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



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TRANSCRIPT

BOB SCHIEFFER: Today on FACE THE NATION, the question of torture. Does it work? Should it have been used on terror suspects after 9/11? Should the people who decided to use it be prosecuted now?

These are the questions for two people on two very different sides: Senator John McCain, Republican from Arizona; and Democratic Senate Judiciary Committee Chairman Patrick Leahy of Vermont.

Then, we'll talk about the first one hundred days of the Obama administration with reporter Bob Woodward of the Washington Post and Tina Brown, editor-in-chief of The Daily Beast.

I'll have a final word on the story of a man and his dog.

But, first, questioning torture 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.

BOB SCHIEFFER: Good morning again. And Senator McCain is in the studio with us. We begin with him. Senator, when the President decided to put out these memos outlining the interrogation methods that the previous administration used, he apparently intended to put them out, say we'll never do it again, and thought that would be the end of it. It has been far from that. He has really opened a can of worms.

You were among the first to condemn torture as a use for interrogator. You said it didn't work. It put our own people in jeopardy of having the enemy use it on them. You were very, very strong about that. But now you say, we should not have an investigation into this, that the-- we should move on. Why have you decided on that?

SENATOR JOHN MCCAIN (Ranking, Armed Services Committee): First of all let me repeat what you just said, Bob. I have opposed torture. It's violation of the Geneva Conventions. I worry about treatment of Americans in future conflicts. But a very brief story; Senator Lindsey Graham and I were at Camp Bucca. Twenty thousand Iraqis were held prisoner there. We met with a former high-ranking member of al Qaeda. I said to him-- I said, "How did you succeed? What-- what is the recipe for your success?" He said, "Two things. One, the chaos that existed after the initial invasion." There was no order whatsoever. He said, "Second, Abu Ghraib." He said, "We were able to recruit thousands of young men into our cause because of Abu Ghraib." So have no doubt about my feeling about that. And we did pass the Detainee Treat-- Treatment Act, which prohibits cruel inhumane and degrading treatment.

But-- so we are where we are. There has been an investigation by the Senate Armed Services Committee. There is-- it is well-known what-- what happened. There is-- there is going to be pictures that are going to be coming out, which will again authenticate that wrong things are done.

But are you going to prosecute people for giving bad legal advice? Are you going to keep on down this road in order, frankly, to-- maybe there's an element of settling old political scores here. We need to put this behind us. We need to move forward. We may-- we've made a commitment that we will never do this again. No administration I believe would ever do this again. And it's time to fight the wars that we're in. We're not done in Iraq by a long shot and Afghanistan has very, very great difficulties. We need a united nation not a divided one.

Finally, you were around when President Ford pardoned President Nixon. There were allegations of criminal activity on the part of the President of the United States. Most people in retrospect believe that the Fo-- Ford pardon was right because we moved on. We got to move on.

BOB SCHIEFFER: I guess the people on the other side would-- would say yes but people are not going to believe we really mean that unless the people who did it are held accountable.

SENATOR JOHN MCCAIN: I think, one, they've been acc-- held accountable in pub-- in the court of public opinion. Second of all, these people were giving legal advice, the ones we're talking about now. President has already said CIA operatives. And by the way, moral over at the CIA is not at-- at its highest right now, but-- but the-- the President said that he wouldn't have any prosecution of CIA operatives.

So who are we looking at? We're looking at people that gave the advice. It was bad advice. But if you're going to criminalize bad advice by-- on the part of lawyers, how are you going to get people to serve and what kind of a precedent does that set for the future?

BOB SCHIEFFER: Let me ask you about this, Vice President Cheney says he wants more of these documents made public so the public will understand that these interrogation methods worked.

SENATOR JOHN MCCAIN: Well, as you know, the vice president and I had strongly disagreed on the fundamentals of this issue. But the vice president of the United States has the right to weigh in on this discussion if he wants to. After all, it's-- it's the decision--

BOB SCHIEFFER: (Overlapping) But do you agree with him?

SENATOR JOHN MCCAIN: No. I-- I don't think it's necessary to be honest with you. But if the vice president feels it's necessary then I think he's entitled. And when-- and when extreme talk show hosts say that he wants another attack on the United States, I-- I think that's shameful.

