

Cato's Tanner twists facts in *NY Post* op-ed on Dems "twisting arms" for health care votes

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SUMMARY: Referencing HBO's "The Sopranos," Cato Institute senior fellow Michael Tanner wrote in the *New York Post* that Democrats "are willing to use every trick in the book to get this [health care] bill passed." However, many of Tanner's allegations of suspect tactics by Democrats are not supported by the facts.

Tanner baselessly claimed Dems "considered holding up Brown's seating"
From Tanner's March 10 [op-ed](#):

Nor were the Obamans willing to let a little thing like election laws stand in the way. They rewrote Massachusetts law to allow for an appointed senator to hold office for several months, hoping to get the bill through before the special election that Scott Brown ultimately won. Their plans spoiled, they even considered holding up Brown's seating to let the appointed senator continue to vote on health care -- until public outrage forced them to back down.

Tanner provided no evidence to support claim that Dems "considered holding up Brown's seating." As *The Washington Post* [reported](#) on February 4, Brown was sworn into office "a week earlier than expected," after he "asked that his election be certified as soon as possible so he could participate in votes scheduled before then." *Media Matters* senior fellow Eric Boehlert [noted](#) in January that an ABC News article similarly forwarded Republican speculation that Democrats would "delay seating Scott Brown," without providing any evidence.

Citing dubious evidence, Tanner claimed Dems have shown "willingness to ignore congressional rules"
Tanner cited a "failure to appoint a 'conference committee' to negotiate differences between the House and Senate bills" and reconciliation as examples of "an unprecedented willingness to ignore congressional rules."
From Tanner's March 10 [op-ed](#):

And, of course, there has been an unprecedented willingness to ignore congressional rules -- from the failure to appoint a "conference committee" to negotiate differences between the House and Senate bills, to their current plans to use the reconciliation process to bypass a Republican filibuster.

Conference committee not required. Riddick's Senate Procedure [states](#) that the House or Senate can "request a conference" if it does not accept "the amendments added to the bill by the second House." The document further notes that "any differences in the two passed versions must be compromised" before a bill becomes law, and since reconciling the bills "by considering amendments between the Houses" can be "cumbersome," some bills "end up in conference."

Hill aide reportedly said skipping conference committee "is pretty standard." The Huffington Post's Sam Stein **reported** on January 4, "The decision to skip formal conference negotiations -- which was first reported by *The New Republic's Jonathan Cohn* -- is not, it should be noted, the rarest of parliamentary maneuvers. Hill aides say it often happens with major or contentious pieces of legislation (though not apparently in this current Congress). 'This is what we normally do,' said one Hill aide, 'it is pretty standard.'"

Reconciliation process is part of congressional budget process. The budget reconciliation process is **defined** by the U.S. House Committee on Rules as "part of the congressional budget process ... utilized when Congress issues directives to legislate policy changes in mandatory spending (entitlements) or revenue programs (tax laws) to achieve the goals in spending and revenue contemplated by the budget resolution."

Republicans repeatedly used reconciliation to pass former President Bush's agenda. Republicans **used** the budget reconciliation process to pass Bush's 2001 and 2003 tax cuts as well as the 2005 "Tax Increase Prevention and Reconciliation Act." The Senate also **used** the procedure to pass a bill containing a provision that would permit oil drilling in the Arctic National Wildlife Refuge. (The final version of that bill that Bush signed did not contain the provision on drilling.)

Reconciliation has repeatedly been used to reform health care. On February 24, NPR **noted** that many "major changes to health care laws" have passed via reconciliation. These measures include COBRA, which allows laid-off workers to keep their insurance coverage, and the State Children's Health Insurance Program.

Tanner falsely suggested Rep. Matheson has only recently signaled willingness to support health care reform
Tanner: "No sooner had Rep Jim Matheson (D-Utah) suggested that he might be willing to switch his vote and support the latest version of ObamaCare than his brother was nominated for a federal judgeship." From Tanner's March 10 **op-ed**:

Expect the tactics to get even dirtier now.

Those who support the president can expect favors. No sooner had Rep Jim Matheson (D-Utah) suggested that he might be willing to switch his vote and support the latest version of ObamaCare than his brother was nominated for a federal judgeship.

Matheson long preferred Senate proposals to House bill, which he voted against. On **July 21, 2009**, Matheson outlined "some of the substantial changes required before he could vote for" the House health care reform bill and "said the suggested changes represent what will be a common-sense, bipartisan proposal that shares many of the features under review by the U.S. Senate in their committee negotiations." In a November 6, 2009, **press release**, Matheson "said he will vote against HR 3962" because it does not ensure "that the health care system is secure, stable and affordable." The press release further noted that "Matheson said he is encouraged that a bipartisan, budget-deficit-neutral, cost-lowering bill is on the table in the Senate." After Senate Majority Leader Harry Reid **introduced** health care reform legislation to the Senate on November 18, Matheson reportedly **said** the Senate bill "is going in the right direction," while noting that he was "unsure whether he would vote for" the Senate plan.

