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CBS News

FACE THE NATION

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GUESTS: Senator CHARLES SCHUMER (D-NY)
Vice Chair, Democratic Conference
Judiciary Committee

Senator ARLEN SPECTER (R-PA)
Judiciary Committee

Senator CLAIRE McCASKILL (D-MO)
Armed Services Committee

MODERATOR: BOB SCHIEFFER - CBS News

PANEL: Gloria Borger - CBS News/US News & World Report

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**FACE THE NATION - CBS NEWS
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BOB SCHIEFFER, host:

Today on FACE THE NATION, Congress is trying to bring the troops home, and now the president wants to send even more to Iraq and Afghanistan. And what is going on at the Justice Department? Has it become the new FEMA? New charges of the FBI abusing its power, allegations that US attorneys were fired because they didn't push corruption charges against Democrats. And then, there's the ongoing scandal about how our veterans are being treated. Those are the issues for two key members of the Senate, Democrat Chuck Schumer and Republican Arlen Specter. Do they believe it's time for Attorney General Gonzales to go? And what about that call for more troops? We'll ask them. Then we'll turn to freshman Democrat Claire McCaskill, who's one of those pushing the Army and the Veterans Administration to pay more attention to how the wounded are being treated. I'll have a final word on the Libby trial.

But first, the war and justice on FACE THE NATION.

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

SCHIEFFER: Good morning again. Joining us now from our studio in New York, Senator Chuck Schumer.

Senator CHARLES SCHUMER (Democrat, New York; Vice Chair, Democratic Conference Judiciary Committee): Good morning.

SCHIEFFER: With us from Philadelphia, Senator Arlen Specter.

Gentlemen, I want to get right to it. We're going to talk about the Justice Department, but before we do, I want to ask you about this latest news that the president has decided to ask for more troops to go to Iraq, 8,200 troops for Iraq and Afghanistan, 4700 of them going to Iraq. That would be on top of the 21,500 he has recently asked for.

Senator Schumer, how will Democrats greet this news? Will they try to block the president from doing this?

Sen. SCHUMER: Well, I'm sure, Bob, that--you--what we have to do, Bob, is divide it. I think most Democrats will support more troops in Afghanistan. After all, that's where the nexus of terrorism is; Bin Laden is still there. The new reports show that they are--al-Qaeda's setting up camps that might have the capability of hurting America. But, as for Iraq, whether it's 4,000 more troops or 40,000 more troops, we Democrats believe almost unanimously that we need a dramatic change in course, change in strategy away from policing a civil war and much more in the direction of a much more limited and narrow mission, which is preventing terrorism, such as we're trying to prevent in Afghanistan. So when the supplemental spending resolution comes before us next week, we are going to be focusing on the entire mission in Iraq and try to get it changed.

SCHIEFFER: Well, but this is--this is above that. This is something in

addition to what's in the supplemental budget. Will you just sort of consider that altogether? I guess what I'm driving at...

Sen. SCHUMER: I believe so.

SCHIEFFER: ...are you--are you going to try to force the president to cut back on this, and--and can you?

Sen. SCHUMER: My--my--he just announced it this morning, but it makes a great deal of sense to consider it altogether, because there is a demand for 100 billion new dollars for Iraq and Afghanistan, and this adds another few billion. But it will be considered altogether, and on Iraq, our main focus will be on changing that mission and setting a deadline where that mission is changed a year from now, which will--it's a--it's a mission that will require many, many fewer troops.

SCHIEFFER: But bottom line is you're not going to favor sending more troops, you're going to try to stop this?

Sen. SCHUMER: No. We--well, what we're going to do is try to stop what's going on in Iraq, whether there are more troops or not, in terms of changing the mission. That's what our focus is going to be.

SCHIEFFER: All right.

Senator Specter, what's your thought on this?

Senator ARLEN SPECTER (Republican, Pennsylvania; Judiciary Committee): Bob, before making a decision, I want to know more about what has happened from the additional troops the president is already committing? He said he would send 21,500 more. Some of those have gone. There have been reports that things are improving. Perhaps not a whole lot, but to some extent. I would want to know what's happening with the international conference, where the United States is now sitting down at the same table with Iran and with Syria. I would want to see what kind of progress is being made, and I'd like to have hearings and get into those details. As yet, the Democrats in the House, who have taken the lead on curtailing funding, have not come up with a plan. You have Congressman Murtha's proposal, which is excessive micromanagement, can't be done. In the Senate, we have not yet had our debate on--on Iraq. So I think it's premature to say what we're going to do with this request for additional funding until we dig deeply into the facts and until we can come to some consensus ourselves in the Congress as to what ought to be done.

SCHIEFFER: Were you surprised by this? Was there any news of this? Were you given any indication the president would come back and ask for even more troops than he's already asked for, Senator Specter?

Sen. SPECTER: Bob, I was not surprised. I think it's been clear that we need them in Afghanistan, and there's general agreement, no one is objecting to our action there. And I think that there had been an expectation that there would need to be troops to back up his original announcement of the

21,500. So this is in the ordinary course of business. I think we got to get away from the generalities. We had one hearing in the Appropriations Committee where I sit with Condoleezza Rice and Secretary Gates coming in, and that just really scratches the surface. I--I want to know what has happened since mid-January, in the last five, six weeks, with the new troops going over, and whether this international conference may--may pose some breakthrough if the president has a plan to succeed.

SCHIEFFER: All right, well, let's--let's...

Sen. SCHUMER: But, Bob, my view here...

SCHIEFFER: Yeah?

Sen. SCHUMER: My view here is--is very simple, and that is that, even if you didn't add any more troops, the mission has to change, period.