BOB SCHIEFFER: Let me ask you about this. David Broder of the Washington Post said this morning in the Post that having vowed to end these things President Obama should do all he can and use all the influence in-- of his office to stop a retroactive search for scapegoats. Do you think Barack Obama should do more than he's already done?

SENATOR JOHN MCCAIN: Well, I'm not-- I-- I wouldn't have released the memos because it obviously threw some--

BOB SCHIEFFER: (Overlapping) I understand that.

SENATOR JOHN MCCAIN: --gasoline on the fire. Yeah. I-- I-- I wish that the President, he's going to address the nation after the f-- first hundred days here. I wish he would repeat it to the American people. I think the American people generally, once they have found out what happened and-- and-- and they know, are ready to move forward as well.

BOB SCHIEFFER: The Attorney General says he will not permit the criminalization of policy differences, which as you are saying he-- that's-- that right. But he said if I see wrongdoing, and these are his words, "I will pursue to the full extent of the law-- pursue that to the full extent of the law." What does that mean and--

SENATOR JOHN MCCAIN: I don't know because no one has alleged "wrongdoing." They have alleged that this advice was wrong and that somehow that these people who gave this advice should be subject to criminal prosecution.

I don't agree with that. So I don't know what-- I don't know what the Attorney General was talking about.

BOB SCHIEFFER: So you wouldn't appo-- you wouldn't favor even appointing a special prosecutor to look into it?

SENATOR JOHN MCCAIN: The-- the allegations are that they gave the wrong counsel that's and--- and that bad things were done. And we violated fundamental commitments that the United States of America

made when we signed the Geneva Conventions. And we disregarded what might happen to Americans who are held captive in the future. And by the way, those who say our enemies won't abide the Geneva Conventions they will if they know there's going to retribution for their violation of it.

BOB SCHIEFFER: Let me ask you about this quickly, Jay Bybee who was one of the people at the Justice Department that wrote the memos that gave the CIA what they call the legal reasons to go ahead with all this, he's now a federal judge. We understand that he very much regrets, or at least he's told people, he regrets having written those memos.

Do you think that he should be impeached or do you think that he should resign or you-- you think he should be left alone?

SENATOR JOHN MCCAIN: Well, a resignation would be a decision he would have to make on his own. But he falls into the same category as everybody else as far as giving very bad advice and misinterpreting fundamentally what the United States is all about, much less things like the Geneva Conventions. Plus-- under President Reagan we signed an agreement against torture, we're in violation of that.

BOB SCHIEFFER: All right. Senator McCain always a--

SENATOR JOHN MCCAIN: Thanks Bob.

BOB SCHIEFFER: --pleasure to have you with us.

SENATOR JOHN MCCAIN: Thanks for having me.

BOB SCHIEFFER: We'll be back in one minute to get some other views on this.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And with us now the Chairman of the Senate Judiciary committee Pat Leahy of Vermont.

Well, Senator you have said there ought to be some kind of a truth commission to look into all of this. President Obama says he's not for that. Senate Leader Harry Reid said he really didn't have time for that. So are you rethinking that or you still think that's what we ought to do?

SENATOR PATRICK LEAHY (Chairman, Judiciary Committee/Democratic Vermont): No, I-- I think we should do that Bob. I-- you know, I every so often I disagree with President Obama and Harry Reid, but they're also keeping an open mind and I commend them both for that.

My idea is instead of having eight or ten separate committees in the House and Senate do little parts of it, for example in the Senate we have the Intelligence Committee doing the part of it, the judiciary committee which I chaired does part of it, Armed Service does part, Homeland Security and so on. Why not have a nonpartisan or bipartisan commission do it, like we did in 9/11. And just go back and find everything that happen.

I-- I know some people say let's turn the page. Frankly, I'd like to read the page before we turn it. It is not from some idea of vengeance in doing this, but we know that there're number of people that made the decision to violate the law, a number of people who said that we don't have to follow our constitution, others who wrote memos basically saying the President and Vice President are above the law--the laws of the United States don't apply to them like they do to you and me. And I want to know why they did that. What kind of pressures brought them to write things that are so off the wall and to make sure it never happens again. That's why I want it.

BOB SCHIEFFER: (Overlapping) Well--

SENATOR PATRICK LEAHY: Now, we will get the answers to all this, but you can do it piecemeal or altogether.

