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



## **August 1, 2010 Transcript**

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## TRANSCRIPT

HARRY SMITH: Today on FACE THE NATION, the battle over immigration and the war in Afghanistan.

Last week a federal judge struck down several of the essential elements of Arizona's new immigration law--where does the fight go from here? We'll hear from both sides. Senator Jon Kyl, Republican of Arizona and Thomas Saenz head of the Mexican-American Legal Defense and Education Fund.

Then, in the last week of what has been the deadliest month for Americans in Afghanistan, tens of thousands of war documents were released by WikiLeaks--how much damage has been done? We'll ask Admiral Mike Mullen, chairman of the Joint Chiefs of Staff, and get some perspective from Richard Haas from the Council on Foreign Relations.

But first, the fight over immigration on FACE THE NATION.

ANNOUNCER: FACE THE NATION with CBS News chief Washington correspondent Bob Schieffer. And now from Washington, substituting for Bob Schieffer, anchor of THE EARLY SHOW, Harry Smith.

HARRY SMITH: Good morning.

Republican Senator Jon Kyl is a supporter of the Arizona immigration law. He is in Phoenix this morning. We thank you for joining us.

SENATOR JON KYL (R-Arizona): Thank you, Harry.

HARRY SMITH: Governor Brewer, your governor there in Arizona has vowed to fight this court decision all the way to the Supreme Court. Is it realistic to think that the Arizona immigration law will prevail in the end?

SENATOR JON KYL: I think it should. I think the court's decision was wrong. The governor and legislative leaders have talked about possibly tweaking, to use their phrase, the law to see if they can obviate the concerns the judge expressed. I don't think they can because her decision was very sweeping. I think it more likely that Congress could act to actually fix the problem both by reaffirming that it is Congress's intent that the law be enforced rather than having the administration decide that they don't want to thoroughly enforce the law. And, therefore, that the state's intention to do so would run counter to their policies.

HARRY SMITH: Right.

And also to provide some more resources. The-- the bulk of her decision rests on the proposition that the checking that would be done on status by the--

HARRY SMITH: It's too difficult to enforce. Yeah

SENATOR JON KYL: --yeah, that there are hundred and fifty-two people in the unit that does that and that this would overwhelm them. The obvious answer is then hire a few more people.

HARRY SMITH: Arizona is not alone. There are many other states who are trying to pass similar legislation. To your-- from your perspective, what is the greatest threat posed by illegal immigrants?

SENATOR JON KYL: Well, first of all, the philosophical problem is that if you reward illegal behavior you're going to get more of it. We are a nation of laws. And we should be enforcing the law, whatever it is but as a practical matter, during the-- the times that we have right now where there is a lot of unemployment, illegal immigrants can take jobs that Americans are willing to do.

Illegal immigrants pose a real burden on the states financially, who must provide education to the children, who must provide medical care, and who do provide a great many benefits, including various kinds of welfare benefits.

To me, though, the most important thing is the crime associated with it, not necessarily committed by illegal immigrants.

HARRY SMITH: Mm-Hm.

SENATOR JON KYL: --but committed on illegal immigrants as well as--

HARRY SMITH: Mm-Hm.

SENATOR JON KYL: --the roughly fifteen percent of the people who cross the border each year illegally who are criminals.

HARRY SMITH: Because one of the things that's come to light over the last couple of weeks is in some of these border towns that were thought to be susceptible to law-breaking of illegal immigrants, crime is actually down. Crime in Phoenix, for instance, is down significantly over the last couple of years.

SENATOR JON KYL: Well that's-- that's a gross generalization. Property crimes are up. Certain violent crimes on certain parts of the citizenry are up.

HARRY SMITH: Mm-Hm.

SENATOR JON KYL: Phoenix is the-- it is a very large source of kidnapping. It's called the kidnapping capital of the United States because the illegal immigrants who are brought to Phoenix for distribution throughout the country are held in drop houses, and they are mistreated, horribly treated. They are held for ransom for their families back in Mexico or in El Salvador, or wherever to send more money or they won't be released and so on. So there's a great deal of violence and crime associated with the presence of illegal immigrants.

HARRY SMITH: There is a movement afoot to rescind the law that makes anyone born in the United States a U.S. citizen, specifically aimed at the children of illegal immigrants. Do you support that?

