

Three weeks ago, Tung's administration obliged, unveiling a plan for new legislation to implement Article 23. Tung called the plan "both liberal and reasonable." But it contains a number of provisions that could potentially seriously undermine civil liberties in Hong Kong.

For example, Tung's plan makes it an offense to organize or support the activities of organizations deemed by Beijing to threaten national security. It allows the police to enter and search private residences without a warrant to investigate suspected treason, sedition and subversion. It creates a new offense of "secession," presumably for advocating independence for Tibet or Taiwan. Citizens would be legally obliged to report on alleged "subversive" activities of friends, neighbors and colleagues. Meanwhile, Journalists could face criminal penalties simply for reporting information about relations between Hong Kong and Beijing.

Perhaps the most disturbing element of this legislative proposal is that it represents a further intrusion of Beijing's anti-democratic legal concepts and practices into Hong Kong. Definitions of offenses are vague, giving the government broad discretion to decide whom it wants to prosecute, or silence through the threat of prosecution. Although Tung says he will uphold human rights and civil liberties as the "pillars of Hong Kong's success," his Secretary of Security, Regina Ip, admits that, under the proposed legislation, she would essentially defer to Beijing to determine which organizations to prohibit. Falun Gong leaps to mind. The Dalai Lama's followers might also take heed.

Journalists and scholars have good reason to be concerned if the new legislation similarly incorporates Beijing's extremely broad definition of what constitutes a "state secret." Rabiya Kadir, a Muslim businesswoman once feted by Beijing as a "model minority," is currently serving an eight-year sentence under Beijing's state secrets law for mailing newspaper clippings to her husband in the United States. More recently, a prominent AIDS activist, Wan Yanhai, was detained for a month by the Beijing Bureau of State Security for leaking "state secrets." His alleged offense was revealing that hundreds of thousands of Chinese people might have been infected with HIV through unsafe blood transfusions, information the authorities didn't think people needed to have.

Regina Ip, who has been acting as Tung's point person for the new anti-subversion law, has attempted to reassure the plan's critics by saying Hong Kong's highly regarded independent courts will be responsible for interpreting and applying the new law. However, it was her government that undermined the integrity of those courts three years ago when it appealed a high-court decision on immigration that it didn't like to the National People's Congress Standing Committee in

Beijing, as is its prerogative under the Basic Law. Beijing overturned Hong Kong's Final Court of Appeal in that case, setting a dangerous precedent in the eyes of Hong Kong's pro-democracy community.

Ultimately then, as a columnist recently pointed out in the Financial Times, the bulwark against erosion of civil liberties in Hong Kong may not be the territory's excellent judiciary but its executive, and that is not a comforting thought given the track record of Hong Kong's executive over the past five years. Tung Chee-Hwa has tightened controls on public demonstrations. His government turned away more than 100 people who sought to travel to Hong Kong to demonstrate at July's fifth anniversary ceremonies, so as not to embarrass his VIP guests from Beijing. After winning a second five-year term in March in a process in which exactly 800 people participated, he introduced a new system allowing him to fill his cabinet with hand-picked political appointees without the advice or consent of Hong Kong's legislature. There is no indication yet of any plans to make the process more democratic in 2007.

More recently, when democracy advocates suggested that the Government make a detailed version of its proposed anti-subversion legislation available for public comment before the bill is formally introduced in the Legislative Council, Regina Ip replied as follows:

Will taxi drivers, Chinese restaurant waiters, service staff at McDonald's hold a copy of the bill to debate with me article by article?

Ms. Ip's remarks reveal contempt for the right of the general public to be consulted about matters that concern it. Unfortunately, this attitude is not uncommon among the economic elite that runs Hong Kong. The Chamber of Commerce representative on the Legislative Council has openly remarked that popularly elected representatives would spend money irresponsibly if given power. Another well-known tycoon is fond of saying "no representation without taxation," turning the motto of the founders of our American democracy on its head. In other words, Hong Kong's is a government of the wealthy, by the wealthy and for the wealthy.

Of course, Hong Kong did not enjoy democracy under British rule, either. The business of Hong Kong has always been business. The difference now is that the territory's capitalist elite has decided that currying favor with the communist dictators in Beijing is good for business. If some civil liberties need to be sacrificed in the process, they appear willing to accept the bargain.

Many observers perceive this attitude being reflected in a growing tendency toward self-censorship within Hong Kong's major media. For example, two years ago the South China Morning Post, which aspires to enter the Mainland Chinese market, replaced its veteran, hard-hitting China editor,

Willy Lam, with the former editor of the Beijing-controlled China Daily. Then, in April of this year, the paper's veteran Beijing bureau chief, Jasper Becker, was fired for insubordination after complaining that the paper's China coverage was being "watered down." I should add, however, that to its credit, the Post has been strongly critical of the government's recent legislative proposal.

