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



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Transcript**

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TRANSCRIPT

BOB SCHIEFFER: Today on FACE THE NATION, the mastermind of the 9/11 attack will be tried just blocks from Ground Zero in New York. But should this trial even be happening? Khalid Sheik Mohammed--the mastermind of the 9/11 attacks and four other accused September 11 plotters will be tried in New York. Will it be the trial of the century or a propaganda forum, and what about security?

Republicans are saying it shouldn't even be happening. We'll get their side of the story from the top Republican on the House Intelligence Committee, Pete Hoekstra, of Michigan. Then we'll talk with Senator Pat Leahy of Vermont who heads the Judiciary Committee. He thinks it is the right way to go.

We'll also get the latest on the Fort Hood massacre. Dana Priest of the Washington Post and CBS News security analyst Juan Zarate will be here to talk about Afghanistan and the massacre at Fort Hood.

Then I'll have a final word on a special place in history's hall of infamy.

But, first, trying terrorists in New York 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. We begin with Congressman Peter Hoekstra who is with us in the studio here in Washington. Senator Patrick Leahy is in his home state--he is in Burlington, Vermont, this morning.

Congressman, I will start with you. You are the ranking Republican on the House Intelligence Committee. I want to get your take about the announcement that they will try Sheik Mohammed in New York, just blocks from Ground Zero. Most Republicans seem to think this is a bad idea. Most of the Democrats seem to think it's a good idea.

REPRESENTATIVE PETER HOEKSTRA (R-Michigan, House Intelligence Committee): And I think most Americans are going to think that this is a bad idea. This is ideology run wild. We're going to go back into New York City, the-- you know, the scene of the tragedy on 9/11. We're now going to rip that wound wide open and it's going to stay open for, what, two, three, four years as we go through the circus of a trial in New York City. I think--

BOB SCHIEFFER (overlapping): Do you think it's going to take two, three, or four years?

REPRESENTATIVE PETER HOEKSTRA: Well, you never know. I mean that's-- you can bet that the folks that are going to be tried and their lawyers are going to try to use this opportunity to extend it as long as they can because this is what they wanted--they wanted center stage and they're going to want to keep it for as long as they can. They will bring every motion forward that they can that will drag this trial out.

BOB SCHIEFFER: Well, the fact is he did ask to be brought to New York when he was first arrested. And we all know he has confessed to this. Do you think it will just turn into some sort of a propaganda show?

REPRESENTATIVE PETER HOEKSTRA: Well, that will be their objective. Obviously, our attorney general, our legal system, will try to keep it dignified and civil and bring some respect to it. But that's not what KSM is going to try to do. They're going to do everything they can to disrupt it and make it a circus and allow them to use it as a platform to push their ideology.

BOB SCHIEFFER: Well, what-- I guess the-- the question I'd have, what would you have done? What-- something has to be done with these people.

REPRESENTATIVE PETER HOEKSTRA: I'd do exactly what the President is doing with some of other people that they have down in Guantanamo. The President has said for some of these other-- other individuals we will use military tribunals. And he hasn't really, you know, demonstrated to us as to why some are going to go into New York and be tried there and why others are going to go through military tribunals.

He clearly has said military tribunals are-- are an appropriate step to use, but he hasn't said why it's okay for one, for another. I would have put them through the military tribunal process. We started that process. They pled guilty. Why won't the President take guilty for an answer and say now let's go-- go on to the sentencing phase?

BOB SCHIEFFER: Do you believe, I mean, is it your basic belief that these terrorists do not deserve a trial in an American court and the-- the benefits that come with that?

REPRESENTATIVE PETER HOEKSTRA: Not in American civilian court. I believe that they have certain protections that they would get in a tribunal. But to give them all of the extraordinary protections that you and I have as American citizens and to give that to KSM-- people who have mocked the American system, who want to do everything that they can do to destroy it, and now give them those extraordinary protections that we enjoy. Yeah, I think that's a bad decision.

BOB SCHIEFFER: Do you think this puts the people of New York at risk?