SENATOR JON KYL: Well, actually this is a constitutional provision in the 14th Amendment that has been interpreted to provide that if you are born in the United States, you are a citizen, no matter what.

HARRY SMITH: Mm-Hm.

SENATOR JON KYL: Now, there are limitations on that, for example, for the children of diplomats and so on. And so the question is if both parents are here illegally, should there be a reward for their illegal behavior? And what I suggested to-- my colleague Lindsey Graham from South Carolina suggested that we pursue that. And what I suggested to him was that we should hold some hearings and hear first from the constitutional experts to at least tell us what the state of the law on that proposition is.

HARRY SMITH: So much of this goes back to the absence of what-- what would be comprehensive immigration legislation. Do you see that actually coming to pass any time in the next year?

SENATOR JON KYL: Harry, not until the border is secure. I-- I don't think the American people want that until the border is secure. And as a result I was very disturbed to see a memorandum that's being circulated within the Department of Homeland Security written by four lawyers on the staff of the unit in charge basically talking about non-legislative ways to achieve amnesty. And for eleven pages they go on and on--

HARRY SMITH: Mm-Hm.

SENATOR JON KYL: --about how they can redefine terms. They can by rule and regulation achieve the same thing that amnesty would achieve for vast swaths of the illegal population here. That's the kind of thing that the American people don't like. They want enforcement of the laws, not bureaucrats trying to figure out a way around the law.

HARRY SMITH: And is amnesty in the end the bugaboo, is the thing that that neither Republicans or Democrats or even state legislators-- state legislators, is that the one thing that will never be agreed upon?

SENATOR JON KYL: It all depends on how you define the term. But no-- nobody likes the term amnesty, but the pro immigration folks do want to see at the end of the day a way that all of the illegal people here can find a-- a way to become citizens. And there are different degrees of what they would have to do to try to achieve that. That was part of the immigration reform of three years ago.

But as I said until the American people believe that the federal government really intends to enforce the laws--

HARRY SMITH: Mm-Hm.

SENATOR JON KYL: --against people being here illegally, I don't think that the political will will be there in Congress to consider comprehensive reform.

HARRY SMITH: And very quickly finally, bills like the Arizona laws and others are seen-- are perceived at least in some communities or in many communities thought to be anti-Hispanic. Could that cost Republicans? Could this-- could this come at a political price?

SENATOR JON KYL: Well, there-- there may be some. And I'm-- I'm sure there are some who try to take political advantage of any situation. But if you live here in Arizona you appreciate the fact that we have a great tradition particularly with our neighbor to the south of Mexico. And it's not a matter of being anti-Hispanic. It's a matter of wanting to enforce the law.

HARRY SMITH: Senator Jon Kyl, we thank you for your time this morning. Do appreciate it.

SENATOR JON KYL: Thank you, Harry.

HARRY SMITH: Righto.

Now let's turn to a top opponent of the Arizona law, Thomas Saenz president of the Mexican-American Legal Defense and Education Fund. He is in Los Angeles this morning.

Good morning, Sir.

THOMAS SAENZ (President, MALDEF): Good morning.

HARRY SMITH: How should state and local governments stop the flow of illegal immigrants into the United States?

THOMAS SAENZ: State and local governments under our constitution can use their representatives in Congress and in the United States Senate to advocate for a change in federal immigration policy and federal enforcement. It's a well established, longstanding constitutional principle that the federal government has the exclusive authority to regulate immigration--

HARRY SMITH: Mm-Hm.

THOMAS SAENZ: --so the state and local government have no role to play in that regard except through their representatives in Washington.

HARRY SMITH: And do you feel like the federal government is doing enough to stem the flow of illegal immigrants and-- or should it?

THOMAS SAENZ: Well, I think the fact that there are millions of people in this country who have toiled here for years and in some cases decades contributing to our economy, contributing to our culture, contributing to our community, in many cases raising United States' citizen children here is an indicator of the fact that we need comprehensive immigration reform. That issue has been on our national agenda for over a decade. And it's more than time for our representatives in Washington to-- to move on enacting concrete steps toward arriving at an immigration system that is fair and better serves our national interests.

HARRY SMITH: Well, it sure doesn't seem as if that is bound to happen any time soon. Do you - do you view laws like the Arizona law that was by and large struck down this week? Do you view laws like this as anti-Hispanic?

