

Rumsfeld's 'Notverordnung' Still on a Fast Track

by Carl Osgood

Secretary of Defense Donald Rumsfeld's demand that the Defense Department be almost completely exempted from Congressional oversight has hit growing resistance, but that resistance has not yet provided a barrier to passage of the Defense Transformation for the 21st Century Act. The act was reported out by the House Armed Services Committee on May 14, as part of the Fiscal Year 2004 defense authorization bill, with most, but not all, of its provisions intact.

Surprisingly, the provision giving Rumsfeld *carte blanche* to hire and fire four-star military officers at will was stripped from the bill, by a vote of 30 to 28, during the first day of the markup on May 13. Rep. Ellen Tauscher (D-Calif.), the sponsor of the amendment stripping that provision, called for more Congressional hearings before making such "sweeping radical changes" to longstanding policies. The defeat of this attempt to put a political straitjacket on top ranking military officers came in the wake of Lyndon LaRouche's May 10 intervention attacking the unconstitutional character of the entire Rumsfeld-Wolfowitz assault on the Defense Department. (LaRouche's statement, which appeared in last week's *EIR*, is being circulated as a mass leaflet by his Presidential campaign committee.)

'Sole and Unreviewable' Authority

Tauscher's amendment, while a defeat for Rumsfeld, did not address the other major feature of the Pentagon's transformation proposal, however: the so-called National Security Personnel System Improvement Act. That bill, as passed by the House Government Reform Committee, had been fully incorporated into the defense authorization bill, before it went into markup before the full committee. It exempts the Defense Department from most of the civil service laws, and gives Secretary Rumsfeld "sole and unreviewable" authority to create a personnel system out of whole cloth, without Congressional oversight.

The problems that the Democrats see with the bill were laid out in a letter to House Speaker Dennis Hastert (R-Ill.) and Minority Leader Nancy Pelosi (D-Calif.), dated May 13, and signed by Reps. Ike Skelton (D-Mo.), Henry Waxman (D-Calif.), David Obey (D-Wisc.), and John Spratt (D-S.C.), the ranking members respectively, of the Armed Services, Government Reform, Appropriations, and Budget

Committees. The letter noted that the Pentagon proposal would drastically reduce Congressional oversight "in numerous ways," which would be likely "to increase the level of waste, fraud, and abuse of taxpayer funds at the Department." The letter further noted that the Department of Defense is the largest Federal department, with an annual budget now at \$400 billion, and, yet, still has massive management problems. These facts ordinarily mean that Congressional oversight should increase, yet the proposal "goes in exactly the opposite direction and seeks to exempt broad areas of the Defense Department's operations from Congressional oversight."

Besides the civilian and military personnel provisions, the bill also seeks to exempt the DOD from environmental statutes, and Congressional reporting requirements. The reporting requirements include studies of cost and military readiness, as well as waivers of existing statutes. The only report that would be left is the annual report of the Secretary of Defense, but Rumsfeld "has failed to submit even this report in two out of the last three years."

"The common thread linking all of these provisions," the letter states, "is an effort by the Department to substantially reduce Congressional oversight and public accountability." It then says that "it would be a dereliction of Congress' Constitutional responsibilities to adopt these provisions because they would significantly curtail Congress' ability to monitor the spending of taxpayer dollars at the Defense Department."

The letter concludes by calling on the Congress to "strongly resist" the DOD proposals and "instead, take time to carefully review each of these significant proposals," separately from the authorization bill. "It is not necessary," the letter ends, "to sacrifice Congressional oversight and public accountability to achieve military effectiveness."

Obstacles in the Senate

While the bill is still on a fast track toward passage in the House, in the Senate the picture is much less clear. The Senate Armed Services Committee finished work on its version of the 2004 defense authorization bill on May 9 without including any of the language in the transformation proposal. The committee has not even begun work on that bill as of this writing.

During a May 14 hearing of the Senate Armed Services Committee, Sen. Daniel Inouye (D-Hi.) suggested to Rumsfeld, the witness at the hearing, that the chances of passage "would be rather bad at this moment." Rumsfeld never commented on Inouye's statement, instead arguing why the Pentagon needed the legislation. Earlier, during the April 29 House Civil Service Subcommittee hearing, D.C. Delegate Eleanor Holmes Norton (D) quoted Sen. George Voinovich (R-Ohio) saying that the bill was not even going to pass the Senate, so why was the House, she wanted to know, even taking it up?