

## Congressional Closeup by Carl Osgood

### Federal court review comes under attack

On May 14 and 15, the House Judiciary Committee Subcommittee on Courts and Intellectual Property held hearings on a proposal that would severely restrict the Constitutional function of Federal review. The bill is a pet project of Judiciary Committee Chairman Henry Hyde (R-Ill.).

Hyde's bill, co-written by Charles Canaday (R-Fla.) and Sonny Bono (R-Calif.), would prohibit a Federal judge from overturning a state referendum on Constitutional grounds (and requires that such cases be heard by a three-judge panel), requires that complaints against a Federal judge be heard in a circuit outside the one where the complaint is lodged, and would prohibit any Federal judge from issuing an order that would have the effect of forcing a state or local government to raise taxes. Hyde and others who back this bill claim that these measures are needed to prevent judges from legislating from the bench, which the Conservative Revolutionaries label "judicial activism."

On the opposing side, Barney Frank (D-Mass.) denounced those ideologues who "find some aspects of the American Constitution, as they have been interpreted, annoying. They interfere with things that they would like to do." And, to show that he believes in the sanctity of state referendums, Frank announced that he would be offering a bill to support the referendum in California in favor of the so-called medical use of marijuana.

The arguments of John Conyers (D-Mich.) and Mel Watt (D-N.C.) were more useful, in that they pointed out the importance of the Federal courts in helping dismantle the system of segregation in the 1950s. Conyers

said that what is out of control is not the Federal Judiciary, but rather the Congressional judiciary committees, which have debated "every Constitutional amendment that is totally useless."

### Kerry says nations lag behind organized crime

In an op-ed on May 11, based on his just-released book *The New War: The Web of Crime that Threatens America's Security*, Sen. John Kerry (D-Mass.) wrote that the United States and most other nations are lagging behind the new, global organized crime menace. Kerry, who chaired the mid-1980s Foreign Relations subcommittee that probed the Oliver North Contra cocaine connection, described a new coalition of "five principal powers," the Italian Mafia, the Russian mobs, the Japanese yakuza, the Chinese triads, and the Colombian cartels, that have forged working arrangements that outstrip existing law enforcement countermeasures.

Kerry cited specific examples of international crime conventions, like the series of meetings in the summer of 1992 in Prague, Warsaw, and Zurich, involving leaders of the Russian and Italian mobs. He placed particular emphasis on the money-laundering aspects of the new international crime syndicates, and called for improved bilateral and multilateral cooperation. "We could refuse to allow pirate financiers to move currency through the U.S., or impose customs limitations on their trade and search all their cargoes, or forbid Americans to do business there. . . . We must insist that the electronic movement of capital be regu-

lated far more strictly. The technology is available to monitor all electronic money transfers. But bankers, although they pretend otherwise, aren't doing all they can to identify the sources of money crossing their threshold."

### Wellstone speaks on America's 'quiet crisis'

On May 14, Sen. Paul Wellstone (D-Minn.), in a luncheon address to the National Press Club, warned of what he termed a "quiet crisis," though not a "broad economic calamity," in America, a "crisis of money, power, and injustice, a crisis of a nation in danger of abandoning the principles of equality and justice that are so fundamental to our resilience, that are indeed the very meaning and purpose of America."

Wellstone warned that American society is becoming more stratified as a result of the changes in economic policy of the last 25 years. There are two kinds of America, he said, "one with mounting access to things that make life richer, and the other caught in a constant struggle to make ends meet. . . . This second America is not just inhabited by a poor neglected minority. It is, in fact, the residents of the American majority, the homeland of most of our workers, most of our families, most of our children, and it is precisely this America that the budget agreement failed to serve fully and fairly."

Wellstone attacked the tax cuts included in the budget agreement, and gave a warning to the Democratic Party. "Reducing taxes on capital gains and on inheritance is a high price to pay for the modest help now promised to the rest of America," he said.

