While the building is, itself, an historic, stately church and provides a beautiful place to worship, it is the people themselves, the congregants, that make Zion Lutheran a real natural treasure.

With 965 members, Zion Lutheran is the largest Lutheran church in Blair County. Leading the congregation is no small task, and its pastors, the Reverends Scott and Carol Custead, are the latest in a long line of God's servants who have provided the community with religious guidance that has brought stability and hope through God's teachings.

The word ''Zion'' literally means ''the dwelling place of God, where God meets His people.'' It gives me great honor to recognize Zion Lutheran Church in Hollidaysburg on its bicentennial, a place where God truly meets His followers.

□ 2030

GOP RUNS ROUGHSHOD OVER TEXAS

The SPEAKER pro tempore (Mr. MARIO DIAZ-BALART of Florida.) Under a previous order of the House, the gentleman from Texas (Mr. BELL) is recognized for 5 minutes.

Mr. BELL. Mr. Speaker, I would first like to take this opportunity, because I did not get an opportunity to do so before, to thank several individuals for standing strong in Ardmore, Oklahoma. Representatives Garnett Coleman, Senfronia Thompson, Joe Deshotel, Joe Moreno, Scott Hochberg, Jessica Farrar, Rick Noriega, and Dora Olivo. I just want you to know that the people of Texas are with you, and we are thinking of you here in Washington, D.C.

Mr. Speaker, I yield to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, I would like to review after this hour-long debate we have just finished why virtually every major newspaper in Texas is editorialized in saying that ''what Mr. DELAY is trying to do in forcing a partisan redistricting plan down the throats of 20 million Texas citizens is wrong.''

First they admit and say that what he does diverts the legislature's attention from huge problems facing Texas. A $10 billion deficit, hundreds of thousands of children being thrown off the CHIPs health care program, school finance, it is important to parents all across our State. The editorials are right; the gentleman from Texas (Mr. DELAY) is wrong.

The secret back-room deals that the gentleman from Texas (Mr. DELAY) and Texas Speaker Tom Craddick would rip apart historic communities of interest, and they have orchestrated a process that only the Keystone Cops could admire and have drawn a bizarre map that would give modern art a bad name.

Let me be specific. First the process. Texas Republican legislators refused to have hearings across Texas, thus violating the legislature's own 2001 guidelines for seeking broad Texas citizen input into something as important as congressional redistricting. Finally, the one hearing they did have was in the Texas capital, but you know what? It started about 9 p.m. on Friday night a few weeks ago, did not finish until 6:30 a.m. on Saturday morning, with some of the capitol doors locking Texas citizens out of those hearings in the dark of the night.

Now, the Texas House redistricting committee then started playing the old rope-a-dope game coming up with new plans almost daily, kind of a map du jour to confuse Texas citizens so they would not know which maps were seriously being considered. And, even worse, the House committee chairman had the gall to say that he did not want to have hearings in south Texas because he could not understand Spanish. What a rather crude insult to the millions of Hispanic English-speaking citizens of south Texas.

Finally, the Mother's Day massacre plan. Last Sunday, while Texans, including myself, were honoring our families and our mothers, the forces of the gentleman from Texas (Mr. DELAY) had a different idea that day. They concocted a map for Texas congressional redistricting that no one had ever seen, not a single Texas elected mayor, city councilman, school board member, not any of the 20 million of Texas citizens. Their plan was slick. It was at 10 a.m. the next morning, this past Monday morning, less than 24 hours after that map was put on one Website with no press announcements, they were going to shove that map down the throats of the Texas House.

I admire Representative Jim Dunnam and John Mabry from Waco, because had they not stood up and broken that quorum, the people of central Texas and our historic rural central Texas district would have been devastated: one district carved into four congressional districts stretching from Fort Worth to the suburbs of Houston to San Antonio.

The process has been wrong, the map is wrong, and I admire these Texas profiles in courage for saying 20 million Texas citizens should not be shut out of having their voices heard when it comes to shaping the future of their communities for decades to come.

Mr. BELL. Mr. Speaker, I yield to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, first I would like to say thank you to all of my Texas colleagues who joined us tonight. This has been a wonderful debate and examination of the issues.

Mr. Speaker, the glorious history of Texas records many brave events like the Battle of Goliad and the Alamo. But the most important of all is the Battle of San Jacinto where General Sam Houston picked his battlefield, surprised his enemy, and prevailed for the people.

Today that battlefield is Ardmore, Oklahoma, where over 50 representatives are fighting for the rights of their constituents. They have clearly surprised the enemy and, God willing, those 50 for Texas will prevail for the people of our great State.

COMMEMORATING THE 49TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 60 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise this evening to begin the Congressional Black Caucus Special Order to commemorate the 49th anniversary of the United States Supreme Court's Brown v. Board of Education decision.

Mr. Speaker, the Brown v. Board of Education decision is one of the greatest decisions of the United States Supreme Court. That decision eliminated the ''separate but equal'' doctrine in our public school systems and ended what was one of the most abhorrent policies ever put in place in the United States.

''Today, education is perhaps the most important function of State and local governments. 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 principal instrument in awakening a 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 when the State has undertaken to provide it is a right which must be made available to all on equal terms.''

Mr. Speaker, these are the words that former Chief Justice Earl Warren delivered in his opinion of the Brown v. Board of Education case on May 17, 1954. These words still ring true today.

