

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

HONORING THURGOOD MARSHALL ON THE 100TH ANNIVERSARY OF HIS BIRTH

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 381) honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 381

Whereas Thurgood Marshall was born in Baltimore, Maryland, on July 2, 1908, the grandson of a slave;

Whereas Thurgood Marshall developed an interest in the Constitution and the rule of law in his youth;

Whereas Thurgood Marshall graduated from Lincoln University in Pennsylvania with honors in 1930, but was denied acceptance at the all-white University of Maryland Law School because he was African-American;

Whereas Thurgood Marshall attended law school at Howard University, the country's most prominent black university, and graduated first in his class in 1933;

Whereas Thurgood Marshall served as the legal director of the National Association for the Advancement of Colored People (NAACP) from 1940 to 1961;

Whereas Thurgood Marshall argued 32 cases before the Supreme Court of the United States, beginning with the case of *Chambers v. Florida* in 1940, and won 29 of them, earning more victories in the Supreme Court than any other individual;

Whereas, as Chief Counsel of the NAACP, Thurgood Marshall fought to abolish segregation in schools and challenged laws that discriminated against African-Americans;

Whereas Thurgood Marshall argued *Brown v. Board of Education* before the Supreme Court in 1954, which resulted in the famous decision declaring racial segregation in public schools unconstitutional, overturning the 1896 decision in *Plessy v. Ferguson*;

Whereas Thurgood Marshall was nominated to the United States Court of Appeals for the Second Circuit by President John F. Kennedy in 1961, and was confirmed by the United States Senate in spite of heavy opposition from many Southern Senators;

Whereas Thurgood Marshall served on the United States Court of Appeals for the Second Circuit from 1961 to 1965, during which time he wrote 112 opinions, none of which were overturned on appeal;

Whereas Thurgood Marshall was nominated as Solicitor General of the United States by President Lyndon Johnson, and served as the first African-American Solicitor General from 1965 to 1967;

Whereas Thurgood Marshall was nominated as an Associate Justice of the Supreme Court by President Johnson in 1967, and served as the first African-American member of the Supreme Court;

Whereas Thurgood Marshall sought to protect the rights of all Americans during his 24 years as a justice on the Supreme Court;

Whereas Thurgood Marshall was honored with the Liberty Medal in 1992, in recogni-

tion of his long history of protecting the rights of women, children, prisoners, and the homeless; and

Whereas Thurgood Marshall died on January 24, 1993, at the age of 84: Now, therefore, be it

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

(1) honors the dedication and achievements of Thurgood Marshall;

(2) recognizes the contributions of Thurgood Marshall to the struggle for equal rights and justice in the United States; and

(3) celebrates the lifetime achievements of Thurgood Marshall on the 100th anniversary of his birth.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

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

Mr. Speaker, this resolution commemorates the life and work of Thurgood Marshall on the 100th anniversary of his birth, which was July 2, 1908.

I commend the gentleman from New Jersey (Mr. PAYNE) for his leadership in allowing us to recognize an American whose life work was marked by the principles of justice, equality, and freedom, and I am pleased to cosponsor this legislation.

It is hard to know where to begin in reciting Justice Marshall's accomplishments. While best known for breaking the color barrier on the Supreme Court, Justice Marshall is honored because he was an expert jurist who worked on behalf of all Americans. Born 100 years ago in Baltimore, Maryland, and with just one generation between him and slavery, Thurgood Marshall experienced its legacy of segregation and racist hatred in his own time.

Rather than allow that legacy to defeat him, however, he dedicated his life to removing its stain from our society. His courageous determination propelled him to success in the classroom, in the courtroom, and on the bench.

When he was denied admission on the basis of race to the University of Maryland's School of Law, he attended Howard University's School of Law and graduated first in his class in 1933.

When he challenged the separate-but-equal status quo in his capacity as legal director of the National Association for the Advancement of Colored People, the NAACP, from 1940 through 1961, he won 29 out of 32 cases before the Supreme Court, the most Supreme Court cases won by any attorney.

