing number of students who aren't even native English speakers.

In this information-based economy, the stakes are increasingly high for those who don't get the education they need—potentially hundreds of thousands of dollars in earning power over the course of a lifetime, middle class vs. minimum wage.

According to the National Center for Education Statistics, more than 3.7 million public school students were offered English language learner services in the 2001–2002 academic year.

Segregated housing patterns make racially mixed schools a rarity. New York City schools, for example, have grown more segregated over the last decades. And with de facto segregation comes separate and unequal education.

Cheryl Brown Henderson, one of the children who helped desegregate public schools, brought her message to Cleveland earlier this month. Brown says over the years she's watched schools become more integrated but feels we're not there yet. "The country is far more inclusive than it has ever been and obviously we have some unfinished business to do because not all of our schools are functioning as they should be; not all our communities are as open and inviting as they should be."

We have come a long way; however, we still have a long way to go.

Today I rise to celebrate the anniversary of Brown v. Board of Education. I am proud to be an American. I saluted African Americans like Barbara Byrd-Bennett who believed in the fight for justice, believed in their dreams for equality and continue to pave the way for a better tomorrow.

Mr. CUMMINGS. Mr. Speaker, I rise in support of H. Con. Res. 414, a resolution celebrating the 50th anniversary of the Brown. v. Board of Education Supreme Court decision, brought to the floor by my very good friend; a pioneer for civil rights in this House and the ranking member of the House Judiciary Committee, Representative JOHN CONYERS. Mr. CONYERS, I thank you for your continued leadership on issues that affect the center of people's lives.

May 17, 2004 marks the 50th anniversary of the U.S. Supreme Court decision that unanimously held that racial segregation of public schools violated the 14th amendment. The legacy of the Brown decision lives on throughout the Nation, and I, as well as million of Americans throughout the country, are the direct beneficiaries of this monumental court decision.

In the early 1950's, racial segregation in public schools was the norm across America. But in 1954, the United States Supreme Court affirmed that separate facilities are indeed inherently unequal. The court determined that the segregation in public schools based solely upon race deprives minority children of equal

opportunity. As such, the Court concluded that in the field of public education, the doctrine of "separate but equal" has no place.

Mr. Speaker, as we celebrate the 50th anniversary of this historic groundbreaking case it is incumbent upon us to reflect and assess where we stand today. As students of history know, we study the past in order to learn about the present and build a better future.

However, for many Americans Brown's promises to seem unfulfilled. America's schools remain imperiled by segregation. Poor children living in disadvantaged urban communities of color overwhelmingly attend re-segregated schools, as more affluent white families have departed for the suburbs. Methods of school funding virtually assure that wealthy district will offer superior educational opportunities. In addition, the one compelling pledge that this administration has made to raise standards in our schools, the No Child Left Behind Act, remains under funded to the tune of $9 billion.

Mr. Speaker, we must not allow this nation to return to a time before Brown. The lesson of Brown is that segregation clearly does not work. I encourage my colleagues to use this opportunity to renew their commitment to eradicating all vestiges of segregation by voicing their support for H. Con. Res. 414.

Furthermore, I call upon my colleagues and the administration to fully fund the No Child Left Behind Act. Unless we ensure that every child in this nation receives an equitable and quality education, this Nation's children will be suffocated once again by the legacy that segregation has left behind in our schools.

Mr. PAUL. Mr. Speaker, I rise to explain my objection to H. Con. Res. 414, the resolution commending the anniversary of the decision in Brown v. Board of Education and related cases. While I certainly agree with the expression of abhorrence at the very idea of forced segregation I cannot, without reservation, simply support the content in the resolution.

The "whereas clauses" of this resolution venture far beyond the basis of Brown and praise various federal legislative acts such as the Fair Housing Act of 1968, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. This final Act was particularly pernicious because it was not applied across the board, but targeted only at certain areas of the country. As such, it violates the spirit of the very equal protection it claims to promote. Moreover, we certainly should ask what constitutional authority lies behind the passage of such legislation.

