

Brown v. Board of Education was a legal landmark, but the reason that the anniversary is being observed, rather than celebrated, is what Edwards had the courage to point out. In far too many places, the notion of equal opportunity in education is still far from reality.

In "Beyond Brown v. Board: The Final Battle for Excellence in American Education," written for the Rockefeller Foundation and published this week, Ellis Cose of Newsweek cites example after example of the holes that remain in the system. "[B]lacks (and Puerto Ricans and Mexican-Americans) do not, for the most part, go to the same schools, or even the same types of schools, as do the majority of non-Hispanic whites," Cose wrote. "They are more likely to go to schools such as those found in parts of rural South Carolina; schools that, were it not for the American flags proudly flying over the roofs, might have been plucked out of some impoverished country that see education as a luxury it can barely afford."

The law firm headed by Richard Riley, the former secretary of education in the Clinton Cabinet, represents parents and school officials in several of those poor South Carolina counties in a lawsuit seeking to force the state to provide more funds for those schools. With integration—the original goal for the Brown decision—thwarted in many places by residential segregation, resistance to busing and the growing reluctance of federal courts to impose their orders, Cose points out that the new legal battleground has become state court lawsuits seeking "adequacy" in school funding.

The suits, which have begun to win scattered success in states as diverse as New York, North Carolina, Arizona and Idaho since the first breakthrough in Kentucky in 1989, ask the courts to require that the state determine what it takes to educate a child adequately—in staff, facilities, books and equipment—and come up with the money to provide it.

The movements fits logically with the standards set in President Bush's No Child Left Behind education reform. The 2002 law aims at either rescuing or shuttering low-performing schools and especially at helping students who have been shuffled through grades without really getting an education.

By measuring youngsters' competence in basic skills at regular intervals and requiring adequate progress for all parts of the school population—not just the bright students—NCLB pressures states and districts to take steps to eliminate education failures. And that in turn sets up a demand for better principals and teachers and materials.

But standards by themselves will not end the two-track education system. Resources have to flow to the schools and districts that lack the tools they need. A recently published "Look Inside 33 School Districts" by the Center on Education Policy, an independent advocate for more effective public schools, draws the contrast.

The Romulus, N.Y., school system, a small suburban district between Rochester and Syracuse, has found no difficulty meeting the first two years of NCLB requirements. "The district has taken steps to not only recruit well-qualified teachers for any vacancies that arise, but also retain them," the report says. "Romulus has established an extensive mentoring program that taps the expertise of retired teachers by matching them in mentor relationships with new teachers" that continue for a full year. No surprise, then, that "Romulus students perform at high levels."

A few pages later in the report one finds the Cleveland Municipal School District, whose officials "applaud the spirit of NCLB and agree that schools should be held ac-

countable" but where "implementation has been rocky." The district could not reach its mandated improvement goals, with 27 schools on a watch list for failing to meet standards. Officials cannot say how many Cleveland teachers rate as "highly qualified." And state budget cuts cost Cleveland schools \$33 million in the current biennium.

The Romulus schools are 97 percent white; the Cleveland schools, 80 percent non-white. Fifty years after Brown, John Edwards' description still applies.

Mr. SCHUMER. Mr. President, I commemorate the 50th anniversary of the landmark United States Supreme Court decision, Brown v. Board of Education.

On May 17, 1954, Justice Earl Warren read the unanimous decision of the United States Supreme Court, which stated, "We conclude that, in the field of public education, the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal."

The decision made a statement about the course that this country needed to take to achieve the greatness that we, as a Nation, are capable of achieving. Brown v. Board of Education became the measure of equality—and a platform on which the civil rights era was born.

In December 1955, Rosa Parks refused to give up her seat on a Montgomery, AL, bus to a white person and was arrested. This sparked an outrage in the African American community, who decided to boycott the city's buses as a way to challenge the city's segregation laws. The boycott led to a 1956 Supreme Court decision that banned segregated buses.

In September 1957, the commitment to equality in education was reiterated in Little Rock, AK, when President Eisenhower sent troops to Central High School to uphold the Supreme Court's desegregation order protecting the rights of the "Little Rock Nine."

In 1960, four freshmen from North Carolina Agricultural and Technical College in Greensboro, NC, were refused service at a lunch counter at the F.W. Woolworth Store. They sat quietly, without being served, until the store's closing. The next day, they returned with 25 more students from the college. Peaceful protests at lunch counters across the country were initiated and lasted for weeks. The lunch counter protests resulted in a number of stores integrating prior to the passage of the Civil Rights Act of 1964.

