

washingtonpost.com

## Newly Emboldened Congress Has Dogged Bush This Year

By Jim VandeHei and Charles Babington  
Washington Post Staff Writers  
Friday, December 23, 2005; A05

After four years in which Congress repeatedly lay down while President Bush dictated his priorities, 2005 will go down as the year legislators stood up.

This week's uprising against a four-year extension of the USA Patriot Act was the latest example of a new willingness by lawmakers in both parties to challenge Bush and his notions of expansive executive power.

Since this spring, Congress has forced Bush to scrap plans for a broad restructuring of Social Security, accept tighter restrictions on the treatment of detainees and rewrite his immigration plan. Lawmakers have rebuffed Bush's call to make permanent his first-term tax cuts and helped force the president to speak more candidly about setbacks in Iraq.

"What you have seen is a Congress, which has been AWOL through intimidation or lack of unity, get off the sidelines and jump in with both feet," especially on the national security front, said Sen. Lindsey O. Graham (R-S.C.).

What is most striking is that the pushback is coming not just from Democrats and moderate Republicans, who often disagree with Bush, but also from mainstream conservatives.

The year's events, say some legislators and scholars, reflect more than just a change in the president's legislative scorecard. They suggest Bush may have reached the outer limits of a long-term project to reshape the powers of the presidency. This effort was underway even before the military intervention in Iraq and the Sept. 11, 2001, terrorist attacks contributed to a traditional wartime flow of authority to the executive branch.

Since the Sept. 11 attacks, Bush has been especially aggressive in the area of domestic surveillance. This month's revelations about the administration's use of the highly secret National Security Agency to monitor some domestic communications without judicial review has whetted a new -- and critics say overdue -- appetite for congressional oversight. Hearings are planned next month into whether Bush acted lawfully.

Power among three branches of government always ebbs and flows, and it is possible Bush will regain dominance.

But several factors are working against him as he heads into the final three years of his presidency without obvious momentum. Many of the priorities he laid out at the start of the year, such as revamping Social Security, went nowhere. Bush has yet to highlight a new agenda, though White House aides say he will do that in the new year.

Bush's task, however, is complicated by the fraying of reins that he and GOP congressional leaders jointly used to keep control of Washington's agenda. A leadership crisis in the House -- prompted by the indictment of former majority leader Tom DeLay (R-Tex.) on charges of campaign finance violations -- has made it

harder to enforce loyalty from rank-and-file Republicans. In the unwieldy Senate, meanwhile, party discipline remains difficult even though Republicans hold 55 of the 100 seats -- as was proved this week when the leadership had to yield on an Alaska oil-drilling proposal and the Patriot Act extension.

As important, Bush cannot run again, and the closer lawmakers get to the next congressional elections, the more inclined they are to oppose him if it helps them at home. Rep. J.D. Hayworth (R-Ariz.), for instance, told constituents he would not want the president campaigning for him because he feels Bush's immigration policy is too soft on border enforcement.

"This is partly a function of approval ratings," said Sen. John Thune (R-S.D.). "People pay attention [to polls] and start saying, 'Lets take a more independent tack.' It is frankly self-interest, self-preservation."

Bush also faces a Democratic Party more united in its opposition than perhaps at any point this decade. Emboldened by their defeat of Bush Social Security's plan, Democrats have shown unusual solidarity in thwarting his agenda elsewhere. They have also instituted a leadership system to discourage dissent by threatening members with the loss of committee seats if they work too closely with the GOP. Roll Call newspaper recently reported that House Minority Leader Nancy Pelosi (D-Calif.) threatened to remove Rep. Edolphus Towns (D-N.Y.) from the Energy and Commerce Committee for siding with Republicans on a key trade bill. Towns did not return five phone calls requesting comment.

Nowhere has this changing attitude -- and the influence of Congress -- been more apparent than in the debate over Iraq and terrorism-fighting tactics in recent months. Led by Sen. John McCain (R-Ariz.), Congress forced the president to accept specified limits on torture that Vice President Cheney and Bush opposed for months. That victory came only weeks after Congress put pressure on Bush to more clearly articulate his Iraq strategy, which led to a new White House campaign in recent weeks to restate the case for the war to the public.

Now, some in Congress are trying to take back some of the authority they granted the Bush White House last term. When four Senate Republicans joined nearly all the Democrats in filibustering a four-year renewal of the domestic surveillance law called the Patriot Act -- which Bush ardently sought -- his Senate allies were forced to accept a temporary six-month extension. Yesterday, the House dealt a tougher blow to the president, agreeing only to a one-month extension. Bush had repeatedly said he would not accept "a short-term extension," but the GOP-controlled House left him no choice.

As for the non-security matters, which got much less attention this year, Congress is also showing more vigor in driving the agenda. In the immigration debate, Republican congressional anxieties forced Bush to talk more about border security.

"I think the congressional agenda has been more realistic and frankly more limited than Bush's," said Rep. Tom Cole (R-Okla.). "The Bush presidency has a lot of big ideas, which is generally a good thing, but there just is not a lot of legislative follow-through."

Cole echoed what is one of the biggest GOP gripes about the Bush White House: that it lacks seasoned political and policy aides with the experience to work with congressional leaders. But several lawmakers said that after that message was delivered privately to Bush, they have seen the White House pay more attention to congressional concerns.

© 2005 The Washington Post Company