

CALLING ALL MR. SMITHS TO WASHINGTON

"I'm afraid not, no sir. I yielded...once before...and I was practically never heard of again." These plot turning words were uttered by Jimmy Stewart, playing Jefferson Smith, a once naive senator "filibustering" to fight against the majority.

Now we hear that the election of a Republican Massachusetts senator ends Democrats "invoking cloture" and we are off to "reconciliation" and "nuclear" options to muscle in dangerous health care legislation. What?

Let's go back. Many assume the Founding Fathers had filibuster on the brain. No; the modern use of the arcane Dutch word for "free booty gained illegitimately" did not exist yet.

Original Senate rules placed no time limits upon debate. In 1917, President Wilson had supporters in the Senate adopt Rule 22 allowing 67 senators, a "supermajority" to "invoke cloture" to end debate. In 1975, this became 61 votes.

Although George Washington once illustrated to Thomas Jefferson, "We pour coffee into a saucer to cool it as...we pour legislation into the senatorial saucer to cool it", a bill passes there like the house with a simple majority, 51 votes. Treaties, overriding a veto, impeachment, senatorial expulsion, changing senate rules and ratifying constitutional amendments require a two thirds supermajority.

The filibuster is still alive and it can forestall progress on an issue unless 60 votes can be counted on. Its bipartisan use has occurred hundreds of times and increasingly since the 1980's. Surprised? Children use rules when they help and scream when they hurt.

As regards health care legislation, Democrats are contemplating "reconciliation" while Republicans call that the "nuclear option".

Actually, it was Senate Republicans who crafted the real "nuclear option" in 2005 when they tried to change the rules of the Senate with only 51 votes, instead of the required 67. "War" was threatened; hence the nuclear phrase.

A provision of the 1974 Congressional Budget Act, modified in 1990, limits debate and allows certain type bills to undergo budgetary reconciliation and thus pass filibuster free with 51 votes. Although it is authorized for entitlements or tax- budgeting items and not to enact complicated social policy measures, one can argue it has been abused by both sides in the twenty times of its use, including the fiscal 1994 deficit reduction and tax package and Bush's major tax cuts.

Thus, if they can pull this off, Democrats could pass a bill with 51 votes, zero Republican support and Democratic dissenters.

To hang on to those fifty one votes a flood of emotionally provocative lies about insurance company profit margins, health care quality and authorization denials in the public versus government (Medicare) sector are circulating. Margins are about 3.6% and in the bottom 20% of corporations, folks untrained in data analysis misunderstand the WHO rankings and limits and Medicare has twice the denial rate and unparalleled fraud problems.

The communal knowledge the public has on this issue is impressive and should move mountains and motivate and inform our officials. However, you, the engine of this economy, are clearly being told what every Founding Father feared more than the tyranny of the masses. You are being treated like ignorant children incapable of both rational thought and self determination by those acting most childishly of all.

Waiting till November is based on hopes of a wholesale metamorphosis of the bureaucratic beast. Repealing legislation is by intent extremely difficult. Furthermore, sincere arrogance and narcissism are unenviable foes.

This health care legislation as proposed is an autoinoculation of cancer you may never cure and a carving of the cornerstone of our constitutional republic's burial crypt.

Mr. Smith has a few parting few words for us all..."Just get up off the ground...Get up there with that lady on top of this Capitol dome...look at this country through her eyes and you'll see what Man's carved out for himself after centuries of fighting" Act now!

Kevin Ryan is a retired Colonel, physician, musician and author who lives in Fairfield.