On October 1, 1962, federal officials escorted James Meredith, as he became the first African American to enroll at, and later graduate from, the University of Mississippi.

On August 28, 1963, hundreds of thousands of marchers—of all races—descended on Washington, DC to urge Congress to pass legislation to provide equal access to public facilities, quality education, sufficient employment and housing options for African Americans.

The Brown decision and the events flowing from it were major catalysts

that led the way for the passage of the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968.

While we must never lose sight of the benefit and the power of the Brown v. Board of Education decision, we must not believe that the fight for true equality is over and won.

Fifty years later, our country is struggling along the path toward a truly equal society. Unfortunately, today, in many areas, we are still separate and unequal. Individuals come to work in integrated environments and return home to segregated neighborhoods. Parents send their children to schools that seem to be returning to those reminiscent of the days of segregation.

The road to Brown v. Board of Education was not an easy one, nor was it swift. So, on this, the 50th Anniversary of the Brown v. Board of Education decision, it is important that we not only recognize the struggle behind the Civil Rights movement, but that we rededicate ourselves to the goal of providing equal opportunity for all.

VOTE EXPLANATION

Mr. BIDEN. Mr. President, as was announced yesterday, I was not able to be here for the vote on the amendment offered by Senator HUTCHISON, No. 3152, which includes service academy cadets and midshipmen in the military's disability discharge and retirement system and allows ROTC cadets to use TRICARE supplemental health care programs when they are injured during training. This amendment makes an important improvement to the health care of our future military leaders, and I would like the record to reflect that, had I been here, I would have voted for that amendment which passed unanimously.

LOCAL LAW ENFORCEMENT ACT OF 2003

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. On May 1, 2003, Senator KENNEDY and I introduced the Local Law Enforcement Enhancement Act, a bill that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society.

On January 15, 2001, a man was killed in a ninja-like stabbing in Prospect Park, NY, near a popular area for gay men. The victim was slashed across the throat and stabbed in the chest and back. Because nothing was stolen from the victim, police believe he was killed because he was believed to be gay.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote yesterday afternoon on the very significant amendment offered by my colleague from Texas. As my colleagues know, yesterday marked the 50th anniversary of the landmark Supreme Court decision *Brown v. Topeka Board of Education*. We in Kansas were very pleased that President Bush and Education Secretary Paige joined with us in Topeka to commemorate this important date. While I intended to arrive here in time for the vote following the special events of this day in Kansas, the plane I was riding was, unfortunately, delayed.

Truly, providing for the health needs of our military's cadets and midshipmen when they are placed in harm's way is a duty of this Nation. I am grateful to the Senator from Texas for raising this issue, and I am pleased that the Senate adopted this amendment to S. 2400, the fiscal year 2005 Department of Defense Authorization bill. Mr. President, I ask that the record reflect that, had I been here, I would have voted in favor of Senator HUTCHISON's amendment No. 3152 yesterday afternoon.

100TH BIRTHDAY OF LATE
SENATOR JACOB JAVITS

Mr. SCHUMER. Mr. President, I rise today to remember and pay tribute to the late Senator Jacob Javits on what would have been his 100th birthday. I have the honor of currently serving in his Senate seat and I remember Jack with the deepest admiration and affection. We shared many passions, and one true love—New York and its citizens.

Jack did both jobs of Senator so well. He was a big thinker, a compassionate and visionary legislator, an important actor in global affairs. But when an ordinary citizen or a non-profit group or struggling company in New York needed his help, he was there. And that was his legacy; he made all our lives better.

Born in a tenement on the lower east side of Manhattan on May 18, 1904, Jack was the son of Jewish immigrant parents from Galicia and the Turkish Empire. He was educated in New York City's public schools, attended night classes at Columbia University and graduated from New York University Law School in 1926. From there he practiced law in New York City until joining the Army in 1941. Javits served in both Europe and the Pacific during World War II and was discharged as a lieutenant colonel in 1945. After the war, Jack resumed practicing law until he ran for office in 1946.

