

Suicide is a national problem that demands our attention. Congress should do its part to help prevent suicide by encouraging the manufacture of safer handguns and by closing the loopholes that allow young people easy access to handguns.

50TH ANNIVERSARY OF BROWN v. BOARD OF EDUCATION

Mr. LAUTENBERG. Mr. President, I rise to commemorate the 50th anniversary of the landmark 1954 civil rights decision of *Brown v. Board of Education*. In its decision, the Supreme Court held that the Equal Protection Clause of the fourteenth amendment prohibits States from maintaining racially segregated public schools.

In *Brown*, the Court upheld the principle that America is a land of laws, not men.

In *Brown*, the Court affirmed that equality, fairness, and justice are for all Americans, irrespective of race, ethnicity, color, or creed.

The Supreme Court found that the segregation of white and black children in public schools denied black children the equal protection of the laws guaranteed by the fourteenth amendment.

The Court reached this decision even if the physical facilities and other "tangible" factors of white and black schools were equal.

Of course, we all know that the facilities and resources were far from being equal.

It took courage on the part of the nine Justices of the U.S. Supreme Court to reverse the so-called "separate but equal" precedent that the Court had created in the 1896 case of *Plessy v. Ferguson*.

The *Plessy* decision concerned a 30-year-old shoemaker named Homer Plessy who had been jailed for sitting in the "White" car of the East Louisiana Railroad. Plessy was only one-eighth black and seven-eighth white, but under Louisiana law, he was considered black and therefore required to sit in the "Colored" car.

In *Plessy*, the Supreme Court found that laws requiring separate black and white railroad cars did not conflict with the thirteenth amendment which abolished slavery.

The Court held that "a statute which implies merely a legal distinction between the white and colored races has no tendency to destroy the legal equality of the two races." Consequently, the noxious notion of "separate but equal" took root in America.

The lone dissenter in the *Plessy* case, Justice John Harlan, wrote, "Our Constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law." Justice Harlan was a half-century ahead of his time.

After years of arguing discrimination cases throughout the Nation, a team of NAACP lawyers, led by Thurgood Marshall, brought five cases from Kansas,

South Carolina, Virginia, Delaware, and Washington DC to the Supreme Court. Thurgood Marshall—one of the giants of American history—stood before the Supreme Court determined to rid this Nation of a "failure of our constitutional system."

In *Brown*, the Court ruled that in the United States and under the U.S. Constitution, "separate" is inherently unequal.

These words were profound then and there are equally profound today because when the Supreme Court struck down school legal segregation, it advanced the cause of human rights in America and set an example for all the world.

I just visited the "Separate and Unequal" exhibit at the Smithsonian. I was struck by how one of the displays put it: the *Brown* decision told Americans and the world that "the American dream of ethnic diversity and racial equality under the law is a dream of justice for all."

Although the *Brown* decision declared the system of legal segregation unconstitutional, the Court ordered only that the States end segregation with "all deliberate speed." One dictionary definition of "deliberate" is "leisurely or slow in manner or motion."

This ambiguity over how to enforce the ruling gave segregationists an opportunity to organize what came to be called "massive resistance." Many State officials in the South responded to the *Brown* decision by promising to use all legal means and resources under their command to prevent integration.

In Prince Edward County, VA, for example—one of the cases decided in the *Brown* decision—the school district's response was to close the public schools in Farmville for 5 years, from 1959 to 1964. White students enrolled in private schools while a generation of black children was denied access to education.

Over the 50 years since *Brown*, this Nation has continued to wrestle with issues of racial and ethnic equality.

As I stand here today to pay homage to the *Brown* decision and the civil rights struggle, I feel compelled to ask, "A half-century after *Brown*, how far have we come? Where we are today, and where are we headed?"

Fifty years after the *Brown* decision, the struggle for equality has come to include not only racial and ethnic minorities, but also women, the disabled, and gays and lesbians. That is a promising development.

We need only remember that it is only this week when the Massachusetts Supreme Court's order recognizing gay marriages is given the full effect of law.

Since the 1954 *Brown* decision, we have made progress in the sense that Americans overwhelmingly repudiate discrimination and segregation.