Later, as a judge on the U.S. Court of Appeals for the Second Circuit from 1961 to 1965, he would author 112 opinions, with not one of them being overturned.

Thurgood Marshall would continue his service to this country in two very distinguished capacities. He served as the first African American Solicitor General, from 1965 until 1967. That year, he was appointed associate justice on the U.S. Supreme Court, the first African American Justice, where he served until he retired in 1991.

While Justice Marshall is best known for his lead role in the cases culminating in the 1954 decision in *Brown v. Board of Education*, which laid the foundation for the dismantling of Jim Crow segregation, he fought racial segregation in every aspect of society, and this pursuit for a fair and just America made him one of the Nation's best advocates of civil rights.

In *Chambers v. Florida*, he challenged a biased criminal justice system. In *Shelley v. Kraemer*, he challenged discrimination in housing. And in *Smith v. Allwright*, he challenged inequitable voting practices.

Finally, in commemorating Justice Marshall, we acknowledge not just a good lawyer and judge, but a good man who reminded us that "in recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."

Thurgood Marshall should be remembered as an individual who raised the morale, spirit and conscience of this country and who tirelessly fought social injustice throughout his life.

I ask my colleagues to join me in support of this resolution that calls upon us to recognize the important legacy of Thurgood Marshall, a man who challenged and inspired Americans to live up to the principles and ideals on which this country was founded.

I reserve the balance of my time.

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

Mr. Speaker, I again thank my friend from California, I thank the chairman of the committee, the ranking member of the committee, and those who have worked on this bill.

I rise in support of House Concurrent Resolution 381 honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth.

Thurgood Marshall, born in Baltimore, Maryland, on July 2, 1908, was the grandson of a slave. But after graduating first in his class from Howard Law School in 1933, he went on to serve as the legal director of the National Association for the Advancement of Colored People and argued over 30 cases before the Supreme Court of the United States. He won 29 of them, including the landmark decision *Brown v. Board of Education* in 1954, which held that racial segregation in public schools was unconstitutional.

Thurgood Marshall, as most people know, was later nominated to the United States Court of Appeals for the

Second Circuit by President John F. Kennedy in 1961. He served there as the first African American Solicitor General from 1965 to 1967. And in 1967, he was nominated by President Johnson to be an associate justice of the Supreme Court, its first African American member.

I recall the days before I took the oath as a district judge back in Texas. I was told by a retired judge who was dying of cancer that it was a good job and a noble job, but that it would be the loneliest job I had ever held. I can only imagine that would have been true for any Supreme Court Justice, but particularly true for the first African American Justice on the Supreme Court. It had to be a lonely job; yet he honored himself and he honored this country with his brilliant work.

Thurgood Marshall will be remembered for the many Supreme Court decisions he had a hand in writing, including the concurring opinion in *Church of Jesus Christ of Latter-Day Saints v. Amos*.

Justice Marshall made so much in the way of contributions that are so far-reaching and still very timely today. For example, we have had the remaining Presidential candidates of both political parties express support for allowing faith-based organizations to take part in Federal social service programs. So it is worth remembering that in the *Amos* case Justice Marshall joined with Justice Brennan in stating that section 702(a) of the Civil Rights Act of 1964 was constitutional. That section of the Civil Rights Act has, from its inception, exempted nonprofit, private religious organizations engaged in both religious and secular nonprofit activities from title VII's prohibition on discrimination in employment on the basis of religion. If religious organizations are to be allowed to join Federal social service efforts, they must be allowed to remain religious organizations, and they can only do so if they are allowed to be free to compose themselves of individuals who share their religious world view. Justice Marshall recognized that, and so should we.

He even had something to say about vouchers for education. In *Witters v. Washington Department of Services for the Blind*, Justice Marshall upheld a voucher program in which "vocational assistance is provided under a program that is paid directly to the student, who transmits it to the educational institution of his or her choice." Justice Marshall held that such programs are constitutional where the resources "ultimately flow to religious institutions as a result of the genuinely independent and private choices of aid recipients."

It is also worth noting that he did allow exception to the Civil Rights Act to allow religious institutions to hire people who agreed with their religious beliefs.

