

GOP Tightens Its Grip on the Congress

by Carl Osgood

The House Republican leadership wasted no time renewing its assault on the U.S. Constitution on Jan. 4, when the 109th Congress convened. As their first piece of legislative business, the GOP proposed changes to the House rules that tighten their control of the House, weaken the ethics rules, and redefine what it means to have a quorum. However, the Republicans were forced to back down on measures intended specifically to protect House Majority Leader Tom DeLay (R-Tex.), including an internal Republican caucus rule that would have allowed him to continue to serve as Majority Leader even if he is indicted in Texas for violating state campaign finance laws.

The Republicans were also forced to back down on a plan to repeal the House rule that members must conduct themselves “at all times in a manner that reflects creditably on the House.” They did succeed in changing the rules of the Committee on Standards of Official Conduct, however, such that it now requires a majority vote to start any investigation. They were forced to back down, not only because of criticism from the Democrats, but because of a threatened revolt from within the GOP caucus itself, led by Ethics Committee Chairman Rep. Joel Hefley (R-Colo.). Hefley is already being targeted for removal from his chairmanship because the Committee, in one eight-day period late last year, admonished DeLay for his conduct three times, each time by a unanimous vote, and each time based on the rule quoted above.

Hefley told the House he had fully expected to oppose the package, except for the changes that had been made the night before. Even though he had decided to vote for the package, he called some of the recommendations that stayed in it “ill conceived.” He said that the ethics process, including its reform, can only function if it is bipartisan, and that neither the Ethics Committee nor members outside the rules process were ever consulted on the ethics provisions remaining in the rules package; he called on the leadership to reconsider all of the amendments.

Bypassing the Constitution

Perhaps more dangerous, even, than the changes made to the House ethics rules was the provision changing the definition of a quorum, ostensibly in the name of “continuity of legislative operations.” As Rep. Brian Baird (D-Ore.) pointed out, the Constitution, in Article I, defines a quorum as a majority of all of the members of the House (or Senate). The rules

change, however, sets up a procedure by which business can be conducted even if a quorum can’t be assembled—ostensibly, because of some catastrophic event, such as a terrorist attack. Baird told the House that the proposed change “seeks to allow a small number” of members of the House “to enact laws, declare war, impeach the President, and fulfill all other Article I responsibilities.” Rep. Jerrold Nadler (D-N.Y.) charged that the new rule “gives the Speaker nearly unfettered authority to change the number of the members of the whole House to exclude members who are chosen, sworn, and living but who do not answer the call of the chair,” which would amount to expulsion of those members without the constitutionally required two-thirds vote.

Baird made a point of order against the proposal, on the grounds that it was unconstitutional, but House Speaker Dennis Hastert (R-Ill.) ruled that the point of order is “not cognizable,” because the Speaker does not make rulings on the constitutionality of the House’s rules. Hastert’s ruling was upheld by a vote of 224 to 192, and the rules package, which included the new definition of quorum, passed by a vote of 220 to 195.

Drive for Austerity

The Republican leadership in both Houses is preparing to ram through unprecedented austerity in the Bush Administration’s Fiscal 2006 budget plan, as a number of committee appointments show. Sen. Judd Gregg (R-N.H.) has just become chairman of the Senate Budget Committee, and is promising to “strictly control” spending. Rep. Chris Smith (R-N.J.) has been booted from the chairmanship of the House Veterans Affairs Committee, and from the committee entirely, and replaced by Rep. Steve Buyer (R-Ind.). Buyer got the job reportedly because he convinced the leadership that he would be “tougher” on spending, whereas Smith was considered too sympathetic with the needs of veterans. Rep. Lane Evans (D-Ill.) called Smith’s dismissal “unconscionable” and charged that he was fired “simply because he did an exceptional job.”

Many Republicans were also reportedly shocked by the purging of Smith from the Committee, but even before that happened, comparisons were being drawn between the GOP leadership after ten years in power, and the Democrats during their 40-year reign on Capitol Hill. “We are looking more and more like the Democrats we replaced,” one committee chairman told GOP columnist Robert Novak.

But a big difference is that the Republicans have been waging all-out war against the general welfare from the time they took power in 1995. The spending limits they are seeking to impose are primarily targeted at the social welfare of large numbers of Americans, from veterans, to Medicare and Social Security recipients, to the poor who depend on Medicaid and other low-income programs, to everyone in between—all in the name of “fiscal responsibility.” Spending for the wars in Iraq and Afghanistan, and for police-state security measures inside the United States, won’t be affected.