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



## **August 30, 2009 Transcript**

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## TRANSCRIPT

BOB SCHIEFFER: Today on FACE THE NATION, the legacy of Senator Ted Kennedy.

PRESIDENT BARACK OBAMA: The world will long remember their son Edward as the heir to a weighty legacy, a champion for those who had none, the soul of the Democratic Party, and the lion of the United States' Senate.

BOB SCHIEFFER: His friends and family and millions who saw it on television said good-bye to Senator Kennedy yesterday, during a day of mourning that stretched into night. Forty-seven years in the Senate, hundreds of pieces of legislation, a life rife with tragedy.

Plus, constant work on health care, a cause of his life. What is Senator Kennedy's legacy. What made him such a good legislator. And what can be learned from the way he led his life. We'll talk with Senators John McCain, Republican of Arizona; Orrin Hatch, Republican of Utah; Dianne Feinstein, Democrat of California; Representative Barney Frank, Democrat of Massachusetts; and Georgetown University historian, Michael Eric Dyson. I'll have a final word on American heroes and the family that held America's attention for half a century.

Remembering Ted Kennedy 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: And good morning again. Joining us now first, Senator John McCain.

Senator, I understand that when Vicki Kennedy began calling people to speak at-- at the wake on Friday night, that you were the first Republican that she called. And I can understand why that was, because you did have a very, kind of, special relationship with Senator Kennedy. You didn't always work together. A lot of the time you were on opposite sides, but, somehow, you managed to keep this relationship going. How did you do that?

SENATOR JOHN MCCAIN (R-Arizona): I think it was probably because, first of all, we grew to respect each other, and, over time, then have great affection for each other. You know in this business, first you've got to establish respect, and that respect sometimes was because of face-to-face discussions, sometimes not for the record on-- on issues that we had disagreements on. But the thing about Ted was that when the debate was over, then he put his arm around you and-- and-- and you moved on to the next issue. He never held a g-- not only didn't he hold a grudge, he would-- that was done. Now let's-- let's go on to the next battle.

BOB SCHIEFFER: You know, I talked to Bob Dole on the day Senator Kennedy died and I asked him, basically, the same question I asked you, and he said he had this ability to go out around the floor and make these highly-partisan speeches but somehow leave the impression that he wasn't talking about you personally.

SENATOR JOHN MCCAIN (overlapping): --he wasn't talking about you. That's right. But the other thing that-- that-- that I think was so important about Ted, the reason-- one of the fundamental reasons for his success was once he gave his word that was never broken.

And I'd love to tell you that that's a-- a very common thing. But, unfortunately, it's not as common as we would like. And he would even take votes that were counter to his own position in order to preserve the coalition that he had fashioned in order to reach a goal.

When we were working on immigration reform, when he saw some of his members straying, he would give them a little straight talk and he would take votes that would look like they were counter to his position but were vital to preserving the fragility of any coalition-- whenever you're going to pass major legislation, you've got to have a-- a coalition and you got to preserve it when you're on the floor. And the enemies are always looking for amendments that will split that coalition.

But the-- the other thing is, you know, he-- he was a non-- he was an affectionate man. He'd-- he really enjoyed his friends. I wasn't nearly the close friend that Chris Dodd, for example, was a-- and others. But I saw the genuine affection that he held for his staff, for his friends. We all know how devoted he was to his family.

Anybody who saw Ted Kennedy, Junior's statement yesterday had to be genuinely moved by the devotion that this father had to his children and his family. When Russ Feingold and I got the Profile in-- in Courage Award, I saw him with the whole family, the whole-- all the kids, grand kids. He truly was the patriarch and he kept that family together.

BOB SCHIEFFER: I want to ask you since you are here, I asked you to come talk about Senator Kennedy--

SENATOR JOHN MCCAIN (overlapping): Mm-Hm. Mm-Hm.

BOB SCHIEFFER: --but this morning, on Fox, former Vice President Cheney said that the President's-- the administration's decision to appoint a special council to look into the torture allegations was, in his words, "a terrible decision." He said, and these were his words, "It offended the hell out of me." I know you were against torture--

SENATOR JOHN MCCAIN: Mm-Hm.

