

On May 8th, the Colfax Area Historical Society in my Congressional District will place a monument along Highway 174 at Cape Horn, near Colfax, California to recognize the efforts of the Chinese in laying the tracks that linked the east and west coasts for the first time.

With the California Gold Rush and the opening of the West came an increased interest in building a transcontinental railroad. To this end, the Central Pacific Railroad Company was established, and construction of the route East from Sacramento began in 1863. Although the beginning of the effort took place on relatively flat land, labor and financial problems were persistent, resulting in only 50 miles of track being laid in the first two years. Although the company needed over 5,000 workers, it only had 600 on the payroll by 1864.

Chinese labor was suggested, as they had already helped build the California Central Railroad, the railroad from Sacramento to Marysville and the San Jose Railway. Originally thought to be too small to complete such a momentous task, Charles Crocker of Central Pacific pointed out, "the Chinese made the Great Wall, didn't they?"

The first Chinese were hired in 1865 at approximately \$28 per month to do the very dangerous work of blasting and laying ties over the treacherous terrain of the high Sierras. They lived in simply dwellings and cooked their own meals, often consisting of fish, dried oysters and fruit, mushrooms and seaweed.

Work in the beginning was slow and difficult. After the first 23 miles, Central Pacific faced the daunting task of laying tracks over terrain that rose 7,000 feet in 100 miles. To conquer the many sheer embankments, the Chinese workers used techniques they had learned in China to complete similar tasks. They were lowered by ropes from the top of cliffs in baskets, and while suspended, they chipped away at the granite and planted explosives that were used to blast tunnels. Many workers risked their lives and perished in the harsh winters and dangerous conditions.

By the summer of 1868, 4,000 workers, two thirds of which were Chinese, had built the transcontinental railroad over the Sierras and into the interior plains. On May 10, 1869, the two railroads were to meet at Promontory, Utah in front of a cheering crowd and a band. A Chinese crew was chosen to lay the final ten miles of track, and it was completed in only twelve hours.

Without the efforts of the Chinese workers in the building of America's railroads, our development and progress as a nation would have been delayed by years. Their toil in severe weather, cruel working conditions and for meager wages cannot be under appreciated. My sentiments and thanks go out to the entire Chinese-American community for its ancestors' contribution to the building of this great Nation.

NATIONAL GRANGE WEEK

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. SCHAFFER. Mr. Speaker, last week Colorado Grangers joined more than 300,000

of their colleagues in celebration of National Granger Week. Today, I rise to pay tribute to the Grangers and their time-honored American values.

Organized in 1867, the Grange is a grass-roots organization designed to promote the best interests of agriculture and preserve family values. Grangers are known for many community-centered projects including youth scholarships, activities for the deaf, emergency relief for farmers and ranchers and lobbying legislatures to provide opportunities and education for all family members. In my home state of Colorado, the Granger combined forces to fund relief for Colorado ranchers who lost cattle in the blizzards of 1997.

Mr. Speaker, our nation began as many small communities and families working together to support one another. Today, local Granges work hard to preserve our American traditions. Therefore, I proudly rise in recognition of National Grange Week. With confidence, I look forward to the continuing success of Grangers nationwide.

“KITTY HAWK REVISITED”

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Ms. BALDWIN. Mr. Speaker, today I would like to submit a poem entitled “Kitty Hawk Revisited” into the RECORD. This poem was written by Ms. Marion Brimm Rewey of Verona, Wisconsin, and I believe she captures the adventurous spirit of the Wright brothers first flight with her words.

KITTY HAWK REVISITED

(By Marion Brimm Rewey)

I wish I had seen them, the quiet men who built bicycles and odd machines, pushing and dragging their da Vinci dream over sea grass and sand.

It might have been a good day to change the world, full of cumulus clouds, strings of pelicans flying ragged formations, a sandpiper or two and curlew calls . . . and the wind of December purring off the Atlantic, plucked wires and struts, hummed such music as had not been heard since sirens lured Ulysses to forbidden shores.

So, while running seas rearranged the sand and every man stood with feet planted firmly on solid ground, here, under untried skies, on Kill Devil Hill, a hand-made skeleton, like a prehistoric bird, teetered on the ledge of the last frontier.

In the broken silence of birds, wind, tide, Orville belly-flopped on the waiting wing.

Then came a universe splitting roar-propellers spun, sand exploded and ballooned, chains rattled and slapped through metal guides, the engine's pitch climbed to a scream.

The plane shuddered, rocked like a cradle, lumbered over the dunes, rose, hung between ocean and space, floundered, twisted sideways, steadied, caught the wind and flew!

To touch the moon.

“WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION”

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 29, 1999

Mr. POMEROY. Mr. Speaker, on May 1st through 3rd of this year, high school students from across the country will compete in the national finals of the “We the People . . . The Citizen and the Constitution” program. I would like to take this opportunity to congratulate the students of Flasher High School of Flasher, North Dakota, who will represent my home state in this event. These students have worked hard to reach this stage of the competition and have demonstrated a thorough understanding of the principals underlying our constitutional democracy.

We the People is the most extensive program in the country designed to teach students the history and philosophy of the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings held in the United States Congress. These mock hearings consist of oral presentations by the student participants before a panel of adult judges. The students testify as constitutional experts before a “congressional committee” of judges representing various regions of the country and appropriate professional fields. The students' testimony is followed by a question and answer period during which the judges test students on their depth of understanding and ability to apply their constitutional knowledge. The knowledge these students have acquired to reach the national level of this competition is truly impressive. Mr. Speaker, I ask that a copy of the questions posed to the students at these hearings be included in the record.

I would also like to especially recognize our talented representatives from Flasher High School, of Flasher, North Dakota. This is the first year that Flasher High School has competed in the We the People program, and after months of hard work and preparation, all 31 students in the senior class will be coming to Washington to represent North Dakota in the national competition. In just over a month, these students raised \$17,000 to fund this trip. I would like to recognize by name the dedicated students from Flasher High School: Ashley Bahm, Lori Boeshans, Cheryl Breiner, Nikki Erhardt, Scott Fisher, Nadine Fleck, Nicole Fleck, Joe Fleck, Sherry Gerhardt, Albert Heinert, Amber Heinz, Nathan Honrath, Sylvia Koch, Randy Kovar, Jody Kraft, Jessy Meyer, Adrian Miller, Justin Miller, Sunshine Schmidt, Travis Schmidt, Dan Schmidt, Brielle Schmidt, Joy Schmidt, Keesha Stroh, Brent Ternes, Kyle Ternes, Kevan Thornton, Mitch Tishmack, Thomas Tschida, Paul Wienberger, Steve Zeller.

I would also like to recognize and thank their teacher, Michael Severson, for his critical role in these students' success and their interest in American government.

Again, Mr. Speaker, I would like to welcome the student team from Flasher High School to Washington, and wish them the very best of luck. They have made all of us in North Dakota very proud.

WE THE PEOPLE—THE CITIZEN AND THE
CONSTITUTION
NATIONAL HEARING QUESTIONS, ACADEMIC YEAR
1998-99

Unit one: What Are the Philosophical and Historical Foundations of the American Political System?

1. The U.S. Constitution guarantees Americans a "republican form of government." Republicanism, however, has taken on different meanings in different times and places. What did the phrase mean to the Framers of the Constitution?

How was their understanding of the term different from that of the ancients?

What specific provisions of the U.S. Constitution help us to understand the Framers' definition of republicanism?

2. Two of the three monuments erected to the Magna Carta at Runnymede in England are American. A copy of the Great Charter now resides alongside the documents of our nation's founding in the National Archives. Why has this document, above all other legacies of British constitutionalism, been so cherished by Americans?

What impact did the Magna Carta have on the founding of the American colonies? In the events leading to the American Revolution? On the U.S. Bill of Rights?

What tenets or principles are embodied in the Magna Carta and why were they important to the development of constitutional government?

3. At the time of their independence from Great Britain the American people could call upon over a century of experience in self-government, especially in the management of local affairs. Many historians believe that this colonial legacy was crucial to the success of the new nation after 1776. What were the most important principles, practices, and institutions of this legacy?

What examples can you identify of written guarantees of basic rights in colonial America? Why were these written guarantees important to the colonists? How did they influence the U.S. Constitution and Bill of Rights?

Many of the new democracies of the post-Cold War era have no such experience of self-governance on which to draw. How might this affect their chances for success? What special burdens or needs does this lack of experience place upon them?

Unit two: How Did the Framers Create the Constitution?

1. George Washington, James Madison, and other Framers used the word "miracle" to describe the accomplishments of the Constitutional Convention. Historians since have suggested that much of the success of the Convention had to do with timing. They have pointed out that what the Framers were able to accomplish in the Philadelphia summer of 1787 would not have been possible a few years earlier or later. Do you agree or disagree? Explain your position.

What circumstances and developments helped to create a window of opportunity in 1787?

In what ways did the American experience with state governments and constitutions between 1776 and 1787 influence the drafting of the U.S. Constitution in 1787?

2. One of the arguments used by the Framers to reject the creation of a monarchical executive was the belief that kings, unlike their ministers, could never be impeached. Monarchy was rejected and provision for the impeachment of presidents included in the Constitution. But only two of our nation's 42 chief executives have been impeached and

none have been convicted in the course of 210 years. Does this suggest that Americans have, in fact, elevated their presidents to a status not unlike that of a monarch? Why or why not?

