

In Charge, GOP Has No Use for the Rules

by Carl Osgood

From the time they first took control of the U.S. Congress, in 1994, Republicans have frequently proclaimed the House of Representatives to be “the people’s House,” and themselves there to do “the people’s business.” But the Republicans’ behavior in the years since, suggest that their definition of “the people” might be very narrow, indeed. That behavior has become even more pronounced since the 108th Congress convened in January of this year, and Texas Republican Tom DeLay ascended to the post of Majority Leader of the House of Representatives. Since then, the House GOP has taken every opportunity to use its control of parliamentary procedure to muzzle House Democrats to prevent them, to the greatest extent possible, from even bringing to the floor, issues that might make the Republicans uncomfortable.

Columnist Adam Cohen, writing in the May 27 *New York Times*, noted that the Republicans, in pushing through their political agenda, “are increasingly ignoring rules of government to do it,” particularly in the mushrooming Texas redistricting scandal, which features DeLay. Cohen also noted that in the Senate, Majority Leader Bill Frist (R-Tenn.) is trying to push through an unprecedented change of the century-old filibuster rule so that Democrats cannot filibuster judicial nominees. As bad as the situation might be in the Senate, it is nothing compared to the procedural dictatorship that the GOP has succeeded in imposing on the House.

Amendments Not Allowed

House rules of procedure have always been dominated by party politics, literally, because the party in the majority makes the rules. But whereas, in the past, the leadership structure of the House often permitted the body as a whole to work its will on legislation, now, that will is often thwarted by the top-down control exerted by DeLay through the House Rules Committee. The GOP leadership has established the pattern of bringing important legislation to the floor of the House under rules for debate, always approved by party-line votes, that prevent the Democrats, and sometimes also some Republicans, from introducing amendments to those bills. The GOP caucus marches in lockstep with DeLay and his whip team, led by Majority Whip Roy Blunt (R-Mo.).

The rule for debate on the bill extending the emergency unemployment compensation program was indicative. It was brought to the floor on May 22 under a closed rule that allowed

the Democrats only one motion to recommit the bill to committee, and no amendments, not even the formerly customary substitute amendment. Rep. Martin Frost (D-Tex.), a member of the Rules Committee, said that he believed the Republicans would not allow the Democratic substitute to be considered because they were “terrified that it might actually pass.” He added that that was the same reason Reps. Jim Cooper (D-Tenn.) and Chris Van Hollen (D-Md.) were not allowed to offer a crucial amendment on civil service protections to the defense authorization bill, as Defense Secretary Rumsfeld wants to remove all 170,000 Department employees from those protections.

Rep. Barney Frank (D-Mass.) told the House that what the Republicans “have done is to shut down democracy within the House,” in order “to protect Republican incumbents from having to vote on difficult issues.” Republicans “vote for rules, procedures that keep controversial issues off the floor, so they can then go and [tell] their constituents they would have supported their position, but they did not have a chance to do it,” Frank said.

The subjugation of the Rules Committee under the House leadership is a fairly recent phenomenon. Throughout much of its history, the Rules Committee was capable of independent action, and the chairman could kill a bill reported favorably by another committee simply by refusing to hold a hearing on it. During the 1960s, the Democratic majority changed the rules to try to bypass the Rules Committee chairman’s independence, but was only partially successful, until 1975 when the Democratic caucus changed its internal rules so that the Speaker of the House would appoint the chairman, a rule change that was maintained by the Republicans when they took control of the chamber after the 1994 elections.

The Rules Committee chairman now is no more than a functionary of the GOP leadership. When the 108th Congress convened, the GOP leadership made a rules change that extends that top-down control, even more tightly over the rest of the committees, as well. All chairmen now have the option, during committee markups, of delaying votes on amendments to bills until the end of the markup session, rather than being required to conduct the vote as soon as debate on an amendment is completed. This avoids the possibility of an amendment passing because the Democrats happen to have more committee members in the room than do the Republicans.

The response of the GOP to the Democratic charges is akin to that of the majority shareholders in a stockholders meeting to a vocal but powerless minority. They simply ignore the complaints, or argue that they are giving more rights to the minority, than the Democrats did when the Republicans were the minority. During the January debate, Rules Committee Chairman David Dreier (R-Calif.) claimed that the House was considering a measure “which increases the deliberative nature of this institution and does increase the accountability.” The operation of the House since then would seem to suggest otherwise.