

hallowed corridors of Congress. Instead, it is the perception game, especially in an election year with hundreds of LaRouche-movement candidates challenging the incumbents, which motivates Congress. Instead of reacting to the reality principle as LaRouche and Weinberger have been spelling it out, the Congress has chosen to hide behind the chimera of consensus politics.

### Euthanasia

Other aspects of the Gramm-Rudman insanity built into this Senate budget resolution are worth noting. While the President's original proposed budget called for eliminating 44 domestic programs to cut \$28 billion, the Senate version which passed calls for saving \$22.3 billion by cutting only two programs—federal revenue sharing and Conrail—and making deep cuts into Medicare.

That means that almost two-thirds of the Senate, including two-thirds of its Democrats, had no qualms about the deadly effects on the nation's elderly of taking such a huge cut from Medicare, despite the overwhelming evidence, provided through testimony before the Senate and House Committees on the Aging, of the abuses of care in hospitals around the nation under the constraints that exist even under current levels of Medicare funding.

The impact of these cuts is going to be a major escalation of active euthanasia against the nation's elderly—with a broad consensus of support from both Democratic and Republican leaders in the Senate. There is no reason to believe that the House will vote significantly differently on this issue, either.

Combined with the termination of federal revenue sharing, and the chiseling on cost-of-living increases for Social Security and federal pension recipients, the cutbacks in Medicare will result in unprecedented carnage against the nation's most vulnerable sectors, in particular, the elderly. The revenue-sharing cuts will mean either large tax increases and user fees at the state and local levels, or terminated services generally. Targeted will be programs such as rodent abatement programs and other sanitation and infrastructure improvement programs.

With diseases on the rise in the United States, ranging from the deadly pandemic AIDS to tuberculosis (see article, page 10), these cutbacks will further severely weaken the nation's ability to protect its health.

And while all of these draconian cuts are being built into the FY87 budget with overwhelming agreement from both sides of the aisle, the international investment houses and banks which own almost all of the nation's \$2 trillion debt have been ensured that no incumbent, anyway, has the slightest intention of tampering with their annual tribute of \$180 billion. There's no question but that every incumbent would cut as much defense or Medicare as is necessary to insure that the banks get paid every penny, on time.

It maybe has not sunk in yet, but that kind of consensus among these incumbents is precisely why they have so much to fear from LaRouche.

## Budget law argued before Supreme Court

by Sanford Roberts

When the lawsuit popularly known as "the Gramm-Rudman case" went before the Supreme Court on April 23, who should be there to defend the role of the Comptroller of the Currency in cutting the federal budget, but Jimmy Carter's former White House counsel Lloyd Cutler—one of the most notorious foes of the U.S. Constitution.

On April 23, the nine Justices of the U.S. Supreme Court heard oral argument in the suit captioned *Bowsher v. Synar*, otherwise known as the Gramm-Rudman case. Their ruling is not expected until July.

Gramm-Rudman obligates Congress to meet a series of targeted budgetary deficits, shrinking in size over five years, until a balanced budget is achieved in 1991. If Congress fails to meet the targets, Gramm-Rudman automatically turns the authority to cut the budget over to a triumvirate of bureaucrats: the Director of the Office of Management and Budget (OMB), the Director of the Congressional Budget Office (CBO), and the Comptroller General. This "automatic pilot" mechanism is the focus of the *Bowsher v. Synar* litigation.

On Feb. 7, a special three-judge panel decided Gramm-Rudman was unconstitutional on separation of powers grounds. The panel ruled that because the statute invested the administration of budget cuts in the Comptroller General, an officer of the legislative branch, the Act unconstitutionally mandated a *legislative* official to carry out *executive* functions. A broader challenge over whether or not Congress could delegate the powers encapsulated in Gramm-Rudman to another branch of government was rejected by the three judges.

Before the Supreme Court, Lloyd Cutler, in a remarkably convoluted argument, declared that the lower court should not have voided Gramm-Rudman, but rather should have struck down the 1921 law which made the Comptroller a legislative official. This, according to Cutler, would have cured the constitutional deficiencies pointed to in the opinion of the three-judge panel.

Cutler was interrupted early along by Associate Justice Sandra O'Connor who asked him the obvious question, "Aren't we reviewing the 1985 act [Gramm-Rudman]?" Cutler said no, and gave a tortured explanation of how a Court reviewing a 1985 law could end up invalidating a 1921 statute as the remedy for the alleged wrong. The Achilles heel of Cutler's argument is the intent of Congress as expressed in the so-called "fallback" provision. Under this provision, if

the courts declared Gramm-Rudman unconstitutional, the power to cut the budget would revert to Congress. Congress clearly identified this as the intended remedy for any legal defect found by the judiciary, and manifestly did not intend for the courts to rummage through old statute books to cure the constitutional infirmities.

