

March 18, 2010

MEMORANDUM

FROM: Michael Hammond
RE: Violations of Rules (Constitutional and
Otherwise)

The House leadership appears to think it can violate any rules -- cheat in any way -- even ignore the Constitution -- because it has the votes to cram ObamaCare down our throats and because it believes the courts will not intervene to stop its corruption, by virtue of the political question doctrine.

So what I propose is this: When Republicans take over the House and Senate in November, as they are expected to do, they should, by a majority vote in the House and Senate, vote to repeal ObamaCare with a self-executing rule in the House which will deem the president's veto to be overridden. The Senate can adopt a resolution to do the same.

My second suggestion is that Republicans should push legislation -- now -- which would create an independent counsel to investigate bribes and coercion in connection with the consideration of ObamaCare.

The press has just scratched the surface of the sleaze:

- The reconciliation instructions [section 201 of the concurrent budget resolution] required that committees report reconciliation legislation not later than October 15, 2009. The legislation was made available on March 18, 2010.
- The reconciliation instructions required that the reconciliation bill make changes in "laws." The House reconciliation bill is intended to make changes to the Senate bill and pass the House before the Senate bill becomes law.
- The reconciliation instructions required that the Committees on Energy and Commerce, Ways & Means, and Education and Labor report legislation. Instead, a shell bill was reported by the Senate Budget Committee and the legislation was written in the

Speaker's office as an amendment to the Budget Committee shell bill.

- The 1974 Budget Act requires that the Budget Committee combine, without substantive change, the recommendations of the 3 committees required to report reconciliation legislation. Instead, the Budget Committee reported a shell bill, and the language was drafted in the Speaker's office as an amendment to the Budget Committee's shell bill.
- The reconciliation instructions required that the 3 committees instructed to report reconciliation legislation report language within their jurisdiction. Instead, large expenditures in the "fix" represent, for example, legislation within the jurisdiction of the Appropriations Committee, which is not mentioned in the reconciliation instructions. [example: implementing appropriations @ page 19, line 16]
- Article I, Section 5, of the Constitution requires that "all" matters before either House be subject to the "yeas and nays," upon a sufficient second (20%). "Deeming" a bill passed does not allow for the yeas and nays on the bill, or a vote on the issue of any sort.
- Article I, Section 7, of the Constitution requires that, for a bill to become law, it must be passed by the Senate and the House. "Deeming" a bill passed does not constitute a vote by the House on the measure.

If the House can create rules to ignore the Constitution's requirement that the House vote on an issue before it becomes law, then it can create rules to "deem" a veto override.