I would urge all of my colleagues to join me in supporting House Concurrent Resolution 381 in recognizing Jus-

tice Marshall's judicial legacy. It was profound, it was far-reaching, and it changed the country for the good. That rich legacy includes his support for the right of religious organizations to maintain their religious identity, for government voucher programs that allow individuals to exercise free and independent choices, even when those best choices or services are provided by religious organizations. It is a real honor for me to get to honor the legacy of Thurgood Marshall.

I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, at this point I would like to yield 1 minute to the majority leader of the House of Representatives, the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to thank my friend from California (Mr. SCHIFF), congratulate Mr. PAYNE for his leadership on this effort, and Mr. GOHMERT for his joining in bringing this legislation to the floor.

I come from the State of Maryland, and Thurgood Marshall is one of the great sons of our State. But I must tell you something that you will find, I think, ironic. If you go to the State capitol which is the oldest State capitol still in use as a State capitol in this country, and you look on the east front of the capitol and you walk out the front, there is a statue on the east front that overlooks the Annapolis harbor, and that statue is of a justice of the Supreme Court of the United States from the State of Maryland. His name is Roger Brooke Taney, the author of the *Dred Scott* decision.

But if you walk out the door to the west and look out on Rowe Boulevard, there is another statue, another Justice, another son of Maryland; and that Justice is Thurgood Marshall.

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I have always thought it somewhat ironic that juxtaposed in the Maryland State Capitol are these two justices, both of whom were learned, both of whom served their country, one of whom, however, whose judgment was skewed by the times in which he grew up, whose brilliance was diminished by his failure to see the promise of America, and another who—notwithstanding the fact that he was discriminated against and his people were discriminated against by a country that professed a promise of equal opportunity for all. Nevertheless, the love for his country rose above that segregated environment to preach the principles and to seek their reality.

Today we recall the life and legacy of one of America's champions of civil rights, Thurgood Marshall. Justice Marshall is, as I have said, one of Maryland's greatest sons.

If you come to my office and visit the majority leader's office, you will see, just outside of my door, six portraits of very distinguished Marylanders. One, the first President of the United States, John Hanson. Now, I know that George Washington was technically

first President of the United States of America, but John Hanson was the first president of the Continental Congress. You will see others, signers of the Declaration of Independence, but there will be that picture just outside of my door of Thurgood Marshall, because of what he stood for and what his life stands for today.

Few lives were as consequential to the cause of American equality, and it's fitting that we pause the work of legislating and remember that life. Thurgood Marshall said that his lifelong fascination with the Constitution began in grade school, when, as a punishment, interestingly, as a punishment, a teacher forced him to read it cover to cover. Even then he must have been struck by the gulf between that document's promise of equal protection and the reality of a segregated America, a gulf that turned that promise into a lie for millions of our citizens.

Thurgood Marshall spent his career working to restore that promise and dismantling the structures of segregation piece by piece. Nearly two decades before the famous case of *Brown vs. Board of Education*, he was at the forefront of a legal movement that aimed to chip away at discrimination through the courts.

His first victory was also in some ways his sweetest. He convinced the Maryland Court of Appeals to desegregate the University of Maryland law school 6 years after that very school had barred him on account of his race. Over the years to come, he rarely lost a case. In fact, he won 29 out of 32 cases he argued before the Supreme Court.

Another famous Marylander and his wife, whom I know, is Speaker JACKSON, himself a distinguished African American leader of a distinguished African American family. I know so well the Mitchell family, Clarence Mitchell, Jr., the NAACP's representative in Washington, known as the 100th Senator; and Juanita Jackson Mitchell, one of the first African Americans admitted to the University of Maryland law school.

Some of the credit must go to Thurgood Marshall and his legendary powers of persuasion. But credit, I think, also belongs to the powerful simplicity of his argument that separate can never be equal, that the Constitution belongs to Americans of all colors. His career as an advocate culminated with *Brown*, which overturned "separate but equal," and it overturned it for good. Not only did it overturn it finally, but also for the good of our people.