THOMAS SAENZ: I-- I think that whenever you enact something that requires police officers as - as b1070 would have done--to engage in stereotyping, to engage in racial profiling, acting on what they understand to be the-- the undocumented profile, that's going to result in discrimination against Latinos and others who may appear to be foreign, who may appear to be immigrants. They're going to be swept up in that kind of a dragnet.

So, in that very practical sense, it is an anti-Latino law. It's in fact, had it not been held up in a great victory for the constitution this week--

HARRY SMITH: Mm-Hm.

THOMAS SAENZ: --its effect would have been to discriminate against Latino residents of Arizona.

HARRY SMITH: We-- we were talking earlier with Senator Kyl about this movement afoot to make it impossible for illegal-- the children of illegal immigrants to become citizens automatically as was talked about in this interpretation of the 14th Amendment. What do you think of-- of this movement?

THOMAS SAENZ: I think it's deplorable. I think it's a-- it's an attempt to turn our back on a hundred and fifty years of constitutional history and tradition. I think it's contrary to the values of this country. I think it's an assault on the recognition that ours is a country of immigrants and always has been. The 14th Amendment is very clear. Anyone who is born here unless you are the child of a diplomat is a United States citizen. And that has led to great success. It's part of what has made this nation the great nation that it is in 2010. And I think determining to change that would be a grave mistake.

HARRY SMITH: The lure of economic opportunity in America is almost irresistible. It has been the magnet that has drawn generations of immigrants since the country was-- even before the country was founded. If laws were enforced that prohibited employers from hiring illegal immigrants, do you think that would be sufficient to stem the flow?

THOMAS SAENZ: Well, the fact is that there are a number of industries in this country beginning with agriculture that absolutely depend upon an immigrant workforce and our current immigration system doesn't provide enough of a workforce to maintain that critical industry. That's why we need to enact immigration reforms starting with concrete steps that would address our national interest in ensuring that we have a workforce, that we continue to attract those immigrants who are ready to make a powerful economic contribution, and also arrive at a system that better reflects our constitutional values, fairness, due process, non-discrimination. We need our Congress and the administration to act on immigration reform.

HARRY SMITH: Thomas Saenz, we thank you very much for your time this morning. Do appreciate it.

THOMAS SAENZ: Thank you.

HARRY SMITH: We'll be back in one minute with the chairman of the Joint Chiefs, Admiral Mike Mullen.

(ANNOUNCEMENTS)

HARRY SMITH: Chairman Mike Mullen, thank you very much for joining us.

ADMIRAL MIKE MULLEN (Chairman, Joint Chiefs of Staff): Good to be with you, Harry.

HARRY SMITH: Let's start with some of the news of the week, es-- especially the WikiLeaks. About Julian Assange, you said this weekend as collaborators "They might already have on their hands the blood of some young soldier or that of an Afghan family."

Do you know, in this last week, of any direct link between these leaks and an attack on an Afghan or on a U.S. soldier?

ADMIRAL MIKE MULLEN: Well, what I said this week is I was appalled by the leaks. Certainly, extremely concerned about the potential, and very much meant what I said, including what you just quoted of what I said. And, specifically endorsed by the Taliban leadership which has come out in the last day or so and said that they, in fact, are looking at the names that are leaked. And I certainly think that's an indicator of what's possible.

What-- what I don't think, people that aren't in the military and in conflict understand is the danger of these kinds of leaks, the ability to net together what is seemingly information that may not be related and then to take advantage of it. And I think it's, you know, I've-- ve-- irresponsible and could very well, potentially, end up in loss of lives.

HARRY SMITH: Have you all been able to move, in any way, to protect some of the Afghan informants that were named in these leaks?

ADMIRAL MIKE MULLEN: There are certainly efforts going on to-- going on to do that but I couldn't speak to specifics right now.

HARRY SMITH: But there are efforts going on to do that?

ADMIRAL MIKE MULLEN: Well, I think and Secretary Gates said earlier in the week, I think we do have a moral obligation given their exposure and given what they've done to do all we can to ensure their safety.

HARRY SMITH: In your conversations with the other branches of the government, I know that you don't want any more of these documents to be released. Is there anything the government, as a whole, can do to prevent it?

ADMIRAL MIKE MULLEN: Well, there's a-- obviously an investigation which is open and expanding as necessary. And I-- I actually, feel very strongly that the release of additional information could continue to jeopardize, as I've indicated. I'm not specifically aware of any action that's been taken in the government to bar anybody from leaking more information.

