

Hastert defies White House on intel bill

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WASHINGTON, Oct. 5 (UPI) -- The House GOP leadership said Tuesday it stood behind its Sept. 11 reform bill and would bring the measure to the floor largely unchanged, despite concerns that some controversial provisions might hold up the legislation or derail it entirely.

"We stand by what we've put in this bill. We think it's logical, we think it's right minded, we think it protects the American people," the bill's sponsor, House Speaker Dennis Hastert, R-Ill., said at a Capitol Hill press conference Tuesday.

Both the House bill and the Senate version, which is being debated this week, attempt to give legislative shape to the 41 recommendations of the Sept. 11 Commission, which suggested radical changes to the policies and structure of the U.S. government, in particular its 15 intelligence agencies.

Critics of the House bill said that it included too many controversial provisions not recommended by the commission; others argue that the Senate legislation, which focused mainly on intelligence reform, was too narrow and ignores or finesses some potentially controversial issues, such as federal standards for identity documents like driver's licenses, new powers to surveil and deport foreigners, and stricter controls over people entering and leaving the country.

Democrats attempted to amend the House bill during a series of markups last week in order to bring it more into line with the Senate version, which enjoys broad bipartisan support in the upper house. Democrats said this would make the conference -- at which the two bills are reconciled -- smoother and will eliminate the risk that disagreements might delay a final vote, perhaps beyond the election.

House Republicans argue that this was abrogating their chamber's legislative duty and defeated most of the amendments on party-line votes.

"If Democrats want to change any provisions," House Majority Leader Tom DeLay, R-Texas, said Tuesday, "they have to show us how it will make us safer."

DeLay and Hastert spoke as the White House and other senior GOP leaders moved to distance themselves from a provision in the bill that would legalize a process known as extraordinary rendition: the removal by U.S. authorities of non-citizens to other countries -- including those such as Jordan, Egypt and Saudi Arabia that routinely practice torture.

At present, the procedure is carried out in a covert, extra-legal fashion by CIA operatives in chartered Gulfstream jets, according to numerous well-sourced media reports. While its use against people in other countries may be a legal gray area, U.S. law explicitly prohibits the deportation or removal of people from the United States to countries without a functioning government, or where there is a reasonable expectation they might be tortured.

A dozen human-rights groups have denounced the provision of the House bill, which they say -- in a letter distributed to all members of the House -- would "authorize the outsourcing of torture to brutal dictatorships."

"That would be an example -- and a message -- that our enemies will follow and cite with relish," added Elisa Massimino, Washington director of Human Rights First.

Critics also point out that the provision appeared at odds with the Sept. 11 Commission's final report, which called on the United States to "offer an example of moral leadership in the world, committed to treat people humanely, abide by the law, and be generous and caring to neighbors."

They also note that removing or deporting people to a country where they might be tortured would be a breach of U.S. obligations under international law.

These objections did not seem to affect the feelings of a group of relatives of Sept. 11, 2001, victims, who appeared at Hastert's press conference Tuesday to express their support for his bill -- including the provisions that strip safeguards from undocumented foreigners, including asylum seekers; make it harder for non-citizens to get driver's licenses; and expand Patriot Act-type powers for secret searches and warrantless wiretaps.

Peter Gadiel, of Sept. 11 Families for a Secure America, said the Senate bill was fatally flawed, focusing as it does on intelligence reform.

"What the Senate has proposed is like building a fort and leaving half the walls out," he said, "keeping terrorists out" of the United States was the most important reform of all.

In an interview with United Press International, Gadiel said "I don't give a damn" about terror suspects who might be deported to be tortured.

"We're talking about people who tried to murder masses of people," he said. "If they get sent back to a place that's a little unpleasant -- too bad. They shouldn't be in the mass murder business."

Tuesday, White House Counsel Alberto Gonzales moved to distance President Bush from the provision. In a letter to the Washington Post Gonzales wrote, "The president did not propose and does not support this provision. He has made it clear that the United States ... remains committed to complying with its obligations under the Convention Against Torture..."

Rep. Ed Markey, D-Mass, the most outspoken congressional critic of the provision, noted that the president had also opposed allowing the assault weapons ban to lapse, but had said he was powerless in the face of the House GOP.