Last week on the bill that I've-- have before the Senate, John McCain and others supported a commission to look at what happened in the financial meltdown. I agree with them on that. I voted for that amendment. But just as important as losing our money, what happens if we lose our national honor?

BOB SCHIEFFER: (Overlapping) Well, let me--

SENATOR PATRICK LEAHY: That's what we should look at.

BOB SCHIEFFER: Let-- let me just ask about you this part, I mean, is there anything else to know here?

SENATOR PATRICK LEAHY: Oh, yes. There-- a lot is made of the fact that-- well, we have pictures from Abu Ghraib, we have the waterboard memos. We-- we know the people did not tell the truth when they said we weren't doing that. We know they weren't telling the truth when they said well, you only had to waterboard once or twice and got everything you needed. We-- we know that's not the truth.

But, I want to know who was it who made the decisions that we'll violate our own laws, we'll violate our own treaties, we'll even violate our own constitution. That we don't know. We don't know what that chain of command was.

BOB SCHIEFFER: Well, is there the risk? I mean, and you know the argument you-- we've been hearing it all that-- that we somehow criminalize our political system. I mean, you know, in banana republics one group throws out the other group and they put them all in jail and then they stay there till somebody else comes along and throws them in jail

SENATOR PATRICK LEAHY: (Overlapping) But I'm not--

BOB SCHIEFFER: Are we going down that kind of trail here?

SENATOR PATRICK LEAHY: No. I think not. And I-- you know, I've heard the talking point that's-- usually by people who are afraid they may be looked are the ones making that-- making that argument. But I'm not out for some kind of vengeance and, certainly, if you have people in the field who are told here are the orders from the White House, here is a legal memo telling you what to do and how to do it. Now, nobody is going to prosecute them, although, I would note that when FBI agents were there and they saw what was being done, when they reported back to the headquarters, FBI director Mueller said, "No, you can't do that. That violates our own rules. That violates our understanding of the law. You have step back" and they did till there were some who knew that.

What I want to know--who were the people in the Office of Legal Counsel, in the President's Council office, even in the Justice Department who knew this was against the law and still told people to go and break the law? I'm more concerned about those people than I'm going after somebody in the field.

BOB SCHIEFFER: What about somebody in Congress? We know that the ranking members and the chairman of the intelligence committees were apparently briefed on this, apparently, Nancy Pelosi was briefed on this. You are going to go after them?

SENATOR PATRICK LEAHY: That's not the part I'm going after, but let me tell you this, the commission can look at that. If you had a bipartisan commission or a nonpartisan commission, they'll look at all those questions and they will look at the transcripts of what was it. As you know, there is a great deal of dispute as to what extend they were-- they were briefed. And the difficult thing of this if you are in these briefings is you can't talk about what's in-- in the briefing.

BOB SCHIEFFER: So should you release all of that? I mean--

SENATOR PATRICK LEAHY: Well, why not. I mean so much of this stuff has been in the public domain now anyway. Senator McCain said one of the best tools in getting people to join al Qaeda was showing the pictures of Americans torturing people at Abu Ghraib. And as so many military have said this didn't help us, it's not who we are, we shouldn't have been doing it. And I commend those people in our military at the highest level who said it was a mistake.

BOB SCHIEFFER: Well, what about-- what about the suggestion that the vice president is now making that more of these things be released so the American people will have a better idea of the results that they got.

SENATOR PATRICK LEAHY: Well, you know, I find this very interesting concerning the fact that the vice president didn't even want to admit that he was part of the three branches of government. He was saying that, when people are asking questions, we're kind of a fourth branch, so we don't have to answer. I'd be delighted if he wants to come up and talk about it under oath. I would be delighted to have Vice President Cheney come up and talk about it.

BOB SCHIEFFER: Under oath?

SENATOR PATRICK LEAHY: Under oath.

BOB SCHIEFFER: But not if he refused to do it under oath?

SENATOR PATRICK LEAHY: No.

BOB SCHIEFFER: Well, let me ask you this, do you plan to hold hearings yourself in-- in the judiciary committee?

SENATOR PATRICK LEAHY: Oh, yes. We have held a number of hearings already in the judiciary committee. A lot of the initial parts of the legal memorandum came out because of the hearings we've held in the judiciary committee. And, as you know, those judiciary committees require-- brought about the, basically, the firing of the then attorney general and several of the people at the top level of the Justice Department. We will we-- we're now reviewing all these OLC memos, both in the redacted and unredacted part.

