

Cheney Suffers Setbacks As Congress Ends the Year

by Carl Osgood

The last two weeks of the first session of the 109th Congress were marked by repeated setbacks for Vice President Dick Cheney, from the stalling of reauthorization of the police-state U.S.A. Patriot Act, to the elimination of authorization for drilling for oil in the Arctic National Wildlife Refuge in Alaska. Even cutting short a tour of Southwest Asia to fly back to Washington to browbeat the Senate, as he did on Dec. 21, did not enable Cheney to turn back the tide. The Patriot Act reauthorization was stopped cold on Dec. 16 by a Democratic-led filibuster in the Senate, in which four Republicans participated. Both of the defense authorization and the defense appropriations bills came out of conference committee with Sen. John McCain's (R-Ariz.) anti-torture language largely intact. Finally, the Fiscal 2006 budget reconciliation bill came out less draconian than House budget cutters had demanded, though still genocidal for targeting programs that serve people in the lower 80% of income brackets in the United States.

The official word was that Cheney cut short his tour to Pakistan, Afghanistan, Egypt, and Oman, because Senate Majority Leader Bill Frist (R-Tenn.) had asked him to be available in case there were a tie vote in the Senate on the budget reconciliation bill. It is just as likely that Cheney also wanted to save the Patriot Act reauthorization. A grouping of three Democrats and three Republicans had been threatening for more than a week that they would try to block the bill, which makes permanent 12 of 16 expiring provisions, and renews the other four for four years, because the conference agreement did not address their concerns about protecting civil liberties.

Cheney and White House Chief of Staff Andrew Card had been lobbying hard for immediate passage of the bill, but the cloture vote came on the heels of revelations in the *New York Times* about illegal spying on Americans by the National Security Agency, a program that was actually run by Cheney. At least one member of the Senate, Charles Schumer (D-N.Y.), said that when he went to bed the night before, he was undecided about Patriot Act reauthorization. "Today's revelation that the government listened in on thousands of phone conversations without getting a warrant," he said, "is shocking and has greatly influenced my vote."

The Senate spent four days wrangling over what to do about the Patriot Act, and, in the end, the opponents of the

reauthorization bill succeeded in putting through a six-month extension, rather than the permanent reauthorization that Cheney wanted. However, House Judiciary Committee Chairman James Sensenbrenner (R-Wisc.) would not accept a six-month extension and, when the House met in a pro-forma session on Dec. 22, he successfully amended it to a one-month extension expiring on Feb. 3, forcing the Senate to revisit the issue.

Cheney Loses on Torture

By far the worst defeat Cheney suffered, though, was on the issue of torture. Both of the defense bills had been held up for months while the GOP leadership in both Houses searched for some way to avoid embarrassing Cheney, and while Cheney himself was pressuring McCain to drop it, or, failing that, amend it to exempt Central Intelligence Agency interrogators. McCain never budged. In the House, Speaker Dennis Hastert (R-Ill.) avoided, as long as he could, appointing House members of the conference committee, in order to delay a vote on a motion that everybody knew was coming. That motion, made by Rep. John Murtha (D-Penn.), who has completely redefined the debate on the U.S. war in Iraq over the past month, with his call for a swift U.S. withdrawal, was to instruct the House conferees to agree to the Senate amendment on torture.

When that finally happened, on Dec. 14, the House voted 308 to 122, with 107 Republicans voting "yea," in favor of Murtha's motion. The following day, with Cheney nowhere in sight, McCain and Senate Armed Services Committee Chairman John Warner (R-Va.) struck a deal with President Bush which added certain legal protections for civilian interrogators, but otherwise left McCain's language intact. Both bills then emerged from conference committee on Dec. 18, with the agreement between Bush and McCain included.