"Hypocrisy is the tribute that vice pays to virtue," he said, "the president knows he has to oppose this, but the hypocrisy quotient in the White House is at an all time high."

But opposition to the provision appeared to be building Tuesday even in the House GOP.

House International Relations Committee Chairman Henry Hyde, R-Ill., said the rendition provision "would, if implemented violate U.S. obligations under two international treaties, undermine our strong opposition to torture and -- among other things -- would put our men and women in uniform at risk," because of the well-established tradition of reciprocity.

Hyde put forward an amendment striking the provision, saying the concerns about it were "shared by many on both sides of the aisle.

"This will be one of the most controversial debates on the floor," he predicted.

But what is not in the bill bothers its critics as much, if not more, than what the bill contains.

The powerful House Rules Committee, which was considering the bill Tuesday -- in an emergency session not expected to end until late in the night -- had already on Monday removed three amendments passed on bi-partisan votes by the intelligence committee, said Rep. Pete Hoekstra, R-Mich., the intelligence panel's new chairman.

The Rules Committee decides the shape of the final bill to go to the floor.

The Hoekstra amendments would have given the intelligence director additional budget reprogramming authority; established a civil liberties board to oversee the work of the intelligence community; and struck out a provision giving the president wide-ranging authority to re-organize the intelligence agencies.

This last provision, inserted at the behest of the House Government Reform Committee, allows the president to present any kind of changes he deems appropriate to the Congress for a simple yes or no vote -- with no amendments allowed. Hoekstra said that was an abdication of lawmakers' legislative duties.

"I'm not in favor of doing this whole (intelligence reform) process, then telling the president he can come back to us with a totally different plan for an up or down vote," he said.

"(Rep.) Jane Harman (D-Calif., the ranking Democrat on the intelligence committee) and I and our staffs spent a lot of time talking through the mark-up, discussing what amendments were going to come up and how they would be worded," Hoekstra told UPI after the mark-ups.

However, after discovering that those amendments had been unceremoniously stripped from the bill, Harman appeared to doubt that the time was well spent.

"Across the board, all the efforts we made to improve the bill came to absolutely zip," a frustrated Harman told the hearing, adding that it would be "a waste of time" to ask the committee -- which also decides which amendments can be brought to the floor -- to allow the committee's "carefully crafted" amendments to go forward.

She accused Rules Committee Republicans of "playing partisan games again."

"We now have to work out how we can get those amendments considered," said Hoekstra later, pointing out that they could be brought to the House floor or re-inserted during the House-Senate conference.

Democrats planned to ask for a single amendment to be presented -- one that would replace the text of the House bill with that of its Senate counterpart, according to Brendan Daly, the spokesman for Minority Leader Rep. Nancy Pelosi, D-Calif.

"It's a battle-tested product," said Harman of the Senate bill, adding that if both chambers passed the same bill, a conference could be avoided "and we could have a bill on the president's desk before the election."

But some Democrats were skeptical they would be allowed to offer even a single amendment.

"In my experience in the House," one Democratic lawmaker told UPI on condition of anonymity, "Rules rules, and whatever the leadership wants, the leadership gets."

The lawmaker, who was involved in the mark-up process last week, said that both Hoekstra, and Rep. Tom Davis, R-Va., chairman of the government reform committee would like to have been more flexible.

"Both Davis and Hoekstra wanted to do the right thing, but they had to go with the bill the leadership rolled out."

Hoekstra acknowledged that the outlines of the bill, especially the key and controversial matter of the powers of the new intelligence director, had been worked out beforehand, and there was pressure to stick to the deal.

"We pre-conferenced it before we rolled it out and sent it to the committees," he said of the bill, adding that he had reached an agreement with Armed Service Committee Chairman Rep. Duncan Hunter, R-Calif., and Appropriations chief Rep. Bill Young, R-Fla.

"We fought hard for the words (about the intelligence director) we got into the House bill. It was constructive, but it was hard."

"The whole thing might have unraveled" if each committee had marked up the bill in the way it chose, he said.

In the end, he concluded, the much ballyhooed differences with the Senate bill were overblown.

"I'm a little frustrated with the folks on the Sept. 11 Commission" who had stressed their support for the Senate version over the House. "They've made it sound like there's a massive difference ... But they're creating a difference that really doesn't exist."

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