This Saturday will mark the 49th anniversary of the Brown v. Board of Education decision, and sadly, Mr. Speaker, 49 years later, the promise of Brown v. Board of Education still has not been realized.

The State of our public education system is extremely fragile. Not only are we living in a society where our public schools are unequal, but we are living in a society, 49 years after the death of Jim Crow, where our students are still learning in separate environments.

In the 2000/2001 school year, at least half of the black students in the State of Maryland attended intensely segregated minority schools. A report released by the Harvard Civil Rights Project last year found that the city of Baltimore has the most segregated school system in the entire Nation; the

most segregated school system in the entire Nation, Mr. Speaker.

I have the privilege of representing an economically diverse district, and I also have the privilege of visiting many of those public schools in my district. It always troubles me when I visit these schools and I am able to witness firsthand the disparities that exist. In affluent areas of my district, the students have a computer on every desk, while in the less affluent areas of my district, children seldom get to use a computer.

Let me be clear. I am in no way saying that the children in affluent areas do not deserve the highest-quality educational resources that can be afforded them. But what I am saying, Mr. Speaker, is that all children deserve these same educational tools, regardless of the color of their skin or the size of their parents' paycheck.

Not only do the schools in my district have an unequal distribution of resources, but they also have an unequal distribution of funding. In the 2000 school year, Maryland districts with the highest child poverty rates had $911.95 fewer State and local dollars to spend per student compared with the lowest poverty districts. Therefore, a public school teacher with 25 students in a low-income district had to find a way to prepare her students to succeed academically with almost $22,800 less than a public school teacher of the same subject in a more affluent neighborhood.

Mr. Speaker, when are we going to stop punishing our children for being born into a socioeconomic environment that is out of their control? When is our character as a Nation going to mature to the point where we recognize that our future is decided by the investments we make in all of our children and generations yet unborn?

Mr. Speaker, when presented with these disparities, some raise the question of whether or not an increase in school funding for schools with majority African American students or schools with majority low-income students would really make a difference. Are these children capable of achieving, some may ask? I submit to my colleagues that the question is not whether or not our kids can achieve, because not only can they achieve, but they are achieving despite the inequities.

For example, Mount Royal Elementary School in Baltimore, with a 99 percent African American population, the fifth graders outperformed all students in the State of Maryland on the State math assessment test for 2 years in a row.

Although the previous example illustrates that our children can achieve despite unequal funding and resources, we should not force our children to survive on crumbs from the table. It is robbery to deny our children the tools needed to learn. It is an offense of the highest degree, for not only are we stealing their future, but we are stealing ours as well.

Mr. Speaker, this discussion of separate and unequal is not only about buildings and dollars; it is also about having challenging curriculums, quality teachers, and real assessments that provide teachers with usable feedback in a timely manner. This discussion of separate and unequal is about not only ending discrimination by law, but about ending discrimination by practice in our country.

When we leave our Nation's Capitol this evening and walk on to the Washington streets, we will be walking into a tale of two cities, and this is probably true in many of the major cities in America. One part of our city is going to bed this evening filled with all of the material things in life. In the other, children will go to bed hungry. One city will live long and prosper due to the most advanced medical technology in the history of humanity. The other city, Mr. Speaker, will sicken and die before its time. One city is enjoying the fruits of educational opportunity. The other city seeks to educate its children with overcrowded classrooms and outdated books.

That reality is why we must seize this moment to remember the struggle that culminated in Brown v. Topeka Board of Education. That is why we must use this position of trust given to us by the people of the United States of America to reaffirm the vision and values that remain the foundation of that decision. An America that is separate is inherently unequal, and we must never accept that as a way of life.

That is why, Mr. Speaker, the Congressional Black Caucus has made H.R. 236, the ''Student Bill of Rights,'' the centerpiece of our education legislative agenda. The legislation of the gentleman from Pennsylvania (Mr. FATTAH) would move beyond theory and make equity in our K through 12 system a reality. It would require States to have a plan of action to eliminate the unequal funding of our public schools.

Mr. Speaker, I urge the United States House of Representatives and the United States Senate to pass this legislation. We must get on with the business of helping our public schools and securing our children's future. We do not have a day to spare.

Mr. Speaker, it gives me great honor to yield to the gentlewoman from California (Ms. MILLENDER-MCDONALD), who has fought continuously over many, many years in the State legislature and here in this House for children.

Ms. MILLENDER-MCDONALD. Mr. Speaker, I would like to thank the gentleman from Maryland (Mr. CUMMINGS), our distinguished chairman of the Congressional Black Caucus, so much, and I am happy to stand with him tonight as we embark upon the 50th anniversary of that extraordinary decision by the Supreme Court case Brown v. Board of Education.

Today I would like to add my voice to those of my fellow colleagues as we stand here to pay homage to the momentous Brown v. Board of Education decision.

□ 2045

Our Nation's history and, indeed, the history of African Americans and other traditionally underrepresented minorities was forever altered by this decision made on May 17, 1954. A group of 13 courageous parents took part in a class action suit filed against the Board of Education of Topeka Public Schools, and in doing so pledged to seek better educational opportunities for their children.

Parents today are still seeking those opportunities for their children. During this time in our Nation's history, public education was not as extensive as it is today in terms of curriculum content or even the length of the school year. Further, schooling for African-American children living in the South was particularly nonexistent and was even prohibited by law in some States. That is why the Brown decision reverberates so deeply throughout the South and, indeed, throughout the entire Nation. We must remember that the Brown decision finally moved away from Plessy v. Ferguson where the Supreme Court upheld racial segregation in schools and public places including schools as long as it was separate but equal. Those facilities were there and this is what happened given the Brown decision.