Thurgood Marshall later distinguished himself as a Federal judge and a solicitor general before President Lyndon Johnson nominated him as America's first African American Supreme Court justice. President Johnson called the appointment, and I quote, "The right thing to do, the right time to do it, the right man, and the right place."

Justice Marshall, of course, as we all know, proved him absolutely correct.

He served on the Court with distinction for almost a quarter of a century as one of its leading defenders of individual liberty and civil rights. Other civil rights leaders gave us inspiration, uplift and prophetic challenge. Thurgood Marshall added something to that contribution, dogged advocacy and the discipline of the law.

As a newspaper editorial put it at the time of his death, "We make movies about Malcolm X, we get a holiday to honor Dr. Martin Luther King. But every day we live with the legacy of Justice Thurgood Marshall." Thurgood Marshall would be the first to acknowledge just how far America remains from the promise of equality, an equality that exists in fact, every bit as in law.

But he would be the last to be discouraged. He said that "A child born to a black mother in a State like Mississippi, by merely drawing its first breath in the democracy has exactly the same right as a white baby born to the wealthiest person in the United States. It's not true, but I challenge anyone to say it's not a goal worth working for."

The great thing that we remember about Thurgood Marshall, as I said at the beginning, is that confronted with segregation, confronted with racism, confronted with a negative reaction to his color, he, as so many civil rights leaders have done in the past, as Nelson Mandela did in South Africa, as so many other civil rights leaders throughout this world have done, he rose above the hate and the division to bring clarity to our Constitution and unity to our people.

How appropriate it is to remember Thurgood Marshall on the eve of his 100th year.

Mr. GOHMERT. Mr. Speaker, at this time I would yield to my friend, Mr. CHABOT from Ohio, such time as he may consume.

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of H. Con. Res. 381, a resolution recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth.

Justice Marshall's life was full of distinction and firsts, including successfully arguing to overturn the separate but equal doctrine before the U.S. Supreme Court and the seminal case of *Brown v. Board of Education*, serving as the Nation's first African American solicitor general and later serving as the first African American U.S. Supreme Court justice, a position that he held for 24 years.

Still, at an early age with the premise that all men are created equal, Justice Marshall dedicated his life to bringing meaning to the protections enshrined in our Constitution. His work transformed this Nation. First, at the NAACP and later in the public sector, Justice Thurgood Marshall put civil rights at the forefront of this Nation's conscience, ensuring that the

Constitution and rule of law applied fairly to all citizens.

I commend the distinguished gentleman from New Jersey, Congressman PAYNE, for ensuring that Thurgood Marshall's legacy lives on. I urge my colleagues to support this resolution.

Mr. SCHIFF. Mr. Speaker, at this time it is my great pleasure to yield 5 minutes to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Let me begin by thanking my fellow colleagues, Mr. SHERMAN included, who joined me in the cosponsorship of this commemorative resolution, which honors Justice Thurgood Marshall's legacy and his dedication to civil rights and public service.

Thurgood Marshall was born the grandson of a slave back in Baltimore, Maryland, on July 2, 1908. Marshall's mother, Norma Marshall, was one of the first black persons to graduate from Columbia Teacher's College in New York City. His father, William Canfield Marshall, worked as a railroad porter and as head steward at an exclusive white club. Mr. Marshall was the first black person to serve on a grand jury in Baltimore in the 20th century.

Thurgood Marshall grew up in Baltimore and graduated from an all-black high school at the age of 16. During his childhood, his parents taught him to argue by making him prove every statement he made and by challenging every point he made. At school, as it was mentioned earlier, when Thurgood Marshall got into trouble, the principal would make him sit in the basement and read the U.S. Constitution.

Students couldn't return to class until a section of the Constitution was memorized. Evidently Thurgood Marshall had an opportunity, because he memorized a great deal of the Constitution, but that moved him into the interest of being a lawyer rather than a dentist, which his mother wanted him to be.

After graduating from high school, Justice Marshall attended Lincoln University, a historically black university in Chester, Pennsylvania, a school that many outstanding blacks from the United States and abroad went to, including the first president of Ghana, Kwame Nkrumah.