BOB SCHIEFFER: And tried to do something about that. But do you agree with the vice president-- the former vice president that somebody should not have been appointed to look into this.

SENATOR JOHN MCCAIN: I-- I believe that the President was right when he said we ought to go forward and not back. I worry about the morale and effectiveness of the CIA. I worry about this thing getting out of control and us harming our ability to carry on the struggle that we're in with radical Islamic extremism. So, look, I-- I-- I was radically opposed to it. I think it harmed us. I think torturing harmed us. I have a number of anecdotes that could substantiate that and I think it harmed our image in the world. But for us now to go back, I think would be a-- a serious mistake. We've been around-- you and I have been-- yeah.

BOB SCHIEFFER: The-- well, the President had said that he wanted to go forward but this apparently is a decision made by the attorney general and the President, I guess, says he's going to go along with it.

SENATOR JOHN MCCAIN: Well, the attorney general has a unique position in the cabinet, obviously. He can't be told what to do by the President of the United States but I think it's a mistake. I think in the future we'll find out it's a mistake. And at the same time we can assure the American people that it will never happen again and the-- and people in this-- in the world that-- that has harmed our image so badly.

BOB SCHIEFFER: Do you-- do you agree with the vice president when he says this has kept the country safe all this time since this attack and it is because these interrogations worked and we found out information that helped us keep the country safe.

SENATOR JOHN MCCAIN: I think the interrogations were in violation of the Geneva Conventions and the convention against torture that we ratified under President Reagan. I think that these interrogations once publicized helped al Qaeda recruit. I got that from an al Qaeda operative in a prison camp in Iraq who told-- who told me that.

I think that the ability of us to work with our allies was harmed and so-- and I believe that information, according to the FBI and others, could have been gained through other methods.

BOB SCHIEFFER: When you say an al Qaeda operative told you it helped them. What-- what do you mean?

SENATOR JOHN MCCAIN: I was in-- Senator Lindsey Graham and I were in-- in Camp Bucca, the twenty-thousand-prisoner camp. We met with a former high-ranking member of al Qaeda. I said, "How did you succeed so well in Iraq after the initial invasions?" He said two things. One, the chaos that existed after the initial invasion, there was no order of any kind. Two, he said, Abu Ghraib pictures allowed me and helped me to recruit thousands of young men to our cause. Now that's al Qaeda.

And the second thing about it is, if you inflict enough pain on anyone, they'll tell you anything that to make the pain stop. So you not only get, perhaps, right information but you also get a lot of wrong information. But the damage that it did to America's image in the world is something we're still on the way to repairing. This is an ideological struggle as well as a-- as a physical one, so.

BOB SCHIEFFER: Well, Senator McCain, thank you so much for coming by to share those stories about Senator Kennedy and also about comments on the news of the day.

SENATOR JOHN MCCAIN: Thank you for having me on, Bob.

BOB SCHIEFFER: Hope to see you again. Okay.

I want to go now to Boston where Senator Dianne Feinstein, who served with Senator Kennedy on the Judiciary Committee, is standing by. Also with us this morning from Portland, Maine, Congressman Barney Frank who is from Senator Kennedy's home state, of course, Massachusetts.

Senator Feinstein, let me just start where Senator McCain left off. This whole controversy where you have the vice president now saying that he thought it was a terrible decision driven by politics for the attorney general to appoint a special council to look into these charges of-- of torture. We'll talk about Senator Kennedy in just a minute but since you are on judiciary, I wanted to get your thoughts on that.

SENATOR DIANNE FEINSTEIN (D-California): Well, really, my thoughts, as chairman of the Intelligence Committee, I think is what is probably most relevant. I have read the 2004 inspector-general report which is a stunning report and I've read it in its unredacted version and it's true. I was horrified. I-- so I understand the attorney general's reaction. However, I think the timing of this is-- is not very good.

The Intelligence Committee has under way now a total look at the interrogation and detention techniques used for all of the high-value detainees. We're well along in that study and I'm trying to push it along even more quickly at this time. We are not going to be deterred from completing this study and candidly, I wish that the attorney general had waited.

