

If the matter goes back to committee, it will not have the input from all of the stakeholders which is so important and so vital in understanding all the issues and trying to come to agreement. The parties may be motivated by reconstituting negotiations because of their desire to find a way to have agreement as opposed to having the Senate impose decisions that are not agreed to by the parties.

I think it would be unfortunate if the Senate imposed the judgment as to where we stand on these complex issues because I think they require a lot more detail and a lot more study than the Judiciary Committee can give them. It is a much better forum to have the parties continue to work. As to the amount of money, it is my hope there will be flexibility on all sides.

We ought not to consider this as a matter for extracting the last dollar one way or another because there are so many thousands of injured workers who have mesothelioma, which is deadly, who are not being compensated because their companies are bankrupt. There are some 70 companies in bankruptcy. It would be an enormous help to the economy if there could be a resolution of this very troublesome problem.

I ask unanimous consent the full text of Judge Becker's memorandum to me, dated May 11, be printed in the RECORD following my comments.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### MEMORANDUM

Date: May 11, 2004.

To: Senator Arlen Specter.

From: Judge Edward R. Becker.

Re: Pending Asbestos Legislation S. 2290 (Fairness in Asbestos Injury Resolution Act; Status Report on Mediation).

You have asked that I update my previous evaluation of the status of the efforts to achieve a consensus among the manufacturers and other defendant companies, the insurers, the reinsurers, organized labor, and the trial lawyers, i.e., the stakeholders concerned with S. 2290, so as to facilitate consideration of the legislation by the Senate and make possible its ultimate passage in a form satisfactory to the stakeholders and the Senate. I am pleased to do so.

You and I began the mediation process in the summer of 2003, and intensified it in the early months of 2004, leading to significant agreement among the stakeholders on a number of major issues, most notably on an administrative structure for processing claims, and on provisions for judicial review. We also achieved agreement on a number of other significant matters such as the definition of exigent claims, the timing of payments, and we reached some consensus on certain concepts such as the anatomy of the "start up", though details remained to be worked out.

As you know, I have just concluded six days of intensive mediation under the auspices of Majority Leader Frist, and Minority Leader Daschle, focused on the critical issues of claims values, projections, and the overall funding necessary to sustain a viable National Trust. These sessions were attended by the top representatives of all the stakeholders, including a large cadre of CEO's and corporate general counsels. This process

served a number of highly useful purposes. At the threshold, as the result of a session attended by four leading experts, we came to a much clearer understanding of the troublesome issue of projecting disease incidence and, more importantly, claim filings over the next forty to fifty years. There are still some loose ends to be tied down, especially on the issue of distribution of non-cancer asbestosis claimants with increasing degrees of lung impairment claims (S. 2290 levels III, IV and V), but in other respects we have a good handle on the issues. While the confidentiality attendant to the mediation process cautions me against memorializing the details of the parties' positions on claim values, projections, and the size of the fund, I can fairly state that major progress was made in all these areas. There was also a significant breakthrough on the related issue of partial "sunset" of claims by lung cancer victims with significant asbestos exposure, but without x-ray evidence of pleural thickening or asbestosis, if and when these claims exceed an agreed upon number. . . . In short, the parties are significantly closer than they had been before. Additionally, on the vital issue of the size of the up-front funding (during the first 5 years of the fund), major strides have also been made.

While there is still a good deal of distance between the positions of the stakeholders on these matters, I am optimistic that, with further discussions with the right intermediary, the gap might be closed. Such a "gap closure" would not, I must add, seal a consensus in the absence of agreement on a number of other issues of great importance to the parties, most of which are inextricably intertwined with the financial issues just described. The most important items on this list are: (1) treatment of pending claims and bankruptcies; (2) subrogation of workers' compensation payments; and (3) the venue of any revision to the tort system as a vehicle for "sunset" in the event that the fund becomes insufficient to make the required payments to victims. But if the claims values, projections and funding issues can be resolved, I believe that these latter issues would fall into place.