The history of racism, segregation and inferior facilities that led to Brown cannot be ignored, and should not pass from our condemnation. Still, thinking people must consider the old adage that "two wrongs do not make a right." Simply, the affects of Brown have been, at best, mixed. As this anniversary has approached there have been a large number of events and articles in the media to celebrate the decision and analyze its impact. Most people, regardless of their opinion of the decision, seem to be aware that it has not achieved its goals.

In many places in our country the public school system continues to fail many American children, particularly those in the inner city. Research shows that our schools are more segregated than at any point from the 1960s. Some of this is undoubtedly due to the affects of the Brown decision. Do we really mean to celebrate the failures of forced busing? Forced integration largely led to white flight from the cities, thus making society even more segregated. Where children used to go to different schools but meet each other at the little league field, after Brown these people would now live in different cities or different counties. Thus, forced integration led only to even more segregation. A recent Washington Post article about McKinley High School makes this very point. Worse still, prior to this re-segregation racial violence was often prevalent.

We need also to think about whether sacrificing quality education on the altar of equality is not a terrible mistake, especially as it applies to the opportunities available to those who are historically and economically disadvantaged. For example, research has shown that separating children on the basis of gender enhances academic performance. Attempts to have such schools have been struck down by the courts on the basis of Brown. Just last night Fox News reported the academic successes at schools separating children based on gender, as approved by this body is the so-called "No Child Left Behind Act." Yet the National Organization of Women continues to oppose this policy on the basis of Brown's "separate is inherently not equal" edict, despite the statistically evident positive impact this policy has had on the achievement of female students in mathematics and science classes.

Mr. Speaker, in short forced integration and enforced equality are inimical to liberty; while they may be less abhorrent than forced segregation they are nonetheless as likely to lead to resentment and are demonstrably as unworkable and hence ineffective.

While I completely celebrate the end of forced segregation that Brown helped to bring about, I cannot unreservedly support this resolution as currently worded.

Mr. BOEHNER. Mr. Speaker, I rise today to commemorate the 50th anniversary of the U.S. Supreme Court's Brown v. Board of Education decision and to draw a parallel from this historic ruling to the landmark No Child Left Behind education reform law.

The words penned by Chief Justice Earl Warren on May 17, 1954 still ring true today and provide a clear roadmap for improving America's public education system in the future. Fifty years ago, Mr. Warren wrote:

> In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

By striking down the doctrine of "separate but equal" as unconstitutional, the Brown decision flung open wide the doors of public education for all children, regardless of their color or back ground. It ensured every child a seat in an integrated classroom. It guaranteed access to an equal education for everyone. No longer could students be refused an opportunity to receive a quality education simply because the color of their skin.

Two years ago, Congress—in a bipartisan vote—enacted that No Child Left Behind Act as the logical step to improving education for all students. We promised to increase federal education funding while demanding high standards and accountability for all students. As a result of the law, parents are receiving more information than ever before about the quality of their local schools and are realizing new opportunities to improve their children's education.

What was once an unattainable dream for so many parents stuck on the wrong side of the tracks has now become a reality. Parents with children trapped in underperforming schools may now transfer them to better performing schools.

A report released yesterday by the Citizens' Commission on Civil Rights found that the No Child Left Behind Act is already creating new educational opportunities for minority students. According to the Commission's report, at least 70,000 students in 47 states are benefiting for the law's school choice provision.

The Commission understands—just as Congress did—the importance of providing parents new options to improve their children's education. They also understand how added school choice options will help the whole education system get better, not worse.

The Commission's findings are fortified by a recent Chicago Sun-Times analysis showing that of the students who were allowed to transfer to a better performing school under NCLB made greater strides on state-designed reading and math tests than students in their former school. The paper also determined that other students' scores did not drop as a result of the incoming students, as many education reform opponents predicted would happen.

However, these are not the only signs of No Child Left Behind's early success. Students are showing considerable improvement in the nation's largest urban schools. A recent report by the Council of Great City Schools attributed much of this improvement to the No Child Left Behind Act.

Earlier this week, Florida and Michigan reported decreases in the achievement gap between African-American students and their Caucasian peers.

