Book review: Written by - Susan Gray

SIX AMENDMENTS:  HOW AND WHY WE SHOULD CHANGE THE CONSTITUTION

By John Paul Stevens

Though amending the US Constitution was not designed to be easy, this book, published in 2014 by Justice John Paul Stevens who served on the U.S. Supreme Court from 1975 to 2010, is a thoughtful analysis of why we should adopt these six particular amendments. Since one of them has to do with campaign finance (Justice Stevens wrote the 84-page dissenting opinion in the Citizens United case) and since in the Prologue is a brief but thorough discussion of the processes for amending the Constitution resulting in only twenty-seven amendments during the nation’s entire history, this book would have been pertinent to the recently proposed updates of League positions on amending the constitution and on campaign finance.

In the Prologue, he tells us why he has written this book at this time—because in the past forty years “...rules crafted by a slim majority of the members of the Supreme Court have had such a profound and unfortunate impact on our basic law that resort to the process of amendment is warranted.” Of the six amendments he proposes, four nullify judge-made rules from narrowly-decided opinions that restrict actions that can be taken by federal or state legislatures. The last two chapters address the death penalty and the current judicial interpretation of the second amendment.

Chapter I is titled The “Anti-Commandeering” Rule, an unfortunate, somewhat off-putting title for a rule adopted by the court that is the reason why there are holes in the federal background check database for purchasing firearms. Article IV of the Constitution states that the Constitution is the supreme law of the land and that judges in every state are bound thereby. In a 1997 decision, Prinz v United States, the Supreme Court held that since Article IV specifies only that state judges are required to enforce federal laws and other state officials are not mentioned, the federal government can’t force state officials to enforce federal laws, in this case participating in the federal background check program, as it impinges on state sovereignty. He discusses the implications this rule, if left alone, could have on the government’s ability to utilize critical state resources to respond to emergencies or other problems with a national dimension. (continued on page 2)
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*Chapter II,* titled *Political Gerrymandering,* discusses how Chief Justice Earl Warren’s 1964 opinion in *Reynolds v Sims* that the “one person one vote” rule requires legislative districts to have equal numbers of voters, has provided an open invitation to partisan gerrymandering, leading directly to the congressional gridlock we see today.

*Chapter III: Campaign Finance* is very instructive for those who think that an amendment outlawing “corporate personhood” is the way to keep the Koch Brothers and other undesirables from pouring vast sums of money into political campaigns. I only wish his proposed amendment would more specifically prohibit campaign contributions to candidates’ campaigns by nonvoters rather than the more wishy-washy sounding protection of congress’s ability to pass laws “that impose reasonable limits on campaign expenditures.”

*Chapter IV: Sovereign Immunity* sounds like an issue that’s been bugging Justice Stevens for a long time, but it’s not nearly as compelling or immediate to the average reader as the other chapters. You really have to dig long and hard to find out which judge-made rules he’s objecting to here.

In *Chapter V: The Death Penalty,* Justice Stevens argues that the death penalty should be outlawed by amending the Eighth Amendment because it violates international standards, is irrevocable if it turns out that the defendant is innocent, and that life imprisonment without possibility of parole is a sufficient and available option to provide a deterrent effect.

In the final, sixth chapter, *The Second Amendment (Gun Control),* Justice Stevens points out that for over two hundred years after its adoption, “federal judges uniformly understood” that the Second Amendment “applied only to keeping and bearing arms for military purposes;’ and “while it limited the power of the federal government, it did not impose any limit whatsoever on the power of states or local governments to regulate the ownership or use of firearms.” This was changed about twenty-five years ago when, after vigorous campaigns by organizations like the National Rifle Association, Supreme Court rulings began to agree that federal regulation of firearm use curtailed Americans’ Second Amendment rights. Now, though legislators are in a better position than judges to assess wisdom of rules limiting the use or ownership of firearms and to evaluate their costs and benefits, federal judges have “the ultimate power to determine the validity of state regulations of both civilian and militia-related uses” of firearms, exacting “a heavy toll in terms of state sovereignty” in limiting the rights of states to enact such legislation. Justice Stevens’ constitutional fix is simple, but with so much fear and suspicion of the government by so many people, this may not be so easy to pass.

Though not a fast read, this thought-provoking book will enhance your understanding of the current state of the law on a number of significant issues. Well worth your time.

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Public to weigh in on Vancouver oil terminal proposal  

*Tracy Loew,* Statesman Journal 8:42 p.m. PST December 23, 2015

**TAKE ACTION ON JAN. 14**

Washington State’s Energy Facility Site Evaluation Council is conducting a review of the project and has issued a draft environmental impact statement.

The public can comment on the statement at the hearings or online at [https://ts.efsec.wa.gov](https://ts.efsec.wa.gov). Comments must be received by Jan. 22.

Additional hearings will be held from 5 p.m. to 11 p.m. Jan. 14 at Center Place Regional Event Center, 2426 N. Discovery Place, Spokane Valley, Washington.
League position in prior hearing (RE: EFSEC SEPA Scoping / Proposed Tesoro Savage Vancouver Energy Distribution Terminal) From past actions.

