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TELEVISION PROGRAM TO "CBS NEWS' FACE THE NATION."*

CBS News

FACE THE NATION

Sunday, January 11, 2009

GUESTS: Mr. ROLAND BURRIS
Former Illinois Attorney General

Representative JOHN BOEHNER (R-OH)
Minority Leader

Senator DICK DURBIN (D-IL)
Majority Leader

MODERATOR/PANELIST: Mr. Bob Schieffer – CBS News

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BOB SCHIEFFER, host:

Today on FACE THE NATION, Roland Burris. Is he or isn't he the new senator from Illinois? We'll talk with him this morning. And we'll talk to Democratic Majority Whip Dick Durbin about whether or not Democrats will try to block Burris from taking Barack Obama's old Senate seat. First they said they would, then they said they wouldn't. What are they saying today? And will the controversy bog them down when the economic crisis demands the Senate's attention? We'll also get the Republican side of things from House Minority Leader John Boehner. Then I'll have a final word on the remembrance of inaugurations past.

But first, the Illinois Senate seat, on FACE THE NATION.

Announcer: FACE THE NATION, with CBS News chief Washington correspondent Bob Schieffer. And now from CBS News in Washington, Bob Schieffer.

SCHIEFFER: And good morning again. Joining us now from Chicago, Illinois' senior and for the moment only senator, who is also the number two Democrat in the Senate, the majority whip, Dick Durbin.

Senator, let's just start. First it looked like that the Senate was going to oppose the seating of Roland Burris, this person who has been appointed by the governor out there to fill Barack Obama's old Senate seat. Then last week it appeared that you might go ahead and let this go, that it was going to be more trouble and time than it was worth, and that he would be seated. Then the governor held a news conference on Friday, and you said the Senate was not going to seat him and deal with this immediately. What is the latest news?

Senator DICK DURBIN (Majority Whip): Well, you referred to this as a comic opera before. And I will tell you, if you don't pay close attention the plot changes. And late Friday the secretary of state of Illinois, who had withheld his signature from a key document that the Senate has required for 125 years, sent a new document to the Senate. It's now being evaluated by legal counsel. The bottom line is this, Bob: after the allegations and wiretaps of Rod Blagojevich, now our impeached governor in Illinois, the majority of certainly all of the Democratic senators said, 'We don't want anything to do with Rod Blagojevich's choices.' And then came his nomination of Roland Burris, and many members stepped back and said, 'Well, let's be fair to this man. He has been elected four times statewide in Illinois. Let's make sure we're fair to him as well.' And so we're trying, at the end of the day, to comply with Senate rules and make sure that any appointment coming from Blagojevich has gone through the appropriate screening and scrutiny.

SCHIEFFER: Well, has it? I mean, are you going to deal with this? Because apparently he's going to head here tomorrow. Are you going to allow him to be seated, or are you going to delay dealing with this until you find out--until you find out whether or not Blagojevich has actually been removed from office?

Sen. DURBIN: Well, you know, I can say this. I talked to Roland yesterday. He's been my friend for a long time. We've been on the Illinois political scene together. We have to look at the new documents that have been filed by the secretary of state--they are different than those filed earlier--and see if they comply with Senate rules. Then we're going to have to take a look at his testimony before the impeachment committee. It could take some period of time. But I want to do

this in a fair and quick way, so that Roland knows his fate. And I hope we can have--I can have another colleague in the Senate.

SCHIEFFER: Well, but what you're saying is you're not going to deal with this tomorrow, it sounds like...

Sen. DURBIN: Well...

SCHIEFFER: ...from what you're saying here.

Sen. DURBIN: ...I can't say for certain the timing on this. But when I talked to Senator Reid, we have a number of things scheduled this week, and I--of course, the Senate calendar's not easy to invade. We want to do this in the right way, when it's all done, no questions asked, that if it is Roland Burris we've done it in a proper way. And that's what I told him yesterday.

SCHIEFFER: Well, but what you seem to be saying is that you're playing for time here, Senator; that you're going to wait and see if in fact Blagojevich is actually removed. We're told that that could come within the next two weeks. So you're not going to deal with it immediately?

