



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, MONDAY, MAY 17, 2004

No. 69

## Senate

The Senate met at 12 noon and was called to order by the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray:

Holy God, who takes our guilt away, You are the chief justice of the universe. Thank You that we can do nothing to earn Your forgiveness, so that we need not sink into regrets, shame, and excuses. You have buried our transgressions in the sea of forgetfulness. Wrap us with a robe of righteousness, as a bridegroom dresses for his wedding and as a bride is adorned with jewels. Help us to show our gratitude for our salvation by living for You.

Enable our Senators today to contribute to peace in our world. As they are empowered by You, the Prince of Peace, help these dedicated lawmakers to make Your work their work. Bless our pages who face the challenges of exams. Hasten the day when Your purposes will be done on Earth, even as they are done in heaven. We pray this in Your holy Name.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ELIZABETH DOLE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 17, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ELIZABETH DOLE, a Senator from the State of North Carolina, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mrs. DOLE thereupon assumed the chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

### SCHEDULE

Mr. McCONNELL. Madam President, today the Senate will be in a period of morning business until 2:30. At 2:30, the Senate will begin consideration of the Department of Defense authorization bill. The Chairman and ranking member of the Armed Services Committee will be here to begin working through amendments to that bill. Chairman WARNER and Senator LEVIN have indicated they will have an amendment ready to be voted on around 5:30. This will be the first vote of the day.

It is the majority leader's intention to complete action on the bill by the end of the week. Senators who wish to offer an amendment are encouraged to contact the bill managers as soon as possible so they can schedule floor time for the amendment's consideration. The leader stated that late night sessions are expected this week and Members should plan their schedules accordingly.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 2:30 p.m., with the time equally divided between the two leaders or their designees.

The Senator from Kentucky is recognized.

### 50TH ANNIVERSARY OF BROWN VS. BOARD OF EDUCATION OF TOPEKA

Mr. McCONNELL. Madam President, I rise this morning to mark the 50th Anniversary of the Supreme Court's historic decision in the case of Brown vs. Board of Education of Topeka.

As I stand at my desk on the Senate floor, my eyes are often drawn to the inscription etched in marble directly above the rostrum.

The inscription reads, "E Pluribus Unum." Translated into English, this means, "out of many, one." The founding fathers selected "E Pluribus Unum" to signify the union of our thirteen original colonies into a single cohesive nation—the United States of America. They understood that America's future success, and indeed our strength, would be enhanced through this union.

As our Nation grew in size, population, and diversity, our national motto took on greater meaning.

Today, "E Pluribus Unum" reminds us that America is home to a collection of individuals of all races, creeds, and backgrounds. These individuals together make up America's strength and majesty.

I do not believe the architects of this hallowed chamber etched these words into such a prominent place by accident. As you know, Senate rules require every Senator to engage in debate—no matter how heated or contentious—through the presiding officer. These three words, "E Pluribus Unum," inscribed directly above the presiding officer serve to remind us

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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that regardless of the differences that may divide this body on a given day, we will emerge united as a Senate and united as a Nation.

As columnist George Will noted, we are "a nation defined by our unum, not our pluribus."

Yet, tragically, for much of our Nation's history, millions of African-Americans were excluded from fully participating in our democracy—first by slavery, and later through a system of State-sponsored segregation.

This system of legalized segregation was sanctioned by the Supreme Court case *Plessy vs. Ferguson* and its doctrine allowing for "separate, but equal" public accommodations, including schools.

It is with some pride that I note that a Kentuckian, Associate Justice John Marshall Harlan, was the lone dissenting voice on the Court in the *Plessy* case. In his stinging dissent, Justice Harlan argued:

Our Constitution is color blind and neither knows nor tolerates classes among citizens . . . the destinies of the two races are indissolubly linked together, and the interests of both require the common government of all shall not permit the seeds of race hate to be planted under the sanction of the law.

Justice Harlan also noted, "the judgment this day rendered will, in time, prove to be quite as pernicious as the decision made by this tribunal in the *Dred Scott* case"—referring to the case right before the Civil War.

Justice Harlan's words proved prophetic as more and more Americans grew to understand that a nation forcibly separated by law could never fully realize its destiny as a beacon of freedom, nor truly live up to its motto, "E Pluribus Unum."

By denying African-American children the equal opportunity to attend the same schools as their fellow citizens, States denied these children the opportunity to fully participate economically, socially, or politically in our society as adults.