Because U.S. presidents are heads of state as well as chief executives, should the bar of justification for their removal from office be higher than that for other public officials? Why or why not?

Should a national recall vote be substituted for Senate trial in the case of impeached presidents? Explain your position.

3. In the debates over the Constitution's ratification, the Federalists argued that the Constitution was a true and proper culmination of the American Revolution. The Constitution, they claimed, brought to life the basic principles set forth in the Declaration of Independence. What arguments did the Federalists use to support such claims? Do you agree or disagree with their position? Why?

Do you believe that the decision of the Framers to scrap the Articles of Confederation, establish an entirely new government, and lay down the rules for its implementation was consistent or inconsistent with the principles of the Declaration of Independence? Explain your position.

Why did the Framers insist that the Constitution be ratified by popularly elected state conventions?

Unit Three: How Did the Values and Principles Embodied in the Constitution Shape American Institutions and Practices?

1. A modern biographer of our country's first president has argued that if Washington "had been taken by smallpox or dropped by an Indian bullet as a young man, the future United States might well have come into being in some form or other. But it would have been harder, and it might have been a lot harder."¹ Do you agree with that statement? Why or why not?

Where do you believe Washington's contribution was the most crucial: in securing independence from Great Britain, in the drafting and ratification of the Constitution, or in the implementation of the executive branch?

Washington's contemporary admirers spoke of the man's "majestic fabrick," "commanding countenance," "martial dignity," "graceful bearing," and "wonderful control." How important are style and charisma to political leadership? Would you put such qualities on a par with consistency or purity of principles? Why or why not?

2. The Federalists argued that a bill of rights was unnecessary in a constitution of enumerated powers, checks and balances, and popular sovereignty. Why did they believe these features of the Constitution would protect individual rights?

How did the Anti-Federalists and other advocates of a national bill of rights respond to such arguments?

The Federalists and some constitutional scholars have argued that the original constitution as drafted in 1787 was itself a "bill of rights." What basis did they have for making this claim?

3. In Federalist 81 Alexander Hamilton argued that the authority of judicial review can be deduced "from the general theory of a limited constitution." Do you believe his deduction is correct? Why or why not?

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

¹Richard Brookhiser, *Founding Father: Rediscovering George Washington* (New York: Simon & Schuster), 1996.

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."² Do you agree

² Griffin v. Illinois

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?

EXTENSIONS OF REMARKS

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, including \$12,000 to Women Make Movies, a New York distributor that a Michigan congressman once likened to a "veritable taxpayer-funded peep show."

This latest grant is for "Girls Like Us," a documentary on the sexuality of girls growing up in the 1990s. It won the 1997 Sundance Film Festival Grand Jury award for best documentary.

It is part of a package of four films. The others are "Jenny and Jenny," about two 17-year-olds in Israel; "Girls Still Dream," about women coming of age in Egypt; and "The Righteous Babes," about women in rock 'n roll.

The money will go to produce a study guide for the films and help market it to 100,000 U.S. secondary schools.

"It's a terrific organization. We're proud to be funding them, and it's a terrific project," NEA spokeswoman Cherie Simon said of Women Make Movies (WMM). "[The documentary] went through an extremely competitive process and was found to be meritorious."

The film, which follows four teen-agers from south Philadelphia "deals superficially with sex and its consequences," says a review in the Arizona Republic. "Sex, for the girls, is not about physical pleasure or desire, not about love, not about social pressures. It's just something teens do, they seem to say."

Although the grant is minuscule compared to much larger NEA awards to orchestras, operas and ballets around the country, it is symbolic of the arts agency's new confidence.

Its fortunes were at a low ebb in 1997, when Rep. Peter Hoekstra, Michigan Republican, blasted WMM for its themes on lesbians and children's sexuality. He was especially incensed about a \$31,500 grant for "Watermelon Woman," an explicit WMM film about black lesbians.

House Republicans voted to kill all funding for the NEA in the summer of 1997, but the agency's life was extended by the Senate. Since then, NEA has acquired a new chairman, William Ivey, and President Clinton recently proposed increasing its budget by 53 percent.

"Rather than raise the red flag, why don't they let it lay for a couple of years?" Mr. Hoekstra said yesterday in response to "Girls Like Us." "The NEA doesn't care about what Congress thinks."

He was more concerned, he said, about "iniquities" in NEA funding.

"They are posturing themselves as wanting to build a better relationship with Congress, but [in 1998], 167 congressional districts received no grants," he said. "If you want to build some bridges and show you're at least listening to what's a sizeable group in Congress, at least start distributing the money more fairly."

The 600,000 people in his western Michigan district "didn't receive one dollar" from the NEA, but in 1998, "New York got 14 percent of the money distributed," he said, "Now,