Sen. DURBIN: No, I can say just point-blank that is not the strategy. First, review the documents sent to us by the state of Illinois, then look at the testimony given and move in a fair way. To wait until Governor Blagojevich is removed could be a matter of weeks. I think Roland Burris' future and fate will be decided before then.

SCHIEFFER: You think it will be decided before then. But what--do you believe at this point that the Senate has the right to block him?

Sen. DURBIN: Of course it does. Under the Constitution and the rules of the Senate, we judge not only the qualifications of a person who comes to this Senate by appointment or election, but also whether the election or appointment process was appropriate. The Senate has that power to stand in judgment of its members. It's constitutional.

SCHIEFFER: Does it at this point have the political will to do that? Do you think that someone appointed by Governor Blagojevich should be seated in the United States Senate?

Sen. DURBIN: Well, I can tell you, I started off obviously skeptical, as all of the Democratic members did. But as time has gone on and we've looked closely, we want to be fair to Roland Burris. If he has the proper certification and papers, then we're going to take one look at the process and move forward from there. But I won't presume what the Senate is going to finally decide. I will just tell you we'll do it fairly and we'll do it on a timely basis.

SCHIEFFER: But you're saying at this point you don't know if he has the proper papers and certification?

Sen. DURBIN: I can tell you the papers he submitted are different than those that have been submitted by virtually every Senator appointed and elected in more than a century. But the question is whether they are adequate, whether or not they comply with the Senate rules, and that's being decided even as we speak.

SCHIEFFER: Let's talk about a couple of other things while you're here, Senator. Senator Obama, of course, is proposing an--a stimulus package of nearly \$800 billion. Already we're hearing Democrats say that that is not enough. Democrats don't like some of the things in it. Republicans like the tax cuts, some of them Democrats don't. Is this going to be enough? Can this thing, at this point, pass the Senate, do you think?

Sen. DURBIN: Well, let's put it in perspective. This is the worst economic situation I've seen in my lifetime. It's the worst economic crisis a new president will face in 75 years. Just looking at recent numbers released by our government, on average we lost 17,000 American jobs yesterday, 11,000 people lost their health insurance and 9,000 had their homes foreclosed. That's the average every single day in America, and that's the crisis that Barack Obama will inherit on January 20th. We need to move decisively. But as John Wooden, the old coach at UCLA used to say, "Be quick but don't hurry." Make certain that you're--this is timely, that it is focused on solving the problem, that it's an investment in America's future, but do it in a way so that you're responsible and transparent.

SCHIEFFER: All right, let me ask you...

Sen. DURBIN: And the American people know how it's being spent.

SCHIEFFER: Speaker Pelosi over in the House says one thing that she absolutely is going to insist on is that taxes on the wealthy be increased, that their taxes are not going to be cut, and she wants to do that by repealing the tax cuts that President Bush enacted. Is that also the sentiment in the Senate? Do they want those particular tax cuts repealed?

Sen. DURBIN: I haven't heard that in the Senate. I certainly agree with her goal. We may have a difference in timing. The Obama administration believes that increasing taxes on any Americans at this point may not be the right medicine. But keep in mind, Bob, this is a different process than we've seen for eight years. Barack Obama and his people have opened this up to the Senate and to the House, Democrats and Republicans, and said bring us your ideas. Let's sit down and try to put this package together. That's a much different approach than we've had in--over the last eight years. It's going to take some time, but we have to do it in a timely way.

SCHIEFFER: Well...

Sen. DURBIN: I hope by the recess in the middle of February.

SCHIEFFER: What--would--do you think there might be something where some--repealing those tax cuts might actually be delayed for a time?

Sen. DURBIN: Well, at this point many of us who believe they should be changed so that the tax code favors working families...

SCHIEFFER: Yep.

Sen. DURBIN: ...and those who've been struggling so much. But the question is a matter of timing, and I can't say for certain what the Senate and the House will come up with in the end.

SCHIEFFER: All right. Well, thank you very much, Senator.

Sen. DURBIN: Thanks, Bob.

SCHIEFFER: And we turn now to Roland Burris, who is the center of all this attention now and the first part of the interview we just heard with Senator Durbin.