REPRESENTATIVE PETER HOEKSTRA: I think America is at risk continually from the threat from radical jihadists. We saw it in Fort Hood ten days ago. To now say that, you know, New York is on list. I think New York has been on the list ever since 2001. We know that we were attacked in 1993. We know that we were attacked in 2001. I think that al Qaeda and radical jihadists, if they could tac-- attack us again in New York they would.

BOB SCHIEFFER: The talk now and there are reports that the administration is now examining various federal prison sites in this country. Illinois is one of them. They were talking a while about perhaps putting them in prisons in Michigan--your home state. How do you feel about that?

REPRESENTATIVE PETER HOEKSTRA: Well, the-- the President has never answered the question why. I'm all about problem-solving. What-- what problem is the President going to solve by moving these trials to New York or by moving Gitmo prisoners to Michigan, to Illinois, to Colorado? He hasn't outlined what problem he's solving.

I don't see the problem of moving them from Gitmo. It's been a great place. We've been able to keep them their safely. There are certain challenges with these prisoners. Why move them into the United States, while we are still under the threat from radical jihadists?

BOB SCHIEFFER: I want to turn to the massacre at Fort Hood because you were one of those in Congress who immediately began pressing the government for-- for answers when they were giving out very little information.

Where do you think this thing stands now, Congressman? Are you satisfied with where it's going so far?

REPRESENTATIVE PETER HOEKSTRA: No, I think that the government has been too slow in giving us information. There hasn't been enough transparency for members of Congress, for the press, or for the American people. You know, I think that we need to move very, very aggressively and do a full-scale investigation as to who knew what and where?

You know, this Awlaki guy in Yemen, you know, he's been on our radar screen since 2001-2002. What-- my sources tell me we had evidence back in 2002 that would have enabled us to prosecute him. Why didn't we prosecute him then?

The other thing I want to know is people want to know who Hasan has been talking to in the Middle East. I want to know who Awlaki is talking to in the United States. And have we been-- you know been-- have we been able to capture those communications? I want to know what's going on between the intel community, the Department of Defense, and the FBI.

I think we had a lot of information on Hasan, but I'm not sure that we put all of these things in place so that we would have been in a position to, perhaps, stop what happened at Fort-- at-- at Fort Hood last week.

BOB SCHIEFFER: Do you think the government was timid in questioning him because we now know that he was even carrying cards with the phrase SoA. Some people say that's a Soldier of Allah; some say a Slave of Allah, who knows how it's interpreted. But there seem to be so many red flags that were raised here that one group would know about it, another group would know about it, but it never came together and it never set off alarm bells.

REPRESENTATIVE PETER HOEKSTRA: Yeah. I think the administration knew by the Friday after the Fort Hood shootings that they had a lot of questions that need to be-- needed to be answered--that there had been all of these red flags, but that they had never come together in one place. And I think that's why they've been slow in providing people like yourself and myself with the transparency and the information, because there's going to be a lot of tough questions that need to be asked that I am not sure that they were prepared to answer.

BOB SCHIEFFER: You-- you have called for an investigation, a congressional investigation. Can Congress investigate this without hampering the investigation by the authorities that's going on?

REPRESENTATIVE PETER HOEKSTRA: I sure hope so. I mean Senator Lieberman has called for an investigation. I really think we need to do an aggressive-- aggressive investigation. We need to use this opportunity as to what happened in Fort Hood to, sure, find out what happened in these tragic circumstances. But to get a better insight to what I think is a real and continuing threat from ra-- radical jihadists. I think most Americans aren't aware of how severe this threat really is.

BOB SCHIEFFER: All right. Congressman, thank you very much for being with us this morning.

REPRESENTATIVE PETER HOEKSTRA (overlapping): Good. Thank you.

BOB SCHIEFFER: I want to turn now to get the other side to some of these questions, to Senator Pat Leahy. He is the Democratic chairman, of course, of the Senate Judiciary Committee.

Well, you heard what the congressman said, Senator Leahy. Tell me why you think he's wrong?

