

Congressional Closeup by William Jones

Specter bill would restrict 'habeas corpus'

Sen. Arlen Specter (R-Pa.) introduced on March 24 a bill that would limit *habeas corpus* appeals by state death row inmates. Provisions of the bill include a six-month limitation on the time in which a federal *habeas* petition can be filed, as well as severe restrictions on the filing of successive petitions.

Specter said that his bill "goes a long way toward restoring the death penalty as an effective deterrent." He claimed that it "will bring practical reinstatement of the death penalty, so that meaningless procedures do not remain the enemy of substantive justice."

Specter has made the hysteria over "increasing crime" a major part of his election campaign for President. In announcing his candidacy on March 24, the "moderate" Specter put extraordinary emphasis on the crime issue. "Let's begin with early intervention for juvenile offenders with job training and education to see if they can be led away from a life of crime. But if they can't, if they become career criminals, then let's lock them up until they're too old to be dangerous to anyone," he said.

Specter promised to "put teeth back into the death penalty, which I am convinced is a deterrent to violent crime." He added, "The best weapon we have in the battle against crime . . . is the certainty of tough sentences for tough criminals swiftly carried out."

Senate Judiciary Committee Chairman Orrin Hatch (R-Utah), a co-sponsor of the legislation, claimed that the writ of *habeas corpus* is "an important means of guaranteeing that innocent persons will not be illegally imprisoned," but is being "perverted by those who would seek to frustrate

the demands of justice."

Hatch complained that death row inmates were not being killed fast enough. "As of Jan. 1, 1995, there were some 2,976 inmates on death row. Yet, only 38 prisoners were executed last year, and the states have executed only 263 criminals since 1973," he said.

Senate votes to put new regulations on hold

The Senate on March 29 rejected a House measure that would have placed a hold on any new regulations authorized by the Executive branch until the end of the year. Instead, in a unanimous vote of 100-0, it approved its own version of a federal regulatory moratorium that would put regulations with an economic impact of \$100 million or more on hold for 45 days while Congress considers legislation to block them.

The House passed its version earlier in February. The Senate measure, on the other hand, would give Congress new powers to block individual government regulations as an alternative to a broader regulatory moratorium.

A Senate committee had designed a version closer to the House approach, but many supporters thought that it would lead to a wrenching debate, dividing Republicans, and that, if passed, it would be vetoed by the President, with almost no possibility of a veto override.

The compromise, crafted by Don Nickles (R-Okla.) and Harry Reid (D-Nev.), was supported by President Clinton. Although less radical than the House measure, it is sure to increase gridlock in the functions of the federal government. When measures

are initiated by the administration, Congress, according to the legislation, would have 45 days to vote its disapproval. Congress could overturn regulations on a case-by-case basis by a majority vote of both houses. The President, if he wished to implement the regulation, would have to veto the "disapproval" measures, a veto that could only be overridden by a two-thirds vote of both houses.

The Senate measure puts Senate Republicans in conflict with their House counterparts, a conflict that may erupt during the House-Senate conference committee that must work out the differences between the two versions.

Domenici moves to scrap Republican tax cut

Senate Budget Committee Chairman Pete Domenici (R-N.M.) said in late March that he will propose a seven-year budget that would eliminate the deficit but would not provide for a tax cut, as proposed by the "Contract with America" of House Speaker Newt Gingrich (R-Ga.). Gingrich's Conservative Revolution backers have been politically hurt by charges that their proposed capital gains tax cut is a "tax cut for the rich," while they are simultaneously pushing draconian cuts in welfare assistance to the poor.

A measure passed by the House Ways and Means Committee includes a tax giveaway to corporations and a \$500 cut for "middle income" taxpayers. Domenici, a deficit hawk, doesn't believe that there is money for such a cut if maximum austerity is to be imposed.

Domenici is seconded by Senate Finance Committee Chairman Bob Packwood (R-Ore.), who wants to put

off consideration of a tax bill until Congress finishes work on a long-term deficit reduction package that could involve a record \$1.2 trillion in spending cuts.

The tax cut issue has seriously rent Republican unity. Senate Majority Leader Bob Dole (R-Kan.) has said that the Senate Democratic leadership is intent on cutting taxes, and he wants to do likewise. Senate Majority Whip Trent Lott (R-Miss.) remarked, "I've never met a tax cut I didn't love." Lott, Sen. Phil Gramm (R-Tex.), and other Conservative Revolution advocates are preparing a tax bill containing many of the provisions of the House measure.

ABM Treaty threatens Deutch posting to CIA

In response to warnings from Republican senators that his confirmation to head the CIA would be in trouble if he moved forward on a missile defense agreement with Russia, John Deutch canceled a visit to Moscow set for the beginning of April. A Pentagon spokesman claimed that Deutch had canceled in order to prepare for his confirmation hearings later in April.

The trip was part of an attempt by the Clinton administration to resolve an impasse in negotiations on what regional missile defenses are permitted under the 1972 Anti-Ballistic Missile (ABM) Treaty. Several Republican senators made it clear that if Deutch returned with an agreement, his nomination would be in trouble.

Senate Republicans are attempting to revive a ballistic-missile defense effort that would go beyond the restrictive limits placed on such defenses by the ABM Treaty. The U.S. negotiating position that there

should be limits on the speed of anti-missile interceptors, has raised concerns among Republicans that such limits would hamper the development of more comprehensive systems.

Draconian welfare reform bill passed by House

Following an extremely bitter debate, the House passed on March 24 a welfare reform measure that goes far toward eliminating the safety net that keeps large sections of the population from total devastation.

Following the general outline of House Speaker Newt Gingrich's (R-Ga.) "Contract with America," the measure would end the guarantee of cash support for poor families, cut federal aid by \$66 billion, and cede control over 40 public assistance programs to the states, including food stamps, school lunch programs, disability, foster families, and nutrition for pregnant women, infants, and children.

The measure also denies benefits to most legal immigrants who have not become citizens, and to children whose disabilities are deemed not to be severe. The bill would terminate the federal guarantee of cash benefits under Aid to Families with Dependent Children, the main welfare program created by the Social Security Act of 1935. No poor family could receive payments for more than five years and cash benefits would be denied to unwed teenage mothers.

During the debate, welfare recipients were compared to alligators. Democrats effectively hammered on the idea that the Gingrich Republicans are stealing from the poor to give to the rich, combining their massive cuts in welfare with a planned capital gains

tax giveaway to the wealthy.

Sandra Lee Jackson (D-Tex.) read from the "general welfare clause" of the U.S. Constitution, where it is specified that Congress must "provide for the general welfare of the United States."

Line-item veto passes Senate

With the assistance of the Clinton White House, the Senate took a major step on March 23 to shift the "power of the purse" from the Legislative to the Executive branch, by giving the President the ability to veto specific items in spending bills. The measure was passed by the Senate in a 69-29 vote.

On March 20, President Clinton called for the strongest possible line-item veto, thus winning over some Senate Democrats. Robert Byrd (D-W.Va.), a firm advocate of the constitutional separation of powers, conducted a last-ditch attempt to defeat the measure. Although Byrd's parliamentary maneuvers had succeeded in stopping the balanced budget amendment on March 2, this time there was simply not enough support to stop the measure. Byrd concluded his remarks by reading the names of the signers of the Constitution.

In the House version, the President could rescind or cancel specific items within 10 days of signing an appropriations bill. The Senate, more concerned with the constitutionality of the measure, would break all provisions in new spending measures into separate bills, which the President could then accept or reject individually. The differences between the two bills will have to be worked out in conference, and is expected to be challenged in the courts.