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## Republican Defiance on Intelligence Bill Is Surprising. Or Is It?

By SHERYL GAY STOLBERG

ASHINGTON, Nov. 21 - In the afterglow of his re-election, President Bush declared that he had "earned capital in the campaign, political capital, and now I intend to spend it." But the capital that he put on the line was not enough this weekend, when recalcitrant House conservatives refused to back an intelligence bill for which he had personally lobbied.

The compromise bill unraveled when two influential Republican House committee chairmen, Representatives Duncan Hunter of California and F. James Sensenbrenner Jr. of Wisconsin, would not support it. At a time when Republicans control the White House and both houses of Congress, the outcome raises questions about how much power the president has on Capitol Hill and how he intends to exert it in a second term.

Did Mr. Bush and Vice President Dick Cheney, who called both chairmen in an attempt to turn them around, press as hard for the measure as they led the public to believe? Or are Mr. Hunter and Mr. Sensenbrenner so powerful that they can embarrass Speaker J. Dennis Hastert of Illinois - who negotiated the bill, then declined to bring it up for a vote when the chairmen balked - and thwart the will of the president?

"I don't think it was only House Republicans," Senator Pat Roberts, the Kansas Republican who heads the Intelligence Committee, told Fox News on Sunday. Mr. Roberts added: "There's been a lot of opposition to this from the first. Some of it is turf, you know, quite frankly. Some of it is from the Pentagon. Some of it, quite frankly, is from the White House, despite what the president has said."

Mr. Bush, speaking at a news conference in Chile, said he was disappointed that the bill did not pass, adding, "When I get home, I look forward to getting it done."

Members of both parties, and independent analysts, said Sunday that they had no doubt Congress would have passed the measure had President Bush flexed his muscle, as he did last year for Medicare prescription drug legislation that passed by a narrow margin over conservatives' objections. The intelligence bill had bipartisan support in the Senate.

In the House, the leadership probably could have cobbled together a coalition of Democrats and Republicans to muster the 218 votes necessary for passage.

"I am convinced that had the speaker brought the bill to the floor, it would have passed," Senator Susan Collins, Republican of Maine and chief author of the measure, said in an interview on Sunday. "That's what's so frustrating. Here we have a bill that's been endorsed by the White House, by the 9/11 commission, by the 9/11 family groups, by the speaker of the House, and we can't get a vote."

But Mr. Hastert did not want to split his caucus and did not want the bill to pass with less than "a majority of the majority," said his spokesman, John Feehery. "What good is it to pass something," Mr. Feehery said, "where most of our members don't like it?"

Some say there was no political impetus to pass the bill after the election because lawmakers did not hear complaints about it from their constituents as they did in 2002 when Congress failed to pass a measure creating the Department of Homeland Security.

At the same time, the bill came under criticism from Pentagon officials, including Secretary of Defense Donald H. Rumsfeld, whose spokesman said Sunday that he did not work against the bill, and Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, who wrote a letter to House Republican leaders contradicting the White House's stance on the bill. Mr. Rumsfeld, however, was widely reported to have criticized the idea of a national intelligence director during a classified briefing in September.

On Sunday, some Democrats wondered aloud if the Pentagon's back-channel lobbying had the tacit approval of the president.

"I find it very hard to believe that the chairman of the Joint Chiefs of Staff and the secretary of defense would do all of that in contravention of the commander in chief's wishes," said one House negotiator, Representative Robert Menendez, Democrat of New Jersey, in an interview on Sunday. Mr. Bush, Mr. Menendez said, "has the dirty work being done by the Pentagon people, using Duncan Hunter."

The Pentagon criticism led Mr. Hunter, chairman of the House Armed Services Committee, to complain that the bill would endanger troops in Iraq. Mr. Sensenbrenner, chairman of the Judiciary Committee, was demanding immigration-related provisions that were strongly favored by conservatives. When House Republicans lined up behind the chairmen at a caucus meeting on Saturday afternoon, Mr. Hastert pulled the plug on the bill.

Mr. Feehery characterized it as an act of political courage, but critics said it was a signal that Mr. Hastert could not control his own caucus.

"The problem was that some members of the House Republican majority dug in, they never wanted a bill, they never will want a bill, and it was unfortunate that Speaker Hastert couldn't go around them," Representative Jane Harman of California, the senior

Democrat on the House Intelligence Committee, said Sunday on Fox News.

Norman Ornstein, a resident scholar at the American Enterprise Institute, said it was clear that Mr. Bush did not want to take on the conservatives.

"He clearly decided to use enough of his clout to make sure that they got a bill together," Mr. Ornstein said. "But in the end, when it was a game of chicken between some of these powerful chairs and the conservatives on one side, and the president and the speaker on the other side, the president basically decided to blink."

At the same time, Representative Tom DeLay, the House majority leader, who spent last week immersed in an ethics controversy, was uncharacteristically quiet about the bill. A spokesman for Mr. DeLay, Stuart Roy, said the leader "supported the speaker in his attempts to make America safer from terrorism."

And one person who attended the House caucus meeting on Saturday said Mr. DeLay spoke up for the bill, saying he thought Republicans should go ahead with it.

Had Mr. DeLay made a more powerful push, he might have been able to turn Mr. Sensenbrenner and Mr. Hunter around. But after Republican victories in Congressional races, Mr. Sensenbrenner said, committee chairmen are now more willing to take on their leaders. "We've got the expertise on these issues," he said.

On Sunday, lawmakers remained hopeful that the impasse could be resolved. Speaker Hastert and Senator Bill Frist, Republican of Tennessee, the majority leader, decided against formal adjournment, to leave open the possibility that lawmakers could return in early December and pass the intelligence measure.

The White House press secretary, Scott McClellan, said Sunday that the bill "remains a high priority for the president."

The question now is whether Mr. Bush will spend some of his hard-earned political capital. "For us to do the bill in early December, it will take significant involvement by the president and the vice president," Dr. Frist said on the CBS program "Face the Nation." "It will take real focus on their part."