However, education was such a priority for the Marshall family that Mrs. Marshall sold her engagement ring in order to send Thurgood Marshall to school. After his graduation with honors at Lincoln University, Justice Marshall applied to the University of Maryland Law School. He was not accepted because he was black, and that set in motion the events of his future.

That same year, Marshall was accepted at Howard Law School, and he went on to graduate in the class of 1933. Upon graduating, Justice Marshall started his own practice in Baltimore. The next year he discovered the NAACP and became an active member.

As a matter of fact, Justice Marshall then sued the University of Maryland's law school, where he was not admitted,

and won the case about discrimination. So he did get justice in the end.

From 1940 to 1961, Thurgood Marshall served as legal director of the NAACP, which allowed him to travel throughout the United States representing numerous court cases. Most of the clients had disputes involving questions of racial justice, which ranged from common crimes to appellate advocacy, raising the most intricate matters of constitutional law.

I had the privilege to follow his work very closely, because I was then president in the middle 1950s of the NAACP youth councils in college chapters and attended the NAACP convention in Detroit in 1957 when Dr. Martin Luther King received the Spingarn Award.

Of course, Thurgood Marshall was still a person that we all admired. As we heard, out of the 32 cases, he won 29 of them, earning more Supreme Court victories than any other individual before the Supreme Court and as chief counsel of the NAACP, the landmark *Brown v. Board of Education* in 1954, which overturned *Plessy v. Ferguson* of 1897, saying that "separate but equal" was constitutional.

In 1961, John F. Kennedy appointed Thurgood Marshall to the United States Court of Appeals in the Second Circuit, despite heavy opposition from many southern Senators. Thurgood Marshall served on the United States Court of Appeals for the Second Circuit from 1961 to 1965. As we heard, he wrote 112 opinions, none of which was overturned on appeal.

In 1965, President Johnson appointed Thurgood Marshall to the position of solicitor general, which he held from 1965 to 1967. Then in 1967, President Johnson appointed Thurgood Marshall as the first African American Justice to serve on the Supreme Court.

During his 24 years of service in the Supreme Court, Thurgood Marshall promoted affirmative action and sought protection for the rights of all Americans.

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In 1992, he was honored with the Liberty Medal recognizing his long history of protecting individual rights of women, children, prisoners, and homeless.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. SCHIFF. I yield the gentleman 30 additional seconds.

Mr. PAYNE. Justice Marshall once said, "Sometimes history takes things into its own hands." His commitment to civil rights and public service resonate still today. I ask you to listen to the words of Justice Marshall and strongly support this resolution by recognizing his contributions to humanity, acknowledged July 2, 2008, the 100th anniversary of his birth.

Mr. GOHMERT. Mr. Speaker, I have no additional speakers. But in the spirit with which Thurgood Marshall conducted himself, I can't help but think,

as the son of a teacher, that he would be pleased if the name of the teacher that may have changed history by having him memorize part of the Constitution had her or his name entered, and if no one on the floor knows who that is, Mr. Speaker, I would ask unanimous consent for 48 hours to revise and extend my remarks so that we get the name of that teacher that helped this student, Thurgood Marshall, change history be inserted into the CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GOHMERT. With that, I reserve the balance of my time.

Mr. SCHIFF. Mr. Speaker, I would now be delighted to yield 3 minutes to the gentleman from Illinois, DANNY DAVIS.

(Mr. DAVIS of Illinois asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I want to commend the gentleman from New Jersey for introducing this resolution. I was thinking that in 1954, I was a pre-adolescent, just beginning to read, write and try and understand what was going on. And where I lived, I remember the first school bus that I rode on was actually made from a flatbed truck that Mr. Arthur Dooley had. And when the schools were consolidated, he put a cabin on it and some wooden benches, and that was my first ride on a school bus.

Then I remember the next year, we inherited a school bus from the white school. Then, I remember that all of the books that I read, all of the while that I was growing up, had someone else's name in the books when we got them, after they had been used by the other school system where I lived.

And so, when I think of Thurgood Marshall, not only do I think of the tremendous impact that he continues to have today, but I think of the impact that he had on the lives of individuals like myself, who lived in an environment that was obviously very separate and very unequal.