I am encouraged by the joint statement made today by Senator Frist and Senator Daschle that they "are committed to working together to determine whether a compromise can be reached that would provide sufficient payments to asbestos victims and certainty to companies."

Mr. SPECTER. In the absence of any Senator on the floor seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMPUTING AND SCIENCE

Mr. ALEXANDER. Madam President, yesterday Secretary Abraham of the Department of Energy announced that Oak Ridge National Laboratory in my

home State of Tennessee was selected the winner of the Department of Energy's competition to develop a leadership class computational facility.

To put that in plain English, that means the Oak Ridge Laboratory, being one of the most famous names in science in the world, will lead an effort that includes many of the brightest minds in our country to try to regain leadership in high-speed and advanced computing for the United States of America.

Oak Ridge, because of this competition, will receive \$25 million in funding from the Department of Energy this year for developing this leadership class facility, and the Department has requested an additional \$25 million for this activity for next year.

Secretary Abraham's decision will put the United States back in the leadership position in high-performance computing by supporting the development of a 50-teraflop high-end computing facility capable of performing 50 trillion calculations per second.

Why is that important to us? It will permit us in this country to address many scientific problems. For example, we have great debates in this Chamber about global warming and climate change. We base a lot of important policy decisions about clean air regulations—decisions that cost us money—on what is happening in the Earth's climate. This high-end, advanced computing will help us simulate the Earth's climate and have better science upon which to make our policy decisions about global warming.

High-performance computing is also required to model and simulate the plasma phenomena to examine whether fusion power can become a reality. We have enormous debates, and we have not resolved the energy picture. If fusion were an option, we would have a completely different energy picture in the world today because it would offer the promise of virtually no-cost or low-cost energy for people all around the world. Nanoscience has the possibility of revolutionizing chemistry and materials sciences. Yet the full benefit of nanoscience may not be achieved without detailed simulation of quantum interactions.

Advanced manufacturing: We have great debates in this Chamber about how to keep our manufacturing jobs from moving overseas. One way to do that is to lower manufacturing costs and advance our technology, and we should be able to do that. Having advanced computing would help us do it.

I was in Japan about a month ago. One of my purposes for going there was to get a briefing on what Japan calls the Earth Simulator. The Earth Simulator is Japan's high-speed, advanced computing technology. It is currently 2.5 times more powerful than anything else in the world. It has held this distinction for 2 years. The United States is not No. 1 in advanced computing; Japan is. Two years is a very long time to hold the top spot in the computing field.

We are very fortunate Japan is one of the strongest allies we have on this Earth. With our scientists working with Japan's scientists, we will have an opportunity to learn more about climate together and more about manufacturing together.

But the United States needs to be first in high-speed advanced computing. It is one of the critical science fields in which we need to be the world's leader. This is because high-performance computing produces scientific discoveries which were once thought only possible through experimentation.

In other words, instead of actually doing the scientific experiments, we simulate those experiments with high-speed, advanced computers and are able to do calculations scientists once thought never would be possible.

The \$25 million in funding that was announced yesterday will put the Oak Ridge National Laboratory and all of its associates at laboratories and universities around America working together on a path to deliver a supercomputer with a sustained performance of 50 trillion calculations per second.

With the Secretary's announcement, the Cray computer will be expanded to exceed sustained performance of the Earth Simulator.

In other words, what is happening in Oak Ridge, if we stay on this path, will put us ahead of Japan's Earth Simulator, and the performance of this Cray architecture at Oak Ridge will be evaluated by the Oak Ridge scientists on a host of problems, including climate science, materials science, chemistry, astrophysics, and fusion. The decision by the Secretary is very timely.

Recently, on May 3, the New York Times published a front-page article stating the United States is losing its dominance in the sciences. This article basically points out the foreign advances in basic science rival or exceed those of U.S. scientists. Japan's Earth Simulator was one of the best examples of our loss of scientific leadership.