HARRY SMITH: Also in the news this week, is the army's suicide report. And the number of suicides, the number of attempted suicides are at record levels. Do we really know why? And is there any effective countermeasure that can be done to-- to help bring it down?

ADMIRAL MIKE MULLEN: Well, the essence of what the army leadership was addressing was to its own leadership. I fundamentally believe this is a leadership challenge and problem. It continues to grow. The rates have gone up, not just in the Army, but in all our military-- military services, fairly dramatically for the last several years. We now exceed the-- the--

HARRY SMITH (overlapping): Civilian rate.

ADMIRAL MIKE MULLEN: --the civilian rate throughout the country. It's a very complex problem. I believe, even though, there are some that don't-- I believe it does have to do with the deployments, the-- the inability to spend enough time at home.

HARRY SMITH (overlapping): Because statistically, it doesn't necessarily match up.

ADMIRAL MIKE MULLEN: I--

HARRY SMITH: I mean, that would be the instinct but it doesn't really match up.

ADMIRAL MIKE MULLEN: I-- I understand that. It's just that I've-- I've-- again, I've been doing this a long time. I understand the pressures. I see the pressures in families and in members routinely, although there are many who've taken their lives, who haven't deployed--

HARRY SMITH: Mm-Hm.

ADMIRAL MIKE MULLEN: --so I certainly don't-- don't say it's all specifically tied to that. But it's a big factor. And the leadership has got to grasp this. And the army has undertaken a significant study--national level study. There aren't many studies that can-- that comprehensively get at this. It's a five-year study but it's also producing results early. So, there's a tremendous amount of focus on this as there needs to be. We've got to see if we can turn it around.

HARRY SMITH: Americans are waking up this morning and they're realizing that July was the deadliest month for U.S. soldiers in Afghanistan--

ADMIRAL MIKE MULLEN (overlapping): Right.

HARRY SMITH: --thus far, since the war started in 2001. Some of these Americans, as they're looking at this, are wondering why we're still there and why this war has not been won.

ADMIRAL MIKE MULLEN: The focus of the President's strategy is-- is really on dismantling, defeating and disrupting al Qaeda who struck us from Afghanistan because the Taliban ran the place. And they had a safe haven. They're now moved, for the most part, to Pakistan. And we've-- it really-- it's a regional strategy that focuses on both Pakistan and Afghanistan.

The focus is on securing the Afghan people so that Afghanistan will not be able to return to the safe haven it was for extremists al Qaeda specifically, but other terrorist organizations as well. We left Afghanistan in the late eighties. We left Pakistan in the late eighties. And we find ourselves back there now. And certainly, the-- the-- the questions that are out there from the citizens in those countries are, are we going to stay this time or not? And I believe that we've got to stay. We've got the right strategy, the right resources. And In fact, it hasn't been resourced really until the last year.

So, yes, it's the most deadly month. Sadly and tragically, we predicted this would be a very difficult year. But we've got the right strategy and leadership and-- and this, over the course of the next year or so, is really a critical time.

HARRY SMITH: Admiral, thank you very much for being with us today.

ADMIRAL MIKE MULLEN: Thanks, Harry.

HARRY SMITH: Richard Haas is the head of the Council of Foreign Relations. He is in our New York studio this morning. Richard, good morning.

RICHARD HAAS (President, Council on Foreign Relations): Good morning, Harry.

HARRY SMITH: You just heard the admiral. He says we have the right strategy, we have the right sources-- resources in Afghanistan, right now. Recently, you wrote in Newsweek, that it's time to scale down our ambitions in Afghanistan. Why?

RICHARD HAAS: Well, first of all, I don't think it's really worth it. I don't think Afghanistan warrants the-- the scale of investment the United States is making. The CIA director Leon Panetta as you know, Harry, estimates there's only fifty to one hundred al Qaeda people left in the country. So the scale of what we're doing it is way, too much.

So-- and, also, I don't really think it's going to work. To try to do a nation-building or state-building effort in a place like Afghanistan which has no tradition of a strong central government which is-- which is divided along all sorts of ethnic and tribal and geographic lines.

Also, you've got a sanctuary in neighboring Pakistan. I simply don't think the sort of strategy we're doing can succeed. And instead, I would scale back. To be clear, not leave--

HARRY SMITH: Mm-Hm.

