

COMMEMORATING THE 50TH ANNIVERSARY OF BROWN V. THE BOARD OF EDUCATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. MARKEY. Mr. Speaker, 50 years ago today, in the landmark *Brown v. the Board of Education*, Chief Justice Warren declared, unanimously, that "in the field of public education, the doctrine of 'separate but equal' has no place." Separate educational facilities are inherently unequal. The *Brown* decision promised that every child, regardless of the color of his or her skin, would have unequivocal access to quality education and an equal opportunity to pursue his/her dreams. Since that moment, our society has evolved to the point where the idea of intentionally separating students on the basis of on the color of their skin in the United States of America is appalling. However, while we should certainly celebrate the demise of overt official racism, we must also critically examine where we are at this historical moment, recognize the many challenges ahead and reaffirm our commitment to making *Brown v. Board* a reality.

In Massachusetts we tend to think about segregation and racial disparity as a southern phenomenon, alien to our abolitionist New England roots. But a recent study released by the Civil Rights Project at Harvard University found that the Metro-Boston area still remains a widely segregated society. In fact, 70 percent of white students attend suburban schools that are over 90 percent white, while more than 75 percent of black and Latino students attend schools in the inner city or in one of the urbanized satellite cities. The segregated schools of today are arguably no more equal than the segregated schools of the past. Students who attend high minority and high poverty schools are far less likely to graduate on time, be taught by a "highly qualified teacher" and apply to college, and are far more likely to drop out of school, score poorly on the SATs, and fail the MCAS.

I am proud of what has happened in my hometown, where Mayor Howard seized an opportunity to modernize the entire school system so that everybody in this diverse working-class community feels that people care about the education of Malden's children, regardless of race or income. Unfortunately, this is the exception, not the rule. Efforts at the national level to support such initiatives have been very uneven. The No Child Left Behind NCLB Act set lofty goals but is failing to provide the funding and the assistance needed to achieve those goals. President Bush's budget for next year failed to provide \$9.4 billion of promised money to K-12 education, \$7.2 billion of which was intended to help schools educate our country's most impoverished children. In order for our schools to make "adequate yearly progress," the President needs to provide "adequate yearly funding." Almost every day, I get calls from constituents, and communicate with teachers about the many problems with implementing standards without financial support.

Our work is clearly not done and there is too much at stake to leave the work unfinished. Education is not only a ladder of opportunity, but it is also an investment in our fu-

ture. Our nation's security, economy, and place on the world stage depends on the success our educational system. Although children are only 24 percent of the population, they're 100 percent of our future and we cannot afford to provide any child with a substandard education.

50TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

HON. TOM LANTOS

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. LANTOS. Mr. Speaker, today we mark the 50th anniversary of the Supreme Court's historic ruling in *Brown v. Board of Education*. This monumental decision effectively overturned the egregious standard of "separate but equal" and truly opened the schoolhouse doors for all children in America.

The decision was a watershed event in U.S. history. It represents the moment in time when the U.S. government no longer sanctioned discrimination against a person solely based on the color of their skin. Most importantly, the decision established the fundamental right of access, granting everyone the ability to gain an education and excel in America.

Mr. Speaker, even though this nation officially banished slavery and attempted to fully integrate the former slaves into society with the 13th, 14th and 15th amendments to the Constitution, equality did not come immediately. States enacted laws to circumvent the intention of these post-Civil War amendments. Then in 1896 the Supreme Court codified the usurpation of rights in the decision that allowed for "separate but equal" facilities for African Americans, in essence endorsing an official government policy of segregating black and white citizens.

Shortly after that shameful decision, the National Association for the Advancement of Colored People (NAACP) was founded and soon began its legacy of fighting legal battles that address social injustice. One of the most prominent lawyers from the NAACP legal team was a young man named Thurgood Marshall, who graduated first in his class from Howard University School of Law in 1933, and joined Julian Dugas, Charles Houston and Oliver White Hill to advocate for the NAACP in the nation's courtrooms. After a series of legal successes, Thurgood Marshall scored one of the greatest legal victories when he and Charles Houston successfully argued *Brown v. Board of Education* before the Supreme Court in 1954.

The success of this case was enhanced by the Court's unanimous decision. This was largely thanks to Chief Justice Earl Warren, who recognized that proponents of segregation might see a divided decision as vulnerable to being revisited in later years. Furthermore the Chief Justice wisely recognized that failing to get the support of all the Justices would carry less weight with the Eisenhower Administration and the general public.