What he did will last as long as America lasts because he clearly showed that there could be an opportunity for people to experience some of what we call the goodness and the greatness of America. And for that reason, I come to commemorate him today.

Mr. Speaker, I wish to take a moment to support H. Con. Res. 381, which celebrates the contributions and achievements of Thurgood Marshall on the 100th anniversary of his birth. Born in Baltimore, Maryland, on July 2, 1908, Thurgood Marshall was the grandson of a slave and at an early age his father, William Marshall, instilled in him an appreciation for the United States Constitution and the rule of law. He attended undergraduate school at Lincoln University in Pennsylvania. In 1930, he was accepted to Howard Law School; however, he also applied to the University of Maryland Law School, but was

denied admission because he was Black. This event caused the direction of his professional life to focus on equal desegregated education. As an African-American man who lived through segregation and oppression he once said, "Today's Constitution is a realistic document of freedom only because of several corrective amendments. Those amendments speak to a sense of decency and fairness that I and other Blacks cherish." As an attorney and during his tenure on the Supreme Court, Justice Marshall's opinions did much to advance the decency and fairness of our laws, making America a much stronger nation.

Thurgood Marshall's tireless work within the justice system to eradicate the legacy of slavery and destroy the racist segregation system of Jim Crow clearly demonstrated his dedication to the struggle for equal rights and justice in the United States. As chief legal counsel to the National Association for the Advancement of Colored People, NAACP, he championed one of the most important cases for equal rights, *Brown v. Board of Education of Topeka*, the landmark case that demolished the legal basis for segregation in America. He continued to push for equal rights as the first African-American Supreme Court Justice, succeeding in creating new protections under law for women, children, prisoners, and the homeless. By these accomplishments, Thurgood Marshall established a record for supporting the voiceless Americans and left a legacy that recognizes that discrimination includes factors beyond just race and gender. He built a structure of individual rights that has become the cornerstone of protections for all Americans. I commemorate the years he has served and the improvements he has made to this great Nation.

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

Ms. LEE. Mr. Speaker, I rise today in strong support of H. Con. Res. 381, a resolution honoring one of the greatest legal minds and civil rights pioneers of the 20th century, Thurgood Marshall. I thank Congressman PAYNE for introducing this resolution and for his leadership on so many important issues.

When I think of 20th century trailblazers, Thurgood Marshall ranks among America's greatest heroes. It is an honor and a privilege to pay tribute to this legal giant as the House commemorates the 100th anniversary of his birth.

As Thurgood Marshall stated so eloquently, "A man can make what he wants of himself if he truly believes that he must be ready for hard work and many heartbreaks." His life's work truly embodied this quotation. Rising from the segregated streets of Baltimore, Maryland to the hallowed halls of the Supreme Court of the United States, Thurgood Marshall's story is one of triumph and courage. More than the first African-American Supreme Court Justice, Thurgood Marshall was a true pioneer whose selfless acts advanced the cause of civil rights not only in the United States, but around the world.

It was more than 50 years ago when Thurgood Marshall and his fellow Howard University School of Law colleagues and professors launched their campaign to topple the house Jim Crow built. They acted in the audacious belief that the citadel of "separate but equal" built on the foundation of *Plessey v. Ferguson* could be brought down. Thurgood Marshall's faith that justice will triumph over

power was vindicated when the Supreme Court issued its unanimous opinion in the landmark case of *Brown v. Board of Education*. That decision outlawed de jure segregation in public education, and fueled an international civil rights revolution that continues to this day.

The victory in *Brown v. Board* was not Thurgood Marshall's first, nor would it be his last triumph before the Court he would later grace for nearly a quarter century. Thurgood Marshall was the principal architect of equality, working through the courts to eradicate the legacy of slavery and destroy the segregation system of Jim Crow.