Hong Kong today remains a vibrant and cosmopolitan city whose citizens enjoy a degree of civil and economic liberties far surpassing that of most other countries. But whereas the trend in much of the world is toward greater democracy, in Hong Kong things appear to be headed in the other direction.

China's President Jiang Zemin will visit the United States later this month. President Bush may want to raise the issue of autonomy and civil liberties in Hong Kong with him. That would be entirely appropriate. But, I think that we as a society can send a far more powerful message to the people who rule Hong Kong in a language they will understand. Those individuals fully appreciate that their future depends on their ability to perpetuate Hong Kong's status as a global financial center. Geography is no longer sufficient to maintain that status. Rather, what makes Hong Kong Hong Kong, what makes thousands of talented people from throughout the world eager to live and work there, is its spirit, its vitality, its spontaneity, its brashness, its "anything goes" attitude and its creativity. In the eyes of many, those qualities make Hong Kong one of the most exciting places on Earth.

Hong Kong's current rulers are set on a path that risks killing the goose that laid that golden egg. That's a message they need to hear not only from foreign politicians but from the international business community, the techno cognoscenti, the investors and the economic and cultural globe-trotters, voting with their feet and their pocketbooks. I encourage all such people who care about Hong Kong and about freedom to tell the Hong Kong authorities that, if Hong Kong sacrifices those things that make it unique and worth living in, we may as well set up shop in Shanghai.

#### NOTICE OF STUDY ON LOCAL ALL-DAY KINDERGARTEN PROGRAM

Mr. KENNEDY. Mr. President, I would like to alert my colleagues to a recently released study that shows great promise for all kindergartners, based on achievement gains in Montgomery County, MD. On October 1st, the Washington Post published key findings from a 2-year study of Montgomery County's intensive all-day kindergarten program. For the past 2 years, Montgomery County has lengthened the school day, decreased class sizes, and implemented a revised curriculum in its 17 highest-poverty schools.



The article highlights the rise in reading achievement for all students involved in the program, with low-income students making the most progress. In these 17 schools, 51 percent of the most disadvantaged children met reading benchmarks at the end of first grade while only 45 percent of poor children in the rest of the county did. Students made gains of over 50 percentage points in all ethnic groups, also narrowing the achievement gap by as much as 11 percent on some measures. Superintendent Weast attributes the program's success to additional training for teachers and principals.

We must address the needs of our youngest students before our lack of attention compounds the disadvantages that many of them already bring to school. If children do not read fluently by the end of third grade, we know that many of them never will. We should do all we can to support further success. The results in Montgomery County show that we can make a difference to children's lives.

I ask unanimous consent that an article entitled "All-Day Kindergarten Posts Big Gains in Montgomery" be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

[From the Washington Post, Oct. 1, 2002]

#### ALL-DAY KINDERGARTEN POSTS BIG GAINS IN MONTGOMERY

(By a Washington Post Staff Writer)

An intensive and expensive all-day kindergarten program in Montgomery County has produced significant gains for poor children and helped them begin to catch up with higher-performing peers, a new study to be released today shows.

In tracking the reading progress made by 16,000 youngsters over two years in kindergarten and first grade, the report found that not only did achievement rise for all students involved in the program in high-poverty schools, but low-income students showed bigger gains.

Further, the report found that both poor and middle-class students in high-poverty schools—contrary to expectation—either matched or outperformed their peers in schools elsewhere in the county, many of whom were in half-day kindergarten programs.

The most significant exception was for children who do not speak English, a finding that has prompted Superintendent Jerry D. Weast to pledge intensive phonics instruction at schools with the most children living in poverty. "We are getting some emerging success," said a cautious Weast. "We're learning that you can attack poverty, that you don't have to have low expectations just because a child is poor."

The findings come at a time when the General Assembly has mandated full-day kindergarten for all Maryland schools as part of a new state aid formula. Montgomery's "kindergarten initiative" combines the longer day with smaller class sizes, a revised curriculum and additional teacher training.

Weast, who has won both praise and criticism for implementing the program first in the county's high-poverty schools, said the report vindicated his strategy and could prove a model for schools across the nation dealing with a vexing achievement gap that divides students along racial and poverty lines.

Indeed, the report found that the gap between higher-scoring white and Asian students and their African American and Latino peers had narrowed by as much as 11 points on some measures.

Other county and national studies have found that the achievement gap that largely divides middle-class and poor or non-English-speaking students is apparent on the first day of kindergarten and generally widens through the years, with one group of students on track for rigorous, college-prep courses and others for lower-level or remedial course work.