Mr. Speaker, despite the lofty promises of desegregating schools with all deliberate speed that the Supreme Court offered when it decided *Brown v. Board of Education*, some communities still suffer from de facto segregation.

Even more troubling are the disputes that still exist. Part of the problem stems from schools being largely based on housing patterns and funded by local property taxes. A school with a majority African American or Latino population, especially in large cities, is less likely to have proper textbooks, experienced and prepared teachers, and adequate classrooms of manageable size as a result of these funding imbalances. Unfortunately, this means these schools are often rated the worst and produce unprepared students, along with having high drop-out rates.

Students at these schools have limits placed on their access to a quality education. Mr. Speaker, we are all aware that students who go to impoverished schools are less likely to take college preparatory or advanced placement classes, and in the hyper-competitive world of college admissions the classes are mandatory to gain entrance. A quality education has the power to break the cycle of poverty that has plagued minority communities. We are the richest country in the history of the world, and it is unconscionable that schools are failing their students.

Mr. Speaker, as we stand in the shadow of this extraordinary decision half a century after it was made, we in Congress should recommit ourselves to the doctrine of *Brown v. Board*, which Chief Justice Warren stated so eloquently 50 years ago when he said, "We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place."

IN HONOR OF MARK TOGNAZZINI

HON. SAM FARR

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. FARR. Mr. Speaker, I rise today to honor a public servant, Mark Tognazzini, of the highest caliber on his retirement from the posts of Agricultural Commissioner and Sealer of Weights and Measures for San Benito County, California. I wish to express my gratitude for his good work, and wish him well for the future.

Mark is a native of San Benito County, born and raised in Hollister. After attending local schools, he started working with the Agricultural Commissioner's office in 1963, and over time worked his way up through the ranks to become Commissioner in 1984. While in that position, Mark has worked on a local and regional level to promote good dialogue and relationships with the agricultural industry. His work continued State-wide as well and he was active in the California Agricultural Commissioners and Sealers Association, serving as both the Vice President and President of that group. His local work includes eight years as the Chairperson of the Agriculture/Horticulture Division of the San Benito County Fair and work with other county fairs in the area.

Mr. Speaker, Mark Tognazzini's career has spanned four decades and huge changes in the way California farmers operate and the government regulates. Throughout this time he has maintained good relationships with growers and residents, and has served the people of San Benito County and the State of California well. I am sure I join many others in wishing him all of the best for the future in his retirement.

ROSS OPPOSES ADMINISTRATION
OVERTIME REGULATIONS

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. ROSS. Mr. Speaker, on Wednesday, May 12, 2004, I missed a vote to table the Motion to Instruct Conferees on H.R. 2660, the Labor-HHS Appropriations Act of fiscal year 2004, offered by Representative GEORGE MILLER. Had I been present, I would have voted no on the motion to table.

Although the FY04 omnibus appropriations bill included the FY04 Labor-HHS Appropriations bill, technically, it is still in conference and motions to instruct are in order. By tabling this motion to instruct, it will injure the working men and women of Arkansas's Fourth Congressional District, and the nation who often depend on overtime pay to make ends meet. I support the Senate language to prohibit the use of funds to issue or enforce a regulation that would take overtime pay away from any employee who, under current regulations, is entitled to overtime pay.

On April 23, the Labor Department published a final overtime eligibility rule in the Federal Register that will take effect later this year. The final rule differs from the proposed rule in that it substantially expands the Fair Labor Standards Act's (FLSA) exemptions and threatens the overtime rights of millions of workers. For instance, the final rule greatly expands the exemption for administrative employees, thus creating loopholes for employers to potentially exploit hard working Americans. Additionally, the final rule expands the learned professional exemption to workers without college degrees and jeopardizes the overtime protection of blue collar workers considered "management."

Working families in the Fourth Congressional District of Arkansas depend on overtime pay to feed their families, make their mortgages, and contribute to this great society. Any action by our government to reduce this simple process in unconscionable.

It is for these reasons that had I been present, I would have voted no on the motion to table Representative GEORGE MILLER's Motion to Instruct Conferees on H.R. 2660.

CELEBRATING NATIONAL
TRANSPORTATION WEEK

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. DAVIS. Mr. Speaker, the development of modern transportation infrastructure has changed the way Americans live, travel, and continues to be one of the driving factors in maintaining a strong economy. Since this is National Transportation Week I would like to recognize the significant contributions transportation infrastructure has made in districts like mine.

The 2004 American Almanac of Politics recently rated Tennessee's Fourth Congressional District as the fourth most rural in Congress. As a farm boy who grew up and lives in one of the most rural counties in the district

I understand the importance of roads, and infrastructure. Many of the communities, towns and cities in my district, like many others, depend on these investments for their livelihood.