However, although the Brown decision was certainly one of the most critical Supreme Court decisions of the last century, it did not abolish school desegregation on its own. It took the dogged persistence of committed individuals and civil rights organizations to pressure school officials with the support of the Federal Government to force them to comply with the law. About 15 years passed after the Brown decision in 1954, before Southern schools were truly desegregated. And in my home State of California, the segregated educational system also remained for some time after the 1954 decision.

Following the Brown decision, many schools in the Upper South began the process of desegregating their schools, but in the Deep South resistance to change was strong. An opinion poll taken at the time showed that up to 80 percent of the Southern whites opposed desegregation efforts. The lack of a clear deadline for enforcing the desegregation of schools was an issue. And the Supreme Court mandated on May 31 of 1955 that school desegregation should proceed with all deliberate speed. However, such language was unclear, and it continued to frustrate African Americans and other civil rights supporters and caused opponents of desegregation to emerge in the form of the White Citizens Council and the Ku Klux Klan.

The resulting increase in violent attacks against African Americans was not enough to deter the young African-

American students like the Little Rock Nine from seeking access to a better education for themselves. We can look back on the struggles of these determined African-American students as a turning point, not only in expanding educational access for all but also as a defining moment in this Nation's civil rights movement, a moment that we do not wish to have turned away or taken off of the radar screen, Mr. Speaker.

We have made progress in terms of dismantling desegregation in our Nation, but we continue to face new challenges in terms of meeting the educational needs of our ever-changing population where minority students are still receiving unequal education.

I am gratified to have lived through the changes brought on by the Brown decision to our Nation's schools and, indeed, our way of life. But I am still dedicated and committed to ensuring that African-American students have quality education in our schools. I am deeply committed to ensuring that this peace that was brought on by the Supreme Court does not become a dismantled or even an eradicated piece of civil rights legislation and movement that this country certainly deserved to keep.

As we embark upon the 50th anniversary of Brown v. Board of Education, the Congressional Black Caucus will be looking with great interest as to what this Supreme Court and, indeed, this deliberative body does for the African-American children of this country.

Mr. CUMMINGS. Mr. Speaker, I yield to the distinguished gentleman from Missouri (Mr. CLAY), who too has worked hard in the area of making sure that these living messages that we send to a future we will never see are well educated and who are treated fairly and allowed to be all that God meant for them to be.

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, tonight we look back nearly a half century to the 1954 case to Brown v. Board of Education of Topeka and the impact on this Nation.

The Supreme Court took a bold step at that time to right the wrongs and correct years of injustice. The court stepped out of the box to do what was right. Even so, in Missouri the city of St. Louis and county schools continued to defy the high Court as a large segment of children continued to attend segregated schools and receive an inferior education. Regrettably, it took a local court case in the 1970s to desegregate St. Louis city and county public schools.

On a personal note, my family was subjected to the sordid history of segregated schools. My grandmother, Luella Hyatt, was born in suburban Black Jack, Missouri, in the early 1900s and was denied access to schools there. She was forced to move to St. Louis City to attend school with other African Americans.

Segregated schools were tragic and the ramifications of children receiving an inferior education put them at an economic and social disadvantage, from their receiving outdated hand-me-down books from white children, to their lowly social standing overall.

It cannot be said enough that children of color suffer greatly. In that context Brown v. Board of Education was a remedy to right a grievous wrong.

Today as we look back and then turn again towards the future, I am dismayed. I am not dismayed at how Americans have continued to undo past wrongs. Nor am I dismayed at the shoulders on which I stand and what they tried to accomplish. Integration in the context of their times had its merits. What dismays me is that any lessons we can learn from the past appear to be lost on this generation of leaders. And for that I feel we must find a fix.

In retrospect, a lot of things have happened in education since the 1950s. The nobility of true integration was not accomplished and a new form of segregation has taken the place of the old. Yet, while Brown v. Board of Education was certainly about education, it was about much more. It was part of a long chain of events which each successive generation took a turn to right wrong and chip away at racism and segregation. Now it is our turn to try and attain that elusive ideal of one Nation, under God, indivisible, with liberty and justice for all.

I am a product of public school. I have always been in support of public education. A public education has served my wife, Ivy, and I, as well as my daughter, Carol, who also attends a public elementary school in the city of St. Louis; and, in fact, her school, Kennard Classical Junior Academy, was one of 15 schools in the State of Missouri recently given the distinction of a gold star status. So not all public education is problematic.

Both St. Louis and Missouri have a lot of relevant educational history. For example, the St. Louis public schools opened the Nation's first kindergarten. And in the 1840s it was illegal for African Americans to read and write. First Baptist Church Pastor John Berry Meachum took matters into his own hands. Mr. Meachum opened the Freedom School on a barge in the Mississippi River which was Federally owned and thus out of the reach of State law. And at the college level, a 1938 Missouri case, Missouri ex rel Gaines v. Canada, found that the University of Missouri by denying a black student administrations to its law school, though it did create a separate black law school in a building housing a movie theater and a hotel, created an unfair privilege for white students that did not extend to similarly qualified African American students.

Mr. Speaker, like a strait jacket, segregation debilitated this Nation for generations. But the victory of Brown v. Board of Education was not happenstance. It was the result of a well-thought-out strategy by a progressive people trying to build a progressive Nation. Comprised of a combination of five lawsuits from around the Nation, Brown v. Board was argued using expert witnesses to show the psychological and sociological damage of inferiority done to black children as a result of segregation.