SENATOR PATRICK LEAHY (D-Vermont, Chairman, Judiciary Committee): Well, I-- I think that Eric Holder, our attorney general, is right. I think the President is right in holding the trials of these murderers in New York City. What we're saying to the world is the United States acts out of strength not out of fear. I know when I go around Vermont people say what's-- let's try criminals, let's try criminals like KSM, let's get them convicted. We-- we're-- we're very much a law enforcement type of state here. I was a former prosecutor. I'd like to just see them prosecuted--

BOB SCHIEFFER (overlapping): Well--

SENATOR PATRICK LEAHY: --in the same way-- in the same way we prosecuted Timothy McVeigh. We're not afraid to do that. We're the most powerful nation on Earth. We have a judicial system that's the envy of the world. Let's show the world that we can use our power, we can use our judicial system, just as we did with Timothy McVeigh and send the people and convict the people.

BOB SCHIEFFER: But-- but-- but Timothy McVeigh was an American. He was not--

SENATOR PATRICK LEAHY (overlapping): Yeah.

BOB SCHIEFFER: --what some people would call an enemy combatant.

SENATOR PATRICK LEAHY (overlapping): But I call--

BOB SCHIEFFER: Won't this be a-- a-- a circus of sorts. So that's what the congressman is saying--he says it's going to just turn into a propaganda show.

SENATOR PATRICK LEAHY: I have a lot of faith in our judges. They know how to run a trial. They know how to keep decorum in-- in their court. If Khalid Sheikh Mohammed wants to stand up and say as he did in Guantanamo, "I committed all these murders. I did all these things." Fine, if I was a prosecutor I would just sit there and let that jury hear it because he's going to be convicted. That's the important thing. And we show the world that our-- our judicial system works. I think that's why people like Ray Kelly who is the commissioner of police, one of the finest commissioners of police anybody has ever had there in New York City, said, "We're prepared. We can handle this."

BOB SCHIEFFER: But, I guess the point that some people are raising is that someone who is in an enemy combatant does not deserve the benefits that one gets in-- in a-- in a trial--

SENATOR PATRICK LEAHY (overlapping): Yeah but, Bob-- Bob--

BOB SCHIEFFER: --in-- in an American courtroom.

SENATOR PATRICK LEAHY: If somebody murders Americans and they murder Americans in America, they ought to be prosecuted in America, and, hopefully, convicted in America.

I mean, if somebody comes into our country and murders somebody walking down the street, we're going to prosecute them here. It doesn't make any difference whether they're Americans or non-Americans. They committed the crime in America and that's what-- that's what he did. I think that the administration is doing the right thing. They're using all the things we have available. With Major Hasan we're using a court martial at Fort Hood and that's the appropriate venue for that. With these 9/11 murderers we're using the criminal courts in New York for them. With the people who bombed the USS Cole we'll use the newly reconstituted military tribunals.

I think it's an example, we're showing the rest of the world we have systems that work. We're not afraid of these people. We're ready to stand up to them. I-- I don't think we should run and hide and-- and cower. Let's use our system and let's convict them.

BOB SCHIEFFER: What if he should be acquitted?

SENATOR PATRICK LEAHY: I don't think he's going to be acquitted. I've-- I've discussed the evidence that's available. Again, I've-- I've not prosecuted this kind of case but I've prosecuted a lot of murder cases. I think most prosecutors know what-- what's going to happen. You got Eric Holder who is one of the most experienced prosecutors this country has ever had as Attorney General.

BOB SCHIEFFER: Mm-Hm.

SENATOR PATRICK LEAHY: He's got one of the greatest teams (sic) of prosecutors around him. I've-- I've gone over the case with him. I'd rather be the prosecutor than the defense council in this case.

BOB SCHIEFFER: You know, anybody who has watched Law & Order or any of the other crime shows on television knows that when-- the first thing that happens when a law enforcement officer arrests someone, they advise them of their rights--that they have a right to an attorney and so on.

Now, there was no attorney here. This man was waterboarded a hundred and eighty-three times. Do you think that-- that we can find untainted evidence, enough of it, to convince him-- to convict him, because if you say, "Well, he didn't have a lawyer from the beginning," would that say to people, to a judge, well, you can't use any of that evidence?

SENATOR PATRICK LEAHY: No, I think that we have plenty of evidence as obtained outside of the-- whatever he said in the waterboarding. Keep in mind they indicted him long before the-- this waterboarding. They had evidence enough to bring indictments against him long before that.

