Government by Juggernaut – Washington Post Editorial

THE HOUSE REPUBLICANS' manipulation of the Medicare vote was characteristic of the bullying, win-by-any-means style that has become the congressional norm. More than at any time during their nine years in control, congressional Republicans have been unabashed in their exercise of raw political power. However poisonous relations between the parties were heading into the 108th Congress, this session has witnessed levels of partisanship unhealthy not only for both sides but for the people they're supposed to represent.

Hardball isn't new to politics; Democrats happily employed the rules to their advantage when they held power, and, in the Senate, where the minority has greater protections, they still do. Republicans once clamored for fair treatment and railed against their subjugation at Democratic hands. But their use of the rules to impose their will is making the Democrats look benevolent by comparison. "The Republicans had better hope that the Democrats never regain the majority," Sen. John McCain (R-Ariz.) said the day after the House Medicare vote.

In the session now limping to its conclusion, Democrats have been excluded from conference committees, where the majority seems to view them as a pesky irrelevance. On the energy bill, they were shut out entirely. On prescription drugs, a favored few Democratic senators inclined to support the bill were allowed into the room. But Minority Leader Thomas A. Daschle (S.D.), who had voted for the Senate measure and been appointed to the conference by his party, was barred; so were all House Democrats. And while conferences are supposed to resolve differences between the two houses, these days legislation often emerges with provisions previously unseen -- and undebated -- in either house. Other provisions approved by both chambers disappear in conference. Lawmakers are then confronted with an unappetizing up-or-down vote on the entire package.

Rank-and-file lawmakers of both parties are often unable to see legislation until the vote is upon them -- not just because details are still being hammered out, but because exposing the document to public scrutiny would hurt the cause of those who seek to have it passed by any means. Both houses have rules designed to prevent this sort of governing by ambush. But these are routinely swept aside in the interest of swift passage, however uninformed. Contempt for the minority extends to the White House, which sought recently to require that Democrats obtain the approval of Republican committee chairs before submitting questions to the administration.

In the House, where the majority has the parliamentary power, the ability to offer amendments is constricted, and often curtailed entirely, with Democrats stopped from even offering their alternative for a vote. Debate is abridged to the point of parody. On prescription drugs, each side had an hour to present its views on one of the biggest changes in Medicare since its enactment. But when the time came to vote and Republicans lacked a majority, the haste evaporated. The customary 15-minute limit for voting was stretched to close to three hours, as GOP leaders confronting a loss bludgeoned members to switch their votes. While this was the longest such stretch, it

wasn't an aberration: The majority has kept the vote open about a dozen times in recent years. Adding time to a vote may not seem like a big deal, but when it's done in contravention of the usual practice and solely for the purpose of achieving the desired outcome, it leaves lasting bitterness.

In 1987, when then-House Speaker Jim Wright (D-Tex.) employed a pale version of this practice -- keeping the vote open an extra 15 minutes -- Republicans denounced this as an outrageous departure from regular order. Then-Rep. Trent Lott (R-Miss.) railed against "Jim Wright and his goons." And a Republican congressman named Dick Cheney denounced the move as "the most arrogant, heavy-handed abuse of power I've ever seen in the 10 years that I've been here." Funny, but Vice President Cheney doesn't seem nearly so outraged now.