In 1946, Jack was elected to the U.S. House of Representatives in New York's traditionally Democratic 21st District, which included Manhattan's upper west side, home to Columbia University. He served in the House for 8 years and had a seat on the Foreign Affairs Committee. He then served as

New York's attorney general from 1954 to 1956. In 1956, Jack won election to the United States Senate, defeating New York City Mayor Robert F. Wagner, Jr. He would go on to serve 24 years in the Senate, tied with Senator Moynihan for the longest service of any New York Senator.

He served on the Senate Foreign Relations Committee in 1969, later attaining the position of ranking Republican member. His service on that committee would spur a lifelong interest and involvement with foreign affairs and particularly Israel. He also served as ranking member of the Labor and Human Resources Committee and the Committee on Governmental Affairs.

Although he had a long and distinguished Senate career, Jack was most beloved and admired for his courageous efforts in the civil rights struggle. From his very first days in the Senate, Jack was a courageous leader in the fight against segregation and racial discrimination. He campaigned passionately for passage of the 1957 Civil Rights Act and played a major role in the passage of the landmark Civil Rights Act of 1964 and in other civil rights legislation that followed.

During the Vietnam era, Jack became a major critic of the war, and subsequently, one of his major concerns became the question of who has the power to make war. Jack was a primary sponsor of the War Powers Resolution of 1973, which reestablished congressional responsibility, rather than presidential, to commit U.S. armed forces abroad in the absence of a formal declaration of war.

He was deeply troubled that the Congress had in many ways abdicated its proper role during the Vietnam War. I think many of us today share the very same concerns that Jack had some 30 years ago. For Jack cared deeply about the U.S. Senate, its debates, its constitutional authority. Its Members were his best friends. It did not matter whether he agreed with them or if they challenged or even attacked him—they were all his colleagues.

Jack once said of the Senate, "I was stimulated by the ebb and flow of debate and the philosophic tensions of the work we did—balancing lofty principles against sectional or selfish interests, welding together antagonistic human and economic and ideological forces into the coherent schemes of governance that we call laws." Jack respected the Members of the Senate with a full heart and his great affection for them was returned in full measure.

A 1981 New York Times article remarked, "whether or not you agreed with him on a given issue, you always knew that Mr. Javits was one of the brightest, hardest working and most effective elected officials in Washington in our time."

After leaving the Senate in 1980, Jack visited and corresponded with many of his former political colleagues and maintained his interest in foreign affairs. In 1981, he served as special advi-

sor on foreign policy issues of then Secretary of State Alexander M. Haig, Jr. He was a member of the American Jewish Commission on the Holocaust and wrote numerous articles on international matters in publications such as the New York Times, Newsday, and Foreign Affairs.

The last project of his final, heroic years combined those elements that meant most to him. Jack created the concept of the Javits Senate Fellowship, a program that made available to the Senate many of the finest graduate students in public policy that our country could produce.

He asked these students of outstanding academic background to carry out his commitment to excellence in public service, to learn firsthand about the Senate and to bring to their own lives the values and experience which they had gained in the Senate. Many of these young people have gone on to very distinguished careers and accomplishments.

Jack knew that, in truth, the best way to be remembered would be through the accomplishments of the next generation, through those who would carry forward his spirit, his commitment to public service, and his abiding respect for, and love of, the United States Senate.

We remember Jack with deep admiration on what would have been his 100th birthday. His accomplishments for New York and the Nation will long be honored and remembered.

NOMINATION OF MAJOR GENERAL
DAVID H. PETRAEUS

Mr. BUNNING. Mr. President, I want to spend a few moments to talk about the nomination of Major General David H. Petraeus to be Lieutenant General in the U.S. Army.

I believe President Bush and Secretary Rumsfeld have made an excellent decision to promote General Petraeus and assign him to chief of the Office of Security Transition in Iraq. I congratulate General Petraeus and wholeheartedly support his nomination.

I am pleased that the Senate has moved so quickly on his nomination. We received it 2 weeks ago and he was confirmed yesterday. This is fitting because last Friday he transferred command of the 101st Airborne Division, Air Assault, to his successor at the helm of the Screaming Eagles.

General Petraeus led the 101st Airborne to stunning success in Iraq. His division performed superbly in combat, and is responsible for bringing Saddam Hussein's two ruthless sons to justice. Unfortunately, the division also suffered the largest number of combat casualties in Operation Iraqi Freedom.

Equally impressive to the combat performance of the division under General Petraeus were the successes in rebuilding the governing structures and the hope of the Iraqi people in a significant portion of the country. Six days