

want to have absolute discretion.”

At the present time, it is estimated that there are 680 prisoners at Guantanamo. Although the Pentagon has been slowly setting up the framework under which the detainees could be tried by military tribunals (or commissions), legal experts expect that only a handful will ever actually be put on trial, because interrogations have shown most to be simply too unimportant.

Rumsfeld's 'Notverordnung'

'Transformation' Bill Hits Bumps in Congress

by Carl Osgood and Edward Spannaus

Secretary of Defense Donald Rumsfeld encountered more opposition than expected, in his effort to ram through Congress his draconian “Defense Transformation Act for the 21st Century,” which would tear up the Constitutional separation of powers, and destroy civil service protections for the Defense Department’s 800,000 civilian employees, in one stroke of a pen. This is the bill which Lyndon LaRouche called Rumsfeld’s *Notverordnung*—with reference to the emergency decree that allowed Adolf Hitler to become Germany’s dictator (see *EIR*, May 16).

By waiting until April 11 to submit his transformation plan to Congress, Rumsfeld and his allies had hoped to rush his personnel changes through the House and Senate as part of the broader \$400 billion defense authorization bill, with minimal debate. But in fact, he totally lost on one of the major personnel proposals—that which would give the Secretary of Defense broad authority over the hiring, firing, and rotations of flag and general officers—which was not passed by either House. And the other major personnel proposal—the stripping of civil service protections for civilian employees—was passed only by the House, with the Senate declining to incorporate it in the authorization bill.

Thus the general-officer provision appears dead for this session of Congress, and the civil-service provisions are unlikely to go through, unless the Senate were to cave in to the House during the Senate-House conference which will have to resolve this and many other differences between the House and Senate versions of the defense bill.

Rumsfeld Mobilizes

During the three days of floor debate in Congress, Rumsfeld took every opportunity to push for passage of his “transformation” proposals. On May 21, he spent half the

day on Capitol Hill in meetings with the Congressional GOP leadership. The following day, he took the rather extraordinary step of personally responding to a blast at his proposals published in a *Washington Post* op-ed by Rep. Ike Skelton (D-Mo.), the senior Democrat on the House Armed Services Committee. If Rumsfeld had hoped to sneak the bill through without much Congressional and public scrutiny, this was an admission that he had failed.

Skelton’s May 21 op-ed was the most public manifestation of the fierce opposition in Congress against Rumsfeld’s bill. Calling this the “most sweeping defense reform legislation proposed since the Goldwater-Nichols Act of 1986,” Skelton declared: “The only thing that is obvious and consistent throughout the 50 provisions included in this bill is the aggregation of power sought by the Department of Defense, removing the legal restrictions and congressional oversight that should safeguard against any abuses, however unintentional. This approach is a rush to judgment that will affect vast numbers of people and, in many cases, will enshrine bad policy into law.”

Skelton noted that the Goldwater-Nichols legislation took four years for Congress to pass, with the armed services committees of both Houses holding dozens of hearings in that span, and having “spent months drafting a comprehensive and bipartisan bill.”

Skelton also zeroed in on Congress’s Constitutional responsibilities. “The Constitution establishes Congress as a counterweight to executive authority for good reasons,” he wrote, “to guard against the excessive aggregation of any administration’s power and to ask critical questions that allow better law to be made.” He warned that “without the ability to question and consider fully the implications of what we do, we abandon the planning needed to protect our nation’s security and to protect those who serve their nation.”

In addressing the Constitutional issues, Skelton reflected the tremendous impact of LaRouche’s widely circulated campaign release, denouncing the Rumsfeld “transformation” gambit as a power play modeled on Hitler’s similar assault on the German military and civil service in 1933. Thousands of copies of the LaRouche in 2004 pamphlet, *Children of Satan*, exposing the Rumsfeld/Wolfowitz/Perle *putsch*, have been circulating on Capitol Hill for the past month, as have *EIR*’s more recent coverage of the Rumsfeld bill.