Convinced separate but equal violated the equal protection clause of the 14th amendment of the U.S. Constitution, the high Court would ban segregation in public schools. As we all know, desegregation was not immediate, easy, nor complete. In a separate decision known as Brown II in 1955, the Court set desegregation guidelines. But without deadlines, only the infamous ''with all deliberate speed'' in the opinion, segregation lingered and segregationist met integration with violence and hatred. With integration, some whites fled to the suburbs creating de facto segregation in urban schools. And as the urban core deteriorated by the outflow of population and businesses, the urban schools have essentially become second class schools, separate and unequal, despite the law.

In closing, I want to thank the leadership in the Congressional Black Caucus for scheduling this time to mark the anniversary of a major milestone. Certainly the shortcomings of the last half century were no fault of Brown v. Board of Education. Certainly it was not the children who dutifully woke up every morning and attended classes in schools provided by governments throughout this Nation. And most certainly it is not the poor and economically impoverished Americans trying to feed those children every day and trusting that one day their lives would be better for them and their children.

The children have not failed. Those in government who build, staff and fund this Nation's schools have collectively failed the children. When government officials spend more to incarcerate than to educate, it sends the wrong message to our youths. When government blames the victims of racism, economic oppression, and cultural bias and punishes them through denial, sanctions and promises left unfilled, then there is no wonder the youth of this Nation have rebelled en masse against education, a law-abiding lifestyle, and unfulfilled promises. Such reality today is as important as Brown v. Board of Education was to this Nation then.

The abiding purpose of government is to promote stability in our communities and to care for those who cannot care for themselves. The rich will always take care of themselves and many send their children to private schools run by people they have a voice in choosing and in facilities they help build. The common everyday citizen lacks that luxury. With many of our public school systems in disarray, teachers spending more time trying to maintain order and not teach, for millions of American children the future is

not bright. Again, it is not because of Brown v. Board of Education; rather, it is systemic failure of government to care about educating our children.

God forbid that another generation of Americans indigenous to this Nation remain undereducated, underserved and in poverty. That was the real point, the real goal of Brown v. Board of Education. And that age-old dream of future generations of equally educated American children building a Nation capable of overcoming the burden of a segregated divisive America has yet to come true.

Mr. Speaker, I thank the gentleman.

□ 2100

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman for his statement. The gentleman talked about his grandfather. I could not help but think about my father and many of the Congressional Black Caucus members who will come here tonight are descendants of former sharecroppers and, of course, slaves, but I will never forget as I was just about to introduce the gentleman from South Carolina (Mr. CLYBURN) when my father, who was denied an education living in Manning, South Carolina, only got to first grade because he was made to plow the fields and plant the cotton.

I will never forget on the day that I was sworn in standing where the gentleman is standing right there, my father came down and met me out here in the hallway after the swearing in, and the only time I had ever seen my father cry, tears were rolling down his face. I said, Dad, what is wrong? He said, now I see what I could have been if I had been given the opportunity to have an education.

So that is just a perfect segue to our colleague, the former chairman, but first I will yield to the gentleman.

Mr. CLAY. Mr. Speaker, if the gentleman would yield, of course, it reminds me of an article I read yesterday about the gentleman my colleague is about to introduce that his staff shared with us about his father, and I do not want to take his thunder, but it talked about how his father was denied a college degree from a divinity college in South Carolina because he could not obtain a high school diploma because the State law in South Carolina in the 1940s was that no African American children could go beyond the seventh grade, and that tells me something about the ramifications which I never lived through full-blown segregation, but it certainly tells me about the ramifications of segregation and about how we are to address righting that wrong. So it brought tears to my eyes.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman, and it certainly gives me great pleasure, Mr. Speaker, to yield to my colleague from South Carolina, who has just dedicated his life to tearing down barriers that are separating people from opportunity and has given so much over the years and not even worrying about his own convenience. And he is, of course, a former chairman of the Congressional Black Caucus and vice chairman of our Democratic Caucus from the great State of South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Mr. Speaker, I thank the gentleman so much for yielding to me.

Mr. Speaker, I come to the floor tonight because I am a little bit concerned about where we are and how we got here. Over the next year, in fact, if I may, next May 17, we will celebrate the 50th anniversary of Brown v. Board of Education of Topeka, Kansas. That means that come Saturday we will celebrate the 49th anniversary. Over the next year we will hear a lot about Brown, and, in fact, on May 17, 50 years to the day of that decision, there will be a new park opened in Topeka, Kansas, to honor the case.

I do not begrudge the people of Topeka, Kansas, for their new park, but I do have a real problem as a former history teacher with revisionism because Brown took on the name for some very unusual reasons. If we were to go by tradition and name cases based upon the alphabet, this case would have been called Belton, because the case coming out of Delaware, one of the five that led to Brown, was Belton against Gebhart. If the case had taken on the name of the first to file, it would have been called Briggs because Briggs v. Elliot, which started in South Carolina, was first filed on May 16, 1950. Nine months later, the Brown case was filed, February 28, 1951, and 3 months later, May 23, the Davis case in Virginia was filed, and somewhere between January and April of 1951, Bolling against Sharpe, the D.C. case, was filed.