The Montgomery study found that the kindergarten initiative appears to be working well for children who live in poverty. In the 17 highest-poverty schools, 51 percent of the children considered poor enough to qualify for a federal lunch subsidy met reading benchmarks by the end of first grade, and only 45 percent of poor children elsewhere in the county did.

Despite the progress, officials said the gap still exists. Nearly 70 percent of the middle-class students in those schools met the same benchmark—about the same levels as their peers in other county schools.

The most troubling finding, Weast said, was for the limited English speakers, whose reading scores actually dipped slightly over the two years. And some of their scores on a test last spring of oral language, hearing and associating sounds with letters were lower by half than their English-speaking classmates.

Weast today will announce plans to introduce intensive phonics instruction in 18 schools that receive federal Title I funding for low-income students, the first such instruction ever in Montgomery County.

"It won't be drill and kill," Weast said, referring to often-maligned, repetitive basic skills programs. "But it makes a lot of sense for kids who are hearing a different language at home and hear the intonations and sounds of words differently. They need to be able to unlock words so they can pronounce them and then read them."

The kindergarten initiative began in 17 of the poorest schools in the fall of 2000. Seventeen more schools with large numbers of poor students were added in the fall of 2001. The report found impressive gains in both groups. This year, 22 schools have been added.

Research has found that if a kindergartner meets foundational benchmarks—such as recognizing letters and the sounds they represent and identifying simple words—they will be on track to read text by the end of first grade and able to read fluently by the end of third. Scientists have found that if children do not read fluently by then, many never will.

"We believe that is the key to academic rigor as they go up the grades," Weast said. "Reading."

Beyond touting results for poor children—a national dilemma that provided much of the impetus behind the federal No Child Left Behind law that took effect July 1—Weast said his report addresses middle-class parents' worries that their children will suffer academically at higher-poverty schools. The report found that such children scored on par with middle- and upper-middle-class students throughout the county.

"The nice thing about the changes we made is, you don't have to leave those schools now," Weast said, referring to middle-class flight that has affected some schools in the county's more diverse eastern side. "This ought to give comfort to those parents to stay with us."

School officials said some of the progress made over the two years may have a lot to do with the "practice effect," the fact that

teachers and principals are becoming used to the new curriculum and training. Still, the results over time are key, and officials plan to follow these 16,000 students for several years.

Studies have found that gains made by children in Head Start, the federal program designed to help impoverished 4-year-olds, evaporate by the time the students are in third or fourth grade. They perform similarly to children who never had the benefit of such a program.

School officials in Montgomery say they want to change that with the kindergarten initiative and have followed up with smaller class sizes and a new, more focused curriculum this year for grades 1 and 2.

The report has already garnered interest from the national education community.

Michael Cohen, a former assistant secretary of education in the Clinton administration who has worked with large school districts throughout the country, said he was impressed not only that the studies were detailed and sophisticated, but that Weast was willing to make changes because of them.

"That has not been a common practice in education around the country," he said. "So it's important to note, and note when it's being done well."

Michael Ben-Avie, a researcher with the Yale Child Development Center, evaluated early drafts of the report and praised Montgomery leaders for their "willingness to undergo major change and for their willingness to really address the needs for our most vulnerable students." He found that the fact that the kindergarten initiative was a systematic overhaul and not a series of ad hoc pieces was what made it a powerful reform.

"They have been willing to take a sober-eyed view of the data and not try to cover it up, which happens a great deal," he said. "This is remarkable. And the results show they're well on their way."

#### GAO REPORT: FEMA'S HAZARD MITIGATION PROGRAMS

Mr. AKAKA. Mr. President, I rise to discuss the Federal Government's commitment to disaster mitigation and helping communities minimize the impact of natural and man-made hazards. Currently, the Senate is locked in a debate on how to help State and local officials prevent, prepare for, and respond to acts of terrorism. Homeland security will benefit from the Federal Emergency Management Agency's, FEMA, years of experience because disaster mitigation and terrorism preparedness have the same goal, helping people prepare for the worst.

FEMA's two multi-hazard mitigation programs, the post-disaster Hazard Mitigation Grant Program, HMGP, and the pre-disaster Project Impact program, are aimed at helping States and communities identify and address natural hazard risks they deem most significant.

In March 2001 the administration proposed the elimination of all pre-disaster mitigation funding because Project Impact was "ineffective." After learning that there had been no formal review of the effectiveness of this or any multi-hazard mitigation program, I requested that GAO review FEMA's disaster mitigation efforts. I am happy to announce the release of this comprehensive and timely report.