RICHARD HAAS: --not to withdraw but I do think the United States ought to scale back dramatically to do something much more along the lines of counterterrorism, more akin to the sort of limited actions we're doing in places like Somalia and Yemen, where we use drones--

HARRY SMITH: Mm-Hm.

RICHARD HAAS: --we use cruise missiles. We use covert operatives, we use Special Forces, we go after the terrorists but we do not try to remake a society.

HARRY SMITH: Because we look at what's happened to al Qaeda and as the Admiral just said a lot of it has moved to Pakistan. Some of it has moved to Yemen, Somalia, places like that. Does al Qaeda even require a home base?

RICHARD HAAS: It doesn't-- it certainly doesn't require one in Afghanistan. There's nothing special or unique about Afghan real estate. Al Qaeda requires some place as to work out of. But it could also be out of New Jersey or out of Michigan. Al-- al Qaeda is not an organization in the sense of a tight-knit IBM of terror. It's-- it's much more cellular. It's diffuse. It needs access to money, access to the internet. It needs to train and equip people. But it's very diffused. So there's nothing special about any single country. It doesn't really need a single base.

HARRY SMITH: Is the deck stacked against the United States in Afghanistan? You don't have a good partner in Karzai. Pakistan Intelligence Service has been helping al Qaeda, it helps the Taliban. Is-- is-- is there-- there are just too many variables there that don't help pit-- pit-- paint a better picture for our future in Afghanistan especially, with an American partnership?

RICHARD HAAS: The deck is stacked if we try to accomplish great things. We can't succeed. But sometimes in foreign policy you've got to think not about what it is you want to create. You've got to be more modest and think about what it is you want to prevent. And what it is we ought to be trying to prevent is that Afghanistan again become a place where terrorists operate freely. We also don't want Afghanistan to become a base to destabilize Pakistan.

What I'm arguing is that we can do those things--

HARRY SMITH: Mm-Hm.

RICHARD HAAS: --with a far more modest American force presence.

HARRY SMITH: The-- one of the other factors in this because there's this drawdown target date next summer. Some of it is incumbent upon training the police and army in Afghanistan, a process that took years in Iraq. And is arguably much more difficult in Afghanistan. Is it realistic to even think about doing a troop drawdown next summer?

RICHARD HAAS: I think it's realistic. Indeed, I think it's wise to do a troop drawdown. But we shouldn't bank on creating a strong central police or military. I would think much more about lo-- arming the locals, various tribesmen and so forth.

HARRY SMITH: Mm-Hm.

RICHARD HAAS: Again, that's the nature of Afghan territory and Afghan society. I'd also think about talking directly to the Taliban. I don't assume and I don't understand why the administration assumes that if elements of the Taliban regain footholds in Afghanistan, as they surely will, why do we assume they are necessarily going to make the same decision they made last time and bring back al Qaeda? It's quite possible that many of the Taliban can be persuaded not to get back into bed with al Qaeda. That ought to be something we explore.

HARRY SMITH: But the part of that partnering up again with the Taliban brings the fear of the kind of ruthless obs-- rule that pervaded there for the longest time. Everyone saw the picture of Time magazine this week--

RICHARD HAAS: Sure.

HARRY SMITH: --of a woman who whose-- whose ears and nose were cut off. We can't prevent that in the long term in the future, but if we're not there in a significant way, doesn't that leave that vacuum for the Taliban to-- to-- to move back in again?

RICHARD HAAS: Well, some of that, unfortunately, is going to happen in those areas that the pa-- that the Taliban once again prevail in. I don't like it. On the other hand, I don't think, Harry, we can ask a hundred thousand American men and women in uniform to essentially put their lives on the line to try to remake the politics and society of Afghanistan. I don't sit here and say that happily but I think we have got to be realistic about what it is we use our military for and what it is we ask people to put their lives on the line for.

HARRY SMITH: Richard Haas from the Council on Foreign Relations, we thank you so much for coming on this Sunday morning. Do appreciate it.

RICHARD HAAS: Thank you, Harry.

HARRY SMITH: We'll be back right after this.

(ANNOUNCEMENTS)

HARRY SMITH: That's all for today. Be sure to tune in tomorrow to THE EARLY SHOW, where we will have more of my exclusive interview with President Obama.

Thanks for watching.

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