Mr. Speaker, I point this out tonight because the people of Clarendon County, South Carolina, that I am proud to represent here in this body, the birthplace of our current Chair's parents, both his mother and father were born in Clarendon County School District No. 1, where this case originated.

So tonight I wanted to come to the floor to put on the record the exact history of Brown because so much is being said about this case, and very little of it is accurate.

In a 1947 meeting on the campus of Allen University in Columbia, South Carolina, Reverend J.A. DeLaine heard a speech challenging the ministers who were independent from the system to get involved in helping to right some of the wrongs that existed in our society. Reverend DeLaine left that campus that day and went back home to Summerton, South Carolina, where he began to meet with his church members, and in 1947, he asked the parents to petition the superintendent of schools to ask for a school bus.

At that time parents were sending their kids to school having to walk 9 and 10 miles one way. They were denied a school bus, and so they pooled their resources and raised money to buy a used bus to transport their kids to school. Gas was expensive, and the bus was old, and it kept breaking down. So they went to a local farmer, Levi Pearson, and in 1948, Levi Pearson filed a lawsuit asking for his children, who at that time were walking 9 miles one way to school, to be provided transportation.

We have got to understand that all the white kids in that county were riding school buses, but black kids were denied a school bus.

The case was thrown out because Levi Pearson's farm was in both school districts, both the Manning school district and the Summerton school district, and on a technicality they decided that Levi Pearson's house was in the Manning school district and not the Summerton school district. So the case was thrown out.

In 1949, Reverend DeLaine met with the NAACP and petitioned the all-white county school board to provide equality of education for their children. It, of course, was denied. So in October of that year, they all met in the home of Harry Briggs and his wife Eliza.

Anybody that comes into my office today will see on my wall a great picture of Eliza Briggs. For as long as I serve in this august body, Mrs. Briggs' picture will have a prominent place on the wall of my office.

Mr. Harry Briggs was an attendant at a filling station. He was fired from his job for signing the petition. They eventually moved to Florida where they lived out their productive lives, moving back to Clarendon County when they were no longer able to be productive.

In 1950, the school board refused to respond to the petition, and then in February 1951, the State of South Carolina entered the case on behalf of the school board. So not only were these people denied by their county school board, but now they were being fought by their entire State mechanism.

In 1951, the State of South Carolina decided that it would use all of its resources to preserve a separate but equal, inherently unequal, school district.

In 1953, the Supreme Court heard arguments, and on May 17, 1954, 4 years and 1 day from the time the case was first filed in Summerton, South Carolina, these people got what they sought, and that was a decision by the United States Supreme Court that separate but equal was inherently unequal.

I want to share with the folks who are looking in tonight a couple of statements from three descendants of these, I would call, brave, heroic people. They are all here in Washington today, and on yesterday here in Washington, here is what Harold Gibson had to say. He said that ''my mother and father was faced with a choice. Take your name off of the petition or be evicted from your home. They were evicted on Christmas Eve.''

Ms. Annie Gibson, Harold Gibson's mother, her picture is on the wall of

my office, and it, too, will always be there for as long as I am here.

Listen to what the DeLaine brothers had to say about their dad, J.A. DeLaine, whose father spearheaded the case: Our house was burned to the ground. Shots were fired into the new home into which we had moved. When my father fired back, local authorities issued a warrant for his arrest. For their safety, the family fled in 1955 to Buffalo, New York, and it was not until the year 2000, 25 years later, that the State of South Carolina dropped the charges against Reverend DeLaine. Now, it was 45 years later from the time of the charges, but 25 years after his death.

I bring this out tonight because when I went to work for John West in 1971, John West, the Governor of South Carolina, received a letter from Reverend DeLaine. Reverend DeLaine wrote Governor West and said that he was getting up in years, his health was beginning to fail, and he wanted to come home to South Carolina to die. John West asked me to look into the case and to plan a homecoming for Reverend DeLaine. He wanted us to have a ceremony that would mark an end to this episode and to be a new beginning for the State of South Carolina.

We could not bring Reverend DeLaine back home because there living in Clarendon County was one of the original people who swore out the warrant, and in spite of the Governor's pleadings, the law enforcement officers' pleadings, he refused to drop the case.

□ 2115

So Reverend DeLaine came back as far as Charlotte, North Carolina, where he eventually died and is buried.

Now, the case of Briggs. Listen to what Nathaniel Briggs, says: ''My father worked at a gas station. It was owned by the mayor of Summerton. He lost his job and my mother lost her job at the local hotel.''

Mr. Speaker, I want to close my comments by thanking our Chair of the Congressional Black Caucus for organizing this Special Order tonight, and to close on this note. As historic as this is, the fact of the matter is we have not gotten there yet. In fact, come August, the State of South Carolina will be hearing a case in the same courtroom where the Brown case started as Briggs against Elliott. In that courtroom, we will be listening to arguments over whether or not it is constitutional to still underfund school districts with high populations of black students.

In South Carolina today, the law is that we in the State are required to provide a public education, but we are not required to provide an adequate education. And, therefore, schoolchildren in school districts with high black populations are not being funded to the same level as school kids in other districts. And I want to point out, as I close, the inequity. Today, in South Carolina, school districts with higher percentages of African American students have 313 fewer State and local dollars, fewer than students with school districts of low levels of African Americans. This inequity translates into a gap of $8,000 a year per classroom and more than $1 million a year per school. That tells the story.