The article stated impacts of the advances in other countries can be seen by the increases in U.S. patents that are held by foreign companies, and the dominance of foreign scientists in publishing articles in the physical sciences and the reduction in the number of U.S. recipients of Nobel Prizes. These changes need to be understood.

Since World War II, at least half our jobs in the United States of America have come because of advances in science and technology. We are entering an even more competitive era. We are entering it at a time—I was thinking about this while I was in Japan—when our country and Japan, those two countries, have 43 to 45 percent of all the gross domestic product in the world. We are 5 percent of the people in the world, and we have a third of the dollars. Add Japan to that, and we are 43 to 45 percent; those two countries have 43 to 45 percent of the dollars.

We are not going to keep our standard of living even in a world that grows

greatly in wealth unless we have some secret weapon. That secret weapon has to be brainpower, computer power, and scientific power. Our secret weapons are our national laboratories and our great research universities. That has been true before and it is true for the future.

Some have suggested the current administration, the Bush administration, has neglected basic research. I think we need to put this in context. The Bush administration and this Congress have followed through with the effort to double the funding for the National Institutes of Health. The NIH budget increased nearly 44 percent from 2000 to 2003.

Furthermore, since coming into office, President Bush has significantly increased funding for the National Science Foundation. That science budget increased by a factor of nearly 27 percent in the last 3 years. But despite these accomplishments by the Bush administration and by this Congress and the previous Congress, the physical sciences and engineering fields historically have been neglected. This systemic neglect has occurred for more than a decade.

The Department of Energy's Office of Sciences is the largest supporter of basic research in physical sciences and engineering.

While this office and its predecessor are responsible for many of our scientific advances, including significant contributions to mapping the human genome, the office has largely been neglected over the last 10 years. In fact, when adjusting for inflation, the Office of Science received more funding in 1992 than it has in any other year over the past 12 years. The most significant decline in funding for the Office of Science occurred during the Clinton administration.

So let's spread the blame all around, and let's spread the credit, too. We have done a good job in funding the health sciences. We have done a good job at the National Science Foundation. We have done a poor job on the physical sciences. Our future depends on the physical sciences just as much, maybe more, than it does on the other sciences.

Our great research universities, our national laboratories, and our industry leaders have urged the funding for the physical sciences and that engineering be brought to parity with that of the life and medical sciences. The President's Council of Advisors on Science and Technology made the same recommendation last year.

Some argue we cannot expect to be the leader in every field. That is correct, but we need to be among the world leaders in most fields and need to lead in some fields. One of those critical fields is high-performance computers. Computing is seen by many as the third pillar of science—right after theory and experimentation. Secretary Abraham's announcement is the first step in developing and sustaining our

Nation's leadership in high-performance computers.

I have sponsored the High-End Computing Revitalization Act of 2004 along with Senator BINGAMAN. This would authorize the Secretary to carry out research and development to keep our Nation on the forefront of high-performance computing. The act authorizes the Energy Secretary to establish scientific computing facilities and would authorize a minimum of \$100 million per year for 5 years to establish these facilities. It would authorize the Secretary to establish a high-end software development center and would authorize a minimum of \$10 million a year for 5 years for this activity. If we want to regain the lead in high-speed computing, high-performance computing, this is what we must do. We know exactly how to do it. We have the laboratories to do it. We have the research universities to do it. Oak Ridge has now been selected as the coordinator of that effort. If we fund it, we will regain it. It is up to us to do it.

I have also sponsored the Energy and Scientific Research Investment Act of 2003 with Senators LEVIN, WARNER, and BINGAMAN. This would essentially double funding for the Department of Energy Office of Science to keep our Nation among the leaders of science. The authorizations for this bill became part of the Energy bill.