There is still much work to do before America fully realizes the dream of the Brown v. Board of Education decision, but we are on the right track. By holding the line against education reform opponents and allowing states and school districts to implement the full scope of No Child Left Behind's reforms, we will ensure a higher level of student academic performance than we have ever achieved.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today as we celebrate the 50th Anniversary of Brown v. Topeka Board of Education. African Americans and other minorities have been affected tremendously by this landmark decision and have benefited from it over several decades. We would like to think that our country now benefits from the inclusion of having a more enriched and diverse classroom, workplace, and community. We now have more black doctors, lawyers, Members of Congress, CEOs, scientists, astronauts, teachers and the list continues.

There is no doubt Brown represents the power and potential of masses united in struggle for justice and equality. The larger question before us today is, has Brown achieved its goal of equality in education and educational opportunity for African Americans? The sad answer, after so many decades of struggle, remains: No.

When compared to their White counterparts, African American children were three times as likely to be labeled mentally retarded or emotionally disturbed. The number of African

Americans attending graduate, medical or dental school slowly has been declining. There are more black males in our prison than in our institutions of higher education.

Although there are 39 African American Members of Congress in the House of Representatives, there is not one black man or woman serving in the U.S. Senate. Out of our 50 states that make up our great Nation—not one has a black man or woman at the top as Governor.

Mr. Speaker, data from the 2000 census makes it clear that the ridged lines of ethnic and racial segregation persist across the entire country. This year is not only a celebration of the step forward in freeing the minds of African-American children but a reflection that in 50 years we have failed as a Nation to provide equal education and opportunities to minority children in our country. After 50 years of ''separate but equal'' being ruled unconstitutional, it is evident it still exists in our schools and communities today.

Mr. RUSH. Mr. Speaker, today I rise to commemorate the 50th year anniversary of the Supreme Court decision in Brown v. Board of Education of Topeka. The Nation's highest court spoke almost half a century ago, but it seems that we have not received the message.

Mr. Speaker, I believe segregation has taken on a new face. It is now a matter of access to quality education; it is now a matter of accountability to our children for the unfulfilled promises made 50 years ago; and it is now a matter of addressing disparities in school funding formulas.

In my own State of Illinois, a black child is about 50 times more likely than a white child to attend one of Illinois' worst-of-the-worst ''academic watch'' schools. That number for white children is less than one percent.

I stand in strong support of this important resolution, because I believe a stronger America is an educated America. And I believe the only way to continue the legacy of Brown is to engage in an honest discussion about the current state of public schools in America. Then and only then we will be able to address the change promised by the legacy of Brown. Mr. Speaker, segregation was and still is present in our schools today.

Mr. CASTLE. Mr. Speaker, as an original cosponsor of H. Con. Res. 414, it gives me great pleasure to support this important resolution today.

On Monday we celebrate the 50th anniversary of Brown v. Board of Education, which found that, ''in the field of education, the doctrine of 'separate but equal' has no place,'' thus guaranteeing every American student a seat in the classroom. Truly a landmark decision, Brown did not end in the classroom. It helped pave the way for the enactment of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Enactment of the No Child Left Behind Act, built upon the educational progress made in Brown by ensuring every student will not only have access, but will also receive a quality education. While progress has been made since the Brown decision, a huge gap still remains when it comes to ensuring all children actually learn. Significant academic achievement gaps between disadvantaged students and their more affluent peers still exist in key subjects such as reading and math. In effect, we have allowed a two-tiered educational system—one with low expectations for poor or minority students and high expectations for others.

Nationally, the achievement gap between African-American and Caucasian fourth-graders in reading is 28 percentage points. The achievement gap between Hispanic and Caucasian fourth-graders is 29 percentage points. We have allowed ourselves to believe that some children are simply beyond our reach, and, as a result, this Nation has suffered.

Not unlike Brown, No Child Left Behind is rooted in the belief that all students—regardless of race, background, income, geography, or disability—can learn, and must be given the chance to do so.

No Child Left Behind has its skeptics, and change is never easy. Despite complaints, all parties involved are answering to the requirements of No Child Left Behind. States, school districts, teachers, parents and without doubt the students are meeting the rigors of the law. This response shows that we all are dedicated and believe in the goals of the law.

