

Bush administration stonewalls on energy task force documents

Alden Long, Patrick Martin
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The Bush administration continues to rebuff demands by the General Accounting Office—an arm of Congress headed by a Republican—for documents about the formulation of the energy plan that was announced last May. Vice President Richard Cheney headed the task force and consulted closely with the oil, coal and nuclear power industries that are the main beneficiaries of the plan.

The GAO escalated its effort to obtain documents by sending a demand letter to the president on August 18, an action which the agency has been compelled to take only five times in the past 20 years. The move came after Cheney flatly rejected a similar demand letter a month earlier, the first time such a request had ever been submitted to a vice president.

In his letter to Bush, Comptroller-General David Walker, a Republican selected by then-Senate Majority Leader Trent Lott, declared that the GAO “has ample authority to conduct this review,” and may go to court to get the documents if they are not provided within 20 days. The agency dropped its demand for Cheney’s personal schedule during the energy task force deliberations, but it seeks a list of those who attended the energy group’s meetings, who was hired and who was consulted.

A front-page article published by the *Los Angeles Times* August 26 gives a glimpse of the kind of information that the Bush administration is trying to conceal. The *Times* reports that many of the oil and nuclear power executives who attended the meetings of the energy task force “were generous donors to the Republican Party, and some of their key lobbyists were freshly hired from the Bush presidential campaign.” Among the companies involved was Halliburton, the oilfield services firm that Cheney headed from 1995 to 2000, and several electricity generating companies whose chief lobbyist is former Republican National Committee chairman Haley Barbour.

One extraordinary conflict of interest—rather blatant even for an administration notoriously subservient to the energy industry—is the role of Peabody Energy. According to the *Times* account, the final report of the energy task force, issued May 17, “called for additional coal production, and five days later the world’s largest coal company, Peabody Energy, issued a public stock offering, raising about \$60 million more than expected... While Peabody was preparing to go public, its chief executive and vice president participated in a March 1 meeting with Cheney.”

While Cheney has claimed that he is defending the principle of confidentiality in relation to advice given to the executive branch, he showed no such concern in the handful of meetings which he and his aides held with environmental groups and advocates of geothermal and solar power. These were well-publicized affairs to which the

media was invited. It was the consultations with oil, coal and electricity bosses—who stand to profit enormously from the administration’s energy plan—that were kept secret.

The two Democratic congressmen who triggered the GAO request for documents, John Dingell of Michigan and Henry Waxman of California, sent a letter to Cheney August 29, citing the news report, saying that it implied that “special interests not only received unique access to the energy task force, they also wielded extraordinary influence in shaping the final energy policy.”

If the White House refuses to comply with the GAO request, as expected, the next step for the agency would be to seek a federal court order. The Bush administration can block such a request by certifying that the documents sought are “part of the executive branch’s deliberative process” and that releasing them would “impair the government from functioning.”

In that event the issue would be dead unless the Republican-controlled House or the Democratic-controlled Senate issues a subpoena for the documents. The House is clearly unlikely to act—only House Democrats have pushed the issue—while Senate Democrats have shown no enthusiasm for a conflict with the White House that could escalate to a constitutional showdown in federal court.

The energy task force was run by two former aides of Frank Murkowski, Alaskan Republican Senator, the ranking Republican on Senate Energy Committee and a strong supporter of drilling for oil in the Arctic National Wildlife Refuge. During a three-month period, the task force met with more than 400 people from over 150 groups, mostly representing energy corporations, and their lobbyists.

Cheney has ordered all records, minutes, and transcripts of the task force to be kept secret, including the names and attendees at meetings and what company or organization they represent. The GAO is also seeking the names of the people whom Cheney met with personally, what was discussed and the background of the task force’s staff members.

Cheney rebuffed the GAO’s previous request for information in June when his attorney claimed Constitutional privilege and said the GAO lacked jurisdiction to make such an inquiry. In rejecting the July 18 demand letter, Cheney wrote a formal reply to the House and Senate, informing both bodies “of certain actions undertaken by an agent of the Congress, Comptroller General David M. Walker, which exceed his lawful authority and which, if given effect, would unconstitutionally interfere with the functioning of the executive branch.”

While the identities of the individuals who contributed to the report are still secret, the corporate interests they served are obvious. At the heart of the energy plan is the deregulation of the US energy markets

that will benefit the giant energy monopolies like Exxon-Mobil and various middlemen. The losers in these plans are working people who will pay the costs in many ways, as the debacle in California is revealing.