After Cutler, Steven Ross and Michael Davidson argued the positions of the House and Senate leadership, respectively. Both Ross and Davidson labored mightily, but seemingly in vain, to prove that the Comptroller General is an independent, not a legislative officer, and Gramm-Rudman was a carefully designed statute which leaves ultimate power in the hands of Congress. Ross used the metaphor employed by Judge Antonin Scalia, the presiding jurist of the three-judge panel and actual author of the opinion. Scalia claimed the role of the Comptroller under Gramm-Rudman was really an accountant's function, "a job for a guy with a green eyeshade." These assertions were strongly questioned by Justices O'Connor, William Rehnquist, Byron White, and John Paul Stevens.

The Department of Justice was represented by Solicitor-General Charles Fried. At the outset of the lower-court case, the Justice Department took the position that the statute was unconstitutional, a move which prompted Messrs. Ross and Davidson to intervene on behalf of the House and Senate. The solicitor contended the statute was unconstitutional because it gave the Comptroller authority to give orders to the President. This argument was put forward during the lower-court hearing, but the three-judge opinion apparently neglected any consideration of this issue.

Fried's basic proposition was that even if the Comptroller were an independent officer, who does not really belong to any of the three branches specified in the Constitution, the Act under consideration would still be unconstitutional, because the powers invested in the Comptroller are executive in nature. Executive officials serve at the pleasure of the President; independent officers, by contrast, are removable only upon a showing of good cause, such as incompetence or neglect of duty.

Justice O'Connor intervened, "Isn't this a novel doctrine? I don't think there are any previous decisions on this." Fried replied, "You said this is a novel doctrine, but the powers given by this statute are novel."

Alan Morrison, the attorney for the original plaintiff, Congressman Mike Synar (D-Okla.), and the other legislators who followed Synar's lead, contended the disputed powers in Gramm-Rudman were legislative, not executive, in nature, and could not be delegated away by the Congress. Under Gramm-Rudman, said Morrison, we will seemingly legislate as we have always done, with one vital exception. None of the appropriations bills passed by Congress will really count. After all the bills are passed, "the Gramm-Rudman override comes in as a permanent law" mandating cuts. This type of law "has never before been enacted in our history."

## Weinberger asserts six-point doctrine

by Nicholas F. Benton

In an essay published in the just-released spring 1986 edition of *Foreign Affairs* magazine, Defense Secretary Caspar W. Weinberger reiterates the U.S. strategic military doctrine of the Reagan administration—to the extent, that is, the President listens to Weinberger instead of Secretary of State George Shultz.

Aside from firmly asserting the Strategic Defense Initiative as the cornerstone of U.S. strategic policy, the most important element of the essay is Weinberger's six-point "test" for deployment of the nation's conventional military forces.

This six-point "test," first articulated by Weinberger in a speech to the National Press Club in Washington on Nov. 28, 1984, is aimed at, simply put, avoiding another U.S. military involvement like Vietnam. It is extremely relevant to the current situation, where issues of the nature of follow-up to the U.S. raid against Libya, and especially of U.S. action in Central America, are on the front burner.

Weinberger said his "test" is aimed specifically at avoiding the disastrous policy of former Defense Secretary Robert McNamara, who ran the U.S. "limited war" in Vietnam, one of the greatest military disasters in U.S. history. McNamara is now a major critic of Weinberger as, among other things, a member of the Board of Directors of the *Washington Post*. Shultz, and the State Department as a whole, are rife with the McNamara influence, which is identical to the Henry Kissinger "balance of power" strategic doctrine that favors use of military force as part of a "diplomatic chessgame."

Weinberger said of McNamara's approach:

"Though he would have preferred to do so, President Roosevelt never considered sending American forces into combat without the approval of the Congress and the assurance of support of the American people. In Korea, and then Vietnam, America went to war without a strong consensus or support for our basic purposes and, as it turned out, without the firm commitment to win. Indeed, as one of my predecessors, Secretary Robert McNamara, once observed: 'The greatest contribution Vietnam is making—right or wrong is beside the point—is that it is developing an ability in the United States to fight a limited war, to go to war without the necessity of arousing the public ire.' As successive administrations discovered, the American people had the final word. The 'public ire' was aroused as perhaps never before—and