We are already seeing positive results. According to a 2004 study by the Council of Great City Schools, the achievement gap is narrowing in both reading and math between African-American and Caucasian and Hispanic and Caucasian students in our Nation's inner-city schools—and they attribute the positive change in part to No Child Left Behind.

I am honored to be a cosponsor of this resolution, encourage us all to celebrate the anniversary of Brown, and reflect on how far we have come in ensuring educational access. We must also recognize that the job is not done; we must see to it that all children are learning. No Child Left Behind is a step in this direction and we must stay the course.

Mr. GEORGE MILLER of California. Mr. Speaker, I am pleased today to support this resolution encouraging all Americans to observe the anniversary of Brown v. Board of Education with a commitment to continuing and building on its legacy.

Brown v. Board of Education is one of the most important decisions our Supreme Court has ever made. It's important to celebrate the progress that has been made over the past 50 years in eliminating discrimination and inferior education for low-income and minority children—but it's also important to take a good, hard look at how far we still have to go.

Sadly, we are still light years away from providing the equal education envisioned by Thurgood Marshall and Earl Warren. Today, as in 1954, the quality of a child's education is still all too often linked to the color of his or her skin.

Just as the United States has the best health care in the world for those who can afford it, we have one of the best public education systems in the world if you happen to grow up in a predominantly white or wealthy community. But what if you don't?

If you are one of the millions of children who attend predominantly minority schools, our society continues to fail you. And that shortchanges not only the children, but the future of this nation.

It is shameful that poor and minority children are often assigned to less-challenging classes and less qualified teachers. The best teachers are often across town, a virtual world away from the students who need them desperately.

Black students are assigned disproportionately to special education, and low-income students are less than half as likely to be assigned to ''college prep'' courses. Overcrowded classrooms and dilapidated school buildings also send a powerful message to poor and minority students about what is expected of them.

Just yesterday, a judge with a sense of history in Kansas reminded us of the importance of school equity by ordering schools closed for not adequately serving the needs of poor, minority, disabled and non-English speaking children.

This lack of access to an equal education affects academic achievement. Seventy-four percent of white 4th graders read well, nearly twice the rate of the black classmates; and their Latino and Native American classmates are only slightly better. It is a national shame that half a century after this Nation committed itself to equality in education, fewer than half of minority children can read proficiently.

And that failure plays out in high school graduations. When millions of students get their diplomas a few weeks from now, only about half the minority children who began high school will graduate. That is an unacceptable rate of failure that in most cases, dooms those young people to a life of second class opportunities. That was not the lesson of Brown v. Board of Education.

It was to end that two-class education system once and for all that we passed No Child Left Behind three years ago, to end the racial and economic disparities that divide our schools and divide our country.

The No Child Left Behind law—if fully funded—would put a qualified teacher in every classroom. If all students were assigned highly qualified teachers for 5 years, evidence shows that test-score gaps separating poor and middle-class students would disappear. Not just narrow, but disappear.

But the President has turned his back on this law and underfunded it by nearly $27 billion. And our children are paying the price for yet another dream deferred.

The foundation of the civil rights struggle of 2004—as in 1954—is in the classroom. Civil rights pioneer Dr. Dorothy Height said it well: ''The surest path to success is through education.''

Like Dr. Height, we must keep fighting and keep fighting so that 50 years from now—when our grandchildren celebrate the 100th anniversary of Brown—they will be able to point with pride to an education system that lives up to the ideals of Brown v. Board of Education once and for all.

Mr. VITTER. Mr. Speaker, I rise today to celebrate the 50th anniversary of the Brown v. Board of Education Supreme Court decision. On May 17, 1954, Supreme Court Chief Justice Earl Warren announced the Court's unanimous decision that ended the legal racial segregation in our Nation's public schools.

Without the courage and determination of the families that made up the 5 cases under Brown and the team of attorneys from the National Association for the Advancement of Colored People (NAACP), our Nation's public schools would have continued to operate under the ''separate but equal'' doctrine.

All parents want to ensure their children are safe, happy and healthy. They also want to give them the opportunities that were not afforded to them. Access to safe public schools that have the necessary resources for their children to succeed later on in life is important

to every parent, regardless of race, color or creed. As a proud father of 4 children, I recognize the link between education, good paying jobs, and securing our children's future in the 21st century.

