50TH ANNIVERSARY OF BROWN VERSUS BOARD OF EDUCATION

Mr. BROWNBACK. Madam President, it gives me great pleasure to join with my colleagues today and talk about something that happened 50 years ago, which has been a difficult and important journey that we have been on. On May 17, 1954, Dwight Eisenhower was President of the United States and the Supreme Court of the United States issued an opinion that changed the country. It was Brown v. the Board of Education. The Brown was the Reverend Oliver Brown of Topeka, KS, my hometown.

The case of Brown v. the Board of Education was the case that ended segregation in our schools and in our society. It was really the beginning legal case that moved that forward.

On Monday, we will dedicate in Topeka, KS, the school that was the basis for the complaint. It is the Monroe School. It will be dedicated as a national historical site, a national park. The President will be there. A number of different dignitaries will be there to celebrate and say where we have been over the last 50 years after we ended segregation in this country in 1954 and where we are going.

It is going to be a beautiful occasion. It is a momentous occasion. It is an important occasion. We have been on a journey during that period of time of the 50 years. It has been a rocky road since that time period. It was certainly difficult before that time period. It has not always been going in the right direction, but at the end of the day we have been going in the overall right direction.

We are on a journey. What is the destination? Well, I think the best place to look is to Martin Luther King's words. He said:

> The end is reconciliation; the end is redemption; the end is the creation of the beloved community.

These are words of the Reverend Dr. Martin Luther King spoken on December 3, 1956, after the completion of the Montgomery bus boycott. These words symbolize the goal of this great Nation, a goal that is echoed throughout our history: The end is reconciliation; the end is redemption; the end is the creation of the beloved community.

In this quote, Dr. King, who was and remains a prophet to the Nation, is speaking of a time in which all people in the United States will be able to live together harmoniously, reconciled with one another and with God, as one people under God.

Today we look back on the history of our Nation and take note of how far we have come as a people. We are reminded that we owe a great debt to those who have fought valiantly for the freedoms we easily take for granted.

On the eve of the 50th anniversary of this case, it is fitting that today the Senate takes time to honor the Brown case, the Brown family, which is one of the greatest civil rights cases in our Nation's history and one that changed the way in which we view equality under the law in our society. More than any other case, Brown sets this Nation on a path of ensuring freedom and equality in America.

The United States is a nation that symbolizes the essence of freedom, equality, and democracy. These principles are embedded in the documents that established this country. Yet as a young nation, America had not yet bestowed these ideals upon African Americans who resided in this country. Though progress was made after the Civil War, America had yet to realize her true potential as a nation built on freedom and equality for all. It was not until the landmark Supreme Court decision of Brown was rendered that our country was ushered into a symbol of freedom and democracy of what Dr. King did so eloquently describe as the beloved community.

May 17, 2004, marks the 50th anniversary of the Brown decision which effectively ended school segregation in America. However, the history of desegregation of our public school system started before Brown in such cases as Murray v. Maryland and Sweatt v. Painter. It was the Brown case that caught fire and changed the course of American history in the way in which we view equality in the eyes of the law.

Before Brown, many States in this country held and enforced racially segregated laws which was an atrocious practice. Many individuals cited the 1896 Plessy v. Ferguson case, and I note that while the Court got it right in Brown, the Court has gotten it wrong in the last two. Courts are not infallible institutions. They are made of people such as we are. They make good decisions and they make bad situations. They made a bad decision in Plessy that was the law of the land for 50 years after it—a little more than 50 years. They made a bad decision in the Dred Scott decision—the Fugitive Slave Act that was applicable across the land until, really, the Civil War. They make good decisions and they make bad decisions.

The Plessy case, which was a bad decision, sanctioned the separate but equal doctrine as the grounds for keeping school segregation legal.

During that time, there were court cases that challenged this separate but equal doctrine because the schools for African American children were substandard facilities with out-of-date textbooks and often no basic school supplies. In fact, in Kansas, alone, there were 11 school integration cases dating from 1881 to 1949, prior to Brown.

By 1950, African-American parents began to renew their efforts to challenge State laws that only permitted their children to attend certain schools, and as a result, they organized through the National Association for the Advancement of Colored People the NAACP, an organization founded in 1909 to address the issue of the unequal and discriminatory treatment experienced by African Americans throughout the country.

It was at this time that Rev. Oliver L. Brown, a citizen of Topeka, Kansas became part of the NAACP strategy to file suit against various school boards on behalf of African American parents and their children. This effort was led first by Charles Houston and later by Thurgood Marshall.

On February 28, 1951, Rev. Brown, along with 13 parents and 20 children, filed a lawsuit against the Topeka School Board on behalf of his 7-year-old daughter, Linda.

