

Congressional Closeup by Carl Osgood

Gonzales Won't Rule Out Warrantless Wiretapping

Members of the House Judiciary Committee grilled Attorney General Alberto Gonzales about the Bush Administration's domestic wiretapping program, on April 6. Ironically, it was committee chairman James Sensenbrenner (R-Wisc.) who set the tone for questioning that later came mostly from Democratic members of the committee. Sensenbrenner asked Gonzales a series of questions about the legal debate within the Justice Department about the program, including who was included in the review of the program before it was authorized, which question Sensenbrenner described as "at the center" of the committee's jurisdiction. Gonzales refused to answer the question on the grounds that the information about who was involved in the review was classified.

An exasperated Sensenbrenner replied, "How can we discharge our oversight responsibilities if every time we ask a pointed question we're told that the answer is classified?" He said that the Congress is attempting to discharge its Constitutional responsibilities "and I think that saying [that] how the review was done and who did the review is classified is stonewalling." Congress needs answers "and we're not getting them," Sensenbrenner said.

When Gonzales tried to cite the 42-page legal opinion released by the Justice Department in February, Sensenbrenner replied, "We have legitimate oversight questions and we're told it's classified, so we can't get to the bottom of this."

As he did when he testified before the Judiciary Committee in early March, Gonzales refused to answer most probing questions about the National Security Agency program, but he did let one cat out of the bag that

disturbed some members of the committee. When asked by a number of committee members whether, under the Administration's claim of inherent authority, he could rule out any sort of purely domestic surveillance without a warrant, Gonzales said "no."

"The concern I have," said Rep. Adam Schiff (D-Calif.), "is that there's no limiting principle to the one you've established for doing what you need to do in the war on terrorism."

Budget Resolution Stalls As House GOP Splits

House Majority Leader John Boehner (R-Ohio) is now facing questions about his leadership after he sent the House home, on April 6, without agreement inside his own caucus on the fiscal 2007 budget resolution. The questions became sharper after Rep. Tom DeLay (R-Tex.) made statements, in the context of his resignation announcement, that the House Republicans now had "weak" leadership. During his own tenure as Majority Leader, DeLay was well known for ramming through party-line votes with little or no dissent. Now, the GOP caucus has fractured into three factions over the budget resolution. Boehner had hoped to find agreement among those factions before the Easter recess, but was unable to do so.

The caucus is split not only over how much money to spend, but also on budget process reforms. The conservative Republican Study Committee, chaired by Rep. Mike Pence (Ind.), wants to adhere strictly to the budget blueprint sent up by President Bush in February. A smaller group of moderates, the same ones who successfully blocked opening the Alaska National Wildlife Refuge to oil drilling in last Fall's budget reconciliation bill, wants

\$7 billion more for health and education programs.

The third group, led by House Appropriations Committee chairman Jerry Lewis (Calif.), vehemently opposes the limitations on emergency spending inserted into the resolution by the House Budget Committee. "I cannot and will not support a resolution that greatly diminishes Congress's ability to respond to national disasters and makes it more difficult for us to get our budget work done on time," he said in a statement on April 7.

Republicans Push Through '527' Reform

The House, on April 5, narrowly passed, by a 218 to 209 vote, legislation to regulate so-called "527" organizations. After Congress passed the McCain-Feingold campaign-finance reform legislation in 2002, much of the unregulated "soft money" that political action committees were banned from receiving, went, instead, to "527" organizations, a category of tax-exempt groups that, unlike political action committees and election campaigns, have no contribution limitations.

Democrats have especially taken advantage of 527 groups and the Republicans want to restrict that flow of money by forcing such groups to comply with Federal campaign finance laws. In making that effort, however, Republicans opened themselves up to charges that they were changing the subject to avoid addressing their own problems stemming from the Jack Abramoff lobbying scandal.