In his *Washington Post* op-ed the next day, responding to Skelton, Rumsfeld based his argument on the utopian fascist notion that we are now “in the information age, when terrorists move information at the speed of an e-mail, money at the speed of a wire transfer, and people at the speed of a commercial airliner,” while the Defense Department is supposedly forced to face this threat “bogged down in the bureaucratic processes of the industrial age.” He argued that the time it took to pass Goldwater-Nichols cannot be taken today because “the new threats are here now,” and our enemies “are watching us” from their deeply buried caves and bunkers seeking ways to kill hundreds of thousands. (Rumsfeld did not



Congressional and especially uniformed military opposition to Rumsfeld is rising, and taking the form of resistance to his unconstitutional and Hitler-like "military transformation bill."

explain why terrorists hiding in caves, are the characteristic feature of his modern "information age.")

Rumsfeld's hysteria notwithstanding, the Senate was unable to come to any agreement to include his personnel proposals in their version of the defense authorization bill. On the opening day of floor debate, Senate Governmental Affairs Committee chairman Susan Collins (R-Me.) indicated that she and members of her committee were working to draft an amendment on the civil service provisions that would be acceptable to the Senate. "I believe the Secretary's initial proposal goes too far," Collins said.

Armed Services Committee chairman John Warner (R-Va.) agreed that Rumsfeld's proposals go too far, but he indicated his hope that some provision could be included in the Senate bill, since it is already in the House bill, and it will come up in conference with the House. When Collins said she hoped to reach some bipartisan agreement on this, as well as involving employee organizations, Warner urged haste. "The train is moving through," Warner said, adding that the likelihood of a separate bill passing later on, is a "question mark."

But the effort to craft an amendment, on which George Voinovich (R-Ohio) was working with Collins, came to naught when the Rules Committee ruled that such an amendment was "irrelevant" to the overall defense bill.

Nonetheless, Senator Collins announced on the evening of May 22 that she will introduce a compromise, free-standing bill, incorporating some, but not all, of the civil services changes sought by Rumsfeld. Collins hopes to hold a hearing on her bill in early June.

But it is likely that the House-Senate conference will pro-

ceed immediately after the Memorial Day weekend. Sen. Carl Levin (D-Mich.), the senior Democrat on the Senate Armed Services Committee, predicts a contentious conference, because of the civil service provisions which are contained in the House bill, but not in the Senate version.

House GOP blocks debate

In the House, Rumsfeld is not without allies among the "Conservative Revolution" leadership, typified by Texas Republican Tom DeLay, known among colleagues as "the exterminator." The House GOP leadership brought their version of the bill to the floor on May 21, under a rule that prohibited any Democratic amendments addressing the most egregious language in the bill, including the civil service reform provisions, and those provisions exempting the Pentagon from environmental laws.

During debate on the rule, Democrats charged that the Republicans had taken a traditionally bipartisan bill and made it ideological. Rep. Martin Frost (D-Tex.) said the civil service provisions and the environmental riders "are about supporting the Republican Party ideology, and they have no business in a bipartisan bill to provide for the men and women" of the armed forces. House Minority Whip Steny Hoyer (D-Md.) added that the Republicans showed "no compunction about turning even the most bipartisan legislation into a vehicle for divisive and unnecessary partisanship." Furthermore, the GOP "has purposefully loaded up this bill with extraneous and controversial provisions and forced the rule to deny our side of the aisle a fair opportunity to be heard."

Democratic anger spilled over into the general debate on the bill, after the rule was approved by a vote of 224-200. Hoyer came back to the floor and denounced the "rush to judgment" on the bill, saying the only reason for it "is because [the GOP] are unwilling to debate it fully and to have it open for amendment fully." Rep. John Spratt (D-S.C.), the second-ranking Democrat on the Armed Services Committee, told the House that "we are going through what is basically a pro forma debate here, because this bill is off limits to serious debate. When you cannot offer an amendment, you are only shadowboxing about the provisions of the bill."

It was not just Democratic opposition that the House Republican leadership was worried about. Notably, it was a Republican—and a freshman at that—who was responsible for knocking out the general-officer personnel provision during the House Armed Services Committee markup of the defense bill. Rep. John Kline (R-Minn.) drew upon his 25 years experience as a U.S. Marine Corps officer to persuade two other Republicans to join Democrats in supporting an amendment deleting the general-officer provision.

Kline said that "every colonel and general I know, active and retired," all oppose the Rumsfeld plan. This doomed that section of the Rumsfeld bill in the House, and clearly reflected the deep revolt against Rumsfeld's "transformation" scheme among uniformed military officers.