Mr. Burris, thank you for joining us this morning. You heard what Senator Durbin said, and if I can kind of diagram the sentences here, because I'm not sure I know what he said, he seemed to be saying that he--the Senate is not going to act immediately on your appointment and is not going to immediately move to seat you. So what are you going to do?

Mr. ROLAND BURRIS (Former Illinois Attorney General): Well, Bob, my appointment has been certainly stated by the Illinois Supreme Court as legal, and by all constitutional authority--the US Constitution, the state of Illinois' constitution, the laws of the state of Illinois--the appointment was legal. All the documents have now been submitted. There is a seal from the secretary of state with the secretary of state's signature on it. It is our position that those documents are now in compliance with the Senate rules, and therefore after the lawyers have reviewed this my attorneys will be in Washington on Monday to confirm with the parliamentarian and the attorneys to confirm that all of this is in order. Remember that when my excellent meeting with Senators Reid and Durbin, they had requested two things of me: number one, that I appear before the impeachment committee of the governor in the Illinois House of Representatives; and secondly, that I would produce the proper documents from the secretary of state. Bob, those...

SCHIEFFER: So are you coming here tomorrow then to try to get seated in the Senate?

Mr. BURRIS: Well, we will determine that when the meeting is held with my attorney, who will be there tomorrow, and the attorneys from the Senate.

SCHIEFFER: And when...

Mr. BURRIS: It is our position that--it is our position that we have done everything that's required and that, yes, I should be seated. And I should be seated forthwith, and I should be seated prior to the inauguration of our 44th president.

SCHIEFFER: And...

Mr. BURRIS: A seat for which I now hold--and by the way, I am the junior senator from the state of Illinois. There is no question about legality of appointment. Illinois has two senators.

SCHIEFFER: Yes.

Mr. BURRIS: That is the law. We have two senators.

SCHIEFFER: Are you--do you intend to go into court if the Senate does not enact on this immediately? Because there are reports that your lawyers have said that where they're going, to federal court.

Mr. BURRIS: Well, certainly my lawyers will drive that situation. I will more than likely make the final decision. But I do not want to be creating any type of scene. I do not want to have some long, drawn out legal process that's going to hamper the important work of this body. We have bigger and better things to do. I'm ready, willing and able to go to work on this stimulus package. We have to do something about the families in our state and in our nation that are suffering, and we as public servants must get about that business and put all of this other activity aside and let us have that 58 vote to the Democratic side of the Senate. And when my colleague Franken comes from Minnesota, we would have the 59th vote so we can get some business done.

SCHIEFFER: Well, let me just ask you this. And with all due respect to your qualifications, whatever they may be, after seeing this bizarre news conference that the governor out in Illinois had on Friday when he recited poetry and put a group of handicapped people on the stage in an effort to argue that the legislature there was trying to block him from helping those people, after federal prosecutors have accused him of trying to sell that seat to the highest bidder, how can you accept such an appointment from such a person and expect people to take you seriously or not question your character, as it were?

Mr. BURRIS: Very easily. And I hope that no one ever question my character. And as you know, Bob, even though the--by the way, the governor certainly has been impeached and the legislature took their constitutional duties and responsibilities. But remember this, and I'm not--a person who does bad can also do good. And what Governor Blagojevich did was good for the people of Illinois and good for the people of the country when he exercised his constitutional duties to appoint a person to the vacancy of President-elect Obama.

SCHIEFFER: Well...

Mr. BURRIS: And appointing me to that--pardon me. Appointing me to that vacancy certainly is good for the people of Illinois. I have nothing to do with all of his problems. Those are his problems. And with my experience, my knowledge of Illinois and my commitment to do a public servant in my state, I know that I could take on that mantle...

SCHIEFFER: Well...

Mr. BURRIS: ...and do the work for the people.

SCHIEFFER: Well, don't you feel you're being used by someone who's just trying to save his political skin?

Mr. BURRIS: Whatever means necessary, that--whatever--I have nothing to do with the governor's motives. What we needed was something to be done for the people of Illinois. That was his constitutional duty. That was his responsibility. The Illinois Constitution does not say the governor may or the governor might or the governor should, Bob, it says the governor shall appoint a person to fill the vacancy.