Every day something kind of dribbles out into the public arena, very often it has mistakes, very often it's half a story and I think we need to get the whole story together and tell it in an appropriate way.

A lot of things are being said. Well, you know torturing people is something that we did but on the other hand it produced all kinds of incredible information. It did produce some information but there is a great discrepancy and I think a good deal of error out there in what people are saying it did produce and we need to straighten that out and the only thing that's going to straighten it out is a very comprehensive look at it. This is a bipartisan effort of the Senate Intelligence Committee and it should be able-- we-- we should be able to finish it--

BOB SCHIEFFER (overlapping): All right.

SENATOR DIANNE FEINSTEIN: --hopefully not too long from now.

BOB SCHIEFFER: So, let's-- let me thank you very much and let me ask you now about Senator Kennedy. You were at the funeral yesterday. You served on the Judiciary Committee a long time--

SENATOR DIANNE FEINSTEIN: Right.

BOB SCHIEFFER: --with Senator Kennedy. You were not there during the Bork hearings when Senator Kennedy said some very tough things.

I mean, the-- the thing we always remember is the quote he gave, where he said, "Robert Bork's America is a land in which women would be forced into back-alley abortions, blacks would sit at segregated lunch counters, rogue police could break down citizens' doors in midnight race-- raids children could not be taught about evolution." Many people said that after Senator Kennedy said that, that the whole confirmation process about Supreme Court candidates changed after that. Do you think that was a good part or a bad part of his legacy?

SENATOR DIANNE FEINSTEIN: Well I'm not going to put it that way because I wasn't there. I do think that the process has changed. I do think it's become much more partisan; and there are many of us on that committee that are trying very hard to end that kind of partisanship. I was very surprised, for example, when Justice Sotomayor was not confirmed by more Republicans on the committee than-- than voted for her. Because I thought she was just a--

BOB SCHIEFFER: Mm-Hm.

SENATOR DIANNE FEINSTEIN: --sure thing and a great American story and very well qualified. And this, in fact, was an historic nomination because she would have been the first Latina ever to sit on the United States Supreme Court. But what was so amazing about Senator Kennedy was this. He truly had a civil rights anti-discrimination human rights agenda that was deep in his heart and he led the committee, I believe, in social issues and he had worked on them for years. He cared deeply. He was a robust subcommittee chair. He controlled the subcommittees. He put together legislation. He lobbied it through. When he needed to compromise, he compromised, but he was a very dominant figure on that committee. And when he spoke, everybody listened. There was no question to that. So--

BOB SCHIEFFER: Let me--

SENATOR DIANNE FEINSTEIN: --he's a leader--

BOB SCHIEFFER: A leader.

SENATOR DIANNE FEINSTEIN: --and a great--

BOB SCHIEFFER: Let me bring--

SENATOR DIANNE FEINSTEIN: --leader.

BOB SCHIEFFER: --let me bring in Barney Frank because that brings me to another part of it. We were just talking to Senator McCain talking about how he was able to maintain these relationships. But as a Democrat, Congressman Frank, from his home state, what do you think it was that made him so-- so successful? What Senator McCain has said over the years are-- are most effective member of the Senate?

REPRESENTATIVE BARNEY FRANK (D-Massachusetts): Three things, Bob, one of which we talked about and we start with two others. First of all, he knew his stuff. Ted Kennedy hired consistently the smartest and best minds that he could get. He went into any negotiation knowing the substance better than almost anybody. And, you know, as Senator Feinstein knows particularly if you're a United States Senator you're on several committees and subcommittees. And your ability to stay on top of things, it

could be hard; members of the House, the same thing with too much staff driven in some of what we do. Ted Kennedy had a first rate staff and he mastered that material. He did his work. And so when Ted Kennedy sat down, he knew things. And knowing your material is important.

Secondly, he was a very good politician. We talk about politics. He knew the way to negotiate was the best thing you could do was maybe something will be important to the other guy that's not so important to you and it will be important to you and not so important to her and that's the way you put it together.

