

## Congressional Closeup by Carl Osgood

### Insults Traded Over Blocked Judicial Nominee

The long-simmering dispute over judicial nominees got personal, on Oct. 8, when Senate Judiciary Committee Chairman Pat Leahy (D-Vt.) blocked a committee vote on South Carolina District Judge Dennis Shedd, for a position on the Fourth Circuit Court of Appeals. The following day, Sen. Strom Thurmond (R-S.C.), for whom Shedd once worked as chief of staff, took to the floor of the Senate to complain that he had been treated badly by Leahy, who had violated committee rules to avoid a vote on the nomination. He called Leahy's action an "egregious act of destructive politics," after having assured Thurmond that the committee would vote on the nomination.

Senate Majority Whip Harry Reid (D-Nev.) jumped up to defend Leahy's action. He said that the committee has continued to receive opposition to Shedd's nomination, and that Leahy had decided that to take up the nomination would delay the consideration of 17 noncontroversial nominations that were also on the committee's agenda. In reply, Sen. Orin Hatch (R-Utah), the Judiciary Committee's ranking Republican, accused Leahy of lying when he assured Republicans that there would be a committee vote on Shedd. He charged that "the real reason Judge Shedd was not on the agenda was there are liberal special interest groups in this city that seem to have lock-stock control over the Judiciary Committee."

The following day, Leahy appeared on the Senate floor to defend himself against Hatch's charges. After reporting that the committee has voted on 100 nominees under Democratic control and favorably reported 98 of them, he angrily accused the Republicans of believing "that there is partisan hay to be harvested in complaining

that every single judicial nominee has not yet been confirmed." He compared what the committee has accomplished under his chairmanship, to what was done under the most recent period of Republican control. "As frustrated as Democrats were with the lengthy delays and obstruction of scores of judicial nominees in the prior six-plus years of Republican control," he said, "we never attacked the chairman of the committee in the manner Republicans chose this week." He declared that with the White House making so many nominations "to appease the far-right wing of the Republican Party, it would be irresponsible for us to simply rubber-stamp these nominations for lifetime appointments to our independent Federal judiciary."

### Byrd Warns: Senators Will Regret Votes for War

The Senate vote of 77 to 23 in favor of the Iraq war resolution, on Oct. 10, prematurely shut down efforts by Sen. Robert Byrd (D-W.Va.) to derail the war drive in the Senate. Majority Leader Tom Daschle (D-S.D.) filed a cloture motion on Oct. 8 to limit debate, a motion which is usually made to end a filibuster. Because no filibuster was under way, Daschle's motion can only be seen as a pre-emptive action against Byrd's threat to stretch out debate on the resolution as long as possible. The move to limit debate was attacked even by some Republicans who were much more supportive of the war resolution. Sen. Arlen Specter (R-Pa.) complained that many senators, including himself, "who sought time to come over and discuss important issues, have found that there is no time to do so."

On Oct. 10, Byrd, in one of many spirited speeches he made during the

debate, invoked the examples of Revolutionary War heroes John Paul Jones and Nathan Hale. "Nathan Hale gave his one life," Byrd said. "It was all he had. Can we give one vote for our country, today?" He demanded to know of the senators in the chamber, "Are we defending the role of the Senate, as set forth in this Constitution which says Congress shall declare war?" Then, on the matter of the cloture motion, he said, "We are denying the American people their right to be heard." He warned the Senate, "The American people out there are going to render judgment. They are going to render judgment on every senator in this body before it is over."

### Opposition to Iraq War Greater Than Expected

The 133 votes in the House on Oct. 10 against the Iraq War resolution—126 of them Democrats—were hailed by Rep. Dennis Kucinich (D-Ohio) as a "very strong message" that "Americans are insisting on a peaceful resolution of matters in Iraq." Additionally, "people are looking for America to deal with its economic problems and to focus on those, and not to get distracted by a war with Iraq." As noted by Reps. Hilda Solis (D-Calif.) and John Conyers (D-Mich.), the entire Hispanic Caucus and all but four members of the Black Caucus voted against the resolution. "There is little question," Conyers said, "that most Americans are not in support of giving the President of the United States additional war powers."