Matheson expressed support for provisions in Senate bill and Obama proposal that differ from House bill. *The Salt Lake Tribune* **reported** on December 22, 2009, that Matheson "backs the tax on so-called 'Cadillac plans,' especially after analysts with the non-partisan Congressional Budget Office said it is one of the most powerful ways to slow health care inflation." Obama's proposal **includes** a version of the tax; the House plan does not. Moreover, *The New York Times* **reported** on October 28, 2009, that Matheson "prefers nonprofit member-run cooperatives, rather than

a government plan." The Associated Press **noted** on February 22 that "Obama did not include the government-run insurance plan sought by some Democrats. He kept the Senate approach, which gives Americans purchasing coverage through new insurance exchanges the option of signing up for national plans overseen by the federal office that manages the government health plan available to members of Congress. Those plans would be private, but one would have to be nonprofit." *The Salt Lake Tribune* also **reported** on November 5, 2009, that Matheson proposed "drop[ping] the nationwide health insurance exchange called for in the [House] bill in favor of state-based exchanges." As the AP **noted** on February 22, "liberals hoped Obama would go with a national exchange like the House bill did, but he stuck with the Senate's state-based approach."

Rep. Matheson's office and White House have called the "selling judgeships" smear "ridiculous" and "absurd."

Politico's Chris Frates **reported** that Matheson's spokeswoman "called the question 'patently ridiculous,' saying there was no deal made between her boss and the president that guaranteed Scott Matheson's nomination in exchange for Rep. Matheson's vote." Frates later noted that a "White House official calls the charge 'absurd.' 'Scott Matheson is a leading law scholar and has served as a law school dean and U.S. Attorney. He's respected across Utah and eminently qualified to serve on the federal bench,' the official said." **Right-wing media** pushed the smear that Scott Matheson's nomination was made to influence his brother's vote on health care without providing any evidence for the claim.

Utah Republicans support Matheson, deny "vote buying." According to *Politico*, Sen. Bob Bennett's (R-UT) spokeswoman, Tara DiJulio, released a **statement** regarding Scott Matheson's appointment on March 4, saying, "Sen. Bennett has heard of all kinds of pressure being applied and offers being made to Democrats for votes on health care, but Scott Matheson's nomination is not one of those because it has been in the works for a long time." Utah's *Deseret News* **reported** that Rep. Jason Chaffetz (R-UT) congratulated Obama on his selection and praised Scott Matheson as "an excellent nominee." A March 5 *The Salt Lake Tribune* article **noted** that "pretty much everyone who knows the Mathesons" have "called the claim simply absurd" and reported that Sen. Orrin Hatch (R-UT) "said he knew Scott Matheson was going to be the nominee more than a month ago and disputes any idea that Obama was trying to get a vote for the nomination."

Tanner misleadingly cited "special deals" Dems used to pass health reform

Tanner: Dems "bought votes with pork and special deals." From Tanner's March 10 **op-ed**:

Whether or not you believe former Rep. Eric Massa's bizarre accusations of locker-room confrontations and conspiracies to drive him from office, there is no doubt that the Obama administration and its congressional allies are willing to use every trick in the book to get this bill passed.

They've already bought votes with pork and special deals -- the "Louisiana purchase" (\$300 million to bolster that state's Medicaid program, which swayed Sen. Mary Landrieu); the "Cornhusker kickback" (\$100 million to Medicaid there, sweetening the pot for Sen. Ben Nelson), and Florida's "Gator Aid" (a Medicare deal potentially worth \$5 billion, a hefty price for Sen. Bill Nelson's vote). Plus the millions for Connecticut hospitals, Montana asbestos abatement and so on.

"Louisiana Purchase" was necessary Medicaid fix. Contrary to the claim that funding for Louisiana in the Senate health care bill is a "trick ... to get this bill passed," the funds are **urgently needed** to fix the state's Medicaid problems, which are a result of Hurricane Katrina; moreover, many of the state's Republican lawmakers **say** the fix is necessary, despite criticizing Landrieu for securing it in the bill.

PolitiFact: The "Gator Aid" provision was included in Senate Finance Committee bill and would have benefited seniors in multiple states, not just Florida. Contrary to Tanner's suggestion that a provision shielding Medicare

Advantage enrollees living in certain areas was the "price for Sen. Bill Nelson's vote" on the final Senate health care bill, PolitiFact **noted** that "Nelson's provision wasn't a last-minute addition. The Medicare Advantage exemption was included in the health care reform bill that passed the Senate Finance Committee in October." PolitiFact also stated that the provision would not only benefit seniors in Florida, but also "in Oregon, New York, New Jersey and California."

Obama proposal removes "Cornhusker kickback," "Gator Aid." Obama's February 22 **proposed changes** to the Senate health care bill would "[e]liminat[e] the Nebraska FMAP provision and provid[e] significant additional Federal financing to all States for the expansion of Medicaid." On March 2, Obama **stated**, "[M]y proposal does not include the Medicare Advantage provision ... which provided transitional extra benefits for Florida and other states."

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