The League of Women Voters of the Spokane Area (LWVSA) offers the following regarding the construction of the proposed Tesoro Savage Distribution Terminal at Vancouver, Washington, and transportation of oil through Spokane and eastern Washington to the proposed new facility.

LWVSA has positions supporting

Maximum protection to the Spokane Valley-Rathdrum Prairie Aquifer. This sole source of drinking water is directly underneath the rail lines that are intended to carry the oil from North Dakota to Vancouver. The Aquifer intermingles with the Spokane River at multiple-points through the Spokane Valley—with water from the river going into the aquifer water.

Maintaining the clean quality of air in the Spokane area. In reality, the local topography and air flow can result in temperature inversions over the populated area Spokane, thus trapping particulates. Poor air quality has an adverse effect on human health.

A balanced transportation policy. While rail traffic is an important part of Spokane’s commerce, there are multiple other forms of transportation in the Spokane area—and all need to be balanced. Additionally, many parts of the Spokane Valley do not have over/under passes—crossings are at grade. Additional train traffic will seriously impact transportation throughout the region.

The League of Women Voters of the Spokane Area believes that the Environmental Impact Statement should be cumulative and address the impacts all along the rail route, and not just on the port terminal area. Scoping also needs to address the cumulative effect of impacts over time. These additional trains would be coming through Spokane as a result of the completion of the proposed port. Spokane will be a choke point for rail traffic with trains continuing to western Washington as well as Oregon. The League would like you to study:

Effects to the Spokane Valley-Rathdrum Prairie Aquifer and Spokane River from fugitive pollutants as well as potential rail car derailments that could deposit oil on the ground and into the river. Additionally, the study should examine the effect of oil deposits on land by the rail tracks that could find its way to the Spokane River through run-off.

The effects of diesel particulates from the additional trains on the air quality in the Spokane area, particularly given the air inversions that we experience. We understand that some of the tanker cars are substandard—if so, how much oil could escape? Please study the effect of superior upgrades on the cars and/or other methods of transport—i.e., a pipeline.

The effects of the additional rail traffic on the balance of transportation in and through Spokane. In Spokane, the effects on emergency response times and general traffic flow at railroad crossings need to be studied. In addition to compromised emergency response, there needs to be an examination of the affect on air quality when the waiting traffic is idling while waiting at a crossing. For transportation through Spokane, the rail capacity needs to be examined—will there be capacity for other freight and human rail transport?

The impact of adding this train traffic to the already proposed coal train traffic needs to be considered.

Above all, the League supports the continued transparency in the process, and encourages continued citizen participation at all steps of the way.
League Membership: Have you invited your friends, daughters and sons to our League of Women Voters meetings? Some people do not know what league does and the opportunities that can be availed - in education, self development and action in the political sphere, in Spokane and at the State and National level. League is no longer just a woman’s group and young men are very active in the Seattle area in League. If you update your cell phone (or on your computer) you can tweet messages that acquaint others about what League is doing, like the “Oil train Actions” and participation in the Ombudsman and SPARC meetings on “Police Accountability” here in Spokane. There are many other things happening in Olympia with our “Action Team,” that you can communicate to your friends and family members who might like to get involved too!

Watch the schedule of meetings and invite people to come with you to League, to see how it is run and what is going on.

In May of 2015 I challenged all of you to bring in two new members to our Spokane League. Are you up to the challenge? We have until June of this year — 2016. So talk about League to your friends and family and bring them with you to a meeting. We will gladly welcome them.

2016 Calendar

January
12 LWVSA General Meeting — 11:30 AM, 2404 N Howard
14 Public Comments on Oil Trains: Center Place Regional Event
   Center, 2426 N. Discovery Place, Spokane Valley, 5P.M–11P.M
20 LWVSA Board Meeting — 9:00 AM, 2404 N Howard

February
9 LWVSA General Meeting — 11:30 AM, 2404 N Howard
17 LWVSA Board Meeting — 9:00 AM, 2404 N Howard

March
8 LWVSA General Meeting — 11:30 AM, 2404 N Howard
16 LWVSA Board Meeting — 9:00 AM, 2404 N Howard

Bring a friend, or two, to our League of Women Voters of Spokane meetings. Let’s have more fun!
Thank You to all of the members that have renewed their League membership. We appreciate your continued support of League! League dues are due September 30th. You may pay by check to: LWVOSA, 2404 N Howard, Spokane, WA 99205, or you can pay by credit card through Pay Pal at: www.lwvspokane.org/join.html.

Dues are based on membership categories as follows:

- $70 Individual
- $105 Household
- $110 Sustaining
- $150 Benefactor
- $35 Student

$35 Scholarship (call for application) Jan Carrington 509 844-1795

Use the form below to complete and submit your dues or membership.

**Membership Payment Form:**

_____ Yes, I want to join/renew membership in The League of Woman Voters of the Spokane Area.

Name

Address

City __________________________ Zip ______

Phone (H) ____________ (Cell) ________________ (Work) __________

Fax ______________________ Email ____________________________

League Of Women Voters of the Spokane Area
2404 N. Howard
Spokane WA 99505
(509) 326 - 8026

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**To:**