



How a Bad Bill Becomes Law

REMEMBER THE ELEMENTARY SCHOOL LESSON “How a Bill Becomes a Law”? Well, George W. Bush and Republican Leadership in Congress redefined lawmaking when they forced their Medicare law through Congress. And a brief look at the gnarled twists and turns taken as this bill became law should make any student of American democracy shudder.

STEP ONE Use your bill to raise massive amounts of political cash from friendly corporate interests. On June 19, 2002, two days after Republicans unveiled their new Medicare bill, the pharmaceutical industry staged a fundraiser for President Bush and the Republican Party in which a record-breaking \$30 million was raised in one night. British drug giant GlaxoSmithKline, the chief corporate fundraiser of the event, coughed up \$250,000, as did the drug companies’ trade group, PhRMA.

STEP TWO Completely ignore the will of the nation’s elected representatives. In this case, on July 25, 2003, a strong bipartisan coalition in the House approved allowing Americans to buy safe, FDA-approved medicines at 25 percent to 50 percent less than U.S. prices by accessing the well-regulated markets of 26 developed countries. Despite strong support in the Senate for a similar provision, the White House had this language stripped from the final Medicare bill. On the other hand, at the request of drug companies, a prohibition on Medicare negotiating lower prices for our seniors was added to the bill.

STEP THREE Ram your bill through even if you don’t have the votes. Let’s see how it works in practice. At 5:53 a.m. on November 22, House Republicans passed their Medicare bill by a vote of 220-215. By all accounts, it was a historic night in the Capitol. Under House rules, time allowed for voting is 17 minutes, at which point voting is cut off and cannot be changed. On this occasion, voting was left open for an unprecedented three hours while Republican leaders, including Health and Human Services Secretary Tommy Thompson, cajoled and arm-twisted to get the votes the White House demanded.

Rep. Nick Smith (R-Mich.) later publicly stated that he was encouraged to change his “no” vote to “yes” by Republican leaders who assured him that “business interests” would contribute \$100,000 to his son’s campaign to succeed him in Congress. When that didn’t work, encouragement turned to threats and he was told that if he didn’t change his vote they would work to make sure his son never gets to Congress. Smith held firm and Republican strong-arm tactics are now

under investigation by the House Ethics Committee. Other Republicans did ultimately switch their votes, giving the White House a win.

STEP FOUR Hoodwink members of your own party who have reservations. Throughout the debate, many conservatives were concerned about the potential cost of a new prescription drug benefit. The White House pledged that the Medicare bill would cost no more than \$395 billion. Two months after the president signed it into law he submitted a budget to Congress that put the estimate at, oops, \$530 billion. And with its glaring lack of cost-controls and its prohibition on price negotiation, it likely will cost far more.

STEP FIVE Stick to your story regardless of the facts. In his State of the Union address, the president said, “For a monthly premium of about \$35, most seniors ... can expect to see their drug bills cut roughly in half.” Unfortunately, that claim is simply untrue. The reality is that most seniors will see their drug bills cut only by about one-third—and many even less. In fact, the Consumers Union estimates that many will pay more in 2007 for their medicines under the plan than they do today without it.

STEP SIX Turn your work on the bill to your own personal gain. Schoolchildren, pay close attention to this one. Within a month of the bill becoming law the chairman of the House Commerce Committee, Rep. Billy Tauzin (R-La.), was reportedly offered a \$2 million a year job by PhRMA (remember, the industry’s lead lobbying group). According to the *Washington Post*, Tauzin is expected to take the PhRMA offer and leave the House before his term expires. Another key player—Thomas Scully, the immediate former head of the Center for Medicare and Medicaid Services and White House point person on the Medicare bill—recently left his post to work for law firms that represent pharmaceutical and other healthcare interests.

SEVENTH AND FINAL STEP Use the taxpayer’s own money to “educate” them if they aren’t buying your story. Recently, President Bush launched a \$23 million advertising blitz—all at taxpayer expense—to tout the Medicare bill. A media firm working on his reelection campaign will get a cut of the pie for buying airtime for the government to tout the new Medicare law—a sweetheart deal and a handy piece of campaign propaganda at taxpayer expense.

Well, there it is. The new way a bill becomes a law when George W. Bush and the Republicans control the government. Questions anyone? ■

Step one:
Use your bill to raise massive amounts of political cash from friendly corporate interests.