So though Brown is now 49 years old, equal educational opportunities have not come to Clarendon County or South Carolina yet. Hopefully, this case that will be heard in August will be decided before May 17, 2004, and decided by law and equity, so that, hopefully, as we celebrate the 50th anniversary of Brown, we can celebrate the beginning of equitable education for black people in Clarendon County, South Carolina, and our Nation. I thank the chairman for allowing me this time.

Mr. CUMMINGS. Mr. Speaker, I want to thank the gentleman.

And may I inquire, please, as to how much time I have left.

The SPEAKER pro tempore (Mr. CHOCOLA). The gentleman from Maryland has 15 minutes remaining.

Mr. CUMMINGS. Mr. Speaker, I now yield to the distinguished gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, I thank the gentleman for yielding to me, and I am honored today to praise the NAACP Legal Defense Fund for inaugurating the Red, White, Blue and Brown Campaign to commemorate next year's 50th anniversary of the landmark decision Brown v. Board of Education and to help ensure that the spirit of Brown is fully understood and realized.

The decision is special to me because when the case was decided I was an elementary school student in a segregated public school. My father was a member of the local school board and was on the short end of many four-to-one votes as the decision was being implemented.

I served in the Virginia legislature with several members who had actually voted for and against so-called ''massive resistance.'' Massive resistance was Virginia's sad reaction to the Brown decision. Virginia took advantage of the language in the Brown decision which referred to the right to education with the phrase ''Such an opportunity where the State has undertaken to provide it is a right which must be made available to all on equal terms.'' Under massive resistance, Virginia decided not to provide any public education at all rather than to integrate. As a result, schools in Prince Edward County were closed from 1959 to 1964.

In Prince Edward County, 117 African American students chose to strike rather than attend all black Moton High, which was badly in need of repair. Moton had no gymnasium, cafeteria, infirmary, or teacher restrooms. The overflow of students was housed in an old school bus and three buildings covered with tar paper. Local parents had repeatedly sought improvements from the local school board without success. Students initially wanted a new school building with indoor plumbing to replace the old school.

Strike leader, Barbara Johns, enlisted the assistance of NAACP attorneys. The lawsuit, Davis v. County School Board of Prince Edward County, was filed in 1951 on behalf of the students by the Virginia NAACP attorneys Oliver Hill and Spottswood Robinson. The United States District Court ordered equal facilities to be provided for black students but denied the plaintiffs the admission to the white schools during the equalization program. Attorneys for the NAACP filed an appeal, which ultimately became consolidated with other cases, including Brown v. Board of Education of Topeka.

Because of the deplorable conditions in virtually every black segregated school, many suggest that segregated schools are illegal because they are always inferior and that that was the decision in Brown. In fact, the lesson of Brown is that segregation in and of itself denies equal educational opportunities. The court wrote in the Brown decision: ''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 education opportunities? We believe that it does.''

A philosopher once noted that those who cannot remember the past are condemned to repeat it. So I am delighted the NAACP Legal Defense Fund is instituting this initiative to remind people what Brown was all about and that the fight for equal educational opportunity did not end with Brown. The lesson of Brown still applies today.

Let us look at the issues we are debating as we speak: minority enrollment in State universities, not only affirmative action at the University of Michigan but also issues involving the vestiges of dual higher education systems in most Southern States; vouchers, the very scheme used in Virginia to fund segregated academies while public schools were closed; disparate funding of education, inner city schools spend significantly less per student than suburban schools; Individuals with Disabilities Education Act, whether a free and appropriate public education can be denied to individuals with disabilities; resegregation of schools, forty percent of black students in 2000 attended schools which were over 90 percent black; High stakes testing, we know that poor students, non-English speaking students, students with disabilities, as well as many minority students receive an education of lesser quality than their counterparts. The use of high stakes testing in educational decisions only exacerbates these inequalities, especially since many of those tests have been found to be racially biased. Even the President's

own faith based initiative, which for the first time since 1965 allows sponsors of federally funded programs to discriminate in hiring based on religion and, de facto, race, since 11 o'clock on Sunday is still the most segregated hour of the week.

So I am delighted that the NAACP Legal Defense Fund is instituting this initiative to remind people that the fight for equal education did not end with Brown. The NAACP Legal Defense Fund was there with the filing of Brown and remains vigilant and on the case today with this commemoration of the spirit of Brown to once again fight to have all children properly educated. While the legal defense fund may be best known for its work in Brown v. Board of Education, its historic involvement began in 1935, when the legal defense fund lawyers Charles Houston and Thurgood Marshall won the legal battle to admit a student to the University of Maryland.

Education has been the cornerstone of the NAACP Legal Defense Fund's push for social justice. The legal defense fund knows the truth of the language in the Brown decision, which states: ''It is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education.''

So I am pleased that the NAACP Legal Defense Fund, under the distinguished leadership of Elaine Jones, is continuing its long tradition of legal action in the education area. America is better because of that tradition.

Mr. CUMMINGS. Mr. Speaker, I thank the gentleman for his wonderful statement, and I yield now to the distinguished gentleman from the great State of Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman for yielding to me and also for his leadership as chairman of the Congressional Black Caucus.

We gather here this evening to mark the 49th anniversary of Brown v. Board of Education, Topeka, Kansas. The question is, How should we take note of this date?

I would guess for many Americans living today Brown v. Board of Education is the best known, perhaps the only known, Supreme Court decision. The decision has achieved almost mythical status. For some, Brown was a statement on centrality of education.

Only this morning I had the opportunity to speak from this same well on Carter G. Woodson's observations about how, if you control a man or a woman's mind, you do not have to worry about how they will act. Brown, for me, was a step forward in freeing the minds of African-American children.

