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Dorgan Is Retiring but Not Relenting

By **DAVID HERSZENHORN**

Never underestimate a retiring senator with nothing to lose.

Senator Byron L. Dorgan, Democrat of North Dakota, is serving his last year in office. Mr. Dorgan chose not to run for re-election after concluding that he would lose in November, especially once it became clear his state's wildly popular Republican governor, John Hoeven, was going to run.

Now, Mr. Dorgan – a crusader for progressive causes – has the luxury of not worrying about poll numbers, or about infuriating his own colleagues in the Democratic Party, let alone those across the aisle.

Mr. Dorgan made clear on Tuesday that he was prepared to do just that as he fought fiercely to win a vote on an amendment to major financial regulatory legislation that would outlaw so-called naked credit default swaps, in which investors essentially purchase insurance on bonds that they do not own.

The Senate largely operates by the unanimous consent of all 100 members, typically secured through agreements between the majority leader, Harry Reid of Nevada, and the Republican leader, Mitch McConnell of Kentucky.

And there has been no agreement to include Mr. Dorgan's proposal on the list of pending amendments.

In a floor speech on Tuesday, Mr. Dorgan lashed out at both parties. "Those of us who have amendments that are a little more difficult, perhaps are a little more aggressive in trying to fix those things, shut the door on the kind of practice that caused a near collapse of the American economy, if our amendments are inconvenient to someone, we're told 'Well, you're not going to have an opportunity to do this. We'll pick other amendments that we think are fine, amendments that don't have quite as much bark or bite to them'."

Mr. Dorgan then made clear that he would object to other amendments being brought forward to consideration, essentially stalling work on the regulatory bill. Senator Christopher J. Dodd, Democrat of Connecticut and the main author of the legislation, urged Mr. Dorgan to relent.

"If we stop everything from moving until this matter gets resolved, it deprives others from having a chance to have an amendment considered," Mr. Dodd said, adding, "My colleague has a right to object. If he decides to do so, I just explain what the consequences are of that."

But Mr. Dorgan noted that there are trillions of dollars in outstanding naked credit default swaps, which he described as essentially pure gambling that puts the broader financial system at risk.

"It's just a flat-out bet," he said. "It's not an investment. It's just a bet." Mr. Dorgan added, "There's about \$10.9 trillion in credit default swaps held by commercial banks. Those are institutions, by the way, whose deposits are insured by us, by the American taxpayer."

Mr. Dorgan continued, "It ought to be a no-brainer. It's not a no-brainer in this chamber, apparently. A naked C.D.S. purchase means that you take out insurance on bonds without actually owning them. It's a purely speculative gamble. There's not one social or economic benefit. Now my amendment is trying to shut this down. But I'm being blocked by those who don't want us to get tough on Wall Street."

Late Wednesday afternoon, Mr. Dorgan succeeded in getting his proposal on the floor, as an amendment to another pending amendment. But it was unclear when the Senate would vote on it.