There was *Shelley v. Kramer*, which held that racial restrictive covenants in housing were unconstitutional. There was *Smith v. Allwright*, which outlawed the infamous "dual primaries," excluding blacks from the voting in the primary election from which the general election winner always emerged. Before Thurgood Marshall ascended to the federal bench as Circuit Judge and later Supreme Court Associate Justice Marshall, he would argue 32 cases before the Supreme Court, tallying 29 victories, more than any other individual in history.

Thurgood Marshall's deep faith and commitment to the cause of equality was the key to his success and to the legacy he leaves us. The legal strategy he developed as the chief lawyer for the NAACP and the judicial philosophy he refined as a member of the Supreme Court reoriented the federal judiciary as champion and protector of civil rights and individual liberty. The Civil Rights Movement for which the *Brown* ruling gave momentum greatly influenced leaders who later fought for the rights of women, the disabled, the politically oppressed, and the environment. Even the media has Thurgood Marshall to thank for the enhanced protection of its liberties.

Mr. Speaker, all Americans are indebted to the late Justice Thurgood Marshall. Throughout his life, he bravely worked to help our country make real the promise of the Declaration of Independence, and extend the blessings and protections of our great Constitution to all Americans. His work honored America and so it is fitting that Congress pause to pay tribute to this great American by marking the 100th anniversary of his birth.

Margaret Mead said, "Never doubt that a small group of thoughtful committed people can change the world; indeed, it is the only thing that ever has."

The remarkable life of Thurgood Marshall is irrefutable proof that one person can make a difference.

Happy Birthday, Justice Marshall.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of this legislation that honors an individual of unprecedented stature and achievement. This leader was a fighter who stood boldly on the front lines of democracy to fight for liberty and equality for all. This legal giant is none other than the late Thurgood Marshall.

Dr. Martin Luther King, Jr., said that we all can be great because we all can serve. It is my responsibility to pay tribute to the late great Thurgood Marshall who served our Nation by transforming it.

The late Thurgood Marshall put in place mechanisms to elevate the United States to its greatest potential. As a result, all Americans presently can reap the benefits of Thurgood

Marshall's arduous travail. One of his greatest victories was his work in the landmark Supreme Court case of *Brown v. Board of Education* in 1954. In *Brown*, the Supreme Court ruled that "separate but equal" public education was unconstitutional because it could never be truly equal.

Marshall's arguments before the Supreme Court were myriad and historic. In total, Marshall won an unprecedented 29 out of the 32 cases he argued before the Supreme Court.

In 1961, President John F. Kennedy appointed Marshall to the United States Court of Appeals for the Second Circuit. On June 13, 1967, President Johnson appointed Marshall to the Supreme Court following the retirement of Justice Tom C. Clark. In appointing Marshall, President Johnson declared this was "the right thing to do, the right time to do it, the right man and the right place." He was the 96th person to hold the position, and the first African-American.

Today I stand before you, as many of my colleagues do, as a proud product of Thurgood Marshall's vision for equal access to education. Because of Thurgood Marshall's profound vision, one's access to education is no longer dependent upon the color of their skin or their income, but upon the demonstration of their academic promise, and scholarly merit and capability. Notwithstanding Marshall's legendary achievements in civil rights, America has much work to do. In thinking of our progress, I am reminded of the Bible in Jeremiah 8:20, "The harvest is past, the summer is ended, and we are not saved." America has reaped the harvest of Marshall's life, Marshall's life is now past, and America has much work to do in civil rights. American people are not yet saved. The problem of this century, as it has been in past centuries, is still the problem of the color line. America has made great strides in this regard. Nonetheless, America still has work to do.

Although there are still some barriers to overcome, Thurgood Marshall removed the road block that stymied America from being as good as its promise. Thurgood Marshall also impacted the international community. Mr. Marshall was asked by the United Nations and the United Kingdom to help draft the constitutions of the emerging African nations of Ghana and what is now Tanzania. It was felt that the person who so successfully fought for the rights of America's oppressed minority would be the perfect person to ensure the rights of all African citizens, both Black and White, in these two former European colonies.

Being the right man or woman at the right time is no easy task. There is no room for passiveness or reluctance to action. Following in the tradition of the late Thurgood Marshall, we, the representatives of the United States citizenry, are the right people at the right time. Although our current battles differ slightly from those of Thurgood Marshall, we are faced with our own battles which include, the economy, creating affordable housing, immigration, Iraq, the pursuit of energy independence, and making sure that our veterans are properly taken care of.