I have long been an advocate for education in my State. I know the importance of providing our public schools with the necessary technology improvements that will help children compete in the 21st century. I continue to believe that if children are given the necessary tools to succeed, they will succeed beyond their wildest dreams.

I congratulate the children, parents, and the NAACP attorneys who pursued this case for their role in ensuring all children have the right to receive a quality education. Thank you for pursuing and believing in your fundamental rights under the Constitution, which guarantees every citizen the right to the pursuit of happiness, liberty, and equal opportunity.

Mr. TOWNS. Mr. Speaker, I rise today to acknowledge the 50th Anniversary of the Supreme Court's courageous decision in Brown vs. the Board of Education.

I want to take this opportunity to pay tribute to the team of lawyers from the NAACP Legal Defense Fund, led by Thurgood Marshall who had the courage to pursue this case. I want to thank the legal scholars and strategists at Howard University School of Law, led by Charles Hamilton Houston, who had the intellect to map out this winning strategy. I want to thank the sociologists and psychologists, led by Kenneth and Mamie Clark who undertook the challenge of gathering evidence of the harm done to African American children when society branded them with a mark of inferiority. And I want to thank the parents and students who risked homes, livelihoods, and underwent physical threats and harassment to be a part of this lawsuit. Fifty years after Brown, this country owes a debt of gratitude to each of these people who played a part in bringing about the end of legal segregation based on race. In the face of violence, intimidation and governmental resistance, they pressed forward to move this country closer to the realization of its stated creed—freedom, equality and justice for all.

Yet 50 years later, we know that the work they started is not finished. We must remember that their goal was not only to end legal segregation of the public schools, but to assure that a quality public education is available for all children. We are still involved in that struggle. On this anniversary of Brown, many will point to the fact that many schools are still segregated and are rapidly re-segregating. I join them in these concerns.

As people talk about the Brown decision, many will talk about the meaning of the decision and others will talk about the promise the decision represented. The theoretical underpinning of Brown was that public schools must be supported adequately. The lawyers in Brown wanted to dismantle segregation for many worthwhile reasons. But they also wanted to emphasize that as practiced, separate was inherently unequal. While we have legally abolished the separateness required before Brown, we have not yet addressed the problem of equality of funding.

We are still operating state-based educational systems in which schools attended by racial minorities receive less money that those located in primarily white areas. This inequality in funding must be abolished to complete the mission of Brown. We must focus on the perpetual under-funding of inner-city schools. We must recognized that the achievement gap is inextricably linked to the economic gap. Low-performing schools are almost always situated in communities that are pockets of poverty. We must realize the importance of teacher and administration accountability but not forget that Congressional accountability requires that we make school funding a priority. Congress must assure that there is adequate money for school construction to reduce class size and purchase educational materials. We must ensure that teachers are paid for the professional and important job that they do. And finally, we must provide funding which allows local communities to build a supportive infrastructure that values the role of education in the community.

To me, the message of the Brown decision was simple—education is a vehicle of upward mobility. If we have heard Brown's message, we must fulfill its promise—that every child can succeed, if given the opportunity of a quality public education. We still have not fulfilled the promise. Therefore, Mr. Speaker, I suggest that we in this House dedicate ourselves to hear the message of Brown and fulfill its promise by working to provide the opportunity for a quality public education for all of America's children.

Mr. SCOTT of Virginia. Mr. Speaker, as the Representative for Virginia's Third Congressional District, and the state's first and only Black Congressional Representative since Reconstruction, I take personal pride in celebrating the 50th Anniversary of the landmark decision in Brown v. Board of Education. Virginia played a prominent role in the case. The Davis v. Prince Edward County Public Schools case, one of the cases decided with Brown, was a Virginia case. Also, two of the nation's premier constitutional lawyers in the Brown case came from Virginia. Attorney Oliver Hill, who continues to fight for equal justice for all, and the late Judge Spottswood Robinson, argued the case on behalf of the student plaintiffs in the Davis case.