We must act to put our Nation back at the forefront of science. We have a lot of discussions in the Senate. Most of them have to do with our high standard of living. They take for granted the fact that we live in an increasingly well-educated world and that most of our ability to maintain that standard of living has to do with whether we have good schools, whether we have great universities, and whether we have great energy laboratories.

We talk about outsourcing. In Europe, the outsourcing they talk about is the outsourcing of brains being attracted by our universities and our national laboratories. Mr. Schroeder in Germany and Mr. Blair in Great Britain are challenging their higher education system because they are falling behind our higher education system.

Our research universities and our national laboratories are our secret weapons for our national defense, for our standard of living, and for our improved health care. They have been for 50 years, and they will be in the future.

I am delighted to see the Secretary of Energy has made his decision to center an attempt to regain the lead for the United States in advanced computing facilities by focusing that effort at Oak Ridge. However, I hope this Congress on both sides of the aisle will now begin to pay attention to proper funding of the physical science over the next 5 years. We should double it, as we have doubled funding for the health sciences. If we do so, it is the surest path to maintaining our standard of living, our national defense and our health care.

I ask unanimous consent the article from the New York Times to which I refer from Monday, May 3, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES IS LOSING ITS DOMINANCE IN  
THE SCIENCES

(By William J. Broad)

The United States has started to lose its worldwide dominance in critical areas of science and innovation, according to federal and private experts who point to strong evidence like prizes awarded to Americans and the number of papers in major professional journals.

Foreign advances in basic science now often rival or even exceed America's, apparently with little public awareness of the trend or its implications for jobs, industry, national security or the vigor of the nation's intellectual and cultural life.

"The rest of the world is catching up," said John E. Jankowski, a senior analyst at the National Science Foundation, the federal agency that tracks science trends. "Science excellence is no longer the domain of just the U.S."

Even analysts worried by the trend concede that an expansion of the world's brain trust, with new approaches, could invigorate the fight against disease, develop new sources of energy and wrestle with knotty environmental problems. But profits from the breakthroughs are likely to stay overseas, and this country will face competition for things like hiring scientific talent and getting space to showcase its work in top journals.

One area of international competition involves patents. Americans still win large numbers of them, but the percentage is falling as foreigners, especially Asians, have become more active and in some fields have seized the innovation lead. The United States' share of its own industrial patents has fallen steadily over the decades and now stands at 52 percent.

A more concrete decline can be seen in published research. *Physical Review*, a series of top physics journals, recently tracked a reversal in which American papers, in two decades, fell from the most to a minority. Last year the total was just 29 percent, down from 61 percent in 1983.

China, said Martin Blume, the journals' editor, has surged ahead by submitting more than 1,000 papers a year. "Other scientific publishers are seeing the same kind of thing," he added.

Another downturn centers on the Nobel Prizes, an icon of scientific excellence. Traditionally, the United States, powered by heavy federal investments in basic research, the kind that pursues fundamental questions of nature, dominated the awards.

But the American share, after peaking from the 1960's through the 1990's, has fallen in the 2000's to about half, 51 percent. The rest went to Britain, Japan, Russia, Germany, Sweden, Switzerland and New Zealand.

"We are in a new world, and it's increasingly going to be dominated by countries other than the United States," Denis Simon, dean of management and technology at the Rensselaer Polytechnic Institute, recently said at a scientific meeting in Washington.

Europe and Asia are ascendant, analysts say, even if their achievements go unnoticed in the United States. In March, for example, European scientists announced that one of their planetary probes had detected methane in the atmosphere of Mars—a possible sign that alien microbes live beneath the planet's

surface. The finding made headlines from Paris to Melbourne. But most Americans, bombarded with images from American's own rovers successfully exploring the red planet, missed the foreign news.

More aggressively, Europe is seeking to dominate particle physics by building the world's most powerful atom smasher, set for its debut in 2007. Its circular tunnel is 17 miles around.