SCHIEFFER: Will you...

Mr. BURRIS: And that's what happened.

SCHIEFFER: Will you or will you not be coming to Washington tomorrow?

Mr. BURRIS: Well, that decision has not been made. My lawyers will be there, and I will be there certainly in a--in a day or two to pursue--take in my seat. Absolutely.

SCHIEFFER: All right.

Mr. BURRIS: I am the junior senator from the state of Illinois. Thank you so much.

SCHIEFFER: All right, thank you for being with us.

We'll be back with the House Republican leader, John Boehner, in just a minute.

(Announcements)

SCHIEFFER: And with us now, the House Republican leader, John Boehner.

Mr. Boehner, I know you want to get right in the middle of this. Do you have any thoughts on any of what you just heard?

Representative JOHN BOEHNER (Minority Leader): I'm the Republican leader in the US House, and I try to stay out of the business of the United States Senate. So I wish them the--their best.

SCHIEFFER: But you have no advice?

Rep. BOEHNER: I have no advice.

SCHIEFFER: All right, I had a feeling you were going to say that.

Let's talk about some of the other things that Senator Durbin talked about. He seemed to suggest--and it--sometimes it was difficult to understand exactly where Senator Durbin was going this morning. He clearly was kind of keeping his own counsel about things. I had the impression that he was saying that the Senate may not be ready to repeal the Bush tax cuts on the rich, at least at this time.

Rep. BOEHNER: I think in a time of great economic uncertainty, the last thing we want to do is raise taxes on anyone. And we're going to have enough difficulty trying to come to some bipartisan agreement on what this package could look like, and so I can assure you that raising taxes is not likely to be a part of this package.

SCHIEFFER: You think--you're confident in saying that? Because Nancy Pelosi says it's got to be, and she's the House speaker.

Rep. BOEHNER: She's got a very powerful position and she's got a lot to say about what this package will look like. But we had a good meeting with the president-elect earlier this week, House and Senate, Republican and Democrat leaders. The president-elect made it clear that he wants our input and he wants our advice. So I've--I'm taking him at his word. Yeah, I think he's sincere about this. And he understands that the economic uncertainty in the country is severe, and the anxiety in the country is at a very high level. And so I've--he wants to work with us. I've appointed Eric Cantor, our number two leader, to develop a working group so that we can help develop ideas that we can share with the president-elect.

SCHIEFFER: Well, you said you have a little problem, it's difficult to know what this package is going to look like. Certainly it's enormous. Now, Speaker Pelosi says she's going to keep you in session unless you get it done in early February, before the congressional recess. Do you think it can get done by then? Should it get done by then?

Rep. BOEHNER: I think it needs to be finished in the Congress and on the president's desk as quickly as possible. The country needs it. American families and small businesses are suffering. We need to do this quickly, but we need to do it in a responsible way. And whether we can do it in a responsible way that quickly is unknown. Earlier this week, I thought surely we could have it to the president's desk by the middle of February. But as...

SCHIEFFER: You're not sure now.

Rep. BOEHNER: Well, as I begin to hear comments from my Democrat colleagues in the House and Senate, you know, they're raising real questions. Dave Obey, the chairman of the Appropriations Committee, a Democrat from Wisconsin, said, 'You know, I don't know how we can spend this much money responsibly in such a short period of time.' And then you see Kent Conrad, senator from North Dakota, chairman of the Budget Committee in the Senate; John Spratt, chairman of the Budget committee in the House, expressing concerns that, you know, the spending here needs to be temporary, and that we have a budget deficit that we need to be concerned about. And I think a lot of members of Congress on both sides of the aisle know that we can't borrow and spend our way to prosperity, that we can't bury our kids and their kids under a mountain of debt. And so what is responsible? That'll be the--that'll be the--you'll hear a lot about in the coming weeks.

SCHIEFFER: Well, let me just ask you this: How do you think this package ought to look? Already we're seeing the Democrats, a lot of Democrats saying too many tax cuts in this thing. There needs to be some more spending, but maybe not the tax cuts--some of them, anyway--that Barack Obama has outlined. What do you think are the key parts of this package that need to be...