A Senate and House Conference Committee have been working with the Administration to find common ground in the highway reauthorization bill, commonly referred to as TEA-LU. The funding for this legislation has been set for a six year span. It is my strong belief, the investment in building and adding upon existing infrastructure will not only impact our grandchildren, but their children as well.

Thank you, Mr. Speaker, for allowing me to praise the work we have accomplished in strengthening our nation's roads, highways, national security, and economy.

PERSONAL EXPLANATION

HON. DENISE L. MAJETTE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Ms. MAJETTE. Mr. Speaker, I was unable to be in attendance for votes on May 13, 2004 due to a family commitment.

1. Had I been present, on rollcall No. 169, a substitute to H.R. 4275, I would have voted "aye."

2. On rollcall No. 170, H.R. 4275, to extend the 10-percent individual income tax rate bracket, I would have voted "nay."

3. On rollcall No. 171, a motion that the House instruct conferees on S. Con. Res. 95, I would vote "aye."

4. On rollcall No. 172, a substitute to H.R. 4281, the Small Business Health Fairness Act, I would have voted "aye."

5. On rollcall No. 173, a motion to recommit H.R. 4281, I would have voted "aye."

6. On rollcall No. 174, the Small Business Health Fairness Act, I would have voted "nay."

7. On rollcall No. 175, Recognizing the 60th anniversary of the Servicemen's Readjustment Act of 1944, I would have voted "aye."

8. Finally, on rollcall No. 176, 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, I would have voted "aye."

HONORING THE 50TH ANNIVERSARY OF BROWN V. TOPEKA BOARD OF EDUCATION

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. FARR. Mr. Speaker, it was 228 years ago that the Second Continental Congress affirmed that all men are created equal, as they declared their independence from England. Despite the grand idea of creating a better government that cherished equality and unalienable rights, the United States of America endorsed overt racial discrimination and exploitation for over 178 years.

It was only 50 years ago, in the Supreme Court ruling on Brown vs. Topeka Board of

Education that our government took a big step towards correcting these wrongs and recognizing the full spirit of equality. This ruling reversed the Plessy vs. Ferguson case and established that, "separate educational facilities are inherently unequal." The Supreme Court's acknowledgment in Brown vs. Topeka Board of Education was a pivotal point in the rising civil rights movement that led to the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

Today, we celebrate the 50th anniversary of Brown vs. Topeka Board of Education. We also honor all the people, young and old, who bravely challenged the status quo and risked their own personal safety to fight for equality. It was their courage that spurred our country to become a better place and we will continue to recognize their important role in our history.

As we commemorate the achievement of the Brown decision, we must also recognize that this fight is not over. Across the country children of all races are being deprived of their fundamental right to an education. In California we see painful overcrowding in schools, creating conditions that are not conducive to learning. Without the critical skills provided by a good education, our children's futures are restricted. In the last several years we have seen a symbol of commitment to improving education in the enactment of the No Child Left Behind Law. This legislation sets high standards for the kind of achievement we would like to see from all of our children. However, this law fails to provide the resources and tools for states and localities to achieve these goals. Underperforming schools are punished instead of helped, and our children are once again denied their right to a good education.

The significance of Brown vs. Topeka Board of Education is too important for us to let it slip away. We must continue to dedicate ourselves to achieving equal rights and equal opportunity for all Americans.

IN MEMORY OF STAFF SERGEANT
HESLEY BOX, JR.

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 17, 2004

Mr. ROSS. Mr. Speaker, I rise today to honor the life of Staff Sergeant Hesley Box, Jr. of Chidester, Arkansas, who died on May 6, 2004, fighting for his country. Hesley, just 24 years old, was part of the Arkansas National Guard, Bravo Company, 1st Battalion, 153rd Infantry, 39th Brigade Combat Team. I wish to recognize his life and achievements.

I am deeply saddened by the tragic loss Hesley Box, Jr. from Arkansas's 39th Brigade, who died while supporting Operation Iraqi Freedom. Hesley lost his life while making the ultimate sacrifice to serve our country, and I will be forever grateful to him for his courageous spirit.

Hesley gave his life to serve our country and will forever be remembered as a hero. My deepest condolences go out to his parents, Barbie and Hesley, his brother, Tarcus, his wife, Alexis, their daughter, TaDarius, and their son, Zacheas. I know Hesley was proud of his service to the U.S. Army and to our country. He will be missed by his family, fellow