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an independent, is Vermont’s at-large representative.



The Sludge Report

If someone
is out there
spreading
rumors
among
gossip
hounds, the
press has
still done
nothing to
impede him.

THE RUMOR CROPPED UP FEBRUARY 12 ON Matt Drudge's Web site, and he treated it with his customary reserve: CAMPAIGN DRAMA ROCKS DEMOCRATS: KERRY FIGHTS OFF MEDIA PROBE OF RECENT ALLEGED INFIDELITY, RIVALS PREDICT RUIN.

If the editors here would let me run the previous lines in type about five times this size and insert an animated siren, you might understand the level of hysteria with which Drudge, at least, greeted this news. Rush Limbaugh, of course, took to the air with it minutes later, and other conservative organs followed. On my own political news and gossip Web site, I expressed doubt as to the veracity of these allegations, running Drudge's rumor with the headline, "Kerry: Would You Have Sex With This Man?"

Despite the eagerness that mainstream news organizations showed back in 1998 in picking up Drudge's somewhat similar scoop—his news that *Newsweek's* Michael Isikoff had tried to publish a piece about an intern named Monica Lewinsky—none seemed very interested in this one. At least no reporters asked Kerry about a story that Drudge claimed was the subject of investigations at "Time magazine, ABC News, the *Washington Post*, *The Hill* and the Associated Press."

The American press showed great restraint in not picking up on this story—until, that is, the woman at the center of the rumor (whose name I won't commit to print here) denied it, backed by friends, family and at least one journalism school classmate. After that, the stories came out in a rush, many of them editorials by journalists congratulating themselves for not running the story in the first place.

Washington Post ombudsman Michael Getler wrote that his paper "acted properly and carefully in this episode." "The coverage was mercifully restrained," opined the *Chicago Tribune's* editorial page. The *Philadelphia Inquirer's* Dick Polman portrayed the media's silence as a moral triumph: "Despite the best efforts of the anonymous tipsters, the rumor flopped."

But if the measure of a rumor's success is how much people talk about it, this one was hardly a flop.

The *New York Daily News* ran excerpts from a suspicious profile attributed to the woman on the online social networking site Friendster (www.friendster.com), quoting a cheeky self-description she'd supposedly written "ABOUT ME: Just another hot piece of ass." The *New York Observer*, Manhattan media's pink

Bible, splashed the non-Monica's picture across the front page and went to the Friendster profile for details as well. The *Observer*, at least, had the decency to pretend its story was about the nature of celebrity and information in these hyper-connected times.

"[A]s with so much information that's found in an environment encrusted with irony and cynicism and much colder than the medium cool of television," mused *Observer* reporter Alexandra Wolfe, "the data about [Kerry's would-be lover] can be interpreted in many different ways."

Specifically, the Friendster profile could be interpreted as "a joke" at best. Friendster profiles frequently contain playful boasts—mine contains a testimonial asserting that I sent Nixon his dog Checkers. There's even an entire population of "Fakesters," from the fanciful (Giant Squid, Jesus) to the fraudulent (John Kerry, John Edwards).

At worst, the profile quoted by the *Daily News* and the *Observer* is a lie with the specific purpose of embarrassing this seemingly innocent woman or Kerry.

By keeping the rumor itself at the center of their coverage, these somber guardians of journalistic integrity missed going after bigger story: Where did the story come from? Who wanted to bring down Kerry? What kernel of truth, if any, existed? If someone is out there spreading rumors among gossiphounds, the press has still done nothing to impede him.

This episode is only one in an ongoing tussle between unfettered online sources and mainstream reporting. In the wild, woolly—and increasingly influential—world of blog writing (I hesitate to call it journalism) there are no rules about what you can and can't publish; there's simply one's own conscience. Blogs with a wider audience—DailyKos.com and Instapundit.com claim daily audiences in the tens of thousands—are beginning to develop their own codes of conduct. But these guidelines can never completely parallel those of mainstream journalism, because blogging often is its opposite: personal, biased and almost always written with the expectation that someone out there will let you know if you've screwed up.

Bloggers' proximity to their writers provides a useful corrective—they have to respond or risk not being taken seriously. Big-time newspapers may have ombudsmen, but reporters' insulation from the righteous judgment of readers shows in the self-congratulations they now are heaping upon themselves now for their restraint. ■

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