

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

some 35 miles away, where, again, his church was burned and he escaped with his life, never to return to the State of South Carolina. They held a warrant out on him for 45 years. He had fired back at the car the first time when they shot his home in order to identify the car, but he never got a chance. They held on to the warrant on him for some 45 years.

Harry Briggs, the plaintiff, he ran a filling station there in Summerton. Nobody would buy gas from him anymore. He escaped down to Florida to make a living with his wife. Others who were just dirt farmers there could not, all of a sudden, buy seed to plant. They lost their livelihoods and everything of that kind.

I could go down throughout the years. They stuck with it for a good 5- or 6-year period, until that decision was made. Every pressure in the Lord's world was made to try to threaten, coerce, and make them remove their names from that particular petition. But the famous "Summerton 66"—the 20 parents and 46 kids—stuck with it, and they made history.

When I came to Washington, it was on a Saturday morning. Robert McC. Figg, a distinguished lawyer—a Columbia University law graduate—had handled the case at the local level under Judge Waring in the Fourth Circuit Court of Appeals. We came up, obviously, on the appeal of the NAACP and Thurgood Marshall. We got here on a Saturday morning. You will begin to understand what we learned, to our shock, that our *Briggs v. Elliott* case, the lead case, all of a sudden had been set aside, and the lead case was made *Brown v. the Board of Education in Topeka*. Roy Wilkins was a friend of the Solicitor General, and they moved the case up because they knew that Kansas was not really disturbed and did not have a strong case one way or the other; it could care less. That was proved by that they were not going to even send an attorney to argue the case.

I will never forget, on a Saturday afternoon and evening, Governor Byrnes was on the line with the Governor of Kansas, finally persuading him to send someone. Late on Sunday evening they sent Paul Wilson—an Assistant Attorney General. They did not send the Attorney General or anybody to handle it; they sent the Assistant Attorney General, and we helped brief him over at the Wardman Park.

But I am getting ahead of my story. This morning I noticed in the Washington Post a *Brown v. Board of Education* decision whereby it is quoted that Thurgood Marshall thought that once they had won on May 17, 1954, there would be complete integration within 5 years. Absolutely wrong. False. I know, and the reason I know is because we were at Union Station here in the District. We were having breakfast—that is Dean Figg, who was later the dean of our law school—Dean Figg and myself. And in walked Mr. Mar-

shall. He sat down and they began to exchange stories. Incidentally, they had the highest respect for each other. They got along. I will never forget when they were hanging a portrait of Jimmy Byrnes over in the Supreme Court, and Figg came in the doorway and Associate Justice Marshall hugged him and almost lifted him off the floor. And all the other Justices wondered what in the world was going on. They thought the world of each other.

Thurgood Marshall turned and said: Now, Bob, let's assume I have won the case. How long do you think before there will be any real integration?

And I will never forget it. Figg said: Thurgood, you are not going to like my answer, but it is going to be a good 25 years before there is any real integration.

Marshall looked at him and said: No, you're wrong. It will be nearer 50 years.

And here we are today, 50 years later, where the Scott's Branch School in the *Briggs v. Elliott* case is still 95-percent segregated. When that decision came out on May 17, we had 16 private schools in my little State of South Carolina. Now we have 372 private schools. Do you know why charter schools, tax credits, all that there malarkey is coming along? That is the drive to finance segregation. That is all it is. And they all know it. But you don't see that printed.

We ought to test this to see how the schools can work.

I wish they would go back to Horace Mann, when the greatness of America was public education, where all people of all classes and creeds were all put together, and they came and studied and graduated together and became one strong society. That is why I co-sponsored the draft, yes, on the inequality of those who have to serve, but more than anything else, the strength of the draft itself in the building of America.

There was another story that some will say is not politically correct, but I will never forget Marshall turned to Figg, and he said: By the way, Bob, you know—at that time they were referred to not as African Americans—that Negro family in Cicero, they are having near riots and everything else like that. So he said: Do you know what I had to do? I had to go down to Springfield and see Governor Adlai Stevenson. I got Governor Stevenson to send that family back to Mississippi for safekeeping. And he said: But for Heaven's sake, don't tell anybody that. That will ruin me.

I said: Thurgood, don't tell anybody I am eating breakfast with you. I will never get elected to another office.

