

Midnight Express

When You Know Your Legislation is Unpopular, You Sneak it in While America is Sleeping

By Mary Lynn F. Jones - The American Prospect

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The wee hours of a Friday morning tend not to be a busy time for most people. But it's been a very productive period for House Republicans, who passed six bills during that time in 2003.

Democratic Representative Sherrod Brown cataloged the list of legislation passed between midnight and 6 a.m. on Fridays last year for a St. Louis Post-Dispatch column recently. Many of these bills passed by just a handful of votes. The measures cut veterans' benefits as well as Head Start funding and secured \$87 billion for Iraq. At 5:55 a.m. on a Saturday, the House passed a prescription-drug bill. As Brown noted, it's convenient to approve measures in the first hours of a Friday morning because coverage is relegated to the Saturday morning papers.

Brown told me that it wasn't this way when Democrats ran the House, or even when Newt Gingrich was speaker. But, he added, "None of this is a surprise -- it's taken to a level no one has ever seen."

And it certainly didn't end in 2004.

On September 15, House Democrats, including Brown, held a news conference introducing a resolution of inquiry to force the administration to release Medicare drug-cost estimates that were withheld from Congress. (Keeping with the Friday tradition, the administration announced a huge increase in Medicare premiums late on the Friday before Labor Day, a time when Americans are traditionally not focused on politics.) Also on September 15, Representative Joe Barton, who heads the House Energy and Commerce Committee, refused to allow Democrats to make opening statements or offer amendments to a bill that seeks to make it easier to learn the names of those on Vice President Cheney's energy task force.

"Every move made by the Republicans has to do with corporate contributions," especially those from energy and drug companies, Brown told me. "It's all a nicely woven circle." The companies write the bill, Republicans include subsidies that help the companies, and then the companies make contributions to GOP campaigns, he explained.

It's not as if Barton -- who hails from Texas and was the star of a "Texas Honky Tonk for Joe Barton" party thrown by corporate contributors at the Republican national convention -- didn't

know what he was doing. He admitted that he was breaking with tradition by not allowing Democrats to give their statements and said he hoped it was the "last time this happens." The measure was reported out of committee unfavorably along party lines. Democratic **Representative Jan Schakowsky**

got applause when she called, "Shame on you, Mr. Chairman" while casting her vote. Democratic Representative Henry Waxman left the room.

On September 13, Democratic Representatives David Obey and George Miller complained that Republicans had altered their amendment on overtime regulations on the Clerk of the House Web site to make it less appealing, according to CongressDaily. In a letter to House Speaker Dennis Hastert, they said the change "was clearly an effort to manipulate sentiment against the amendment prior to the vote, and create false legislative history."

While the amendment passed the House -- one of Democrats' few legislative victories this year -- it won't become law. House Republicans have said that they will strip the amendment from any bill that goes to President Bush. As Miller said in a floor speech on September 13, "Even though a majority of the House voted to stop the president's overtime pay cut, the president's allies here will try to prevent the majority will of the House from prevailing."

Not that House Republicans are too concerned about the will of the people. They're spending time talking about a constitutional amendment to ban gay marriage and CBS News' broadcast of questionable documents concerning Bush's National Guard service. What they're not spending time on is oversight, including asking tough questions of Tom Scully, the former head of the Centers for Medicare and Medicaid who lied about the true cost of the drug plan.

"You would think that Congress would be outraged," House Minority Leader Nancy Pelosi said during a September 15 press conference. "It really is a corrosion of the ethical standards of the United States, in addition to being delinquent in fulfilling its responsibilities to the American people."

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