Fifty years ago this morning, the Supreme Court agreed when it ruled in favor of the plaintiffs in *Brown vs. Board of Education of Topeka*. Simply, yet eloquently, a unanimous Supreme Court found, "We conclude that in the field of public education the doctrine 'separate but equal' has no place. Separate educational facilities are inherently unequal." The Court later directed the States to move forward with desegregation "with all deliberate speed."

In 1954, Kentucky had already begun taking the first small steps towards integrating the State's schools. While the State's elementary and secondary schools remained segregated in 1954, Kentucky had begun chipping away at our state's infamous 1904 "Day Law," which mandated racial segregation in public education.

On the day following the decision, the Louisville Courier-Journal noted, "The Supreme Court, in a decision marked by reason and restraint, has enunciated a doctrine of morality."

Madam President, it is fitting and appropriate that we mark the 50th Anniversary of the *Brown* decision. However, we must also understand that while *Brown* opened the schoolhouse doors to all children, it could not guarantee that every child, regardless of race, receives a high quality education.

That task has been left to the generations that have followed.

In the years since, educators have documented an unsettling and persistent achievement gap between minority and non-minority students. A similar gap exists between poor and non-poor students.

For example, in my home state of Kentucky minority students are much less likely to read proficiently at grade level than their non-minority counterparts. Similar results have been documented nationally.

For decades, the Federal Government spent countless billions with the goal of eliminating the achievement gap but without demanding any real accountability for improving results. Since no results were demanded, none were forthcoming.

From 1965 to 2001, the Federal Government spent more than \$150 billion to address the achievement gap. Total education spending doubled during that period from 1965 to 2001, even after accounting for inflation. Yet during most of this period, reading and math scores remained flat. If funding were the problem, we would have solved the achievement gap years ago.

During this period too many Americans came to accept the achievement gap as the inevitable result of a student's environment or believe the erroneous claim that a certain percentage of students will not ever be able to meet even basic standards in reading and math. All too often, schools just passed these students along from grade to grade through social promotion policies. While the schools may not have failed students on their report cards, they failed to prepare them for life's challenges.

In his 2000 Presidential campaign, then-Governor Bush described this mistaken attitude as "the soft bigotry of low expectations." Following his election, the President moved quickly with leaders in both parties to attack the achievement gap and enact the No Child Left Behind law.

This historic legislation is grounded in the simple principle that every child can learn and that no child should be left behind. It recognizes the fundamental importance of reading for all children. As the President has explained, "Literacy is liberation. . . . The ability to read is what turns a child into a student. First we learn to read, and then we read to learn."

The law sets high standards for all groups of students, and then holds schools accountable for improving academic achievement across the board. For the first time, the No Child Left Behind Act requires States to examine not only an entire school's progress but

also the progress of subgroups of students within a school to make sure we do not give up on any child, regardless of their color, language, or economic circumstance.

If any of these subgroups is not meeting the school's goal of adequate yearly progress, then the whole school has failed to meet its goals. The days of spending and education without accountability are over. Setting high standards for all our students is critical to ensuring that every single child receives an equal opportunity for a quality education.

In writing for the unanimous court in the *Brown* decision, Chief Justice Warren noted:

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.

Those words were never more accurate than they are today. While we mark the 50th anniversary of the historic *Brown* decision to opening America's schools to all children, we must also remember that ensuring every child receives a quality education is the ongoing responsibility for each generation of leaders that follows.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. THOMAS. I thank the Chair. Madam President, I certainly agree with my friend from Kentucky that there is nothing more important than for us to ensure that our education system is accountable, is working well, and is fair to all students.

#### CONFERRING THE HIGHWAY BILL

Mr. THOMAS. Madam President, I wish to take a moment to talk about another topic that I think affects us all. I just came back from my home in Wyoming. I heard a great deal of conversation about highways and the highway bill and the fact that we have not yet been able to pass a highway bill, both in the House and the Senate, and get together. The highway bill, of course, under which we have lived for the last 6 years, has expired, and we are doing a month or two extension of time. The fact is, that does not work very well. With some issues I suppose we could continue to do extensions. Building highways and upgrading highways is all done by contracts. The people responsible for highways need to know what their resources are going to be into the future so they can make those long-term decisions for highway construction contracts. We are unable to do that now.

The highway bill is one of the issues before us that is time imperative. The Environment and Public Works Committee, of which I am a member, has the primary responsibility for putting out a highway bill. We worked on it for a long time. We brought a bill to the floor, and it was passed by this body. It is a very good bill. It is a larger bill