In the Brown decision, the United States Supreme Court unanimously struck down the legal and moral footing of racially segregated public education in this country. The decision overturned Plessy v. Ferguson, an 1896 case which held that a state could maintain "separate but equal" public accommodations based on race. When Homer Adolph Plessy, who was one-eighth Black, entered a railroad car reserved by law for whites, he was arrested. He challenged the constitutionality of the law, but the Supreme Court, by a vote of seven to one, found it valid. Although Plessy concerned public accommodations, the policy rationale was applicable to public education, as well. Indeed, the court opined on that point as follows:

> [W]e cannot say that a law which authorizes or even requires the separation of the two races in public conveyances is unreasonable, or more obnoxious to the fourteenth amendment than the acts of congress (sic) requiring separate schools for colored children in the District of Columbia, the constitutionality of which does not seem to have been questioned . . .

Justice John Marshall Harlan was the lone dissenter in the 7 to 1 decision. He wrote an opinion containing the following:

> The destinies of the two races in this country are indissolubly linked together, and the interests of both require that the common government of all shall not permit the seeds of race hate to be planted under the sanction of law. What can more certainly arouse race hate, what more certainly create and perpetuate a feeling of distrust between these races, than state enactments which in fact proceed on the ground that colored citizens are so inferior and degraded that they cannot be allowed to sit in public coaches occupied by white citizens? That, as all will admit, is the real meaning of such legislation as was enacted in Louisiana . . . The thin disguise of "equal" accommodations for passengers in railroad coaches will not mislead anyone, or atone for the wrong this day done.

In overturning Plessy, the Brown Court not only confirmed Justice Harlan's "thin disguise" dissenting opinion in Plessy, but also held that even if the tangible features of a segregated public education system were equal, a constitutional violation would still exist. The reasoning of the Court then is still valid today:

> Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principle instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.
>
> We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

The Court then discussed the impact segregation has on minority children:

> To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their heart and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs: "Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the negro (sic) group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of negro (sic) children and to deprive them of some of the benefits they would receive in a [racially] integrated school system."

Unfortunately, Virginia led the resistance to the Brown decision. Ironically Virginia used language in the Brown decision as legal grounds for its resistance actions:

> Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

Virginia reasoned that it could avoid integrating its schools by not having any schools at all. As a result, Prince Edward County closed its schools for several years, Norfolk, Front Royal and Charlottesville also closed some of their schools.

We overcame "massive resistance" and, today, Prince Edward County has one of the most integrated public school systems anywhere. Yet, five decades after Brown, a recent study by the Harvard Civil Rights Project revealed that many students in this country still attend schools and classes that are virtually segregated. So, while we have desegregated public schools, we have not achieved the integration that Dr. Martin Luther King, Jr., envisioned when he dreamed of the day "little black boys and girls will be able to join hands with little white boys and white girls and walk together as sisters and brothers". In fact, the Harvard study data indicates that 70 percent of African American children attend schools that are predominately African American, about the same level as in 1968 when Dr. King died.

So, the struggle for equal educational opportunity continues. The promise of equal educational opportunity envisioned by the Brown decision remains unfulfilled. For example, equal educational opportunity does not occur when one jurisdiction spends substantially more per student than an adjacent jurisdiction because of the relative differences in wealth between the two. Unequal funding resources also results in unequal educational opportunity when you consider studies that show that one half of low income students who are qualified to attend college do not attend because they can't afford to. Another example of the educational inequality is the current debate over publicly financed school vouchers which will provide educational opportunities to a privileged handful, but deprive public schools of desperately needed resources. Also in this vein is the inappropriate use of "high stakes" tests, many of which are culturally biased and, therefore, diminish opportunities for some students based on their ethnicity.

A final important equal opportunity issue in education is the current attack on civil rights in the Head Start program. A slim majority of the members of the U.S. House of Representatives recently voted to weaken the 40-year ban on discrimination in hiring in the Head Start program.

Obviously, we have work to do to complete the promise of the Brown decision and Dr. King's dream for our nation. The upcoming celebration of the 50th anniversary of the decision offers us an opportunity to rededicate ourselves to achieving these lofty ideals.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the order of the House of Wednesday, May 12, 2004, the concurrent resolution is considered as having been read for amendment and the previous question is ordered.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion are postponed.