Like other young African Americans, Linda had to cross a set of railroad tracks and board a bus that took her to the ''colored'' school on the opposite side of the city from where she lived—even though a school for white children was located only a few blocks from her home.

The case was taken to the District Court of Kansas, but the ruling was not beneficial to Rev. Brown and the others. The court admitted that segregated schools gave African American children a feeling of inferiority, but felt that they must uphold the decisions of Plessy vs. Ferguson, which stated that separate but equal is still equal, and subsequently, ruled in favor of the Board of Education.

On October 1, 1951, Rev. Brown's team appealed the case to the Supreme Court, where the Brown case was combined with other NAACP cases from Delaware, South Carolina, Virginia, and Washington, DC, which was later, heard separately. These combined cases became known as Oliver L. Brown et al. v. the Board of Education of Topeka, et al.

There were many notable African Americans who helped to bring these cases to the United States Supreme Court; however, none so famous as Supreme Court Justice Thurgood Marshall, who valiantly defended the rights of not only Linda Brown and the other defendants in the case, but of an entire race of individuals who were treated as second class citizens.

During the course of the trial, Thurgood Marshall used expert witnesses in child psychology and referenced the detrimental impact that segregation in our Nation's School System had on African American children.

He also referenced the cases of Sweatt v. Painter, and McLaurin v. Oklahoma, both of which made a lot of progress in the desegregation of colleges and universities when the court ruled that the restrictions of African Americans actually hinder their learning.

He argued that younger children were equally hindered by segregation, and therefore there was no logical argument that could justify ruling against segregation in higher learning, and uphold the Plessy v. Ferguson case when referring to elementary and secondary schools.

On May 17, 1954, the Supreme Court rendered its decision to rule racial segregation in schools unconstitutional.

Further, the Supreme Court found the ''separate but equal'' doctrine to be in violation of the 14th amendment of the United States Constitution, which states, among other things, that:

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

When the court ruled, in 1954, that school segregation laws were unconstitutional, the Supreme Court demolished the legal foundation on which racial segregation stood. The court's opinion, written and delivered by Chief Justice Earl Warren, also served as a stirring moral indictment of racial segregation, and an eloquent challenge to America to cast off its prejudices and extend its promises of life, liberty, and the pursuit of happiness to all citizens, regardless of race or color.

Today, I am proud to join with my colleagues in the U.S. Senate to honor this magnificent case in our Nation's history.

I am encouraged that with this case, this Nation was able to move one step closer to that ''beloved community'' Dr. King referenced, where redemption through reconciliation can occur. Therefore, the importance of this case does not solely reside in the law, but equally sheds light on our responsibility to humanity and upon our ability to reconcile our differences, with one another and through that process seek redemption, and achieve the creation of the ''beloved community.''

As we celebrate Brown today and next week, we are one step closer to that goal for our country and I invite our Nation to join with us in celebrating this magnificent case that stirred a Nation's consciousness and was the basis for shattering segregation in our society.

I yield the floor.

Celebrating a Landmark Decision in the Civil Rights Movement: the 50th Anniversary of the Brown v. Board of Education Decision

Mr. ROBERTS. Mr. President, from Civil War to the war against racism, Kansas has been a battleground in the fight for equality. Oliver Brown was a soldier in this struggle, as he courageously fought to prove that separate among the people of this great Nation is not equal.

The watershed case that bears his name stands for all time as an important victory in the civil rights movement. On Monday, May 17, 2004, we will celebrate the 50th anniversary of this momentous decision. And in Topeka, KS, we will gather to dedicate Monroe Elementary School as the Brown v. Topeka Board of Education National Historic site. This new addition to the National Park Service will afford us the proper setting to fully reflect on what this decision has meant to our Nation, and will provide future visitors with a more complete understanding of how Linda Brown's struggle changed the course of our Nation's history.

The Monroe Elementary School, purchased in 1877 by the Topeka Board of Education, was one of the four segregated elementary schools for African American children in Topeka. The current building is actually the third Monroe school to stand there, built in 1926.

Monroe was a good school, built by the same architect who built other schools in Topeka, including those reserved for white children. And the teachers were well-trained, many of whom had advanced degrees. This wasn't a case of substandard facilities, or a lack of educational opportunities for Linda Brown and her classmates. This was simply injustice under the law, and the need to right a grievous wrong.

The Brown Foundation, under the leadership of Cheryl Brown Henderson, has worked diligently to preserve the bricks and mortar that were a part of this historic case. Far more than just a building, however, this site represents the genesis of the movement to strike down our Nation's segregationist policy.

Thanks to his daughter Cheryl's efforts, and those of countless others, Monroe Elementary was designated a National Historic Landmark in 1991. I, along with Senator Robert J. Dole and Senator Nancy Landon Kassebaum, am proud to have supported legislation creating the Brown v. Board of Education National Historic site, which was signed into law by President George Bush in 1992.