Science analysts say Asia's push for excellence promises to be even more challenging. "It's unbelievable," Diana Hicks, chairwoman of the school of public policy at the Georgia Institute of Technology, said of Asia's growth in science and technical innovation. "It's amazing to see these output numbers of papers and patents going up so fast."

Analysts say comparative American declines are an inevitable result of rising standards of living around the globe.

"It's all in the ebb and flow of globalization," said Jack Fritz, a senior officer at the National Academy of Engineering, an advisory body to the federal government. He called the declines "the next big thing we will have to adjust to."

The rapidly changing American status has not gone unnoticed by politicians, with Democrats on the attack and the White House on the defensive.

"We stand at a pivotal moment," TOM DASCHLE, the Senate Democratic leader, recently said at a policy forum in Washington at the American Association for the Advancement of Science, the nation's top general science group. "For all our past successes, there are disturbing signs that America's dominant position in the scientific world is being shaken."

Mr. DASCHLE accused the Bush administration of weakening the nation's science base by failing to provide enough money for cutting-edge research.

The president's science adviser, John H. Marburger III, who attended the forum, strongly denied that charge, saying in an interview that overall research budgets during the Bush administration have soared to record highs and that the science establishment is strong.

"The sky is not falling on science," Dr. Marburger said. "Maybe there are some clouds—no, things that need attention." Any problems, he added, are within the power of the United States to deal with in a way that maintains the vitality of the research enterprise.

Analysts say Mr. Daschle and Dr. Marburger can both supply data that supports their positions.

A major question, they add, is whether big spending automatically translates into big rewards, as it did in the past. During the cold war, the government pumped more than \$1 trillion into research, with a wealth of benefits including lasers, longer life expectancies, men on the Moon and the prestige of many Nobel Prizes.

Today, federal research budgets are still at record highs; this year more than \$126 billion has been allocated to research. Moreover American industry makes extensive use of federal research in producing its innovations and adds its own vast sums of money, the combination dwarfing that of any other nation or bloc.

But the edifice is less formidable than it seems in part because of the nation's costly and unique military role. This year, financing for military research hit \$66 billion, higher in fixed dollars than in the cold war and far higher than in any other country.

For all the spending, the United States began to experience a number of scientific declines in the 1990's, boom years for the nation's overall economy.

For instance, scientific papers by Americans peaked in 1992 and then fell roughly 10 percent, the National Science Foundation reports. Why? Many analysts point to rising foreign competition, as does the European Commission, which also monitors global science trends. In a study last year, the commission said Europe surpassed the United States in the mid-1990's as the world's largest producer of scientific literature.

Dr. Hicks of Georgia Tech said that American scientists, when top journals reject their papers, usually have no idea that rising foreign competition may be to blame.

On another front, the numbers of new doctorates in the sciences peaked in 1998 and then fell 5 percent the next year, a loss of more than 1,300 new scientists, according to the foundation.

A minor exodus also hit one of the hidden strengths of American science: vast ranks of bright foreigners. In a significant shift of demographics, they began to leave in what experts call a reverse brain drain. After peaking in the mid-1990's, the number of doctoral students from China, India and Taiwan with plans to stay in the United States began to fall by the hundreds, according to the foundation.

These declines are important, analysts say, because new scientific knowledge is an engine of the American economy and technical innovation, its influence evident in everything from potent drugs to fast computer chips.

Patents are a main way that companies and inventors reap commercial rewards from their ideas and stay competitive in the marketplace while improving the lives of millions.

Foreigners outside the United States are playing an increasingly important role in these expressions of industrial creativity. In a recent study, CHI Research, a consulting firm in Haddon Heights, NJ., found that researchers in Japan, Taiwan and South Korea now account for more than a quarter of all United States industrial patents awarded each year, generating revenue for their own countries and limiting it in the United States.

Moreover, their growth rates are rapid. Between 1980 and 2003, South Korea went from 0 to 2 percent of the total, Taiwan from 0 to 3 percent and Japan from 12 to 21 percent.

