House Defies Bush on Wiretaps

Expiring Law's Fate Is at Issue

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The House of Representatives defied the White House yesterday by refusing to make an expiring surveillance law permanent, prompting a harsh exchange between Republicans and Democrats as they prepared for an extended, election-year battle over national security.

The episode was a rare uprising by Democrats against the White House on a terrorism issue, and it inspired caterwauling on both sides about the dire ramifications of the standoff.

Republicans said Democrats were putting the nation at risk, while President Bush offered to delay his scheduled departure for Africa today to reach a deal. Democrats responded with charges of administration recklessness and fearmongering.

The conflict erupted on the same day that House Democrats approved contempt citations against White House Chief of Staff Joshua B. Bolten and former White House counsel Harriet E. Miers over their refusal to cooperate with an investigation into the mass firings of U.S. attorneys.

That vote -- resulting in the first citations ever issued against White House officials -- infuriated the Bush administration and helped torpedo a short-lived political truce with Democrats, who had celebrated the signing of a bipartisan economic stimulus package on Wednesday. Republicans staged a walkout before the vote.

The surveillance dispute centers on the Protect America Act, a temporary law approved over Democratic misgivings last August. It expanded the powers of the government to monitor the communications of foreign suspects without warrants, including international phone calls and e-mails passing through or into the United States. It is set to expire at the end of the day tomorrow.

The Bush administration wants to make the law permanent, while adding legal immunity for telecommunication companies that were sued for invasions of privacy after helping U.S. intelligence agencies conduct warrantless wiretapping. The Senate has approved a bill backed by the White House, but the House has balked at the immunity provision and raised other objections because of civil-liberties
concerns.

Without the law, administration officials said yesterday in interviews and statements, the monitoring of terrorist groups overseas will be severely hampered. Telecom firms may also become reluctant to help the National Security Agency and other U.S. intelligence agencies conduct surveillance, officials said.

"If Congress does not act by that time, our ability to find out who the terrorists are talking to, what they are saying, and what they are planning will be compromised," Bush said in a hastily arranged news appearance on the South Lawn of the White House. He said that intelligence officials were "waiting to see" if Congress would "tie their hands."

Democrats immediately said that the expiration of the temporary law would have little, if any, immediate impact on intelligence gathering. "He has nothing to offer but fear," House Speaker Nancy Pelosi (D-Calif.) told reporters after Bush's address.

"I regret your reckless attempt to manufacture a crisis over the reauthorization of foreign surveillance laws," Senate Majority Leader Harry M. Reid (D-Nev.) said in a letter to Bush, in defense of his colleagues in the House. "Instead of needlessly frightening the country, you should work with Congress in a calm, constructive way."

The acrimony reflects the long-simmering anger among some Democratic lawmakers and their liberal allies over their inability to thwart Bush on Iraq policy and terrorism issues since the Democrats took control of Congress last year after the 2006 elections. It also indicates a new willingness to risk election-year attacks by Republicans who say that Democrats are unfit to protect the country.

Rep. Eric Cantor (R-Va.) said the Democrats will pay a political price for leaving a national security issue unfinished and recessing for a break. "They're just playing with fire on this," he said.

The secret court directives issued under the Protect America Act are valid for a year, meaning that all will remain in effect until at least August, intelligence officials said. The underlying law that has governed covert spying for 30 years, the Foreign Intelligence Surveillance Act, will also remain in effect.

In addition, the chairman of the House intelligence committee, Rep. Sylvestre Reyes (D-Tex.), said in a letter to Bush yesterday that existing surveillance orders "may cover every terrorist group without limitation," and that new groups, telephone numbers and e-mails can be added to those orders regardless of whether the temporary law expires.

"If our nation is left vulnerable in the coming months, it will not be because we don't have enough domestic spying powers," Reyes wrote. "It will be because your Administration has not done enough to defeat terrorist organizations -- including al-Qaeda -- that have gained strength since 9/11."

Bush has used the veto pen to block repeated Democratic efforts to put restrictions on war funding and has won most of the tools he considers necessary to wage the fight against terrorists despite criticism from civil libertarians. Bush also threatened a veto during the surveillance bill dispute, saying he would reject any legislation that reached his desk without retroactive immunity for the telecom firms.

Several Democrats said yesterday that many in their party wish to take a more measured approach to terrorism issues, and they refused to be stampeded by Bush. "We have seen what happens when the
president uses fearmongering to stampede Congress into making bad decisions," said Rep. Chris Van Hollen (D-Md.). "That's why we went to war in Iraq."

White House officials and their allies were angry that the Democrats did not "blink," as one outside adviser said. The decision to defy the White House came in the form of a weeklong adjournment of the House yesterday afternoon.

Pelosi said she instructed committee chairmen to begin talks with their Democratic counterparts in the Senate, who this week supported the administration's position on the surveillance bill, suggesting that a compromise might be possible in the coming weeks.

The move prompted House Minority Leader John A. Boehner (R-Ohio) to stage a walkout with scores of other GOP lawmakers just before Democrats voted to cite the two Bush aides for contempt of Congress.

"We have space on the calendar today for a politically charged fishing expedition, but no space for a bill that would protect the American people from terrorists who want to kill us," Boehner said. He then told his colleagues: "Let's just get up and leave."

In a conference call with reporters yesterday, Kenneth L. Wainstein, head of the Justice Department's national security division, said that the Protect America Act had enabled surveillance agencies to fill "the intelligence gaps that were so troubling to us." Expiration of the law, he said, would force the Justice Department to seek new surveillance approval, requiring more paperwork and time, if the telecommunication provider of a new terrorism suspect is not covered under existing directives.

Ben Powell, general counsel for the Office of the Director of National Intelligence, said on the same call that the government had "obtained significant information" about terrorists using its expanded powers, allowing it to disrupt "planned terrorist attacks" and to gain intelligence about a potential suicide bomber. He did not provide details.

*Staff writer Paul Kane contributed to this report.*