Rep. Juanita Millender-McDonald (D-Calif.), the ranking Democrat on the House Administration Committee, noted that, unlike the House, the

Senate debated, and passed, lobbying reform (which it did on March 30). She charged that the House GOP leadership brought up the 527 bill “to circumvent their lobbying reform bill that they do not have. . . .” Millender-McDonald also said that regulating 527 groups “impedes the democratic process,” because there are many such groups involved in voter registration and get-out-the-vote drives. She charged the Republicans with hypocrisy, because there are other types of tax-exempt groups that have no disclosure requirements, are spending millions to influence voters, and are not addressed by the bill.

GOP Support Grows For House Debate on Iraq

On April 5, Representatives Walter Jones (R-N.C.), Ron Paul (R-Tex.), and Wayne Gilchrist (R-Md.) announced that they would be signing a discharge petition which, if it gains the required 218 signatures, would force the House to debate a resolution introduced by Rep. Neil Abercrombie (D-Hi.) requiring the President to develop a strategy for withdrawal from Iraq. All three, along with Rep. Jim Leach (R-Ia.), who has also signed the petition, are co-sponsors of the resolution, but took the unusual step of signing the Democrat-initiated discharge petition because, as Jones put it, “we have never debated this issue since we voted to send the troops to Iraq.”

Both Jones and Paul denounced last November’s debate on a sham withdrawal resolution, which the Republican leadership introduced in order to embarrass Rep. John Murtha (D-Pa.). “That bill was never put through regular order,” Jones noted, and the debate on it lasted just one hour and 11 minutes. In contrast, if the

discharge petition succeeds, it would require, under the House rules, 17 hours of debate, which would be fully open, with no limitations on amendments. “We owe it to the American people and the troops on the ground in Iraq that we in Congress are not asleep on this issue,” Jones said. “There are those of us in both parties who want to meet our constitutional responsibility, and that is to discuss and debate the present and the future of our commitment in Iraq.”

Abercrombie, who also participated in the press conference with Jones, Paul, and Gilchrist, echoed the demand for a debate on U.S. policy in Iraq. “We put in the discharge petition,” he said, “because we are unable to move the resolution through the regular committee process.” So far, the discharge petition has 95 signatures.

Immigration Debate Stalls in the Senate

Less than 24 hours after the leaders of both parties in the Senate declared a “breakthrough” compromise on immigration reform, that optimism vanished, and charges of obstructionism took its place. On April 6, Senate Majority Leader Bill Frist (R-Tenn.), Minority Leader Harry Reid (D-Nev.), Judiciary Committee chairman Arlen Specter (R-Pa.) and several others appeared together at a press conference to announce that a compromise brokered by Senators Chuck Hagel (R-Neb.) and Mel Martinez (R-Fla.) ended the logjam that had developed on the immigration reform bill over the previous two weeks. “We’ve had a huge breakthrough which will allow us to pivot in the next several hours that will lead us to the conclusion of passing a very important bill,” Frist said at the press conference.

The bill passed by the Judiciary Committee includes a guest worker program, border security measures, and a pathway for undocumented “aliens” to earn citizenship by meeting certain requirements and waiting at least 11 years. Hagel and Martinez proposed dividing undocumented workers into three groups. Those in the U.S.A. under two years would have to go home with no promise of being able to return. Those here between two and five years could obtain temporary work visas, but would have to, at least briefly, return to their home countries, before eventually being able to earn citizenship. Those here more than five years could begin to work their way to citizenship without having to return to their home countries.

The compromise was brokered in an attempt to gain the support of some Republican Senators who were opposed to what they called an “amnesty” program.

Within hours, however, the “breakthrough” compromise began to fall apart. Republicans opposed to the bill wanted to offer up to 20 amendments to the Hagel-Martinez bill, but Democrats objected. That night, Frist announced that he would not support his own motion to close debate on the bill, and by the morning of April 7, the chance to pass the bill was all but dead, after two cloture votes both failed.

Each side blamed the other for the collapse, but Specter vowed to keep on working. When the Senate comes back from the Easter recess, he said, the Judiciary Committee is “going to go back to work on this bill, because if the full Senate cannot find the answer, then the Judiciary Committee is going to find the answer.” Specter also charged that both sides were responsible for the impasse because of the willingness to resort to using the Senate rules to block votes on amendments.