

# What's Up with The Democratic Congress

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During the month of June the Democratic-controlled Congress in the U.S. voted to fund the Iraq war deep into next year, to support a compromise version of the Foreign Intelligence Surveillance Act (FISA) that endangers civil liberties, and, in effect, eliminated the possibility of impeaching President George W. Bush.

Why are progressives and the left not particularly surprised? Because it is consistent with the timidity, compromise, and opportunism that has come to characterize many of the actions and inactions of the Democratic Congress since it took power in January 2007. This is especially the case regarding the question of ending the Iraq War, the *raison d'être* for its victory in the elections of November 2006.

We're not suggesting the Democrats are the same as the Republicans. Their centrism is an improvement over neoconservatism. But what consolation is that to liberal and antiwar voters when the Democrats just shoveled \$162.5 billion into the furnace of war in Iraq and Afghanistan to last until August 2009 when Bush originally only sought \$108 Billion to last until October? Or when the House has essentially legalized some the Bush Administration's domestic spying operations? Or when the Democrats voted "in favor" of liberal Rep. Dennis Kucinich's impeachment resolution by sending it to a Judiciary Committee that intends to bury it alive on instructions of the House majority leadership?

It seems to us that the Democratic Party's congressional leadership rather cavalierly decided to alienate its own rank-and-file constituency that wants the troops out of Iraq next year, that opposes the FISA legislation on civil liberties grounds, and that believes the high crimes and misdemeanors of the Bush Administration deserve impeachment.

Fortunately for the party's politicians they will not suffer more than trace desertions by the faithful at the polls in November due to the cloak of immunity protecting them by virtue of being the "lesser evil." It's a powerful magnet, and rarely fails to pull in the disgruntled liberals and progressives. But even so, House Speaker Nancy Pelosi, Majority Leader Steny Hoyer, Majority Whip James Clyburn and Caucus Chair Rahm Emanuel agreed on a rather deceptive approach to the war funding vote.

Rep. Pelosi and her colleagues worked out a way to split the funding bill into three separate sections to please the various Democratic House factions, but present the results to the Senate as a single proposal. This allowed the representative to be recorded as voting up or down on each measure. They were: (1) war funding, (2) a withdrawal provision, and (3) spending not related to Iraq and Afghanistan.

First it must be understood that the Democratic Party and Congressional leadership has no intention of halting war spending, particularly in an election year, but sought to convey the

impression that it did in order to satisfy Democratic voters.

In this regard, President Bush earlier in the year presented a request for a supplemental appropriation of \$108 billion through September. In discussions between the two parties, however, it was agreed to boost the war funding to \$162.5 billion and extend the time until August 2009. The purpose was to achieve two objectives: (1) Eliminate having to vote on a new appropriation just weeks before Election Day. (2) Insure that the next president can wait until next summer before requesting more money for the wars.

The Democratic House leaders understood before the vote that the funding bill would pass since about a third of the Democratic members were going to vote in favor anyhow, and many more were prepared to vote "Yes" if their votes were absolutely necessary for passage. The money measure was approved June 19 with 268 votes in favor, including those of 80 Democrats, while 155 representatives, mostly from antiwar districts, voted against. Pelosi, from a strongly antiwar San Francisco district, voted "No," although the Democratic leadership has actually worked quietly to approve funding for the last 18 months. Hoyer, Clyburn and Emanuel voted "Yes."

Progressive Democrats such as Rep. Jim McGovern (Mass.) were angry about the funding verdict, knowing that their party could have fought much harder. "For me," he was quoted as saying by the New York Times June 20, "this is one compromise too many, one cave-in too many."

In justification, Pelosi complained that "The president simply will not sign such legislation. Our troops are in harm's way. They need to be taken care of." This has been the leadership's line from the beginning, ignoring the alternatives: Passing a limited money bill with a strong withdrawal proviso, or a bill with money specifically for bringing the troops home in three or six months < and standing firm in the face of Bush vetoes, sending it back to him every time. He'd eventually have to relent or take the blame since the Democrats would be offering money to remove the troops from "harm's way," and he would be seen as rejecting it.

The second vote in the funding package was a proposal for removing all combat troops by December 2009, which passed 227-196. It was for show. The measure was non-binding, so it didn't amount to much more than allowing the Democrats to go on record favoring withdrawal even as they facilitated war funding. It was understood the this part of the funding package would be eliminated in the Senate.

The third vote was on domestic spending add-ons, primarily a popular measure updating the GI Bill to bill to provide free college education to enlistees who joined after the 9/11 terror attacks and remained at least three years. It passed 416-12 as both sides of the aisle competed to show how passionately they supported the troops. (See our editorial below, "Dying For An Education.")

The Senate passed the funding package June 26, minus the withdrawal proposal by vote of 92-6. All Democratic senators voted in favor. The "No" votes were from Republicans that objected to the domestic add-on spending.

The funding bill might have passed a month earlier but for a droll contretemps that took place on May 17, the day of the first vote. The Republicans were perturbed because the House majority leadership did not consult them when this complex three-part bill was put

together, and also because they understood the real meaning of the bill was to approve the war money but to make it appear that the Democrats were mounting a serious opposition. Pelosi had 85 Democrats lined up to vote in favor, enough to pass the measure with the expected Republican votes.

But the GOP minority pulled a fast one. By last-minute prearrangement unknown to the Democrats, 132 Republicans didn't vote but answered "present," resulting in the defeat of the war funding bill 149-141. This pseudo "victory" for the antiwar side did not amuse the Democratic leadership. Hoyer accused the Republicans of not supporting the troops. Rahm told them, "Explain that to the troops." Pelosi took note that "House Republicans refused to pay for a war they support." GOP Minority Leader John Boehner commented: "It was a political scheme. We wanted to expose it, and we did."