BOB SCHIEFFER: (Overlapping) Let me-- let me just--

SENATOR PATRICK LEAHY: I will continue to do it. But--- but, you know, that's the problem. We're only a part of it; the intelligence committee is part of it; armed services is part of it. We can spend the rest of the year, each one of us doing little pieces, sort of like the committee, the-- the blind committee that tried to describe an elephant. We-- we should do it all.

BOB SCHIEFFER: But let me ask you this and we're totally out of time--

SENATOR PATRICK LEAHY: (Overlapping) Sure.

BOB SCHIEFFER: --so a short answer. In your investigation do you plan to try to get the vice president to come or would you subpoena him? No.

SENATOR PATRICK LEAHY: No. I think-- I would-- I have-- no-- I will not.

BOB SCHIEFFER: Okay.

SENATOR PATRICK LEAHY: We'll get all the information and we don't need-- he can go on his talk shows--

BOB SCHIEFFER: All right.

SENATOR PATRICK LEAHY: --and do a postmortem thing, but no.

BOB SCHIEFFER: No. All right.

SENATOR PATRICK LEAHY: Thank you.

BOB SCHIEFFER: Senator, thank you so much.

Back with a little roundtable in just a minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And to talk now about the Obama administration's first one hundred days Tina Brown, editor of the feisty new website The Daily Beast and I love the title, and Bob Woodward of the Washington Post.

Thanks to both of you for coming.

Let's just talk a little bit. You know a lot about torture. You heard what John McCain said; you heard what Pat Leahy said. Where do you think this is going, Bob?

BOB WOODWARD (The Washington Post): Well, I think there's more to come out. I think it's got legs and, you know, we have a great tradition going back to the Pentagon papers and the Nixon tapes and Iran-contra, of--we air the dirty laundry. And I think it's necessary and in-- no one in our business is ever going to sit around and say let's keep the cap on the bottle. It's got to come out, you don't know where it goes.

Now from President Obama's point of view, he wants to look at this is history. He has got problems. I remember Gerald Ford after he pardoned Nixon, I asked Ford, I said, you know, "Why did you really do this?" And-- and he gave a great answer, and he said, "I wanted my own presidency. That the country needed to move on and this was the only way to get it off the table."

BOB SCHIEFFER: You know at the White House they told me that-- that there really was a debate--some of the top people there did not want to release this stuff. They did have a debate about it. They are still not certain, if I understand their thinking, about whether these methods actually worked. One official said to me it's really a jump ball as to whether any of this worked? You did a lot of investigating on this. Do you think these methods work, Bob?

BOB WOODWARD: Well, what they do is they elicit little pieces of the puzzle and all good intelligence work is a mosaic--getting a little here a little there. And it wasn't as if one of these people said, "Look, tomorrow, at noon, in Los Angeles is the next attack." They would give names and they would put things together. So there's not a kind of "aha" moment of we got and we can give you the sentence or paragraph from somebody who was waterboarded or tortured.

BOB SCHIEFFER: Tina, congratulations to you on how well the website is doing.

TINA BROWN (Editor-in-Chief, The Daily Beast): Thank you.

BOB SCHIEFFER: You are one of the great editors as Bob is one of the great reporters of our time, first with the New Yorker and then later Vanity Fair and now editing this, as I said, very feisty website.

But give us some perspective here on this first one hundred days. Hundred days is really an artificial kind of thing, anyway, but this President came to office saying he's going to change things. You think he's changed anything yet?

TINA BROWN: I think he has immensely changed the tone and I think that this is a President who in his first hundred days has shown that he understands imagery and the politics of gesture, more really than any President since Reagan. Because he-- I mean, when people criticized him, for instance, for going abroad and, perhaps, being apologetic about America, he understood that his first real forte as-- sally into this-- into the world outside America was to show that he understood that America had things to atone for in the way the war happened and the way it went down and Abu Ghraib and all of those things--he needed to make it clean-- to clean it up and say we are different, we've turned a page.

