IS PELOSI PLANNING ON PICKING BUSH'S POCKET?

Remember Bush's surly claimed pocket veto on military pay raises, just in time for New Years? We pretty much dismissed its claim to legality when it happened (See especially PhoenixWoman's link, which has gotten far too little attention for its apparent precedent on precisely the issues in question). But now I'm increasingly intrigued by the political possibilities, particularly with the news that Speaker Pelosi is calling bullshit on Bush's claim to have used a pocket veto specifically to reject the bill.

> The White House on Monday said it was pocket-vetoing the measure, but a spokesman for House Speaker Nancy Pelosi (D-Calif.) said the president cannot use such a measure when Congress is in session. The distinction over whether the president can pocket-veto the bill is important because such a move would prevent Congress from voting on an override.
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> "**Congress vigorously rejects any claim that the president has the authority to pocket-veto this legislation**, and will treat any bill returned to the Congress as open to an override vote," said Nadeam Elshami, a spokesman for Pelosi. He said **the Speaker is keeping all legislative options on the table**. [my emphasis]

As soon as Bush announced he planned to veto the bill, I grew enticed by what some of those "legislative options" might be—and Nancy's cry of "bullshit" makes me even more enticed.

As I see it, if Congress insists that Bush could not have pocket vetoed the bill, then the first thing it should do is aim for an override. As

the Hill points out, Democrats are likely to lose the huge majorities who supported the bill last month. But if they can credibly show that they might be able to override Bush's veto, things would get interesting.

See, I believe that Bush has now placed Democrats in the position he has tried to place himself in with his threat to veto all the appropriations bills. That is, if Bush vetos the appropriations bills, then that'll put the Democrats in a position where they need to negotiate quickly, or risk shutting down the government (Kagro X laid this all out in a couple of posts last September, but I can't seem to find them right away).

The position Democrats are in now is similar: They can do a whip count, and if they've proven they have the votes, then can threaten to simply override the veto and negotiate from there.

Or, more tantalizingly, they can re-open the whole Defense Appropriations bill. All of it.

Whereas, in December, they were in the position that required compromise (well, that's what my Senator, Carl Levin keeps claiming, much to my dismay). But now that Bush is responsible for the delay—and particularly the delay of the pay raise to the military—that gives the Democrats a bit more leeway to force Bush to negotiate. Furthermore, this whole fight is going to happen in a post-Iowa Caucus environment, in which turnout in a critical swing state is projected to massively favor Democrats.

> Recent polls have shown the percentage of Iowa independents planning to participate in the Democratic caucuses is far higher than those who say they will caucus for Republicans. Turnout for the Democrats is projected to be higher than Republicans, perhaps double.

While the media doesn't seem to be talking about the implications of that, yet, I imagine any self-respecting Republican with long-term career

goals might get the hint offered by two-to-one turnout for Democrats in Iowa. That is, Republicans may face a bigger blowout loss than they did in 2006, even in spite of all the Democrats' blathering. Such a turnout may, finally, change the atmosphere in DC.

Of course, all this assumes that Nancy may suddenly decide to play hardball after a year of slow pitch floaters (and that folks like my Senator would stop dropping fly balls in the outfield). All of this assumes that Nancy will take this opportunity to turn tables on Bush. Needless to say, I've been disappointed with those slow pitch floaters before.

But the possibility to turn this ridiculous pocket veto claim (again, make sure to read PW's link) into a real position of strength is quite tantalizing.