As stated in the legislation, the purposes of this important site are:

To preserve, protect, and interpret the places that contributed materially to the landmark U.S. Supreme Court decision which ended segregation in public education, to interpret the role of the Brown case in the civil rights movement, and to assist in the preservation and interpretation of related resources within the city of Topeka that further the understanding of the civil rights movement.

That bill challenged us to properly commemorate and interpret this history, and ensure that the story of Linda Brown and the thousands of other children who were denied access to white elementary schools is told. This new site has met every expectation of ours, and pays proper tribute to the struggle for civil rights. As we dedicate the Brown v. Board of Education National Historic site, what was once a building designed to educate a few, now stands ready to educate us all.

The PRESIDING OFFICER. The Senator from Missouri.

IRAQ

Mr. BOND. Madam President, I came to speak on other matters, but I thought it would be helpful to straighten out some things, where maybe those who are watching or who have heard might have a misapprehension as to the position that the Secretary of Defense has taken.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff are in Baghdad today. I have heard it said that the Secretary defended the rules of engagement for the Abu Ghraib prison, with possibly a misunderstanding that he approved or somehow condoned what went on and what has been revealed in the shocking photos of abuse we have seen.

Let's be clear on one thing. The rules of engagement are very clear, and the rules of engagement do not permit or tolerate the kind of abuses we have seen depicted in the Abu Ghraib prison. This is a real difference between a free, democratic country with respect for human rights observing the Geneva Convention, and those who do not. It has been stated on the Senate floor that we are no better than the Saddam Hussein government that was running the prisons. That is an unnecessary slanderous attack on the men and women of the military who do believe, by and large—99.999 percent—in the standards we set.

The difference in our country is that when we see these evidences of abuse we move to do something about them. Investigations began in January. The first criminal indictments were handed down near the end of March. We are proceeding with the prosecution of those who have been shown to be engaged, and we will follow that up the chain of command if somebody gave orders that were interpreted to permit this kind of behavior. This is a real difference—and I think it is important for Americans and people throughout the world to realize that there is a difference.

It was said earlier this morning that the President took a U-turn away from dealing with terrorism and went into Iraq. Let me remind my colleagues and the people of the United States that, after viewing the intelligence, 77 Senators said we need to do something about Iraq because it is a dangerous country, harboring terrorists. We didn't take a U-turn. We went into Iraq because it was one of the great dangers to the world, in terms of harboring terrorists.

David Kay, who was leading the Iraqi Survey Group, made many inspections over there. He didn't find large caches of weapons of mass destruction. Nobody said we would. What he did say when he came back was the situation in Iraq was far more dangerous than we even knew because terrorist gangs were roaming Iraq. Iraq had produced and used chemical or biological weapons on its own people and on the Iranians, and this was a dangerous territory. We have seen in recent days how dangerous it has become because of al-Zarqawi, a colleague-in-arms of Osama bin Laden, set up 2 to 3 years ago, and Ansar al-Islam, which is the deadly, vicious terrorist organization that beheaded Nicholas Berg.

If the world needs to know the difference, the difference is when there are abuses such as putting a chain around the neck of an Iraqi prisoner, we are going to prosecute people. In Iraq, al-Zarqawi can cut the head off an innocent American hostage and I have

yet to hear any outcry or outrage from the people in that region. There is a real difference.

But we ought to be worried about young people hearing about hostages—innocent hostages—being beheaded. Daniel Pearl of the Wall Street Journal was beheaded.

These are the people we are dealing with. This is why this matter is important. This battle is not won. It is going to be a battle not of months, maybe not even of years, and maybe decades. But the world is going to be safer, and we are going to be safer in the United States if we can continue the battle President Bush has laid out to carry the war on terrorism to those countries that harbor terrorists.

IDEA

Mr. BOND. Madam President, I came here to recognize and commend the great work of Senator GREGG and Senator KENNEDY on crafting an IDEA bill. They produced a solid, thoughtful, bipartisan bill which protects the educational rights of children with special needs while at the same time making IDEA more workable for parents, teachers, school administrators, and school districts.

I think we all agree IDEA was a great idea. It helped open doors for many children with special needs since it was enacted in 1975. Yet there is no question that significant problems exist.

As I traveled through Missouri and talked with educators, teachers, administrators, parents, and school board members, I heard all kinds of problems with IDEA. Over the years, these teachers, principals, and administrators in Missouri have told me IDEA has become a morass of rules, of regulations and litigation that truly limit access and in some instances actually hinder learning—not just for children with disabilities but for all children. That is simply not acceptable.