But while we no longer see the blatant vestiges of the segregationist era such as signs saying "whites only" or

"colored only," our society is still plagued by inequality and injustice.

African Americans have yet to enjoy true racial equality in this Nation. And in the absence of real equality, African Americans are being denied the essence of what it means to be an American.

Statistics are the clearest barometer for measuring our progress and far too many of them reveal that African Americans continue to lag behind whites in important ways.

In April 2004, the Nation's unemployment rate was 4.9 percent for whites; for blacks, it was 9.7 percent.

In 2002, the poverty rate was 12.1 percent nationwide; for blacks, it was 22.7 percent.

In 1999, median income for white families was \$51,244; for black families, it was \$31,778.

Today, black men make up 41 percent of all prisoners, but only 4 percent of all college and university students.

African Americans are 13 percent of the population in my home State of New Jersey, but they constituted a staggering 63 percent of the State's prison population in 2002.

The murder rate for whites is 3.3 per 100,000 people; for blacks, it's six times as high, 20.5 per 100,000 people.

These statistics make it pretty clear that while we have come a long way from the blatant racism of "separate but equal" and the decision to close the Farmville public schools to prevent their integration, we still have a long way to go in making the dream of justice and equality for all Americans a living, breathing reality.

As we commemorate the 50th anniversary of the *Brown* decision, we need to rededicate ourselves to the civil rights struggle. As Teddy Roosevelt said, "This country will not be a really good place for any of us to live in if it is not a really good place for all of us to live in."

Ms. LANDRIEU. Mr. President, 50 years ago, our Nation set out to give every child the chance for excellence and equality in education. In a quote from the *Brown* decision in 1954, the U.S. Supreme Court said, "Today education is perhaps the most important function of State and local governments . . . It is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. 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. Such an opportunity, where the State has undertaken to provide it, is a right, which must be made available to all on equal terms." We have made great progress in the past 50 years but we still have a long way to go.

By fulfilling the promise of *Brown*, school systems have the ability to lay a great foundation for our Nation. Providing children with a high quality education, in a diverse classroom setting, gives our children the educational

tools which they need to succeed. Additionally, it provides them with an environment which will equip them with the necessary tools to become true leaders. The goals of Brown were to provide to all children, excellent schools which were as diverse as possible. The greatest gift that we can give our children is to ensure that they receive nothing less.

Fifty years after Brown, its full promise remains unrealized. Public education in our country has become more and more separate. In Washington, DC, public schools, nearly all students are attending segregated, poor schools. For example, 2,455 students are attending 12th grade. Of those, 121 are white, about 1,900 are black and the rest are primarily Latino and Asian/Pacific Islander. Of the white students, 116 attend just three schools with 88 of those at just one school. This scenario is happening not only in our Nation's capital but across the Nation. In my State of Louisiana, public schools in the City of Monroe have 88 percent minority students, while the surrounding rural district has 71 percent white students.

Not only are our schools more separate, but they are also more unequal. Since 1988, the minority achievement gap in our country has continued to grow. Nationally, African American and Latino 17-year-olds demonstrate reading and math skills that are virtually indistinguishable from white 13-year-olds. In my own State of Louisiana, there is a 42.9 point gap between the performance of African American students and their white peers. These statistics can be explained by many different variables. Poor and minority students are one-third more likely to be taught by an unqualified teacher than their peers. Students of color and low-income students do not receive curriculum and instruction that is as challenging or rigorous as other students. According to the U.S. Department of Education, less than a third of students from low-wealth families were enrolled in the college prep track, while two-thirds of students from high-wealth families were in college prep. What is worse, we have put educational funding on its head. In a majority of States, the more students of color you have, the less likely you are to receive State and local funds.

