

Congressional Closeup by Carl Osgood

Homeland Security Bill Debate Starts in Senate

On its return from the Summer recess, the Senate took up the bill to create the Department of Homeland Security as its first order of business. The primary obstacle to passage of the bill is civil service protections for Federal employees who will be moving to the new department. A veto threat hangs over the bill if it passes with the Senate civil service provisions. Homeland Security director Tom Ridge told reporters on Sept. 3 that President George Bush "needs the freedom to manage, the freedom to lead the department." Governmental Affairs Committee Chairman Joe Lieberman (D-Conn.), the chief architect of the Senate bill, replied, "I think the White House is making up this issue."

Robert Byrd (D-W.V.), whose opposition to the bill prevented its consideration before the recess, ensured that other issues would also be discussed. Hillary Clinton (D-N.Y.) complained that President Bush's refusal to spend \$5.1 billion in emergency funding in the supplemental appropriations bill, showed that "when it comes to providing the resources that our police, our firefighters, and our emergency responders needs," the administration "has fallen short." Patty Murray (D-Wash.) said, "I am concerned we are rushing into a new organization that could compromise our ability to meet all the challenges we are facing." She warned that failure to provide sufficient resources for the new department could compromise the traditional missions of many of the agencies involved, such as the Coast Guard.

Byrd took up the issue of the civil service protections head on. He said, "I am concerned that these changes mask the administration's larger agenda, an agenda that would have the

Federal government function more like a big corporation. . . . Before I would ever vote to approve a homeland security measure, I would want to know more about the working conditions of its prospective employees." In particular, he wanted to know if the employees would still be guaranteed "whistleblower" protections. "Excessive secrecy enforced by repression can threaten national security by covering up government breakdowns that sustain unnecessary vulnerabilities to terrorism," he said.

Bush Handed Defeat On Drought Relief

On Sept. 9, the Senate voted 79 to 16 in favor of an amendment to the Interior Department appropriations bill that would provide \$5-6 billion in aid to drought-stricken American farmers. The amendment had been sponsored by Majority Leader Tom Daschle (D-S.D.) and had widespread support among Senate Democrats.

The vote adds to an already uncertain and complicated budget picture. During his visit to South Dakota in August, President George Bush had indicated that there was no room in the budget for such aid to farmers. Tim Johnson (D-S.D.) said on Sept. 4, that South Dakota has lost almost \$2 billion because of the drought. The next day, Paul Wellstone (D-Minn.) said that the drought crisis "is at least an economic life-or-death matter for many farmers in Minnesota." A number of other Senators, including some Republicans, also spoke in favor of the amendment.

Opposition to the amendment was based, in large part, on the \$82 billion farm bill passed earlier in the year. The argument was made that the farm bill

was so generous, that farmers did not need any assistance to recover from the drought. Election year pressure apparently silenced proponents of this argument; several Republicans who might have been inclined to vote against the amendment, voted for it. Although White House spokesman Ari Fliescher indicated that President Bush would work with Congress to get aid to people who need it, the White House is demanding that the aid be offset by other reductions in the budget.

Senate Panel Rejects Bush Judicial Nominee

The Senate Judiciary Committee rejected the nomination of Texas Supreme Court Justice Priscilla Owen to the Fifth Circuit Court of Appeals by a 10 to 9 party-line vote on Sept. 5. Owen was the second Bush nominee rejected by the committee this year.

The vote led to the latest eruption in the long-simmering partisan dispute over judicial nominations. Minority Leader Trent Lott (R-Miss.) told reporters on Sept. 9, that "this was a vote on ideology, a litmus test on abortion and nothing more." Jon Kyl (R-Ariz.) said that the vote means a "new test" is to be applied to judicial nominees. "It is now necessary that the candidate be committed to actively pursue the political agenda of the majority of the members of the committee," otherwise they will characterize the nominee as "extremist," and so forth, he said.