Rep. Bob Filner (D-Calif.) reported that his mail was running ten to one against a war. Rep. Jan Schakowsky (D-Ill.) said "my stack of mail and e-mails against this war is now exceeding three feet, and of that, 18 let-

ters say we should go to war.” Rep. Lloyd Doggett (D-Tex.) added that the war resolution “bears a lot of resemblance to the [1964] Gulf of Tonkin Resolution, except in one very significant way, and that is lack of opposition; because there’s plenty of opposition.” Opponents of the resolution seemed to be surprised at the degree of opposition. House Minority Leader Dick Gephardt (D-Mo.), who supported the resolution, refused to comment, beforehand, on how many Democrats might break with the leadership on it, saying only that everyone had a right to vote their conscience.

## **Budget Impasse Drags On**

Gridlock continues to be the order of the day on Capitol Hill on a great deal of legislation, and the budget process is no exception. The House passed, on Oct. 10, another one-week continuing resolution (CR) to fund activities of the government, but came no closer to resolving the impasse. The vote was 272 to 144, in contrast to the near unanimous votes on the two previous CRs. As before, however, finger-pointing and acrimony continued to characterize the debate.

The House GOP leadership had originally intended to extend the CR until Nov. 22, after the mid-term elections. However, they apparently could not get support from within their own caucus on such a measure, and had to cut it back to Oct. 18. This caused Rep. Martin Frost (D-Tex.) to declare, “The Republican leadership is in a total and utter state of disarray and denial.”

Otherwise, the debate went on much the same way as for the earlier resolutions. The Democrats continued to attack the GOP for not letting the

House do its work, and the Republicans blamed the Senate for not having passed a budget resolution. Rep. David Obey (D-Wisc.) pointed out that there was, in fact, nothing standing in the way of the House acting on the remaining eight appropriations bills and going to conference with the Senate. He argued that this was proven by the fact that the House had just passed, by very large majorities, the just-completed conference reports on the defense appropriations bill and the military construction bill.

Meanwhile, over in the Senate, Majority Leader Tom Daschle (D-S.D.) and Minority Leader Trent Lott (R-Miss.) have both discussed the need to restore the budget enforcement mechanisms that expired at the end of fiscal 2002. A bill has been worked out by Senate Budget Committee Chairman Kent Conrad (D-N.D.) and Sen. Pete Domenici (R-N.M.) that would restore points of order against tax cut or spending legislation not provided for in the most recent budget resolution, and the so-called “pay as you go” rule, requiring 60 votes to pass legislation that would tap further into Social Security funds. The bill does not include discretionary spending caps, even though the Democrats support imposing such a cap. Daschle said on Oct. 15, that they decided to go ahead without the caps, because “Republican objections . . . led us to believe that we might be more successful by taking it out.”

## **Dems Blast GOP On Drought Relief**

On Oct. 9, Senate Majority Leader Tom Daschle (D-S.D.) demanded that the House act on drought relief legislation before it adjourns for the year. He said that the Democrats have been saying that farmers and ranchers cannot

survive another year without drought assistance, and that the Senate has voted three times, by large bipartisan majorities, in support of drought relief. Senate Agriculture Committee Chairman Tom Harkin (D-Ia.) accused the Republican Party and the Bush Administration of wanting to pay for drought relief by taking the money out of food assistance programs that serve poor people and children. Instead, he said, there is \$6 billion in savings from loan deficiency programs that can be used for drought assistance. “We passed this with 79 votes in the Senate,” he said. “We know there’s a majority in the House. It’s up to the Administration to give the green light to the House leadership.”

The Democrats also disposed of the notion that the farm bill, passed earlier this year, could be used to help farmers affected by the drought. Senate Budget Committee Chairman Kent Conrad (D-N.D.) said that not only is there no provision in the farm bill for disaster relief, but it was House Speaker Dennis Hastert (R-Ill.), backed by the White House, who blocked efforts to include it. “Nothing could be more clear,” he said, “than who has supported disaster assistance and who has opposed it.”

The Associated Press noted that three of the six senators accompanying Daschle—Harkin, Tim Johnson (D-S.D.), and Paul Wellstone (D-Minn.)—are in the midst of tough reelection battles. The AP was not alone in its view that the press conference was little more than a pre-election ploy. Sen. Conrad Burns (R-Mont.), whose home state has been hit hard by the drought, pointed out in a statement that the drought relief that the Senate passed on Sept. 10 is attached to a bill on forest management that Daschle will not allow a vote on. “Daschle’s press conference, today,” he said, “is a lot of chaff and no wheat.”