

70 years of precedent in the area of federalism, by ruling that Congress could no longer address violence against women, could not impose liability on state governments for age discrimination, or could not hold states accountable for violating copyright laws. The Florida case shows that judicial prerogative, not state's rights guides the Rehnquist Supreme Court. The recent Supreme Court ruling to vacate the Florida Supreme Court's decision to allow for the recount of uncounted ballots during the Bush-Gore Presidential election unfortunately will forever taint the Supreme Court as arrogant, impartial, and partisan. Professor Kramer's deserves praise for analyzing the Supreme Court's drift towards "judicial prerogative," and away from a strict constructionist judicial philosophy.

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NO SURPRISE. IT'S AN ACTIVIST COURT.

(By Larry D. Kramer)

The Supreme Court has reached out aggressively to solve the nation's election problem, inserting itself into a major political controversy. News commentators and legal experts seemed surprised when the court stepped into this thicket. They shouldn't have been.

the Rehnquist Court has been using law to reshape politics for at least a decade. We keep hearing that it consists of "strict constructionists" who (as George W. Bush put it during the debates) oppose "liberal judicial activism." That's because conservative judicial activism is the order of the day. The Warren Court was retiring compared to the present one.

Warren Court activism was largely confined to questions of individual rights, mainly racial equality and the treatment of criminal defendants. The Rehnquist Court has been just as active in this domain. To list a few examples, it has disowned affirmative action, finding no difference between Jim Crow and laws designed to help disadvantaged minorities. It has overturned decades of jurisprudence that protected religious minorities from laws that intruded on their rituals. And it has all but eliminated the right to federal review of state criminal cases.

Individual rights are important, but they actually affect only a small portion of what government does. The real guts of our democracy lie in the system's structure and the way powers are allocated. And here the Warren Court was extremely deferential to other branches of government. Not so the Rehnquist Court, which has abandoned restraint in this area as well.

The court cast aside nearly 70 years of precedent in the area of federalism, holding that Congress cannot use its powers under the Commerce Clause or the 14th Amendment to regulate matters that touch on state interests, unless the court approves. It has declared, among other things, that Congress could not address violence against women, could not impose liability on state governments for age discrimination, could not hold states accountable for violating copyright laws and more.

But perhaps the most audacious instance of judicial activism is the way the court has extended the doctrine of judicial review itself. It was the Warren Court that first clearly established, in connection with school desegregation, that the Supreme Court has the final word about the meaning of the Constitution. Still, that court usually (though not always) gave great weight to the interpretations of other political actors.

But the Rehnquist Court has no such inclination. Thus the court struck down the Reli-

gious Freedom Restoration Act because it was unwilling to give Congress the authority to provide greater protection to religious minorities than the court itself would give.

Many have viewed the court's actions as aimed at protecting states by limiting the federal government. But the Florida case shows that state governments get no more deference than other branches of government when they run afoul of the court's views of what the law ought to be. Judicial prerogative, it seems, not states' rights, has been at the heart of the Rehnquist Court's docket.

The court's confidence in its own supremacy may have propelled it to try to settle this presidential crisis. And if the court succeeds, the nation may well breathe a sign of relief, grateful that someone brought this mess to a close. But the court's credibility will surely suffer. And if that diminishes a confidence that has begun to veer toward arrogance, this may not be such a bad thing.

IN HONOR OF DAVID RIVERA CARRASCO, JR., FOR HIS SERVICE AND DEDICATION TO OUR NATION

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. SANCHEZ. Mr. Speaker, today I rise to pay tribute to David Rivera Carrasco, Jr., in memory of his service to the community as a loyal citizen and as a proud member of our Armed Services.

Mr. Carrasco was born on February 9, 1918 to David and Angelita Rivera Carrasco in El Paso, Texas. The family relocated to Coachella, California in 1920. In January of 1942, Mr. Carrasco was enlisted into the U.S. Army. He served seven months in the Continental Army as a military gunner and search light crew member. As a member of the 349th infantry, Mr. Carrasco was dispatched to New York to protect the Atlantic coast from foreign invasion. In August 1942, Mr. Carrasco was reassigned to serve under General George Patton's forces in Europe and Northern Africa. He served proudly under General Patton for four years as an engineer. His work in the front lines of North Africa helped to turn the tide against the Axis forces and liberate France and Italy. For his bravery and dedication, Mr. Carrasco was awarded the Good Conduct Medal and the European African Middle Eastern Campaign Medal for Bravery.

The bravery and patriotism demonstrated by Mr. Carrasco could also be found in his brothers Joe and Samuel, who also served in the U.S. Armed Forces. Joe served under General Dwight Eisenhower and was among the first wave of soldiers to storm the beaches of Normandy on June 6, 1944. Samuel was dispatched to the Pacific Islands and served his country valiantly. Mr. Carrasco and his family are truly a distinguished part of our nation's military history.

Colleagues, please join me in celebrating the life of a true American hero. Mr. Carrasco will be remembered for his service to our country and the community. He is survived by his sister Antonia Carrasco Cervantes and his brother-in-law Gregorio Cervantes, Sr. As his Representative in Congress and as a member of the Armed Services Committee, I am proud to recognize David Rivera Carrasco, Jr., for his contributions to our nation.

METHAMPHETAMINE LEGISLATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 15, 2000

Ms. BERKLEY. Mr. Speaker, I rise to express my strong support for the methamphetamine legislation signed into law this session as part of the Children's Health Act of 2000. I strongly support the provisions of this bill that address the methamphetamine problem and the sale of pseudo-ephedrine, the primary ingredient in the manufacture of methamphetamine.

The production of methamphetamine and the unregulated sale of pseudo-ephedrine is a serious problem in my district of Las Vegas. Local law enforcement agencies work tirelessly to combat the abuse of this drug, and to crack down on the toxic methamphetamine laboratories that inhabit rental properties and hotel rooms that are often used by tourists.

I concur with the provisions in the legislation to reduce the amount of pseudo-ephedrine that can be purchased in a single transaction from 24 grams to 9 grams. At the present time, the 24 grams of pseudo-ephedrine that can be legally purchased equates to about 900 tablets. It seems obvious that a person in need of pseudo-ephedrine for its intended purpose to relieve cold symptoms does not need this quantity of the drug.

I also strongly support the provisions of the bill that strengthen the sentencing penalties for those who manufacture this drug, and the provisions that provide the critical training to local and state law enforcement agencies so they are able to safely and effectively fight this drug. However, I believe that it is equally important that we take the next step and increase regulation of the sale of pseudo-ephedrine.

I have talked with local law enforcement agencies about the unregulated sale of pseudo-ephedrine and I'm all too familiar with the frustrations they face on a daily basis. There is evidence that drug wholesalers from other states come into the State of Nevada and sell pseudo-ephedrine by the caseload to retail outlets. When the distributors are asked why they traveled such distances to sell their drug in Las Vegas, they simply say that their home state "does not have a methamphetamine problem." This is shameful, and the problem must be rectified.

There is no federal law requiring retail outlets that sell limited amounts of pseudo-ephedrine to keep records of transactions. Without federal regulation, there is no uniform, reliable method to track the distribution of this drug. Illegal methamphetamine laboratory operators may continue to buy this drug by the caseload without a single record of transaction being documented. And because there is no federal regulation, law enforcement agencies do not have authority over the exchanges.

Reducing the number of grams for purchase and increasing fines and penalties are a step in the right direction. But more needs to be done. We need to have greater accountability and we need to give law enforcement agencies the authority to intervene when drugs are being purchased for illegal activities.

Methamphetamine is a growing problem already plaguing many cities and it is spreading across the nation. We must make common