"It's not just lots of patents," Francis Narin, CHI's president, said of the Asian rise. "It's lots of good patents that have a high impact," as measured by how often subsequent patents cite them.

Recently, Dr. Narin added, both Taiwan and Singapore surged ahead of the United States in the overall number of citations. Singapore's patents include ones in chemicals, semi-conductors, electronics and industrial tools.

China represents the next wave, experts agree, its scientific rise still too fresh to show up in most statistics but already apparent. Dr. Simon of Rensselaer said that about 400 foreign companies had recently set up research centers in China, with General Electric, for instance, doing important work there on medical scanners, which means fewer skilled jobs in America.

Ross Armbricht, president of the Industrial Research Institute, a non-profit group in Washington that represents large American companies, said businesses were going to China not just because of low costs but to take advantage of China's growing scientific excellence.

"It's frightening," Dr. Armbricht said. "But you've got to go where the horses are." An eventual danger, he added, is the slow loss of intellectual property as local professionals start their own businesses with what they have learned from American companies.

For the United States, future trends look challenging, many analysts say.

In a report last month, the American Association for the Advancement of Science said the Bush administration, to live up to its pledge to halve the nation's budget deficit in the next five years, would cut research financing at 21 of 24 federal agencies—all those that do or finance science except those involved in space and national and domestic security.

More troubling to some experts is the likelihood of an accelerating loss of quality scientists. Applications from foreign graduate students to research universities are down by a quarter, experts say, partly because of the federal government's tightening of visas after the 2001 terrorist attacks.

Shirley Ann Jackson, president of the American Association for the Advancement of Science, told the recent forum audience that the drop in foreign students, the apparently declining interest of young Americans in science careers and the aging of the technical work force were, taken together, a perilous combination of developments.

"Who," she asked, "will do the science of this millennium?"

Several private groups, including the Council on Competitiveness, an organization in Washington that seeks policies to promote industrial vigor, have begun to agitate for wide debate and action.

"Many other countries have realized that science and technology are key to economic growth and prosperity," said Jennifer Bond, the council's vice president for international affairs. "They're catching up to us," she said, warning Americans not to "rest on our laurels."

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, I ask unanimous consent I be allowed to extend my remarks of 20 minutes as in morning business.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

#### BROWN v. BOARD OF EDUCATION

Mr. HOLLINGS. Mr. President, right to the point. A lot of exercises are going on with respect to Brown v. Board of Education. Most of the comments, of course, are lamenting the fact we have not proceeded too far, or sufficiently, with respect to the integration of public education in America.

That misses the point. The point is this decision itself more or less removed the lid off the punch bowl of segregation and allowed all Americans, regardless of race, creed, or color, to become, for the first time, full Americans, full citizens. Yes, if you please, Rosa Parks could know, in not moving from that front seat in the bus, down in Montgomery in 1955 after the 1954 Brown decision, that she was a full citizen, she was a full American. That in and of itself is the real significance of this history-making decision in the last century. It certainly is the most significant judicial decision of that century in that it amended the Constitution and gave us pride, all of us, in full citizenship in this land.

I rise because of the emphasis nationally with respect to the Brown case, while the truth is the leading case was

from the State of South Carolina. In December of 1952, the arguments before the U.S. Supreme Court, let the record show that Thurgood Marshall, chief counsel for the NAACP, did not argue the Brown case; he argued the Briggs v. Elliott case of South Carolina. This is not to take in any sense away from the Kansas situation, but everyone should realize the State of Kansas had only a 7-percent minority population. People did not understand that. There was a law to the effect that all cities in excess of 15,000 population could either opt for segregated schools or for integrated schools. Under that particular law, it more or less devolved down to where the elementary schools were segregated and the secondary schools were integrated. But it was not a matter of societal significance—so much so that, in essence, the State of Kansas had already decided not even to argue the case before the Supreme Court. They were going to just submit it on written briefs.