Brinksmanship

That did not mean smooth sailing for the defense appropriations bill, however. A game of political brinksmanship emerged on the bill when Sen. Ted Stevens (R-Ak.) used his position as chairman of the Senate Defense Appropriations subcommittee to attach a measure allowing oil drilling in the Arctic National Wildlife Refuge (ANWR) in Alaska. While House Democrats could do little about it, the Senate exploded



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The budget agreed to by the House-Senate conference committee, driven by cost-accounting rather than the service of the general welfare, cuts billions from Medicaid and Medicare, the programs serving the elderly and disabled.

in pandemonium. Democrats there charged that Stevens's little maneuver violated Senate Rule 28, which prohibits adding extraneous matter to a conference report that had not been considered in either House.

Senate Minority Leader Harry Reid (D-Nev.) angrily denounced Stevens's maneuver on the floor of the Senate on Dec. 18. He accused the Republican leadership of attempting to impose "the most cynical and I believe abusive practice" on the Senate, and if it were to succeed, it "has the potential of changing the way this body operates forever." He noted that the rules are written to preclude the possibility of attaching legislation to a bill that would not otherwise pass in either House. "But the Republicans in Congress and the White House simply do not care about rules and they break them when it suits their interests," he said.

Reid's denunciation set up the most contentious confrontation since the failure of Dick Cheney's nuclear option last April, when a bipartisan group of Senators banded together to defend the institution of the Senate against Cheney's attempt to turn it into a rubber stamp on judicial nominations. In fact, Democrats, including Sen. Robert Byrd (D-W.Va.), one of the leaders of that bipartisan group, over the next three days would liken Stevens's maneuver to Cheney's nuclear option. "This is a dark day in the history of the American constitutional form of government," Reid told reporters, the evening of Dec. 18.

Defending the Rules of the Senate

Originally, Republicans had been planning to include drilling in ANWR in the budget reconciliation bill, which, because of the special procedures under which reconciliation bills are considered, could not be filibustered in the Senate. While the Senate passed its version of the budget bill with

ANWR, the plan ran into problems in the House, however, when a group of about two dozen moderate Republicans threatened to vote against the bill if it included the ANWR provision. Acting House Majority Leader Roy Blunt (R-Mo.) backed down and passed the bill through the House without the ANWR provision in it.

With the defense appropriations bill being one of the last on the agenda, Stevens agreed to the removal of the ANWR provision from the budget bill, on condition that he be allowed to attach it to the defense bill. He then rewrote the provision so that the Federal revenues expected from ANWR drilling would go into Hurricane Katrina relief, with the intent of making it even more difficult for Democratic Senators to vote against it. If that were not enough, Stevens even added language to re-instate Senate Rule 28, once a ruling that the provision was in violation of the rules was overturned by a majority vote—a vote he clearly expected to win.

The bill came up for debate and a cloture vote on Dec. 21. Byrd gave an impassioned speech in defense of the Senate's rules, arguing that if the Senate voted to violate Rule 28, "nothing would stand in the way of a majority, be it Republican or be it Democrat, from routinely negating and replacing Senate Rule 28 in order to insert controversial legislation into a conference report." He warned that doing so would come with a terrible price. "This institution and the liberties its rules protect must come first . . . before political party, whatever it may be, and before legislative maneuvering," he said. "Those battles are fleeting, but the Senate must stand forever."

Byrd's view prevailed, with the vote on cloture coming out to 56 to 44, 4 votes short of the 60 required to close debate. Afterwards, Stevens relented, allowing the Senate to pass, on a 48 to 45 vote, a resolution, sponsored by Sen. Maria Cantwell (D-Wash.), pulling the disputed sections out of the bill, and sending it back to the House for its approval, which it gave on Dec. 22.

With the bill's passage, Louisiana and Mississippi lawmakers gained a major victory, because included in the bill is a \$29 billion hurricane relief package, which is a reprogramming of funds originally appropriated to the Federal Emergency Management Agency (FEMA), but not spent by that agency. The package was crafted by Senate Appropriations Committee Chairman Thad Cochran (R-Miss.). Cochran was backed on that effort by the Louisiana delegation and a lobbying effort by Mississippi Gov. Haley Barbour (R). Cochran told the Senate on Dec. 19, that the money in the bill "is made available immediately upon passage for distribution to those who need help the most, and it is urgent." Cochran's hurricane relief provisions are not affected by Cantwell's resolution. The money Stevens's ANWR provision would have directed towards Hurricane Katrina relief was for a new fund created by that provision.