The founding principle of No Child Left Behind was that all children can learn. There are hundreds of examples, many of which you will hear in commemoration of the Brown decision, to demonstrate this fact to be true. Centennial Place Elementary School in Atlanta, GA is 91 percent African American and 79 percent low-income and is in the top 10 percent of the entire State of Georgia in reading. Moreover, Centennial Place Elementary outscored 88 percent of other Georgia schools on the State's math test. In my home State of Louisiana, Claiborne Fundamental Elementary School has an 80 percent minority student body, 60

percent of which are in poverty. Yet they finished in the 94th percentile on LEAP testing and finished in the top 10 percent in closing the achievement gap. These are only a few examples of success in schools which support the principles of No Child Left Behind. For the first time, the Federal Government has rejected the bigotry of lower expectations and has required States and local school districts to do something about the growing gap of opportunity in our schools. If we are to realize the promise of Brown we must ensure that each and every child, regardless of race or income, has an opportunity to realize their potential.

The links between all of these examples of success are accountability, full and equal funding, and teacher quality. If we can set clear, measurable goals for performance and continue to hold schools accountable for results, we can truly measure success and failure. Backlash against No Child Left Behind is in part because people are being forced to face the reality that gaps do exist. Under the old system, schools with huge gaps in the performance of their students were labeled as being successful. Nationally, 4th grade African Americans lag behind their white peers in reading, with 39 percent of white students considered proficient but only 12 percent of black students. Things are similar in 8th grade mathematics, 36 percent of white students are labeled proficient, but only 7 percent of black students fall into the same category.

While we continue to make schools accountable, we must also ensure that they are fully and equally funded. Over the past four years, Title I of No Child Left Behind has been underfunded by the President's Budget by \$22.3 billion. In my State of Louisiana, that means that 135,962 disadvantaged children, 6,029 English-learners, and 62,977 pre-school children are left behind. We cannot continue to expect our schools to perform, if we do not give them the tools they need. This funding must also be equal. In 22 States, the highest poverty school districts receive less per-student funding from State and local sources than the lowest-poverty school districts. This is also true of the Nation as a whole. The top 25 percent of school districts in terms of child poverty nationwide receive less funding than the bottom 25 percent. Similarly, in 28 States the local districts with the highest percentage of minority children receive less funding than districts with the fewest minority children.

These increases in funding will go towards many different aspects of our children's education but also towards recruiting the best and the brightest teachers. The difference between an effective teacher and an ineffective teacher can be a whole grade level in school. In a recent study in Dallas, students who had the added value of a good teacher 3 years in a row were scoring in the 76th percentile; while students who had a bad teacher 3 years

in a row were performing in the 27th percentile. We can help recruit and retain quality teachers by increasing their opportunity for professional development, increasing the pay for teachers who work in high challenge areas, merit pay and bonuses for good teachers, and by increasing administrative and professional support for teachers in schools.

The principles laid out in No Child Left Behind give our Nation the opportunity to fully realize the promise of Brown v. Board of Education. If we can continue to fund initiatives which encourage accountability and excellence for all students we can continue to close the achievement gap that plagues our Nation's schools. In 1960, four black 6-year-old girls were the first to integrate two white schools in my home town of New Orleans. These brave children set out as pioneers to create a school system in this country which was equal for all children regardless of race or religion. We must keep these children in our hearts as we set forth to make their dream truly a reality. On this 50th commemoration of the Brown decision, I hope that my colleagues will join with me in ensuring that every child receives access to the same high quality education.

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

NATIONAL FOSTER CARE MONTH

• Mr. DURBIN. Mr. President, today I wish to honor children across the Nation who live in foster care and the admirable adults who protect and care for them. Currently, there are over half a million children in foster care in the United States—a number that has doubled since 1987. Coming from every socioeconomic background, these innocent children cannot live at home due to troubling family situations. Luckily, 170,000 foster families have opened their hearts and homes to these disadvantaged children.

Children enter foster care for a number of reasons. For some children, the journey begins at birth. Other children come to the attention of child welfare when a teacher, a social worker, a police officer, or a neighbor reports suspected child maltreatment. Often, these children have experienced physical or sexual abuse at the hands of a loved and trusted adult or have been woefully neglected by their caregivers. On average, children stay in foster care for 33 months.

Foster parents meet a special need in our society by ensuring that foster children receive attention, love, and health and educational services. In doing so, they help to restore a sense of hope and stability in the lives of our country's youth.

In my home State of Illinois, we are doing our part to recognize the selfless