

**THE BLOG**

What — No Up-or-Down Vote, Dr. Frist?

By Marty Kaplan

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Thanks to Bill Theobald's reporting for Gannett, we now know that Senate Majority Leader Bill Frist and Speaker Denny Hastert secretly inserted a pro-Big Pharma provision into a Defense appropriation bill in December. It happened literally overnight, after the 39-member conference committee had finished its work and voted on the bill.

There's no mystery about Frist's motives: as a recipient of a quarter million dollars in Big Pharma dough, he's a reliable shill for the drug companies, and this provision — which exempts them from lawsuits over vaccines that turn out to hurt people — falls squarely in the whoring mainstream.

But you have to wonder why he (and Denny "Jack Who?" Hastert) resorted to the dead-of-night maneuver. Clearly they didn't think they'd get caught — and it's delicious that the whistle-blower turns out to be Mississippi Republican Thad Cochran's staffer Keith Kennedy. But why didn't they do Big Pharma's bidding in daylight?

I don't think it was their fear of bad publicity. From "bankruptcy reform" to the Bush budgets, Congress has consistently been pandering to corporate interests, and no editorial has yet deflected them from their business.

My guess is this: Frist and Hastert didn't have the votes. This provision was so odious that they would have been unable to muscle enough Republicans on the conference committee to pass it.

That's right: Frist knew he would lose an up-or-down vote, the focus-grouped holy grail he's been yammering about this past year, and so instead he used a parliamentary power play which, if not actually against the rules, certainly (as Keith Kennedy said) makes "an absolute travesty" of those rules.

So far, Frist and his spokesperson haven't come up with a decent spin to explain their ducking an up-or-down vote on the Christmas loophole they gave the drug companies. And Hastert won't talk.

I've got a suggestion for the good doctor: Why don't you describe the favor you did to your donors as "the constitutional option"? At least that'll clarify for Americans what you actually think of the constitution.

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