The Senate, in spite of the brinksmanship, acted in relative daylight, compared to what happened in the House. Not only was the conference report on the defense spending bill written

in the middle of the night, but so, too, were the conference reports on the defense authorization bill, and the budget reconciliation bill. They were released late on Dec. 18, and the House voted on all three of them between 1:00 a.m. and 6:00 a.m. on Dec. 19, and then adjourned at 6:30 a.m. to hightail it out of town for the Christmas recess. As Sen. Richard Durbin (D-Ill.) would later point out, the three bills together were over 4,000 pages in length, guaranteeing that hardly anybody in the House knew what they were voting on in the wee hours of Monday morning.

Gouging the Poor and Sick

Minor changes were made to the budget bill by the conference committee, which reduced it from the House-passed \$50 billion to \$39.7 billion in net reduced spending over five years. The conference committee excluded the provision that would have reduced spending on food stamps by almost \$800 million, primarily by reducing the number of people eligible for the program. The bill cuts \$6.9 billion out of Medicaid, which was \$4.5 billion less than the House wanted, and \$6.4 billion from Medicare, which the House originally did not touch, while the Senate had proposed a cut of \$5 billion. The Medicaid cuts are partially achieved by increasing costs by beneficiaries and giving states more flexibility to deny coverage for certain treatments.

The bill also reduces spending on student loans by \$12.7 billion, mostly by increasing interest rates and fees paid by students and by reducing subsidies to lenders. The House passed the bill on a 212 to 206 vote, with every Democrat and nine Republicans voting against it. Many Democrats noted that calling the bill "The Deficit Reduction Act," was a misnomer, since it is part of a reconciliation package that includes \$56 billion in tax cuts. Combined, the two bills will have a negative effect on the budget deficit.

As with the defense appropriations bill, the budget bill ran into problems in the Senate. Dick Cheney was called in to cast the tie-breaking vote on the bill, which passed 51 to 50, but Sen. Kent Conrad (D-N.D.), the ranking Democrat on the Senate Budget Committee, succeeded in getting three provisions struck from the legislation, because they were in violation of the budget rules, which prohibit language that doesn't save or spend money, thereby sending the bill back to the House.

While it was initially reported that the House could act on it in its pro forma session scheduled for Dec. 22, House Minority Leader Nancy Pelosi (D-Calif.) torpedoed that idea. "Every single House Democrat opposed this immoral bill because of the harmful cuts in student loans, health care, child support enforcement, and other assistance for seniors and low- and middle-income families," Pelosi wrote, in a letter to Speaker Hastert. She noted that a Democratic motion, to instruct conferees to agree to the Senate amendment on these cuts, passed by a vote of 246 to 175, with 46 Republicans joining the Democrats. Pelosi also noted that "allowing the

House to review the legislation again, with the Senate's changes, will give the American people and members on both sides of the aisle the opportunity to fully scrutinize the massive impact of this bill," which, of course, did not happen when the House voted on the bill in the dead of night. The budget bill, Pelosi concluded, "fails the moral test, by slashing assistance to the middle class and our most vulnerable citizens for the sole purpose of giving more tax breaks to the wealthiest of our nation."

The problem with the entire process, however, is that it is being driven by arbitrary accounting requirements composed by the budget committees in the House and Senate. Those accounting requirements demand that the "books are balanced," no matter what the cost to both the economy, and human beings! Add to this a major element of corruption, in which "shareholder values" are also a determining factor, as evidenced by tax cuts that give multi-millionaires breaks that amount to as much as tens of thousands of dollars a year, whereas a worker in the lower income brackets will hardly see a difference in his tax bill, but is seeing a downward ratcheting in his standard of living. The actual requirements of the Constitutional mandate to provide for the general welfare are not the basis for the budget, as it is presently implemented. Rather, the requirements of the budget are dictating whether the general welfare needs of the nation are to be met or not.

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