I was a young Speaker pro tempore back over 50 years ago in 1952. Now we Democrats are begging to eat breakfast with African Americans, but not then. Oh, no. You folks in this Chamber have to understand the changes that have come about over America.

But be that as it may, when we left that morning after breakfast, we found

out that they had moved that case up for known reasons, and we had to fight all weekend to get Wilson. And Wilson teed off on Monday morning as the first argument in *Brown* against the board. He literally shocked the other side because he made a splendid argument. There were 3 days of arguments.

Fred Vinson was the Chief Justice at the time. All of the lawyers were talking about the value of association under the Vinson decision of *Sweatt v. Painter* and making appeals, knowing that the court would once again confirm *Plessy v. Ferguson*.

Governor Byrnes, incidentally, told me: Don't worry about that case. I have talked to some friends up there.

He wouldn't want to say he talked to the Court. He said: I talked to some friends, and we will win that case. And there is no question that they probably would have.

But what happened was that a few months later, Chief Justice Vinson passed away and Earl Warren was appointed Chief Justice. That changed history because Warren said: Come back and don't argue.

So Warren made us come back, reargue not separate but equal, but the fundamental that segregation in and of itself was unconstitutional.

So we went back and we reargued that case. On May 17, a unanimous court decision came down which changed America. There is no question in my mind that was for the good. I had my doubts at that particular time. Still as a young southern politician, I said: Good gosh, how are we going to do this?

Well, it is very interesting. Thurgood Marshall, Bob Figg, Roy Wilkins, the NAACP lawyers, they all got together. And the Court, on May 17, said: desegregate with all deliberate speed. So Wilkins and Marshall had agreed to this—they said what we will do is the first year we will integrate the first grade. The second year we will integrate the first grade again, and of course the second grade is already integrated, then on up the line over a 12-year period, and we will have, with all deliberate speed, all the elementary grades integrated, beginning with the little ones playing together.

That was Marshall's answer to Felix Frankfurter when Frankfurter asked him: What happens when you have won your case? What happens?

He said: Well, the little children, if Your Honor please, who play together and go off to separate schools will come back and play together, and they will have freedom of choice. They can go to whatever school they want. What we are trying to remove is the State-imposed separation of race in public education.

Our Constitution and the law of South Carolina, unlike Kansas, which was local option, our Constitution and law required separate but equal.

We had it all worked out until the lawyer up in New York for the NAACP said: No, sir. We are not going to be

given our constitutional rights on the installment plan.

And the rest is history. We had the white citizens councils on the one hand. We had Martin Luther King, Jr., and burn baby burn on the other hand. And we literally had some 20 years—Malcolm X and everything else of that kind—of trauma, upset, burning here in Washington. I will never forget the riots in 1968. It has been quite a history over that period of time.

What has happened is not integrated public education. That is agreed to. But it really made legitimate Rosa Parks and everybody else coming south, the freedom riders and everything else like that. For the first time officially everyone became a full citizen under the Constitution and under the law in America on May 17, 1954.

So we made a lot of progress in the United States since that time. It was done through the valiant effort of the Summerton 66 that literally lost their lives—one was attributed to having lost his life as a result of the discord. But whatever it might be, Reverend De Laine could not return to South Carolina. The United States Senate and the House of Representatives unanimously have agreed now to present them the Congressional Gold Medal.

It had been my hope that next Monday afternoon, May 17, we would have a ceremony in the Rotunda, but we will look forward to the time later this year when we can honor Reverend De Laine, Harry and Eliza Briggs, and Levi Pearson, who really understood the Constitution in America better than this particular Senator, who at that time was only a fledgling Democratic politician. That is the history. I will be glad to go into it sometime with my colleagues about some of the arguments made.

I yield the floor.

Mr. REID. Mr. President, did I hear the Senator say that the first arguments took 3 days?

Mr. HOLLINGS. Three days, yes.

Mr. REID. Now, in the Supreme Court, if you get an hour, you are lucky.

Mr. HOLLINGS. That is right, it took 3 days. I will never forget, Henry Fonda was over at the National Theater, and I was sitting right inside the rail with John W. Davis and Mr. Briggs right at the table, and I got Fonda to sit up there with me during the 3 days. He didn't leave. He wanted to hear all the arguments. That was in December of 1952.