Educators are struggling under a crushing procedural and paperwork burden imposed by IDEA, contributing to what is becoming a chronic shortage of quality teachers in special education in Missouri and nationwide. Special education teachers are leaving the profession—not out of frustration with the children whom they are there to serve, but out of frustration with the overwhelming and unnecessary paperwork and the regulatory burdens they face. Without a qualified teacher, a child with a disability cannot receive a free, appropriate public education.

Most special educators report they have to spend 20 to 50 percent of their time on paperwork. More time spent on paperwork is less time spent with students or preparing lesson plans for students. It is as simple as that. We cannot continue to let IDEA interfere with the time educators can devote to the children they serve because we all know a misdirected focus on paperwork, on procedures, and on bureaucracy frustrates teachers and fails to give children the education they need.

In addition, over the years IDEA has encouraged and fostered adversarial relationships between school districts, staff, and parents. Time, money, and resources exhausted in costly litigation would be far better spent on instruction for children. Taking limited dollars away from children with disabilities and redirecting them to attorneys to fight long and costly battles is simply counterproductive. It does not help the education of our children—all children, special children and other children in the schools.

These are a few of the concerns I have heard from Missouri educators over the years. But the thing I like about Missouri educators is they don't simply tell me what the problem is; they show me how to fix it. Maybe that is one of the reasons they call Missouri the ''Show Me'' State.

The Missouri School Board Association's Special Education Advocacy Council, working in partnership with the Missouri Council of Administrators of Special Education, developed a list of thoughtful, solid, and detailed recommendations to improve IDEA and inject a little bit of good old-fashioned commonsense reform to IDEA.

In fact, the Missouri Special Education Advocacy Council examined the IDEA statute line by line and told me exactly where and how we improve the statute by refocusing special education on educating children with special needs rather than simply complying with a system of complex regulations and mountains of paperwork and red tape.

I am pleased many of the recommendations made by MSBA's Special Education Advocacy Council have been incorporated in S. 1248. The numerous paperwork and regulatory reforms in the bill will go a long way to free special educators' time to spend with their students and in preparing effective instruction plans. In addition, this bill contains many provisions to reduce litigation and restore trust between parents and school districts.

I thank both Senator GREGG and Senator KENNEDY for including these critical reforms in the Senate bill. This bill will improve and strengthen IDEA and extend the promise of quality education for a new generation of children with special needs.

I urge my colleagues to support this bill.

There is one other thing I want to address. I want to talk a minute about funding IDEA. We heard a lot of talk yesterday about the broken promises. The authorization for IDEA said the Federal Government is going to provide 40 percent of the cost of IDEA. Over 19 years, funding for IDEA has increased from $251,000 in 1977 to $2.3 billion in 1996.

Our side took control of Congress in 1995, and over the course of that time period, the Republican Congress has increased funding for IDEA by 224 percent since 1996. That was done through the appropriations process.

If the President's budget is enacted, it will have increased funding for IDEA by 376 percent. The average per-pupil expenditure has increased from 7 percent to almost 20 percent. If you include the President's budget request for this year, IDEA funding since 2001 will have increased $4.7 billion—75 percent in this President's budget.

In comparison, in the 1980s IDEA was one of the spending appropriations categories that did not increase. In fact, in many of those years the Federal Government covered less than the States' average per-pupil expenditure for children with disabilities than it had the year before. I am proud of our leadership in this Congress which has made steady progress toward finally trying to reach the 40-percent level authorized in 1975. We have made great strides toward fulfilling the commitment. I know the people in education are very appreciative of those increases.

BROWN v. BOARD OF EDUCATION

Mr. BOND. Madam President, let me join with my colleague from Kansas in celebrating and congratulating the educational institutions of this country in implementing the Brown v. Board of Education decision that is now celebrating a major historical birthday.

We have come a long way. I was in school back in those days before Brown v. Board of Education. I can tell you it has not been an easy struggle.

President Dwight Eisenhower called up the military to go into Little Rock to integrate the schools. Battle after battle was fought.

Fifteen years later, I had the honor of serving the chief judge of the Fifth Circuit Court of Appeals in Atlanta, GA, one of President Eisenhower's appointees who fought the battle to carry out the civil rights reforms that had been ordered by the courts and enacted into law.

This has been a long and tortuous journey. We have made great progress. There is still a way to go. But I think we all can take pride in the fact that as a result of Brown v. Board of Education and legislation passed by this body and implemented by the courts, we have made progress that was long overdue and should be warmly welcomed by all Americans of every race, creed, and color.

I thank the Chair. I yield the floor.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. There are 5 minutes on the Democrat side and 1 minute on the Republican side in morning business.

Mr. GREGG. I ask unanimous consent that we proceed to the pending legislation.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.