

GOVERNMENT BY WALKOUT

By William Nicoson

As a young boy, I visited the offices of my congressman many years ago with my parents. I remember that, just as our conversation began, a bell sounded causing the congressman to excuse himself and rush to the House floor for a vote. He called it a "quorum call." I got the impression that answering that call to vote was a sacred duty of an elected legislator.

On the morning of July 18th this year, Democratic members of the Ways and Means Committee in the U.S. House of Representatives wanted more time to review a 90-page bill released to them at midnight the night before. It was a major bill which would accelerate a number of retirement contribution limits enacted in 2001. Beginning in 2004, an individual would be able to contribute annually \$15,000 a year to a 401(k) plan and \$5,000 to an IRA. Those aged 50 or more would have still higher limits.

Chairman Bill Thomas (R-Calif.), was determined to move forward with the Committee's legislative agenda, and he denied the request. The Democrats then refused to accede to the usual motion to dispense with an oral reading of the bill by the committee clerk. As the clerk droned on line by line, the Democrats walked out of the meeting, taking refuge in a House library nearby and leaving only one of their number to prevent unanimous consent to dispense with the reading.

I would like to report that the wayward Democrats were reading the 90-page bill in the library, but they made no such claim.

Chairman Thomas, outraged by this walkout maneuver in derisive disregard of his authority, called the Capitol Police to force the return of the absent Democrats to their committee's work. The Police deferred to the House Sergeant of Arms who declined to intervene in "a committee matter." Eventually the Democrats departed the library for the House chamber, charging that Republicans sought to turn the legislature into a police state.

The bill was passed by the committee without Democratic votes, though presumably many of the deserters favored it.

Government by walkout occurred most famously in Austin, Texas, last May, and may have offered House Democrats a model for the Ways and Means desertion.

The issue before the Texas House was a redistricting bill for U.S. House districts drawn by the new Republican majority in the Texas House (with help from Tom DeLay (R-Texas), majority leader in the U.S. House). Press reports indicated it might add 5 to 7 seats to the Republican majority in the U.S. House.

Aware that Republicans had the votes to pass the redistricting bill, more than 50 Democratic

members of the Texas House simply disappeared under cover of darkness, leaving the House without a quorum for the transaction of business. Most of the Democratic defectors turned up a few days later in Ardmore, Oklahoma, beyond the jurisdiction of police sent to return them to their legislative duties. They remained out of state until a legislative deadline had passed foreclosing enactment of the redistricting bill.

Just last week, to again forestall consideration of redistricting, Texas Democrats en masse arranged an airlift to New Mexico. Government by walkout has now become an Austin tradition.

The Washington Post editorialized that the Democrats' first walkout "was unusual, maybe theatrical, but also fully justified." The fact that the redistricting bill was drafted not by reason of new census data but because Republicans gained control of the Texas House was apparently justification enough for the Post. But not for me.

The remedy for egregious redistricting is testing in the courts. It is not suppression of all legislative activity.

The Democratic legislators have twice shut down the Texas House not just for redistricting but for all business planned to be conducted during their sojourns out of state. They didn't run to the floor to answer a quorum call. They created a quorum vacuum. They put their own political business above the legislative business of the people of Texas.

As for the obdurate Democratic deserters on the Ways and Means Committee, I've run out of space, but their walkout was brief and good fodder for the press.

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