But there's a final thing that we talked about and it relates to what Senator Feinstein said about the nominations. We're getting more polarized in America today. I wish more people were watching programs like this, you know, a lot of us do, because what you have now is there's not the common body of information out there for the most active people politically. The most conservative people listen to talk radio. People on the left tend to be on the internet. They don't have enough knowledge of what other people think. They tend to frankly listen to media, the most active people that reinforce their own views. The problem there is that if you then want to make a-- a-- a compromise, which is essential for almost anything particularly since we've had a de facto amendment to the U.S. Constitution so sixty votes instead of fifty-one is needed for the Senate, very unusual in our history. It's-- it's hard to do that because the people who make the compromises will be accused by their own ideological partisans of giving in for no good reason. If we say to them, look we didn't have the votes to do this, they say, oh, but everybody I talk to on the internet, everybody who calls in to this talk show they agree with me.

What helped Ted Kennedy was this. No one could attack him from the left. You might disagree with him on a specific issue. But as Senator Feinstein said look at his agenda. No one in American history has done more to advance the cause of fairness in our country, economically, socially, and every other way. So Ted Kennedy had the ability and the knowledge to get into a political situation and make the compromises and he knew that there might be some people who might be unhappy with this one or that one. But no one was going to credibly say, oh, Ted Kennedy sold us out for no good reason and that's an essential thing--

BOB SCHIEFFER: All right.

REPRESENTATIVE BARNEY FRANK: --if you're going to have the ability to make deals.

BOB SCHIEFFER: All right. When we come back we're going to take a little break here. We're going to bring in Orrin Hatch and Michael Eric Dyson who also knew Senator Kennedy very well.

SENATOR EDWARD KENNEDY (January 28, 1968): I have serious reservations about our policy in-- in Vietnam and the pursuit of that policy in Vietnam. And I think that that is the overriding consideration and the question that is before our nation and pervades every other aspect of not only the life in this country but our domestic programs.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And with us here in the studio, Senator Orrin Hatch, Republican of Utah who worked on many pieces of legislation with Senator Kennedy and Michael Eric Dyson from Georgetown University, the historian sociologist who has written extensively about among other things, Barack Obama.

Senator Hatch, let me just talk to you first. You told some wonderful stories. Somebody told me this story about you. They said that talking about how Senator Kennedy had a-- a way of making people feel special. They said many of your colleagues used to encourage you and congratulate you on your hobby of songwriting. But they said Senator Kennedy would actually come to your office and listen to those songs and he actually knew the words to some of them. He did have a way, did he not, of making people feel kind of special at the moment?

SENATOR ORRIN HATCH (R-Utah): He did. He was a master politician and a very good friend. You know, we-- we fought each other most of the time, knock-down drag-out battles. But always afterwards

we'll throw our arms around each other and he'd always say, "How did I do?" You know and I'd laugh and I'd-- and I'd yell at him, you know and-- but he was a masterful politician.

BOB SCHIEFFER: How is it that he was able to find that sort of sweet spot in the legislation as somebody said to me this week that the other person, the person on the other side of the issue could be for?

SENATOR ORRIN HATCH: Well, even though, he's very liberal, he would listen to, for instance, myself and-- and realize that there were certain things he just couldn't do.

Take the CHIP program. When we finally did it, it was a-- it was a moderate to conservative bill. He came all the way across the center into even the conservative side. He was mad at first when I put that bill into the Balanced Budget Act of that-- that year, the first balanced budget in over forty years. He came down and started yelling at me. And then all of a sudden he started to laugh because I started to laugh at him. And-- and he realized how important it was. And it turned out to be one of the most important bills. We-- we did dozens and dozens of landmark pieces of legislation and a lot of it was because he was able to acknowledge that he couldn't get everything he wanted through but if he worked with us, he could get some things that were good and, of course, I had to do the same.

BOB SCHIEFFER: Michael Eric Dyson, you wrote a lot about Barack Obama. You probably knew Obama better than you knew Ted Kennedy.

MICHAEL ERIC DYSON (Georgetown University): Yes.