For others, Brown was a kind of milestone, a launching point, if you like, of what we like to call the civil rights movement, the civil rights era. Historians will argue about cause and effect, about the many other struggles obtaining that midpoint of the century. But there is no doubt that Brown was a powerful symbol, an impetus for the acceleration of the struggle for African-American equality.

For still others, Brown signaled the death knell for a system of de jure segregation which consigned African Americans to a life of separate and unequal. The death knell may have well been sounded by Brown, but vestiges of the institution of segregation and inequality remain even today, some in new mutated and perhaps even more malignant forms than those which existed 49 years ago.

Mr. Speaker, there is no doubt Brown represents the power and potential of masses united in struggle for justice and equality. The larger question before us tonight 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.

In 1980, the typical African American school student attended a public school that was 36.2 percent white. In 1996, the typical African-American school student attended a public school that was 33.9 percent white. Segregation remains the norm for the typical African-American child. The percentage of 18- to 24-year-old African Americans who had completed high school in 1975 was 64.8 percent. In 1995, 76.9 percent.

The total number of doctorate degrees awarded in 1996 in the fields of geometry, logic, number theory, topology, computing theory, astronomy, astrophysics, acoustics, nuclear chemistry, theoretical chemistry, atmospheric physics and chemistry, meteorology, geology, geochemistry, paleontology, mineralogy, geomorphology, hydrology, oceanography, marine science, engineering physics, engineering science, nuclear engineering, ocean engineering, petroleum engineering, systems engineering, biophysics, plant genetics, bacteriology, endocrinology and zoology, the total number, was 1,605.

□ 2130

The total number of doctorates awarded to African Americans in these fields was zero. In 2000, for the sixth consecutive year, the number of African Americans earning doctorates reached an all-time high. That year, 1,656 African Americans received doctoral degrees. But this impressive string of annual increases in African-American doctoral awards came to a halt. In 2001, African-American doctoral awards declined to 1,604, a drop of 3 percent.

So tonight on the eve of the 49th anniversary of Brown v. Board of Education, equality or equal opportunity is beginning to diminish from what had even been achieved. Even in my State, the State of Illinois, the Land of Lincoln, there are school districts which spend almost three times as much money per pupil as other school districts because of the formula used to fund education. There is no way you could call that being equal.

Mr. Speaker, I thank the gentleman from Maryland (Mr. CUMMINGS) for taking out this Special Order and again commend him for his leadership as chairman of the Congressional Black Caucus.

Mr. CUMMINGS. Mr. Speaker, I yield the balance of my hour to the distinguished gentlewoman from California (Ms. WATERS), former chairwoman of the Congressional Black Caucus.

Ms. WATERS. I thank the gentleman from Maryland (Mr. CUMMINGS), the Chair of the Congressional Black Caucus, for organizing this special order and yielding to me. I join with him this evening to recognize a pivotal anniversary in American history. On May 17, 1954, in Brown v. Board of Education, the Supreme Court ruled unanimously that racial segregation in our Nation's public schools must be ended with all deliberate speed. In its unanimous vote to overturn the 1896 case of Plessy v. Ferguson, which established the doctrine of separate but equal, Brown v. Board of Education laid the cornerstone for all of the progress towards equal education opportunity for blacks in America.

The Brown decision was the beginning of the end for legal segregation in public places in the United States. The African-American community in particular increased pressure on the legal and political establishment to bring an end to State-sanctioned segregation in all public facilities. Of course, we all know about the importance and accomplishments of the civil rights movement. We also know that these achievements were hard-earned. Often they came with an enormous price.

The Brown v. Board of Education decision was based on the equal protection clause of the 14th amendment. It is also based on the fact that segregation is dehumanizing. The Court acknowledged that the impact is even greater when it is supported by the sanction of law.

While we have made much progress for our struggle toward equal educational opportunity, current events demonstrate that there are significant clouds on the horizon. Consider, for example, the tenuous status of affirmative action programs. We are at the threshold of what could be the beginning of the end of affirmative action programs in our colleges and universities. The Supreme Court will soon rule on the constitutionality of the University of Michigan's undergraduate law school admissions plans. While I fervently believe that these programs are fully constitutional and defensible, the Michigan case could well be decided against affirmative action. The consequences of such a decision on minority admissions to colleges and professional schools could be enormous. If the Michigan case results in a ruling against affirmative action, we will turn the clock back and retreat from our commitment to providing equal educational opportunity for African Americans, Hispanics and all minorities.

Mr. Speaker, history has already recorded that the President of these United States of America, George W. Bush, revealed his true feelings about equal opportunity for all of America's children when, in fact, on January 15, Martin Luther King's birthday, 2003, the President of the United States, using divisive language claiming the Michigan program was a quota program, announced his support for the lawsuit against the University of Michigan, opposing the most reasonable affirmative action program ever implemented in this country.

Mr. Speaker, the President of the United States, who claims an education policy of leave no child behind, a President who claims to have a program of outreach to minorities, a President claiming to want to attract African Americans to the Republican Party, is actually a President who wants to have it both ways. I say this to the President this evening, using his own words as he described the United States' allies, in his preemptive strike against Iraq, he said to the allies, ''You're either with us or you're against us.'' Mr. President, I say to you this evening, You're either with us or you're against us. And, Mr. President, you cannot be with us as you destroy our chances to access education and better our lives, the lives of our children and the lives of our families and our communities.