I speak advisedly. I was not the lawyer in the Briggs v. Elliott case. I was admitted to practice before the U.S. Supreme Court when we made our arguments in December 1952. I was sent at the last minute by Governor James Francis Byrnes, who formally occupied this desk as a Senator, as did John C. Calhoun, and Governor Byrnes said: Fritz, you wrote that 3-percent sales tax for the schools that we enacted in 1951 under his leadership. He said: You know all the elements of the equalization of the teachers' pay, the transportation, and the construction of public schools in South Carolina. You know that issue of separate but equal, how we equalized everything and what we had done to the extent of over 3-percent sales tax to finance it and everything else, so it was real and not just what we intended. He said: You have to go up there with Robert McC. Figg, the active counsel at the local level in Briggs against Elliot, and with John W. Davis, former Solicitor General, candidate for President in 1924. According to Governor Byrnes, a former associate justice who sat on the Supreme Court, the constitutional mind of the legal profession is John W. Davis of West Virginia. I have called him and he is going to make the arguments pro bono for the State of South Carolina that he believes so vehemently in Plessy vs. Ferguson, the 1896 decision of the Supreme Court that enunciated the separate but equal doctrine. That was my participation.

Let me go back to the earliest part because that is the real significance of this change in our culture, society, and Constitution.

It was back in 1947 that a group in Summerton, SC, which is in Clarendon County, and had gotten together an old, discarded bus. Levi Pearson was the principal mechanic. He fixed the engine and got that bus all ready to go. They went to the school board for a little gasoline money. The school board said: No, we are not giving you any

gasoline money. They said: Well, you have it for the White children. They have the money. We have to walk to the Scotts Branch School—which was a 9-mile walk for some of them—down a dirt road.

We get this big yellow bus full of White children passing us in the dust or in the rain—whichever of the two. They said: And we just fixed up the bus. It won't cost you anything.

They said: No. You folks don't pay taxes and we don't have any money for gasoline for you to have a ride to school.

When you hear this, you begin to understand the significance of the change in our society and what we call equal rights under the law. That is somewhere along the ceiling up here.

So Pearson got together with Rev. Joseph De Laine. Reverend De Laine was an AME preacher and also a schoolteacher, and later a superintendent. They went up to Columbia and they got the case going. On a technicality, if you please—they found out the plaintiff in the case lived just over the line. His children were attending school in the district where the case was brought, but on a technical thing they had it thrown out. They could always find something to prohibit any kind of relief for the African Americans at that particular time.

So Reverend De Laine went and talked, in Columbia, to James M. Hinton, the NAACP director. He said: Look, Reverend, if you go down to Summerton and you get 20 plaintiffs, I can get that lawyer Marshall, up there in Washington, DC, to bring a class action.

So Reverend De Laine came back down to Summerton, got the 20 parents, and some 46 children, and that gives the genesis of the famous "Summerton 66." Anywhere you talk, in the African-American community in America, they know of that "Summerton 66." Mind you me, this started 8 years before Rosa Parks.

Incidentally, and I am grateful to the Senate, they unanimously endorsed the Congressional Gold Medal for Levi Pearson, for Harry and Eliza Briggs, as well as for Rev. Joseph De Laine. That is one of the reasons why this afternoon, when we are not too busy, I am speaking. I had intended to speak on Monday, which is May 17, the actual 50-year anniversary of Brown v. Board of Education, but I have to be at an event in South Carolina. I do not know that I will get back in time.

But be that as it may, it is important that the record be made about these valiant Americans who changed history.

When they got there, sure enough, Thurgood Marshall took up the case. Then, as the expression goes, all hell broke loose. I could go into the details, but that is why I speak without notes. I could tell you just when and where and how Reverend De Laine's home was shot, and later it was burned. He escaped to a church down in Lake City