Lawmakers Debate New Limits on Spying

Members of both parties say Congress should have a larger part in deciding how domestic surveillance is run.

By Paul Richter, Times Staff Writer

WASHINGTON —Lawmakers of both parties Sunday called for Congress to consider whether new restrictions were needed on government surveillance in suspected terrorism cases involving people in the United States.

Congress is deeply divided on whether the Bush administration acted illegally in carrying out warrantless eavesdropping on communications in hopes of detecting terrorist plots.

But in interviews in advance of Senate hearings next month on the issue, several influential lawmakers said Congress should play a larger role in determining how the surveillance should be run.

"I know of no member of Congress, frankly, who if the administration came and said, "Here's why we need this capability," that they wouldn't get it," Sen. John McCain (R-Ariz.), who has questioned the legality of the eavesdropping, told "Fox News Sunday."

"Let's have the administration come to Congress. I think they will get that authority, whatever is reasonable and needed, and increased abilities to monitor communications are clearly in order."

Sen. Richard J. Durbin of Illinois, the Senate's No. 2 Democrat, said that approaching Congress was "exactly the way [President Bush] should have handled it long ago."

"If the president came to us and said there are changes in technology, changes in the threat to America, we need to change and modify the law, you bet he would have a Congress ready to work with him," Durbin said on "Fox News Sunday."

On ABC's "This Week," Sen. John F. Kerry (D-Mass.) attacked Karl Rove, Bush's top political advisor, for his remarks to Republican activists last week, in which Rove said "some important Democrats clearly disagree" with the administration's belief that "it is in our national security interest" to know if terrorism suspects are communicating with people in the United States.

"What [Rove is] trying to pretend is somehow Democrats don't want to eavesdrop appropriately to protect the country. That's a lie," Kerry said. "We're prepared to eavesdrop wherever and whenever necessary in order to make America safer."

If the administration has determined that the current setup is unworkable, Kerry said, "then come to us and tell us how you can do it…. There is a way to protect the Constitution and not go off on your own and violate it."

Rep. Jane Harman of Venice, the ranking Democrat on the House Permanent Select Committee on Intelligence, said she believed the administration had broken the law by failing to fully brief the intelligence committees on the program.

"Congress should decide whether [the law] is being violated in any way by this program," she said on "This Week."

But Rep. Peter Hoekstra (R-Mich.), chairman of the House intelligence committee, said on the same program that he had been invited in the past to ask questions about the program and to consider whether it was legal.

"The problem we have right now is that we have a whole bunch of Democrats who were for this program before they were against it," Hoekstra said. "And the only thing that has changed is that the story was illegally, in a damaging way, leaked to the New York Times," which first reported the surveillance last month.

White House Press Secretary Scott McClellan issued a written response to lawmakers' comments on the talk shows.

"Senate Democrats continue to engage in misleading and outlandish charges about this vital tool that helps us do exactly what the 9/11 commission said we needed to do — connect the dots," McClellan said.