

Insane Rush To Push Intelligence Bills Through Congress

by Edward Spannaus

Congressional Republicans and some Democrats are trying to rush an intelligence reorganization bill through Congress before the Nov. 2 elections, which will not only make the problem of politicizing intelligence much worse, but will also result in serious infringements on civil rights and liberties.

When the Senate passed its version of the intelligence bill on Oct. 6 by a 96-2 vote, Sen. Robert Byrd (D-W.Va.) compared this to the manner in which a cowed Senate earlier passed both the Iraq war resolution, and the Homeland Security bill. "Like a whipped dog fearing its master, the Senate obediently complied with the demands of the White House," Byrd said, reminding this colleagues that the Homeland Security Department has turned out to be a disaster, and that the Administration's argument on Iraqi weapons of mass destruction "has disintegrated into a mess of lies and hot air."

The House bill was passed, 282-134, on the afternoon of Oct. 8, shortly before Congress went into recess. The apparent intention of the Republican leadership is to send the two bills into a House-Senate conference while the Congress is in recess, and then to recall Congress for one day to pass the final version, and then to have it signed by the President before Nov. 2. Anyone who votes against the bill will be smeared as "soft on terrorism," and threatened with getting the "Max Cleland treatment"—referring to the targetting and defeat of then-Senator Cleland (D-Ga.) by Karl Rove & Co. during the 2002 elections.

Outsourcing Torture

As bad as the Senate bill is, the House bill, introduced unilaterally by the Republican leadership on Sept. 24, is far worse, containing dangerous provisions which go far beyond what the 9-11 Commission recommended—some drawn from the Justice Department's infamous "Patriot II" draft legislation which was leaked and then shelved last year. What is still unclear, is whether House Speaker Dennis Hastert and Majority Leader Tom DeLay intend to try and force the Senate conferees to agree to their proposal, or whether they prefer to have their favorite provisions defeated, so they can attack and smear those responsible.

The most controversial provision in the House bill is the

one which would allow a suspect to be deported to another country which is known to use torture, in violation of U.S. treaty obligations—in what is called "extraordinary rendition." Other provisions, which have triggered widespread alarm, are the "lone wolf" provision, which would allow Federal authorities to open a foreign counterintelligence investigation of a terrorist suspect in the United States who is not linked to any foreign organization; and the provision for establishing a national database so that Federal, state, and local government agencies can more easily share information on citizens.

A statement issued by the Association of the Bar of the City of New York, said that the House bill "would limit judicial review, reduce due process protections and generally enhance the power of the Executive Branch without . . . appropriate checks and balances," and that many of the bill's provisions "would have only a remote connection to the war on terror and, in many cases, no connection at all."

Especially with respect to the "expedited removal" provisions of the bill, *habeas corpus* and judicial review are eliminated for many deportation cases, even tens of thousands of non-citizens who are integrated into American society and supporting legal resident families.

As an example of the hysteria being generated by Republican proponents of the House bill, consider the "Dear Colleague" letter being circulated by two subcommittee chairmen of the House Judiciary Committee, Reps. John Hostettler (R-Ind.) and Rep. Lamar Smith (R-Tex.). The letter to their House colleagues features the screaming headline, "DO YOU WANT ALIEN MURDERERS, CHILD MOLESTERS, AND TERRORISTS RELEASED INTO COMMUNITIES IN YOUR DISTRICT?" Hostettler and Smith are claiming that this is what will happen, if the Congress were to comply with the Convention Against Torture (which the United States has signed and ratified).

A transparent dog-and-pony show is being conducted around these police-state provisions. The White House planted a story in the *Washington Post* saying that it wanted those provisions taken out of the House bill, in the interests of getting the overall bill passed before the elections. White House Counsel Alberto Gonzales sent a letter to the *Washington Post*, saying that the Administration would never violate the Convention Against Torture, or deport a suspect to a country that tortures its prisoners. But the House Republican leadership has refused to remove these provisions from the bill, and a spokesman for Hastert told *Newsweek* that these provisions were requested by the Administration. One source told *EIR* that this smelled like a Karl Rove operation—a win-win situation for the White House.

Newsweek also quoted Hastert's spokesman as saying that the extradition-to-torture provision is the Administration's response to the June Supreme Court decision, that the Administration could not hold "enemy combatant" detainees without trials or access to the courts.