Rep. BOEHNER: Well, I think the--clearly the most important part is allowing American families and small businesses to keep more of what they earn. If we allow them to keep more of what they earn, they're going to--they're going to spend it, they're going to save it, they're going to invest it, all of which is good for the economy, and they can begin immediately. We don't have to wait for some government program to work or some government check to show up. We can do it quickly. And so the bigger point here is what, you know, what's going to be in the package? I don't know, I haven't seen it. No one's seen it. There's been a lot of talk around town, but nobody's really seen this package. And until we do, it's hard to comment on it.

But having said that we want to lower taxes on middle-class American families, small businesses; on the other side of the coin, most Americans are a little skeptical about government spending. And so why couldn't we tax less and spend less as we put this package together? It's not being talked about today. But infrastructure, I think there's a place for infrastructure. But what kind of infrastructure? Infrastructure to widen highways to ease congestion for American families? Is it to build some buildings that are necessary? But if we're talking about beautification projects or we're talking about bike paths, Americans are not going to look very kindly on this.

SCHIEFFER: Now, what about releasing the rest of these emergency funds, the 750 billion that the last Congress approved in the emergency funds, the so-called TARP program? Should the rest of that money be released? There's about \$300 billion there.

Rep. BOEHNER: I don't think so.

SCHIEFFER: No?

Rep. BOEHNER: I don't think so. I voted for the economic rescue package, I clearly thought it was necessary. I've certainly raised a lot of concerns over the last several months about how it was spent. And the TARP board that we set up in the legislation to oversee this came out with a report late last week that was highly critical of the Treasury Department, the way they've proceeded. And I think until there's a demonstrated need in our economy and a plan to address that need, I think it would be irresponsible for Congress to release the additional money. And I frankly think there are Democrats and Republicans alike who have great concerns about this.

SCHIEFFER: Do you think at this point there are the votes to keep that--those funds from being released?

Rep. BOEHNER: What will happen is that there's a bill that will move through Congress that was required under the bill, where Congress can pass a resolution of disapproval.

SCHIEFFER: Mm-hmm.

Rep. BOEHNER: But it's subject to be vetoed by the president.

SCHIEFFER: Mm-hmm.

Rep. BOEHNER: And so the president's going to have to hold a third of the Senate or a third of the House, have them in favor of this if that money's going to be released. And at this point, I think that's going to be a pretty tough sell.

SCHIEFFER: All right, Mr. Boehner, thank you very much. We'll look forward to talking to you this year. There'll be a lot to talk about, that's for sure.

Rep. BOEHNER: There certainly will be.

SCHIEFFER: I'll be back in a moment.

(Announcements)

SCHIEFFER: Finally today, it was 40 years ago this week that I came to Washington from Fort Worth. I'd been here only twice before. The previous visit had been for Lyndon Johnson's inaugural. I was starting a new job in 1969, and in the tradition of American males I left my six months pregnant wife behind to pack our belongings, sell our house, find a mover and figure out how to get our dog and the car to Washington. She got it done. At our first dinner party here, we soon realized we were a long way from home. As the coffee was served, my wife kicked me under the table. The hostess was passing a bowl of what looked to be brown cigarettes. We were stunned. Were those joints of marijuana? Is this how it was? What were we supposed to do? Well, not to worry. It turned out to be just a bowl of cinnamon sticks to flavor the coffee.

Proust believed the past was locked beyond the intellect in material objects--a tree, a rock, an animal--and that the spell that held memories captive could only be broken if by chance we came upon that object; a fancy way of saying an unremarkable object or experience can unlock a memory long forgotten. Barack Obama's swearing in will mark my 12th inaugural. Like all inaugurals, it will be keyed to the future about hope and the expectation of the things to come. But in the autumn of my life I have come to appreciate, as well, the pleasure and the lessons such great events evoke as they unlock memories of things that were and how they came to be. Back in a minute.

(Announcements)

SCHIEFFER: And that's our broadcast. We'll see you right here next Sunday on FACE THE NATION.