On June 20, the House voted 293-129, with 105 Democrats joining the Republicans in supporting an updated "compromise" version of the 1978 Foreign Intelligence Surveillance Act (FISA), which was introduced 30 years ago to prevent the government's ongoing abuses of electronic surveillance allegedly intended to strengthen national security.

The compromise was the product of lengthy discussions between Democratic and Republican leaderships. The Democrats gave away so much that Republican chief negotiator Sen. Christopher S. Bond of Missouri told the press: "I think the White House got a better deal than even they had hoped to get."

The New York Times revealed two years ago that the Bush Administration had been engaged in violating the terms of the act starting after the 9/11 attacks in New York and Washington. Bush then argued that the requirements of national security during the "War on Terrorism" provided him with the right to override aspects of the 1978 law. The compromise was intended to make improvements, but the new version of the act failed to close certain loopholes, let the White House off the hook, and provided no penalties for those who had violated the law.

In evaluating the updated proposal after its passage, the Times wrote that the compromise strengthened "the government's powers to spy on terrorism suspects in some major respects" [and] would strengthen the ability of intelligence officials to eavesdrop on foreign targets. It would also allow them to conduct emergency wiretaps without court orders on American targets for a week if it is determined that important national security information would otherwise be lost. If approved by the Senate, as appears likely, the agreement would be the most significant revision of surveillance law in 30 years."

The bill also provided immunity to several telecommunications giants such as Verizon and AT&T, which cooperated with the government's illegal program. This means the dismissal of dozens of pending lawsuits against the companies for engaging in unlawful surveillance.

Civil libertarians and some Congressional Democrats were sharply critical of the compromise and House passage of the bill. New York Rep. Jerrold Nadler, chair of the House Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Civil Liberties, charged that the bill "abandons the Constitution's protections and insulates lawless behavior from legal scrutiny." Liberal Wisconsin Sen. Russ Feingold said the bill "is not a compromise; it is a capitulation."

A sense of the reactionary nature of this legislation was provided by Caroline Fredrickson,

director of the American Civil Liberties Union Washington Legislative Office: This bill, she declared June 20, “is not a meaningful compromise, except of our constitutional rights. The bill allows for mass, untargeted and unwarranted surveillance of all communications coming in to and out of the United States. The courts<sup>1</sup> role is superficial at best, as the government can continue spying on our communications even after the FISA court has objected. Democratic leaders turned what should have been an easy FISA fix into the wholesale giveaway of our Fourth Amendment rights.”

The party leadership, stung by the deluge of criticism, is evidently seeking to repair its reputation by promising to seek modifications in the Senate bill after the Independence Day holiday. They are also concerned about deflecting criticism from both left and right directed at Sen. Barack Obama, their presidential candidate. The left is aghast that Obama declared last week that he approved of the compromise, and the Republicans are mocking him for his “flip-flops,” given that just a couple of months ago he sharply opposed granting immunity to the implicated telephone companies.

According to an article in the June 28 Chicago Tribune, Senate Democratic leader’s are “giving the presidential candidate a chance to save face” by seeking to jettison “the lawsuit protection from the bill. While the amendment is expected to fail, it would allow Obama to vote against immunity and then vote later in favor of the FISA bill with the immunity provision intact.”

The Tribune then quoted the ACLU’s Fredrickson as saying, “Clearly there’s that kind of maneuvering” going on, suggesting that a Senate amendment will “allow him [Obama] to vote, even if it’s not in a meaningful way. Then he can claim he tried his best and move on.”

The Democratic leadership has opposed impeaching President Bush ever since Speaker Pelosi announced two years ago that the issue has been taken “off the table,” but Democratic voters and some liberal members of Congress have been agitating for the party to initiate impeachment proceedings. Their argument has two main points. (1) It’s absolutely justified on the basis of the Bush Administration’s known lies and illegal actions, particularly the unjust war in Iraq. (2) If Bush and his cohorts are allowed to escape the Constitutional remedy for “high crimes and misdemeanors,” a dangerous precedent will be established for future administrations.

Rep. Kucinich, whose resolution now has five co-sponsors, has been arguing for impeachment for several years. On June 9 he spent hours reading the text of his entire bill in the House. He then introduced a motion with 35 Articles of Impeachment against President Bush. Each article is accompanied by a very brief description, such as Article I: “Creating a Secret Propaganda Campaign to Manufacture a False Case for War Against Iraq.” There are also lengthy explanations and evidence. The full text is available in PDF format online. The first three pages of the 65-page document contain the brief descriptions. The rest is the text Kucinich read. It may be accessed at <http://chun.afterdowningstreet.org/amomentoftruth.pdf>.

As soon as the impeachment resolution was submitted all Democratic members “supported” the measure by sending it to the House Judiciary Committee headed by Rep. John Conyers, who is expected to keep it bottled up indefinitely. The vote was 251-166, with 24 Republicans voting with the Democrats. Most of the Republicans who voted against the bill did so because they wanted an immediate debate and vote on its merits, knowing that the majority of Democrats, following their leadership, would vote against impeachment. This

would have been a big embarrassment for the Democrats.

Kucinich himself voted to send the motion to committee, knowing that it had little chance of ever reaching the House floor for debate and a vote. He remained publicly optimistic, however, pledging to bring the matter up again with additional Articles of Impeachment. He can do this because impeachment is a privileged resolution under House rules, and if it is not voted on quickly, the motion can be reintroduced. "The leadership wants to bury it," the Ohio Congressman said, "but this is one resolution that will be coming back from the dead. Thirty days from now, if there is no action, I will be bringing the resolution up again, and I won't be the only one reading it."

The chances of obtaining and winning an impeachment vote seem impossible. But the occasion presents Kucinich with an opportunity to keep the issue before the public.

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