"If this balanced budget agreement is to be the great accomplishment of eight years of a Democratic Presidency, then history will judge us sharply. . . . This agreement is really a triumph of the past rather than a bridge to the century to come."

He continued, "Since Lincoln, every national leader of historic stature has seen the improvement in the living conditions of all Americans as among the principal tasks of government." He quoted Franklin Roosevelt, asking, "And what do we mean when we talk about the reduction of poverty? We mean the reduction of the causes of poverty. But today, we have lost our way, stripping the most helpless among us of desperately needed assistance, without taking the realistic steps that are necessary to offer gainful employment to those who can make their own way."

Wellstone singled out for attack the Mandevillean notion that private vices make for public virtues. He said, "The framers [of the U.S. Constitutional system] warned that the boundaries between economic and political power must be strictly guarded against the ascendancy of what Madison called faction, or what we know as special economic interest. . . . This is a warning that public power must restrain the natural tendencies of private power to aggrandize itself."

Wellstone concluded by announcing that he would be touring the country, beginning with the Mississippi River Delta, as Robert Kennedy did 30 years ago, "to observe the face of poverty, not from behind a Senate desk, but in the streets, villages, and neighborhoods of those in distress. I hope to dramatize their plight and to reveal for our fellow citizens the face of poverty as it exists today."

## **D**isaster aid bill faces veto threat

On May 15, the House passed the emergency appropriations bill (passed one week earlier by the Senate) that includes \$5.5 billion for natural disaster recovery and \$2 billion for peace-keeping costs in Bosnia and elsewhere. This funding is to be paid for by rescinding equivalent amounts of funding from other parts of the fiscal year 1997 budget.

However, the bill may face a veto threat, because it also contains what Joe Moakley (Mass.), the ranking Democrat on the Rules Committee, called a "poison pill," the permanent continuing resolution that the Republicans have been insisting on, that would keep the government funded in the event the Congress does not finish all the appropriations bills before the end of the fiscal year on Sept. 30. That provision was added by an amendment sponsored by George Gekas (R-Pa.) and was approved by a straight party-line vote of 227-197.

One of the other big issues was funding for the Women, Infants, and Children (WIC) nutrition program. The House bill originally provided only \$38 million for WIC, but this was increased to \$76 million with an amendment, approved by an overwhelming vote of 338-89, sponsored by a group that included Republicans Marge Roukema (N.J.), Frank Riggs (Calif.), and Jack Quinn (N.Y.). (In fact, the procedural vote required before the bill could go to debate was delayed because of a dispute over who should get credit for that particular amendment.) The day after the bill was approved, the House passed a motion to instruct the House members of the conference committee to insist on the House provision, because the

Senate version only provides \$58 million for WIC.

## **C**linton, Republicans work out budget details

Consensus was reached on the details of the budget agreement between the Clinton administration and the House and Senate Republican leadership on May 15. The agreement put on paper the details of the fiscal year 1998 budget plan that the two sides agreed to two weeks earlier.

According to documents released by the House and Senate Budget committees, the agreement will lead to a balanced budget by the year 2002 and extend the solvency of Medicare by ten more years, and incorporates a package of tax cuts that includes a \$500 per child tax credit, cuts in capital gains and estate taxes, and a college tuition tax credit insisted upon by President Clinton, all of which will add up to about \$250 billion. It reduces total Federal spending growth by \$961 billion over ten years, and reduces growth in non-defense discretionary spending to about 0.5% per year.

In a press conference announcing the agreement on May 16, Senate Budget Committee Chairman Pete Domenici (R-N.M.) said that all the items that both sides agreed were priority spending items "will be implemented as priority items." The remainder of the spending is to be handled by the Appropriations subcommittees "as they see fit."

Both the House and Senate moved quickly after the agreement was announced. The Senate Budget Committee approved a resolution on May 19, and the House voted up a budget resolution on May 20.