

What specific provisions of the Constitution provide the basis for judicial review?

Does Chief Justice John Marshall's statement, that "it is emphatically the providence and duty of the judicial department to say what the law is," mean that representatives of the other two branches of government do not have the authority to interpret the meaning of the Constitution? Why or why not?

UNIT FOUR: HOW HAVE THE PROTECTIONS OF THE BILL OF RIGHTS BEEN DEVELOPED AND EXPANDED?

1. Both George III in 1776 and Abraham Lincoln in 1861 rejected the right of rebellion. Lincoln argued that no government on earth could function if it recognized a right of rebellion. Compare the positions of the British monarch and the American president. How were they alike? How were they different?

Why would George III have rejected the arguments of the Declaration of Independence? What might have been his reply?

Why did Lincoln reject the attempt of the Southern states to apply the principles of 1776 to their secession in 1860-61?

2. Reconstruction's attempt to secure equality of citizenship for African Americans was in large measure a failure. The civil rights movement of the middle decades of this century (sometimes referred to as the "Second Era of Reconstruction") has achieved a large measure of success. How do you account for the failure of the one and the success of the other?

What does a comparison of these two series of events suggest about the abilities and limitations of constitutional solutions to the nation's problems?

What remedies other than constitutional amendments or laws might reduce or prevent discrimination? What are the advantages and disadvantages of each of these remedies?

3. In 1972 Congress approved and referred to the states the Equal Rights Amendment, specifying that "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex." Approved by 35 states, three short of the necessary two-thirds majority (a few states subsequently rescinded their approval), the ERA failed ratification. Is there a need for such an amendment today? Why or why not?

Do you believe that the Fourteenth Amendment argues for or against the need for such an amendment? Explain your position.

How have developments in the quarter-century since the ERA was first introduced affected this issue? Do you believe that such an amendment is more or less necessary than it was in 1972? Explain your position.

UNIT FIVE: WHAT RIGHTS DOES THE BILL OF RIGHTS PROTECT?

1. Although the right of association is not mentioned in the Constitution, courts have ruled that it is a right implied by the enumerated rights of the First Amendment and by the due process clause of the Fourteenth Amendment. What is the basis for this implication?

What role has the right of association played in protecting other individual rights? Under what circumstances do you think restrictions on freedom of association can be justified? Explain your position.

2. In 1956 Justice Hugo Black declared that "there can be no equal justice where the kind of trial a man gets depends on the amount of money he has."<sup>2</sup> Do you agree with Justice Black's statement? Why or why not?

How have the nation's courts attempted to reduce the disparities of justice between rich and poor?

Should the courts' objective be equality of legal resources or assurance of access to minimal legal resources? What's the difference?

3. The Fourth Amendment is said to be both one of the most important protections of individual liberty and one of the most troublesome provisions of the Bill of Rights. Why was the Fourth Amendment added to the Constitution and what rights does it protect? Why has determining what is an "unreasonable" search and seizure proved to be so difficult?

How is the Fourth Amendment related to what courts have said is an individual's "legitimate expectation of privacy"?

Given the variety of activities for which Americans use their cars and the amount of time and money they invest in them, should vehicles be accorded the same degree of constitutional protection as residences, i.e., should the car as well as the home be regarded as a person's "castle"?

UNIT SIX: WHAT ARE THE ROLES OF THE CITIZEN IN AMERICAN DEMOCRACY?

1. The Founders believed that republican self-government required a greater degree of civic virtue than did other forms of government. Why did they hold that belief? How did they reconcile it with their belief in the natural rights philosophy?

How was Tocqueville's view of good citizenship different from that of the Founders?

To promote good citizenship the Founders supported both religious instruction and civic education. What purposes did they believe each of these experiences would serve? Are those purposes still important to good citizenship today? Why or why not?

2. The Internet has been called the "electronic frontier." The current absence of government regulation of this new world of cyberspace is similar in certain respects to Locke's state of nature. How might Locke and the other natural rights philosophers have resolved the issues of life, liberty, and property as these rights exist on the Internet?

Should government regulate freedom of expression in cyberspace? Why or why not?

Has the potential of the Internet fundamentally altered the nature of representative government? Why or why not?

3. American constitutionalism, especially its principles of federalism, and independent judiciary, and fundamental rights, has had a major impact on the development of constitutional democracy in other countries. The American form of government, however, has not been widely copied. Most of the world's democracies have opted instead for a parliamentary form of government rather than one of shared powers among three co-equal branches of government. What are the relative advantages and disadvantages of these two different systems?

Do you believe that the American system of divided government has become impractical in the complex, fast-paced world of today? Explain your position.

What constitutional reforms might you suggest to improve the effectiveness of our form of government?

IN MEMORY OF O.G. "SPEEDY"  
NIEMAN

**HON. LARRY COMBEST**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 1999*

Mr. COMBEST. Mr. Speaker, I rise today to pay tribute to the life and achievements of the

late O.G. "Speedy" Nieman from Hereford, Texas.

Speedy was born November 12, 1928 in Dawson County, Texas. He graduated from Lamesa High School and attended Texas Tech University where he played basketball. He served in the U.S. Coast Guard and was a Korean war veteran. He married Lavon Stewart on Oct. 27, 1951, in Hamlin, Texas.

Speedy and his wife were co-owners and publishers of the Slaton Slatonite for almost eight years before they moved to Hereford. He worked as the sports editor of several West Texas papers. Speedy then entered into a partnership with Roberts Publishing Co. of Andrews to purchase The Hereford Brand newspaper and reorganized the North Plains Printing Co. He moved to Hereford in January of 1971 where he served as publisher for The Hereford Brand and president of North Plains Printing Co. for 26 years.

He was a two-time recipient of Hereford's Bull Chip Award and received a wide variety of professional recognition. He served as president of three press associations.

Speedy was a member and deacon at First Baptist Church of Hereford. He also was a member of the Lion's Club and Deaf Smith Chamber of Commerce. He helped establish Hereford's Christmas Stocking Fund. Speedy Nieman always had a strong commitment and tireless dedication to enhance the well-being of the town and its residents he so loved. He will be sorely missed.

NEA FUNDING

**HON. RON PACKARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, April 29, 1999*

Mr. PACKARD. Mr. Speaker, I read an article last week in the Washington Times, outlining a recent grant from the National Endowment for the Arts for a film which chronicles the sexual exploits of two seventeen year old adolescent women. This grant sickens me and reaffirms the fact that we have no business wasting taxpayer dollars on the NEA.

While many of the NEA funds go to tasteful projects, what greatly concerns me are the NEA grants given to projects that most taxpayers would find inappropriate and repulsive. The recent grants described in the Washington Times article offers no educational purpose but succeeds in degrading women.

Americans have a right to create and enjoy works of art that often span a variety of tastes. However, taxpayers should not be forced to support an agency which continues to use federal taxpayer funds to subsidize tasteless and sometimes offensive projects.

Mr. Speaker, at a time when our country is experiencing a trillion dollar debt, can't the money we waste on the NEA be better spent saving Social Security, cutting taxes and strengthening our military? The fact is, as elected officials we owe a responsibility to the American taxpayer. Funding the NEA is renegeing on that responsibility.

NEA GRANTS INCLUDE FUNDS FOR FILMS ON FEMALE SEXUALITY—PREVIOUS AWARD DREW FIRE ON HILL

(By Julia Duin)

The National Endowment for the Arts announced \$58 million in new grants yesterday,

<sup>2</sup> Griffin v. Illinois