The precedent that the late Thurgood Marshall set, in fighting to make the U.S. as great as its promise, should be our motivation to pass good legislation to protect the rights of American people as we honor and recognize his dedication and achievements on this 100th anniversary of his birth.

Mr. Speaker, I encourage my colleagues to join me in recognizing a true hero, Thurgood Marshall who died on January 24, 1993, at the age of 84. Let us honor his dedication and achievements as we recognize his contributions to the struggle for equal rights and justice in the United States.

Mr. SCHIFF. Mr. Speaker, I thank my colleagues for their eloquent words, and I join them in urging the passage of this resolution recognizing a genuine American giant.

I yield back the balance of our time. The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. SCHIFF) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 381.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF HOUSE REGARDING FLAGS ON GOVERNMENT BUILDINGS

Mr. SCHIFF. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1182) expressing the sense of the House of Representatives that American flags flown on Federal Government buildings and on Federal property be made in the United States.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1182

Whereas, on June 14, 1777, the Stars and Stripes was officially adopted as the national flag of the United States;

Whereas Francis Scott Key was so inspired by the sight of the American flag still flying over Baltimore's Fort McHenry after a British bombardment that he wrote the "Star-Spangled Banner" on September 14, 1814;

Whereas the American flag has 7 red and 6 white horizontal stripes;

Whereas these stripes represent the 13 original States;

Whereas the flag still has its field of blue, which represents the Union and contains 50 stars, one for each State;

Whereas many brave men and women have fought and died for the freedoms that this flag represents; and

Whereas the sight of this banner brings feelings of joy, courage, pride, and unity for all Americans: Now, therefore, be it

Resolved, That it is the sense of the United States House of Representatives that all American flags flown over Federal buildings be entirely produced in the United States.

The SPEAKER pro tempore (Mr. SERRANO). Pursuant to the rule, the gentleman from California (Mr. SCHIFF) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. SCHIFF. I yield myself such time as I may consume.

Mr. Speaker, this resolution, introduced by BOB FILNER of California, chairman of the Veterans' Affairs Committee, is both appropriate and timely. It expresses the sense of the House of Representatives that American flags flown on Federal Government buildings and on Federal property should be made in the United States.

As with many basic products sold in the U.S. today, it can be difficult to find a flag that is made in America. But the American flag is not just any product. It is our national symbol, and especially when it flies over Federal Government property, it ought to be made in America by Americans.

I am proud that the Architect of the Capitol flies only American-made flags. When one of our constituents or a community organization receives a flag flown over the Capitol, they can be sure it was made in the U.S.A.

When we see the American flag, it should remind us of American workers whose jobs are sometimes now being shipped overseas to countries with lower labor and worker safety protections. The American flag represents the values of our Nation, values that cannot be reconciled with the conditions in many overseas factories.

There is a lot we need to do to ensure that America retains the jobs that drive our economy. But as one step, if only a small symbolic step, let us assure the American people that we will not fly imported American flags over Federal property. The flags we fly will be made by American workers in American factories. They will never be made in foreign sweatshops or by children.

I urge my colleagues to support this resolution. And I want to commend the gentleman from California for introducing it.

I reserve the balance of my time.

Mr. GOHMERT. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from California, and I do rise in support of House Resolution 1182, a sense of Congress that U.S. flags flown over Federal buildings should be made in the good old U.S.A.

The flag represents our unity and strength to the rest of the world, and it is only fitting that U.S. flags flown over Federal buildings be a product of our own country's labor and resources. Americans produce the best in the world when they put their minds to it, and it is entirely appropriate that the flag staffs on our Federal buildings be reserved for the best in the world, made right here in America.

Mr. FILNER. Mr. Speaker, I would like to thank the Speaker and Chairman CONYERS for bringing H. Res. 1182 to the floor today. This important resolution expresses the sense of the Congress that all American flags flown over Federal Government buildings and on