I don't-- with the review that I've had of the-- the evidence available, I have no question that they have enough evidence, that'd be untainted by the waterboarding, that will be admissible in court, and he will be convicted.

BOB SCHIEFFER: Let me just ask you because you're the chairman of the Judiciary Committee about this investigation that's going on down in Fort Hood. Obviously, somebody dropped the ball in all of this process.

SENATOR PATRICK LEAHY: Yeah.

BOB SCHIEFFER: This-- this man should not have been at-- at Fort Hood. Do you think Congress ought to actively open an investigation into this, Senator Leahy?

SENATOR PATRICK LEAHY: Well, I agree with the congressmen that there's a lot of the dots were-- were not connected. The fact of the matter is there will be congressional investigations. I-- I think we have to do it carefully in a way that we don't interfere with the prosecution that is going to be of him--the court martial prosecution. We don't want to-- we don't want to step on things that will make it more difficult to be pro-- to prosecute him because, of course, he should be prosecuted for these-- for these murders.

But obviously in the Congress we have a reason for oversight. I've already talked to Director Mueller of the FBI about this and the Attorney General. The Attorney General will be before the Senate Judiciary Committee on Wednesday. I fully expect that he'll be asked a number of questions about this. Ultimately, we should know where-- if mistakes were made where they were made for the sole purpose of making sure--

BOB SCHIEFFER (overlapping): Okay.

SENATOR PATRICK LEAHY: --those mistakes are not made again. The same way we did after 9/11. You know, the evidence was there and the information was there to stop the attack in 9/11. The dots were not connected. Had they been, we're-- we just want to make sure these mistakes are not made a second time.

BOB SCHIEFFER: All right. Well, we'll look forward to those-- this- those hearings in the coming weeks. Thank you so much, Mister Chairman, for joining us. We'll be back with-- in one minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And we're back now with Dana Priest, investigative reporter of the Washington Post and Juan Zarate who is our consultant on national security affairs, a former member of the National Security Council under George Bush.

Dana, I want to talk to you first because you won the Pulitzer for the series of stories you did about the conditions at Walter Reed Hospital. How did this happen? Why did not somebody raise or why didn't it ring an alarm when we found out the series of things we found out about this doctor who was there who was just shuffled off to Fort Hood?

DANA PRIEST (Washington Post, CBS News Contributor): Well, he was a doctor and he's in a medical setting with medical professionals, psychiatrists. They aren't necessarily like the infantry troops that are going to have the threat in-- at the forefront of their mind. And he's intelligent, soft spoken, no indication of violence, no speaking about violence, very polite. But he has a fascination with studying religious conflicts among Muslims who are serving in the military.

I think you can't really make-- you-- you can't call them red lights like everybody is doing in hindsight now. It looks like he was trying to figure out what do you do with people who are

conflicted and then he's recommending that the military give them conscientious objector status. He-- he wasn't-- you know, so there's no more than that.

And the people-- I know some of the people who were with him in-- during this period of time in his fellowship at the end of his-- his term at Walter Reed. And I don't think they believe that he was crazy. I think they believed he was very odd and that he didn't pose a threat. If they thought he was mentally ill, again, these are doctors, they would have-- they would have given him up to evaluation.

BOB SCHIEFFER: But, again, he got very poor performance ratings. His contemporaries were raising questions about the-- the lines that he was saying. We now know he had business cards printed up that said what "Soldier of Allah" on them.

DANA PRIEST: Well, I think what we don't know is did somebody say to him, "Do you have these conflicts?" How much discussion was there among his supervisors and him about his interpretation of Islam? And, I think, that's where the army you'll find is-- is reticent. I mean they don't know enough about it. They may not even know enough about it to have a-- a general discussion. And, apparently, nobody-- nobody informed the counterintelligence people who would have been the people to do that.

BOB SCHIEFFER: Well, do you think there was a certain timidity because he was a Muslim and someone thought it would be politically incorrect--

DANA PRIEST (overlapping): I do think there is. I--

BOB SCHIEFFER (overlapping): --to question him?

DANA PRIEST: I do think. Yes. I think the army is-- is-- is very concerned about diversity in its forces. They need Muslim leaders. And, right now they are trying desperately to increase their ranks of people who speak Arabic and who can help them in the Middle East.