And he also needed to show that America isn't a-- as arrogant for exporting all these toxic assets to the world which we should not forget. The rest of the world is reeling from that sort of financial malfeasance of America. So he needed to do that. Doesn't mean to say he is going to keep doing that, but that first go-round, he had to do it.

And, secondly, I really think one of the great surprises is what a force multiplier Michelle Obama has turned out to be, because these two are working in such, sort of, flawless concert. No sooner is the world all talking about torture and the Bush administration than we have Michelle with her vegetable garden. Talk about a-- a spring time in America. There is a real sense of these two o-- operating in a kind of wonderful symbiosis that we really haven't seen I don't think ever, really, between a president and a first lady.

BOB SCHIEFFER: I--I would certainly agree with you on the tone. I think there is a different tone. That doesn't mean that this has suddenly become a nonpartisan kind of place, because, I mean, in some ways I think the partisanship may be--

TINA BROWN: (Overlapping) It's worse

BOB SCHIEFFER: --even stronger than-- than what we have seen.

TINA BROWN: Yeah. It's ab-- it's worse. I mean, in fact, more Democrats like Bush at this point than Republicans like Obama. That divide is, in fact, worse than ever. But what I think Obama has been very smart to do is to reach out and make bipartisan gestures. I mean Republicans have actually been at the White House more in the first few months of Obama's regime than they were in the entire eight years of Bush. So he's reached out. And if they want to rebuff it, then they can rebuff it and they don't look so great. You know, when they make a big storm about Chavez and handshakes or a big storm about bowing to Abdullah, they simply look ridiculous and, you know, in that sense I think Obama, once again, scores.

BOB SCHIEFFER: Have they bitten off too much here?

BOB WOODWARD: Oh, we-- well, they've-- somebody counted up, there are hundred and thirty-seven decisions or proposals that President Obama has made; that's a staggering number. But if you g-- again try to look at it from their point of view, the people in the White House believe that they have restored the moral authority of the presidency and, you know, we will see. If you go back a--years, remember when George W. Bush took the-- took over, the claim was we've restored the dignity and competence to the Oval Office and history would-- would question that.

I think in all of this there is one significant accomplishment that Obama h-- has really achieved and that is the possibility of a Great Depression is kind of off the table. They have th-- thrown trillions of dollars at the financial crisis and, at least, there is a leveling off. Now that's not a guarantee. There could be another jolt, there could be all kinds of things that could happen, but that's a real accomplishment for everyone.

BOB SCHIEFFER: And the one thing, he's done all this, we don't know if it's going to work?

TINA BROWN: We have no idea if it's going to work and, of course, in the end, that's going to be the judgment on Obama. Where I think he's been really great though, I mean, Bob himself wrote the great book--The Agenda--about the early Clinton transition when they came in and what kind of chaotic, sort of,

college dorm sort of feel there was to the kind of Democrats coming in. In that sense, you know, Obama has really benefited from those same Clinton heads in a way that-- that-- with the sort of youngsters at the time when Bob was writing about it and, you know, with Larry Summers, with Hillary, with Rahm Emanuel, they've all kind of come in, bringing with it some of their knowledge that they had before which helps him the--young new President--wed his new ideas to this. So--

BOB WOODWARD: And the big decision is doubling down in Afghanistan; send-- doubling the number of troops there. The last President to do that was President Bush Senior before the Gulf War, and, essentially, Obama said we're going to go on the offense on this and we're going to have to see in six months or a year whether it works.

BOB SCHIEFFER: I want to thank both of you for being with us this morning.

TINA BROWN: Thank you.

BOB SCHIEFFER: I'll be back with a final word about that dog.

(ANNOUNCEMENTS)

BOB SCHIEFFER: Finally today, for now, I will leave it to others to make a judgment on the President's first one hundred days. But I know one thing--he loves that dog. At the White House Friday afternoon, he was carrying around a copy of the current New Yorker, the one with the cover featuring a teeny-tiny Bo on a huge green White House lawn. And he was beaming. I'm taking this to show the girls, he said; see, it really looks like him. As a matter of fact, it really does if you look really, really close.

And the President has already learned that when you hang out with celebrities people don't always notice you're there. He told this story on himself--late one evening, he was walking the dog and some White House visitors with small children saw him. Look, said one of the kids, it's Bo.

That's it for us. We'll see you next week right here on FACE THE NATION.

(ANNOUNCEMENTS)

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