

## Congressional Closeup by Kathleen Klenetsky

### Lawyers file to uphold Gramm-Rudman

Lawyers for the House and Senate filed an appeal with the Supreme Court Feb. 17, urging that the Gramm-Rudman-Hollings balanced budget law be upheld, on the grounds that it provides the ideal mechanism for making the "tough choices" needed to cut down the federal budget deficit.

Key elements of the law, including the so-called automatic cuts provision, were declared unconstitutional on Feb. 7 by a special three-judge panel. The judges found the law unconstitutional because it violated the principle of separation of powers, by giving executive power to the Comptroller General, a legislative officer.

The panel, composed of Antonin Scalia of the United States District Court of Appeals and two U.S. District judges, Oliver Gasch and Norma Holloway Johnson, issued a 50-page written opinion declaring "that since the powers conferred upon the Comptroller General as part of the automatic deficit reduction process are executive powers, which cannot constitutionally be exercised by an officer removable by Congress, those powers cannot be exercised and therefore the automatic deficit reduction process to which they are central cannot be implemented."

But Congress's lawyers disagree. "The Congress determined in the Deficit Control Act that the economic welfare of the nation required the establishment of an administrative mechanism to promote steady progress to reach a balanced budget," said Senate counsel Michael Davidson, in filing his appeal with the Supreme Court. "The Comptroller General's knowledge of and experience with the

financial accounts of the federal government . . . make him ideally suited to implement neutrally the hard political choices that the Congress and the President agreed to in enacting and approving the legislation."

The Supreme Court is expected to take the appeal immediately, and to hear arguments this spring, probably before April 23.

### Liberals in vendetta against ASAT program

Liberal Democrats on Capitol Hill are getting ready to do yet another favor for the "peace-loving Soviets"—namely, kill off the U.S. anti-satellite (ASAT) program.

Rep. Les AuCoin (D-Oreg.), announced on Feb. 11 that he intends to delete all the money the Air Force is requesting to put ASATs into production, and to put a stop to all ASAT testing, including the three ASAT tests which the Air Force has scheduled for this year.

AuCoin, a member of the House appropriations subcommittee on defense, declared that it was "preposterous," in light of the U.S. budget deficit, for the administration to propose increasing the Air Force's procurement budget for the project from \$10 million in 1986, to \$30 million in 1987, to \$333 million in 1988.

The Soviet Union already has an operational ASAT capability. The United States has been trying to develop one of its own, but has faced concerted opposition from latter-day Neville Chamberlains like AuCoin.

Late last year, Congress approved a ban on testing anti-satellite weapons

against objects in space (ASAT tests against points in space are still permitted). The ban had been one of the key goals of the Space Policy Working Group, an informal congressional coalition which, as this news service exposed in 1984, was receiving marching orders straight from the Soviet embassy in Washington.

The Space Policy Working Group had made ASATs a major target of its legislative agenda, not only because of the ASATs' own military significance, but also because of the vital role it would play in the development and operation of the Strategic Defense Initiative. Shortly after Congress passed the ban, Deputy Assistant Secretary of Defense Frank Gaffney told a private seminar in Washington that it was "insidious" and would "eviscerate" the SDI.

AuCoin has now seized upon the ASAT test ban, which he and his allies imposed, as a weapon with which to dismantle the entire ASAT program. AuCoin's major argument for eliminating funding for ASATs is straight out of "Catch-22": It would be a waste of money to conduct further tests, he told the *Washington Post*, since, by virtue of the congressional ban, they could not be carried out against objects in space, and are therefore of no scientific or military value.

"That would be a clear waste of money," AuCoin says, "as stupid as trying to conduct batting practice without a baseball. Everyone knows the ASAT can be shot in the general vicinity of a known target. All the testing would do would be to provoke the Soviets."

AuCoin sent off a letter to Air Force Chief of Staff Gen. Charles Gabriel Feb. 10, asking, "What precisely

is the scientific utility of testing an ASAT without a target?"

AuCoin has also indicated that he and his allies consider the test ban to be permanent, unless Congress declares otherwise. The Air Force, on the other hand, insists that it expires at the end of the current fiscal year, Sept. 30, 1986. AuCoin has appealed to the General Accounting Office to make a determination on the matter.

## Liberals get dose of own medicine

Secretary of Defense Caspar Weinberger has proposed closing military bases in three states represented by key Democrats, setting off a sudden bout of pro-defense posturing from the same liberal clique which has been demanding deep cuts in U.S. military spending.

Weinberger made the proposal in a letter to Senate Armed Services Committee chairman Barry Goldwater (R-Ariz.), who had requested that Weinberger draw up a list of bases that could be closed, to meet defense-cutting requirements.

The three bases are located in Massachusetts, Colorado, and Pennsylvania—home to Rep. Tip O'Neill (D-Mass.), Rep. Pat Schroeder (D-Colo.), and Budget Committee chairman Rep. William Gray (D-Penn.).

Though these three are among the most vociferous congressional proponents of slashing the Pentagon budget, they were none too pleased by the prospect of losing defense funds for their own districts.

Neither was fellow liberal, Sen. Gary Hart (D-Colo.), who blasted

Weinberger's proposal in a statement issued in early February. "By selecting bases with workers in the home districts of O'Neill, Rep. Pat Schroeder, and Bill Gray, Secretary Weinberger is trying to put his most effective critics on the defensive," said Hart. "It won't work. Anyone who has passed an eighth-grade civics class knows the secretary is making a statement, not about the budget, but about politics."

Pentagon spokesman Bob Sims insisted: "There's nothing political in this at all."

## Dole wants balanced budget amendment

Senate Majority Leader Bob Dole (R-Kan.) is expected to push for a vote on the floor of the Senate on the Balanced Budget Amendment sometime in February, according to a report in *Dollars & Sense*, the National Taxpayers Union's (NTU) newsletter. George Pieler, a top Dole aide, told *Dollars & Sense*, "After the Conrail issue is dealt with, the next item ought to be the Balanced Budget Amendment. Sen. Dole has taken the attitude that he wants to win, so it won't be called up without the expectation that it has a very good chance of passage."

Pieler stressed that Dole hopes to pass a strong version of the amendment out of the Senate. Two versions of a balanced budget amendment have been sent out to the floor of the Senate by the Judiciary Committee.

According to its chairman, James Davidson, NTU plans a major lobbying drive to assure passage of the Dole measure. "This is a crucial year for the

cause of fiscal reform. We actually have a chance of passing a constitutional amendment out of both houses in Congress and sending it to the states for ratification," said Davidson.

## Denton says colleagues seek Marcos's murder

Sen. Jeremiah Denton (D-Ala.) has accused unnamed "liberal" senators of favoring an American-sponsored assassination of Philippine President Ferdinand Marcos if he refuses to cede power to defeated presidential candidate Corazon Aquino, the *Montgomery Advertiser* reported Feb. 13, in an article titled "Liberals Favor Assassination: Denton Says."

Ray Locker, the *Montgomery Advertiser* journalist who interviewed Senator Denton after his speech before the Alabama Cattlemen's Association, quoted the senator saying, "Some say assassinate Marcos now and let her take over."

## House votes to cut off Liberian aid

The House passed a non-binding resolution Feb. 19 urging President Reagan to suspend economic and military aid to Liberia until that country improves its human rights record and makes progress toward democracy.

The administration has said that it intends to continue supporting Liberian President Samuel Doe, who seized power in a coup in 1980. Since 1980, Washington has provided \$450 million in aid to Liberia, including \$60 million in military assistance.