BOB SCHIEFFER: But, let me ask you this question. Do you think Oba-- Barack Obama c-- would have been elected had not Ted Kennedy endorsed him?

MICHAEL ERIC DYSON: No, I don't think so.

BOB SCHIEFFER: Really?

MICHAEL ERIC DYSON: I mean, obviously-- well, obviously, he had a lot of momentum behind him. So, I don't want to say that he couldn't have been elected without Ted Kennedy but Ted Kennedy's endorsement made it a lot easier. Of course, Barack Obama had the wings of hope and the winds of possibility behind him but Ted Kennedy was an awful powerful gust of wind that gave him a necessary lift. This was a man of American royalty bestowing upon Mister Obama, if you will, the mantle of that kind of liberal leadership as Senator Hatch has talked about and the courage to stick to your convictions not to be uncompromising and unyielding but to understand the difference between compromising for tactic and strategy and compromising the fundamental principle. And I think that his endorsement made America look seriously at this young man and those who were sitting on the fence to become much more committed to him and those who were already encouraged by Mister Obama's rise to go even further.

BOB SCHIEFFER: There's no question that Senator Obama appreciated that--

MICHAEL ERIC DYSON: Right.

BOB SCHIEFFER: --and-- and understood what it meant. Did he-- did he ever say to you or did those around him ever say to you why they thought in the end that Senator Kennedy decided to endorse Obama? This was a major thing. And he was taking on a big part of the Democratic Party when he did.

MICHAEL ERIC DYSON: It was. I mean, obviously, with Caroline and Ke-- Kennedy's endorsement at that day before the New York Times in the op-ed and then Senator Kennedy the next day but I think that Senator Kennedy identified in Barack Obama the same hopefulness that he had seen glowing in the face of his brother John and radiating from the heart of his brother Robert. I think that there was a kind of trilogy, if you will. Kennedy himself didn't make it to the presidency, his to-- though he ran. But I think that he saw in Barack Obama the passing of the baton. He saw something new, some kinetic spirit, some amazing charisma that was able to catalyze the ambition of millions of people. And when he spotted it he

knew the real thing. He knew that Barack Obama was the real deal. And so throwing his weight behind Obama was a way of continuing his da-- Ted Kennedy's legacy and also latching on to the legacy of an extraordinary phenom.

BOB SCHIEFFER: A very short time left. How will the Senate be different now that he is gone, Senator?

SENATOR ORRIN HATCH: Well, there was no-- there is no other Democrat who could carry the base of the Democratic Party and get them to do what really has to be done in a compromised situation. You see this in health care. The base doesn't want to give in on what's called the government plan. And-- and-- and that's a big part of it. Plus, they want mandates on employers or employees plus they want to move more people into Medicaid so they can gradually get to a-- a single payer system. Kennedy would know that a number of those things can't be done in a bipartisan way. And, this has to be done as one-sixth of the American economy.

BOB SCHIEFFER: All right. I want to thank both of you. We'll be back with the final word in just a moment.

(ANNOUNCEMENTS)

BOB SCHIEFFER: Finally, as I watched Ted Kennedy's funeral yesterday I thought of a book I read last week called *The Art of Racing in the Rain* in which the protagonist observes that no race has ever been won on the first turn but many have ended there. Ted Kennedy crashed and crashed again during the early turns of his life but somehow he kept on going through the sorrows and tragedies over which he had no control and the self-destructiveness over which he did and in the final laps he won. His children loved him. His contemporaries, even those who often opposed him, admired him. And, those whose causes he championed thanked him. To what else can a man aspire?

His personal friend and sometime political foe, the long-time Republican leader Bob Dole told me the day Kennedy died that what impressed him was the Kennedy boys could've gone through life and never worked a day but all of them did. The thousands of laws that he authored changed the lives of millions who were less fortunate, a legacy few can match. In a sense, he was the classic American hero, the imperfect man who was sorely tested and yet in that testing found a way to overcome personal flaws and go on to accomplish great things. You didn't have to agree with his politics to appreciate what he achieved. Ted Kennedy made a difference.

Back in a minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And we'll see you next Sunday right here on FACE THE NATION.