Mr. REID. Mr. President, I say to the Senator, what a great history lesson we had today. We have only heard a short bit of the knowledge of the Senator from South Carolina. The Senator from South Carolina was one of the originals who decided things were not the way they should be in the South. He has been able to work through the process and stand for what he believed, and because of this, the people of South Carolina have elected him time after time. It is obvious why. He is a man

who is a World War II combat veteran, someone we admire so much. We are all disappointed that he has indicated he is not going to seek reelection. It is a disappointment to me.

I cannot express in words what a role model he has been for me. Not only can he stand and speak, as he did today, about the most serious subjects that face the world, but he has one of the best senses of humor of anyone I have dealt with.

Mr. HOLLINGS. I thank the distinguished Senator.

AWARDING MEDALS TO SERVICE MEMBERS

Mr. REID. Mr. President, we don't have anybody from the majority in the Chamber. I want to reiterate what I said earlier in the day. We are basically in morning business today. There is no legislative business on the floor. Senator BINGAMAN—I am speaking for him and for everyone on this side of the aisle—badly wants to do Calendar No. 507, H.R. 3104 on the Calendar of Business, which is a piece of legislation to provide for the establishment of separate campaign medals to be awarded to members of the uniformed services who participated in Operation Enduring Freedom in Afghanistan and members of the uniformed services who participated in Operation Iraqi Freedom, of course, in Iraq. I cannot imagine why we cannot do this bill, which passed the House unanimously.

I hear on the other side that "we are trying to clear it." What in the world does that mean? Is somebody opposing bringing this bill to the floor? The problem we have is that the day is winding down. As we all know, people have things to do in their States and around the country. They are going to be leaving. If we don't get something within the next 35 minutes or so, there won't be enough Senators here to allow a vote to take place.

So, again, I say to the majority, why can we not do this piece of legislation? It is something Senator BINGAMAN has worked on for more than a year. It is important legislation, something we should do. I am terribly disappointed that I am told they are trying to clear it. I don't understand what that means. Clear what? Is someone going to vote against medals for people who participated in those two theaters of war? Is it just because it is Senator BINGAMAN's idea. I don't know what it is. I hope we get real and move forward on this legislation. I apologize for making my friends wait.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

(The remarks of Mr. PRYOR pertaining to the submission of S. 2419 are printed in today's RECORD under "Statements on Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Georgia.

MORE OUTRAGED BY THE OUTRAGE

Mr. MILLER. Mr. President, here we go again, rushing to give aid and comfort to our enemies—pushing, pulling, shoving, and leaping over one another to assign blame and point the finger at "America the terrible," lining up in long lines at the microphones to offer apologies to those poor, pitiful Iraqi prisoners.

Of course, I do not condone all the things that went on in that prison, but I for one refuse to join in this national act of contrition over it. Those who are wringing their hands and shouting so loudly for heads to roll over this seem to have conveniently overlooked the fact that someone's head has rolled, that of another innocent American brutally murdered by terrorists.

Why is it there is more indignation over a photo of a prisoner with underwear on his head than over the video of a young American with no head at all? Why is it some in this country still do not get it, that we are at war, a war against terrorists who are plotting to kill us every day, terrorists who will murder Americans at any time, anyplace, any chance they get.

Yet here we are, America on its knees in front of our enemy, begging for their forgiveness over the mistreatment of prisoners, showing our enemy and the world once again how easily America can get sidetracked, how easily America can turn against itself.

Yes, a handful of soldiers went too far with their interrogation. Clearly some of them were not properly trained to handle such duty, but the way to deal with this is with swift and sure punishment and immediate and better training.

There also needs to be more careful screening of who it is we put in these kinds of sensitive situations—and no one wants to hear this, and I am reluctant to say it, but there should also be some serious questioning of having male and female soldiers serving side by side in these kinds of military missions. Instead, I worry that the HWA, the "hand wringers of America," will add to their membership and continue to bash our country ad nauseam and, in doing so, hand over more innocent Americans to the enemy on a silver platter.

So I stand with Senator INHOFE of Oklahoma who stated that he is more outraged by the outrage than by the treatment of those prisoners. More outraged by the outrage, that is a good way of putting it. That is exactly how this Senator from Georgia feels.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

HONORING OUR SERVICE MEN AND WOMEN

Mr. BINGAMAN. Mr. President, I rise to express my strong hope that we can get agreement today to move ahead