

Turning the Senate into the Chicago City Council Newt Gingrich – Remarks September 24th

"Using the budget reconciliation process to pass health reform and climate change legislation...would violate the intent and spirit of the budget process, and do serious injury to the constitutional role of the Senate."

These are not the words of a Republican or a conservative activist.

This is a warning issued on April 2 of this year from the former Democratic Majority Leader in the Senate, Robert C. Byrd (D-W.Va.).

He was referring to a dangerous assault on American freedom as it is protected by the constitutional balance of power – an assault that is being considered by the Obama Administration right now.

"We Pour Legislation into the Senatorial Saucer to Cool It"

The Founding Fathers designed the Constitution and our government to guard against political power grabs by slowing down the process of making laws.

They insisted that the Senate had to be a deliberative body to slow down the passions of the House and stop mob rule from destroying freedom.

In a famous conversation between the two presidents, Thomas Jefferson is said to have asked George Washington why the Framers had agreed to a second chamber in Congress at the 1787 Constitutional Convention. "Why did you pour that coffee into your saucer?" Washington asked him. "To cool it," said Jefferson. "Even so," said Washington, "we pour legislation into the senatorial saucer to cool it."

The Founders Relied on the Senate to Carefully
Consider Before They Commit Us to a New Law

One of the key means by which the Senate slows down the legislative process is through the filibuster.

Unlike in the House, in the Senate, even a small group of senators can hold up a bill by threatening to continuously debate it.

It takes the votes of three-fifths of the Senate, or 60 senators, to end a filibuster. This means that it effectively takes 60 votes to pass a controversial piece of legislation or nomination.

And again, this is for good reason. The Founders looked to the House to more directly reflect the will of the people. They relied on the Senate to take a step back and carefully consider a bill before they commit the American people and our resources to it.

A Revolutionary Act Worthy of a Third World Country

I have taken this brief tour of American constitutional history to make an important point: The Obama Administration clearly has concluded it cannot get a big government health plan through the Senate if they accept the traditional, historic requirement of a 60-vote majority.

It is also clear left-wing activists would cheerfully destroy the integrity of the Senate and the freedoms it protects if that is what it takes to get a government-run, bureaucratic health care system which would expand their power and increase the importance of Washington.

Senator Harry Reid (D-Nev.), the Democratic majority leader, has warned that a failure to get 60 votes would lead him to try to force through a bill with 50 senators and Vice President Joe Biden

breaking the tie.

Changing one-sixth of the American economy with 50 senators voting yes would be a revolutionary act worthy of a third world country.

Senator Byrd: "Reconciliation was Intended to Adjust Revenue and Spending Levels in Order to Reduce Deficits"

The Obama Administration and Sen. Reid are considering getting around the 60-vote majority rule in the Senate by using a process called "reconciliation." Under reconciliation, just 51 votes are required to pass a bill.

Democratic Sen. Robert Byrd, whom I quoted at the beginning of this message, has unique authority on reconciliation. Not only is he the author of a remarkable history of the Senate (four volumes published between 1989 and 1995), he was, as he wrote, "one of the authors of the reconciliation process," which was created in 1985.

Here is what he said about using reconciliation to pass things like health care reform: "I can tell you that the ironclad parliamentary procedures it authorizes were never intended for this purpose. Reconciliation was intended to adjust revenue and spending levels in order to reduce deficits."

Sen. Byrd concluded with this warning: "The Senate cannot perform its constitutional role if senators forego debate and amendments. I urge senators to jealously guard their individual rights to represent their constituents on such critical matters."

For 20 Years, I Was Told to Be Patient When Conservatives Couldn't Muster 60 Votes

For 20 years as a member of the House, I was told to be patient when conservative reforms could not muster 60 votes or a conservative nomination could not get 60 votes.

For the last decade I was told to be patient when reforms conservatives wanted and personnel conservatives wanted were blocked by the lack of 60 votes in the Senate.

Now after a lifetime of sustaining the constitutional role of the Senate, we find that the left wants to suspend the normal constitutional process so they can ram through a gigantic government run health program immediately.

Every American Who Cherishes the Institutions That Have Preserved Our Liberty Will Tell Their Senators to Fight

We are being told the Obama agenda is so important we should destroy the Senate and make it more like the House of Representatives.

This radical action may make sense to President Obama, Chief of Staff Rahm Emanuel and senior strategist David Axelrod, all of whom come from Chicago and are used to seeing the Chicago City Council muscled by a strong mayor on behalf of a machine.

However, every American who cherishes freedom and appreciates the institutions that have preserved us from tyranny will be telling their senators to preserve the integrity of the Senate and preserve the protections of American liberty.

This fight over process may turn out to be even more important than the fight over the substance of the big government, big bureaucracy, high-tax health bill they want.

When both process and policy are wrong there is something very bad going on.