

TAKE IT FROM MY BARBER

By Benjamin G. Maynigo

My barber asked me once, "Is the United States of America democratic and republican because the government is run either by the Democrats and/or by the Republicans?"

I said, "The U.S. Government is democratic because sovereignty resides in the people and all government authority emanates from them. It is republican because it is a representative government whereby powers are delegated on behalf of the people, for the people, and by the people. The fact that most of the chosen representatives are either Democrats or Republicans is because we have basically a two-party system. There are very few independents or third parties."

DEEM and PASS: BARBARIC or BARBERIC? - MabuhayRadio

Written by Benjamin G. Maynigo

Saturday, 20 March 2010 18:17 - Last Updated Thursday, 22 April 2010 15:26

“That’s why in Congress, it is always a battle between the Democrats and the Republicans”, my barber interjected. “Either one is the majority and the other the minority. They battle according to certain rules and are expected to use these rules to achieve their goals.”

“The last time we talked, you recommended that as an answer to the Republican Senators’ plan to filibuster, the Democratic Senators should reconcile. Now I hear that the House Democrats also plan to use the “deem and pass” rule for the healthcare bill to become law. The Republicans call it the Slaughter solution - hence barbaric, undemocratic, and unconstitutional. What do you say?”

Smilingly, my barber began, “I’d rather call it the “barberic” solution. This is the way I understand it. The Senate bill as passed is not totally acceptable to some Democrats and obviously to most Republicans. It therefore needs some “fixes”. Normally, a string of amendments would be made to fix the objectionable parts. But because the 41 Senate Republicans cannot be stopped from filibustering, the Senate bill has to be passed in toto by the House before it is sent back for reconciliation by the Senate. Congresswoman Slaughter proposed the use of the “deem and pass rule” whereby a rule incorporating the fixes and the entire Senate package is passed. A passage of the rule also means that the Senate bill is “deem” passed. It goes back to the Senate for reconciliation where only a 51-vote simple majority is needed.” For a barber, he is well-read and politically sophisticated. His approach is reflective of the way he cuts hair – full of restraint in taste, manner and style as opposed to being barbaric which is the lack thereof.

The Republicans question this method of legislation as “slaughtering” the democratic processes, and brutally dismantling the Constitution. They argue that for a law to pass, each member of Congress must knowingly and courageously vote for the specific provisions of the Senate bill. It should be voted upon and passed expressly and not impliedly.

This method is also called “self-executing rule”. It began in 1930 and has been used by both Democrats and Republicans in the past. Democratic Speakers Tip O’Neill and Jim Wright used it 20 and 18 times respectively while Republican Speakers Gingrich and Dennis Hastert used it 90 and 70 times, respectively.

There is a threat to challenge it in court for it being unconstitutional as was done previously. But my legal view is that the Supreme Court would not touch it, also on constitutional grounds. Under the Principle of Separation of Powers, Congress is an independent body and governed by its own rules. Neither the Executive nor the Judiciary could interfere in the same way that Congress could not be involved on how the former run theirs.

March Madness just started. This is true in both sports and politics. My barber is very disappointed that his favorite team, the Georgetown Hoyas, got eliminated. He wished that they were more aggressive and more “barbaric” in their play. However, he hopes to win the bigger stake in the political arena – Healthcare Reform. In fact, he is so convinced that he now deems it passed.

Indeed, there is time to be “barbaric” and there is time to be plain “barberic”. # # #

E ditor's Notes: The author is a Washington, DC-based International and Cyber Lawyer with an LL.B and LL.M; an Educator with an M.A. in Human Resource Development; an IT Chief Executive Officer with M.B.A.; Community and Trade Association Leader; Lecturer/Speaker/Writer; Political Strategist; Technology Pioneer.

[Joomla SEO powered by JoomSEF](#)