The report made over 100 recommendations for national lawmakers, regulatory agencies, and foreign and military policy. Among them were: drilling for oil and gas in the Arctic National Wildlife Refuge and other national preserves; reviving nuclear power generation; weakening environmental and pollution laws and regulations to stimulate energy production, along with deregulating energy production with no supply mandates or price controls to protect consumers.

Many of the Task Force's recommendations were contained or incorporated into the comprehensive energy bill that was passed last month by the House of Representatives in a 240-189 vote. The House bill suggests that the energy industries were even more successful lobbying congressmen than they were in lobbying Cheney, since the tax breaks for big corporations are tripled from the initial Bush plan, coming to \$33.5 billion over the next 10 years for the oil, coal, and nuclear industries.

Cheney and the Bush administration are stonewalling on this issue to conceal the extraordinary extent to which corporate power and money dominate this government. The degree of corporate control can be seen in two incidents relating to the energy task force. The first is the menacing revival of the nuclear power industry. The second is the role played by the Enron Corporation, a very powerful player in the buying and reselling of energy.

The *New York Times* reported that the nuclear power industry felt it was being shut out of the national energy policy discussions. Therefore, in mid-March, the industry sent a delegation of seven nuclear power executives for a one-hour meeting with Karl Rove, Bush's chief political advisor. Top economic adviser Lawrence Lindsey and Andrew Lundquist, executive director of Cheney's task force, were also present at the meeting. The nuclear power executives were told that the Vice President was absent because he was conferring with legislators on Capitol Hill who were supporters of nuclear power.

The nuclear power industry in the United States has been in decline for over twenty years. The last nuclear power plant to be brought on line was in 1973. Since then a large number of operating plants were closed down. One hundred and three nuclear power plants still operate in the US today. The near catastrophe at the Three Mile Island nuclear power plant in 1979 has not been forgotten, and the number one corporate producer and maintainer of nuclear power plants, Westinghouse Electric Company, has been broken up and no longer exists. Moreover, no safe means has ever been found to dispose of spent nuclear fuel.

Despite this record, on the day after the energy plan was released Cheney was extolling the virtues of nuclear power in a CNBC television interview. In addition, Cheney spoke at the Nuclear Energy Institute and told the gathering that the administration was in favor of expediting the certification of new nuclear plant construction and renewing the Price-Anderson Act to limit the liability of plant operators in case of nuclear catastrophes.

Christian Poindexter, one of the leaders of the nuclear power executives delegation reacted to what has happened saying, "In my wildest dreams, when I was over at the White House in March, I couldn't imagine them getting so behind us."

An even more egregious manifestation of corporate influence

involves Enron Corporation and its Chairman Kenneth Lay. Once a medium-sized pipeline company, Enron has vaulted into the top ranks of corporate America through huge profits as the nation's leading speculator in gas and electricity supplies. It specializes in manipulating the natural gas and electricity markets so as to sell supplies during price spikes caused by weather fluctuations—and by some accounts, deliberately rigged shortages of supply.

Enron is the largest corporate donor to the political career of President George W. Bush, and gave more to the Republican Party in 2000 than any other energy company. Enron, along with Cheney when he was CEO of Halliburton, built the Enron field Baseball Park for the Houston Astros, and Kenneth Lay was the chief fundraiser for the Bush inaugural.

Cheney broke his vow of silence in relation to the energy task force deliberations on only one occasion—to single out Lay for special mention as one of those he consulted, and to note that the Enron boss has a "unique" understanding of the issues.

There is considerable irony in Cheney's adamant defense of what has been called, in other contexts, "executive privilege." In 1993-94, the Clinton administration attempted to keep secret the records and minutes of the health care task force chaired by Hillary Rodham Clinton, citing the right of confidentiality. Republican congressmen and senators demanded full disclosure, claiming a cover-up, and eventually induced a Republican federal judge to order release of the documents.

The campaign against the secrecy of the health care task force contributed to its political defeat in Congress. But the overriding purpose was to find a legal weapon for the right-wing campaign to destabilize the Clinton administration. Once the documents were released and proved to be useless for that purpose, the issue was dropped.

In 1998 special prosecutor Kenneth Starr went to the Supreme Court against another claim of executive privilege, seeking the notes of Clinton's own lawyers from meetings discussing Whitewater and other Starr investigations. The Republican-controlled court ordered the notes turned over, but again, when they did not provide the hoped-for "smoking gun," Starr and his media acolytes dropped the subject unceremoniously.

Now the Bush administration has rediscovered the need for privacy in executive branch discussions which it claimed, during the anti-Clinton campaign, to be a pretext for covering up criminal activity in the White House.



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