Judiciary Committee Chairman Pat Leahy (D-Vt.), during the Sept. 5 committee meeting, described Owen as someone so extreme that even the conservative majority of the Texas Supreme Court, which included current White House General Counsel Alberto Gonzales, rebuked her on a regu-

lar basis. Leahy provided a number of examples and said that they show “a judge out of step with the conservative Republican majority . . . a majority not afraid to explain the danger of her activist views.” He said that Owen “is a judge whose record reflects that she is willing and sometimes eager to make law from the bench. . . . When the President sends us a nominee who raises concerns over qualifications or integrity or who has a misunderstanding of the appropriate role of a Federal judge, I will make my concerns known.”

After the committee acted, Majority Leader Tom Daschle (D-S.D.) said, “The message is this: We will confirm qualified judges. Don’t send us unqualified people.”

Allow Guns in Airline Cockpits, Says Senate

The Senate followed through, on Sept. 5, on a July House vote to set up a program to allow airline pilots to carry guns in the cockpit. The 87-6 vote came on an amendment to the Homeland Security bill co-sponsored by the unusual combination of Barbara Boxer (D-Calif.) and Bob Smith (R-N.H.). The amendment would allow qualified pilots to be deputized as “Federal flight deck officers,” who would be authorized to defend their aircraft against hijackers. Pilots who volunteer for the program would get 28 hours of classroom training, to include the use of deadly force. The amendment includes a provision to exempt airlines from liability in any case arising out of the actions of an armed pilot defending his aircraft.

Boxer said that, in fact, very little has been done to increase security after the terror attacks of Sept. 11, 2001. She

said that pilots and flight attendants have received no new training to defend against hijackers, that the strengthening of cockpit doors has proceeded very slowly, and that there are not enough armed air marshals on flights. Craig Thomas (R-Wyo.) said, “I believe it makes sense to arm qualified pilots, to add another layer of protection to our existing aviation security system.”

The only opposition came from Ernest Hollings (D-S.C.), the chairman of the Commerce, Science, and Transportation Committee. He said that a gun in the cockpit is likely to fall into the hands of a hijacker, and that, as an alternative, the security practices of the Israeli airline El Al ought to be considered. “They have a 30-year track record of success,” he said.

Passage of the amendment was aided by a change in position of the Transportation Department. In a letter to Hollings, Adm. James Loy, acting chief of the Transportation Security Administration, expressed conditional support for arming pilots, provided they are trained and qualified, and that they carry their guns to and from the airplane in individually issued lock boxes.

War Skeptics Question Policy Against Iraq

President George Bush’s promise to seek Congress’s approval before launching any attack on Iraq, did little to assuage the concerns of many members. His Sept. 5 White House meeting with Congressional leaders, and the subsequent classified briefing to Senate members by Secretary of Defense Donald Rumsfeld, gave skeptics little reassurance that there is a valid reason for going to war against Iraq. Senate Majority Leader Tom Daschle (D-

S.D.) told reporters on Sept. 5 that “getting it right means that we have to ensure that we have the answers to questions that you’ve heard many ask over the last several days.” He said that “it would be difficult for us to move until that information is provided and some indication of the level of international support is also evident.” As for the Rumsfeld briefing, Daschle said that his colleagues “indicated that there was no new information presented.”

Skepticism also appeared on the House side. On Sept. 5, James McGovern (D-Mass.) urged that the focus remain on Afghanistan and the hunt for al-Qaeda and Taliban fugitives. He warned that it will be years before Afghanistan is “truly stable . . . but right now, the country is already beginning to slip backwards.” Peter DeFazio (D-Ore.) said, “I would venture and hope that Congress will not be willing to grant” the approval Bush is demanding “given the lack of specificity and the many questions that need to be answered.” Both McGovern and DeFazio indicted that, in their districts, there are far more questions about the war policy than support.

Even the war party is not certain that President Bush will get the resolution he seeks from Congress before Election Day, Nov. 4. On Sept. 9, Senate Minority Leader Trent Lott (R-Miss.), after expressing confidence that a resolution could be debated and passed in the allotted time, pointed to the workload facing Congress, especially the Senate. “There are some things,” he said, “we must do before we leave. There’s some things we would like to do. So, I think the focus is going to be really on what we must do.” The “must do” items include the Homeland Security bill and the 13 appropriations bills, only three of which have been passed by the Senate.