Mr. Speaker, I will close by just sharing this with you. The Supreme Court unanimously agreed that segregation of children in public schools solely on the basis of race did, in fact, deprive minority children of equal education opportunities. Their answer was the right answer, the only moral answer, the answer that has driven the progress of the civil rights movement for the last 50 years. As we recognize and commemorate this important milestone in the civil rights movement, we must remain forever vigilant to ensure that we will continue our progress towards equal educational opportunities and not allow conservative zealots to return us to the days of separate but equal.

COMMEMORATING 49TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION DECISION

The SPEAKER pro tempore (Mr. CHOCOLA). Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON. Mr. Speaker, I rise to commemorate the 49th anniversary of the historic Brown v. Board of Education decision. On May 17, 1954, the Supreme Court unanimously declared that separate educational facilities are inherently unequal and as such violate the 14th amendment to the United States Constitution which guarantees all citizens equal protection of the law.

This is one of the most important legal decisions for human rights in American history. This battle, however, did not occur overnight. The struggle for equality for African Americans began over three centuries prior to Brown v. Board of Education. In the United States from the early 1600s to the 1860s, peoples of African descent sought the most fundamental of rights, individual freedom. Despite the 1863 Emancipation Proclamation and gains made by the 13th amendment, which outlawed slavery, African Americans remained in economic and social bondage enforced by segregation. Even the passage of the 14th amendment, which guaranteed equal protection under the law, and the 15th amendment, which afforded African Americans voting rights, did little to abridge de facto segregation policies.

In 1849, the father of 5-year-old Sarah Roberts initiated the legal battles for equality in education. Sarah would walk past five white elementary schools to Smith Grammar School, a segregated school in Boston. Smith was badly run down, so Sarah's father unsuccessfully tried to enroll her in one of the white schools. He selected African-American attorney Robert Morris, who was joined by noted abolitionist Charles Sumner, to represent his case, Roberts v. City of Boston. Similar cases occurred throughout the United States involving American children of African, Asian, Hispanic and Native descent in the wake of Roberts v. City of Boston.

Not until 12:52 p.m. on May 17, 1954, did a court decide in favor of the plaintiff in any of these cases. On this day, the Supreme Court rejected the 1896 Plessy v. Ferguson decision ruling, stating, ''We conclude that in the field of public education, the doctrine of separate but equal has no place. Separate educational facilities are inherently unequal.'' Segregation and Jim Crow were legally dead.

Yet as we celebrate this victory, we must acknowledge that we are still making strides to attain equal opportunity in education. As de jure segregation faded, pre-Jim Crow economic conditions remained which perpetuated de facto segregation that continues in many cities to this day. These conditions continue to negatively affect the educational opportunities of many of our Nation's African-American children. We cannot deny that Brown v. Board of Education afforded African Americans a better chance to receive a quality education. We cannot deny the rising statistics of African Americans going to college and obtaining postgraduate degrees. We also cannot deny the ever-increasing median income of African Americans or the rise of African-American business owners and professionals, all of which are directly related to educational opportunities. However, we also cannot deny that the gap between white and African-American achievement remains substantial. Black people continue to graduate from college at half the rate of white people.

It is unfortunate that after all these years, we are still in an uphill battle over full inclusion in our Nation's society. This is why we must do more than commemorate this decision. We are obliged to be forever proactive in ensuring that the last vestiges of Jim Crow are extinguished and do not return.

Mr. Speaker, on April 1, 2003, over 50,000 people, including 10,000 from Michigan alone, rallied in front of the U.S. Supreme Court in favor of the University of Michigan's affirmative action policy.

Mr. Speaker, we hope that we are on the brink of a new day when it comes to quality education.

Affirmative Action in higher education was put in place to not only encourage diversity, but to be a minor step in the direction of justice after hundreds of years of institutional and social discrimination against women and people of color in the United States. Similar to the 1954 case, the justices recognized in the 1978 Bakke case that the most effective way to cure society of exclusionary practices is to make special efforts at inclusion, which is exactly what affirmative action does.

Mr. Speaker, as we reflect on the half century mark of Brown v. the Board of Education, I encourage all of my colleagues to take note of the fact that this court victory was not just a victory for African-American and other minorities. It was a victory for all Americans. Fifty years later we must remain mindful of these hard-won freedoms and vigilant in our protection of these hard-won gains.

COMMEMORATING 49TH ANNIVERSARY OF BROWN V. BOARD OF EDUCATION DECISION

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

Mr. PAYNE. Mr. Speaker, I, too, rise today to commemorate the 49th anniversary of Brown v. Board of Education, which struck down the separate but equal doctrine of Plessy v. Ferguson of 1896.

A young girl by the name of Linda Brown attended the fifth grade at public school in Topeka, Kansas. After being denied admission to a white elementary school, the NAACP took up her case along with similar ones in Kansas, South Carolina, Virginia and Delaware. All five cases were argued together in December 1952 by Thurgood Marshall, who headed the NAACP Legal Defense Fund at that time. Mr. MARSHALL, born in Maryland, educated at Douglass High School, went on to Lincoln University, a small black college in Oxford, Pennsylvania, and then graduated with honors and applied to the white University of Maryland law school. He was denied admission. Howard University accepted him, and he graduated at the top of his class, passing the bar exam, taking up private practice and specializing in civil rights cases.

At 26, he was hired by the Baltimore branch of the NAACP, and one of his