PERMANENT EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET

Mr. RYAN of Wisconsin. Mr. Speaker, pursuant to House Resolution 637, I call up the bill (H.R. 4275) to amend the Internal Revenue Code of 1986 to permanently extend the 10-percent individual income tax rate bracket, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 637, the bill is considered as having been read for amendment.

The text of H.R. 4275 is as follows:

H.R. 4275

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

SECTION 1. EXTENSION OF 10-PERCENT INDIVIDUAL INCOME TAX RATE BRACKET.

(a) IN GENERAL.—Clause (i) of section 1(i)(1)(B) of the Internal Revenue Code of 1986 (relating to the initial bracket amount) is amended to read as follows:

''(i) $14,000 in the case of subsection (a),''.

(b) INFLATION ADJUSTMENT BEGINNING IN 2004.—Section 1(i)(1)(C) of such Code (relating to inflation adjustment) is amended to read as follows:

''(C) INFLATION ADJUSTMENT.—In prescribing the tables under subsection (f) which apply with respect to taxable years beginning in calendar years after 2003—

''(i) the cost-of-living adjustment used in making adjustments to the initial bracket amount shall be determined under subsection (f)(3) by substituting '2002' for '1992' in subparagraph (B) thereof, and

''(ii) such adjustment shall not apply to the amount referred to in subparagraph (B)(iii).

If any amount after adjustment under the preceding sentence is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2003.

SEC. 2. REPEAL OF SUNSET.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to—

(1) paragraph (1) of section 1(i) of the Internal Revenue Code of 1986, and

(2) the amendments made by paragraphs (1) and (7) of section 101(c) of such Act.

The SPEAKER pro tempore. After 1 hour of debate on the bill, it shall be in order to consider the amendment printed in House Report 108–483, if offered by the gentleman from New York (Mr. RANGEL), or his designee, which shall be considered read and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from Wisconsin (Mr. RYAN) and the gentleman from New York (Mr. RANGEL) each will control 30 minutes of debate on the bill.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House can make the 10-percent bracket permanent for working Americans by passing this legislation, H.R. 4275. The 10-percent bracket was created in the Economic Growth and Tax Relief Reconciliation Act of 2001. It has provided substantial tax relief for low-income workers by taxing the first $14,000 of married couples and $7,000 for singles at a 10-percent rate instead of a 15-percent rate. This tax relief was accelerated last year in last year's Jobs and Growth Tax Relief Reconciliation Act. H.R. 4275 would make this tax relief permanent.

If Congress fails to act to pass this legislation, Americans will see their taxes increase starting next year. Without action, the size of the 10-percent bracket will automatically shrink next year, so that more income will be taxed at a higher rate. In fact, the 10-percent bracket will vanish altogether after the year 2010 unless we act today to make it permanent.

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If H.R. 4275 is not enacted, 73 million tax filers will see a tax increase starting next year. The effect will be particularly acute after 2010 when 123 million tax filers will see an average annual tax increase of $500.

It is worth noting that more than 20 million of these returns are low-income taxpayers and families who have all of their income taxed at this lower 10 percent rate. The public deserves a solid, dependable Tax Code that provides incentives and lets working people keep their money for their own needs. The 10 percent bracket provides such an incentive, one we can and should make permanent by passing this legislation.

Mr. Speaker, it is important that people know what taxes they are going to face in the future. By having all of these uncertainties in the Tax Code, not knowing whether you are going to be in the 10 percent bracket next year, the 15 tax percent bracket next year, it makes it difficult to budget for the future.

We are talking about the taxpayers who can least afford to have a big tax increase going from 10 percent to 15 percent on their incomes next year, let alone not having the knowledge of knowing whether or not this is going to happen. It is very important, Mr. Speaker, that families know what lies ahead, that businesses know what lies ahead, and let us all remember that two-thirds of businesses in America file their taxes as if they were individuals, not as corporations, but as pass-through entities where they file on the individual rate. Making sure that small businesses, which produce 70 percent of the jobs we have in this country and low-income taxpayers know what lies ahead in the Tax Code is very important to make sure that we sustain the economic recovery we are now engaged in.

Mr. Speaker, largely because of the tax cuts that this bill enacted, largely