So, I think, they-- yes, they're timid about that. And that is going-- going forward is going to be a big issue for them. We've already heard Secretary Gates and others say we can't broad brush our-- the Muslims who serve in our armed forces now with-- with just this case.

BOB SCHIEFFER: Let me switch quickly to another big story that's coming down the pike here. And that is what is the President going to do on these troop increases that they're asking for in Afghanistan? We're now seeing the White House saying it is costing one million dollars a year to keep one American troop in Afghanistan and saying maybe we're getting to the point where we can't afford it. What do you think and what do you hear about when this decision is coming, Juan?

JUAN ZARATE (CBS NEWS National Security Analyst): Well, I think what we're hearing from the administration, Bob, is that sometime after Thanksgiving the President will be prepared to give a speech to the nation and perhaps other parts of a roll-out to explain the number of troops and frankly to describe the strategy that the administration is going to resolve in terms of Afghanistan. Interesting that the issue of the budget is coming up now because I think you-- you're starting to see all sorts of issues including our ambassador in Kabul, General Eikenberry's objections to perhaps any more troops without a reliable partner in Karzai.

And so, there's a lot going on within the system, within the process, to throw doubts into throwing more troops at-- at the issue without a clear resolution of the strategy. All of this though signals, unfortunately, I think, a little bit too much indecision. I don't think anyone faults the President for taking time to make the right decision. But I think it's how he's doing it, how the process has unfolded, that he is starting to look indecisive and-- and a bit weak.

BOB SCHIEFFER: What do you-- because I know you followed this closely, Dana, you were Pentagon correspondent for a long time.

DANA PRIEST: Right.

BOB SCHIEFFER: What are you hearing? I mean because there's series of leaks, you know, we had a leak early in the week that said he was going to give McChrystal everything he wanted and it came from a very reliable source. But then we see suddenly the leak from the ambassador there—

DANA PRIEST (overlapping): Right.

BOB SCHIEFFER: --that well maybe we shouldn't do that. It-- it-- it sounds to me like in I-- I hear what you're saying Juan, maybe he's reconsidering. Maybe he'd almost made a decision and is now rethinking it again.

DANA PRIEST: Well, you really do have a split government. You have-- and-- and the alignments are not the natural maybe state against defense. They're much more nuanced than that. But it-- it comes back to what is the goal? Is the goal to defeat al Qaeda? And if that's the goal, well, there-- according to my sources there are only about a hundred al Qaeda left in Afghanistan.

BOB SCHIEFFER (overlapping): A hundred al Qaeda in Afghanistan.

DANA PRIEST: Right. They're over in Pakistan. So, again if your goal is to defeat al Qaeda then Pakistan is where you need to go. And, they've been very reluctant to do that. If it's not that, if it's-- if it's more str-- regional stability or standing up a stable political process, well, that probably is going to take a lot more than forty thousand troops and a long time.

BOB SCHIEFFER: All right. Well, thanks to the both of you. We'll find out.

Back with some closing thoughts in a second.

(ANNOUNCEMENTS)

BOB SCHIEFFER: Finally today, in history's hall of infamy, Hasan, the Fort Hood shooter, has earned a special place even among mass killers. The Washington Post's Colby King made the point, this man didn't shoot people at random nor did he seem to have a grudge against any particular person. No, he shot people he had been sent to help, which must be the worst of all crimes. It is as if a teacher shot its students or a doctor strangled patients.

Now the investigation and the debate has begun. Was he religious extremist or crazy or a little bit of both? As King noted, he had enough sense to keep quiet until he could hire a lawyer. And the answer to all of those questions will be interesting to know. But the obvious questions remain the more important ones. Why didn't someone notice him before thirteen people died?

I have listened carefully all week as various military and government spokesmen have counseled we should not rush to judgment. But there were just too many red flags to ignore-- internet postings, communications with known terrorists, low performance ratings. Why did they not set off alarms?

Whatever the shooter's motives, whatever demons drove him, I find myself in the same place I was at the beginning of all this. This man should not have been shuffled off to Fort Hood. This heinous crime should not have happened.

Back in a minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: That's today's broadcast. We'll be back right here next week with FACE THE NATION.