SCHIEFFER: All right. Well, let's shift to the situation going on in the Justice Department, where we've had these stories about US attorneys being fired by the attorney general, some of them because, apparently, some Republicans felt they weren't bringing enough--doing enough to file corruption charges against Democrats in their states.

Senator Specter, that has happened. And then, on top of it, we got a report last week that the FBI has been abusing its power under the new Patriot Act, and has been snooping on--on people in ways that they--they shouldn't be doing it, invading privacy. Do you think that the attorney general, that it's time for him to step aside here, new leadership should come there?

Sen. SPECTER: I think that's a question for the president and the attorney general, but I do think there have been lots of problems. But before we come to conclusions, I think we need to know--we need to know more facts. I--I'm concerned about what happened in New Mexico. I'm concerned about what...

SCHIEFFER: That's where you had this US attorney fired because some there said that he--he should've been more diligent in filing corruption charges against some Democrats. Go ahead.

Sen. SPECTER: Well, that's right, and there were some telephone calls made. But we have analogous charges by the US attorney in Baltimore. And now we find, on further exploration, that there were really good reasons for terminating the US attorney in Baltimore. He had claimed that he was subject to political pressure, very much like the statements made by the US attorney in--in New Mexico. So I--I want to get at the facts. We had him testify, and, when he got these telephone calls, he did not report them to the Justice Department, although that was required by the regulations, and a prompt complaint is very important on credibility. And he explained it by saying, 'Well, the senator and the representative had been his mentor, so he didn't want to shed a bad light on him,' but he later changed his mind when he thought they were responsible for his firing.

I--I want to go over his reports. I--I want to know more detail as to--as to how he functioned.

SCHIEFFER: Well, it seems to me, senator--it seems to me we already know a lot of details.

Senator Schumer, what do you think ought to be done about this situation?

Sen. SCHUMER: Well, Bob, you know, the Justice Department is different than any other department. In every other department, the Cabinet--chief Cabinet officer is supposed to follow the president's orders, requests without exception. But the Justice Department has a higher responsibility, rule of law and the Constitution. And Attorney General Gonzalez, in his department, has been even more political than his predecessor, Attorney General Ashcroft. Attorney General Gonzalez is a nice man, but he either doesn't accept or doesn't understand that he is no longer just the president's lawyer, but has a higher obligation to the rule of law and the Constitution even when the president should not want it to be so. And so this department has been so political that I think, for the sake of the nation, Attorney General Gonzalez should step down.

SCHIEFFER: Attorney General Gonzalez should step down. Let me ask you about this, Senator Schumer, we now have this report from the FBI's--or the Justice Department's own auditors that the FBI has been abusing its new powers that it got under the--under the Patriot Act. I'm not sure what it is that the--that the FBI has done here. Is this a serious charge? Explain to me why we--basically, why we should care about this.

Sen. SCHUMER: Well, it is a serious charge, not only in--the inspector general thinks it is, but the director of the FBI, Bob Mueller, has said it's a very serious charge, and he's very upset about it. He said that privately in a call to me and then said it publicly. The national security letters are letters which allow you to look at the phone records or e-mail records of somebody who might be suspected of terrorism. And in the Patriot Act, the Justice Department came to us and said, 'Look, we're going to need these in certain instances. Let's have the--because if we need to fight terrorism, let's have fewer checks.' Congress went along. And now what the IG has found is that there are virtually--they even ignored those few checks that they agreed to put in place.

For instance, they're supposed to report to Congress on the number of them. They didn't, and there are 20,000, far more than anyone imagined. They were supposed to, in certain cases, get warrants after they issued these letters. They didn't. So there are so many abuses here that Senator Leahy has said the Judiciary Committee will hold hearings, but, at the very minimum, the checks on these national security letters has to be greatly increased. This is serious stuff.

SCHIEFFER: Well, should this power that the FBI was given under the Patriot Act, Senator Specter, do you think that Congress might need to roll that back, that perhaps it should be curtailed in some way?

Sen. SPECTER: Bob, that's what I said on Friday immediately after the disclosures. There are 47,000 of them involved, and we expanded the power to go beyond foreign agents to national security generally, and it has been very badly abused. And the only reason it was checked was because, when we reauthorized the Patriot Act last year, we inserted the provision for the inspector generals to report it. And that has disclosed these problems. And I think that the hearings ought to go beyond an analysis of the failures to comply with the law, but very active consideration about withdrawing some of those powers.

SCHIEFFER: Do you agree with that, Senator Schumer?

Sen. SCHUMER: I do agree with that, Bob. What we found in--in the Justice Department over and over again is a lack of respect for the rule of law, a lack of respect for balance of powers. There's a view that the executives should be almost without check. And that is so wrong, and that's one of the reasons I think we need at change at the top in the Justice Department.

SCHIEFFER: Right. Let me ask both of you quickly, the Libby trial. A lot of talk, both pro and con, that the president should pardon Mr. Libby; others saying he should not pardon him.

What do you think, Senator Schumer?

Sen. SCHUMER: Well, I do not think he should pardon him by all means. I think "Scooter" Libby was the fall guy, that is true. But a fall guy is not allowed to break the law, and the jury found that he did break the law. I have a great deal of respect for the special prosecutor, Fitzgerald. He's known as a prosecutor's prosecutor. The president himself has said so. And if he finds that Libby has broken the law seriously, he does not deserve to be pardoned. That doesn't mean we shouldn't look at the rest of this. There has been an abuse of the use of intelligence both before and after the Iraq war. That didn't meet a criminal standard, but it certainly means that the White House should look at what happened and try to change it. And we haven't heard a peep out of the president about this, and it's serious stuff. It's serious stuff even for others like Karl Rove, who leaked the name but didn't reach that criminal standard in the eyes of Special Prosecutor Fitzgerald.

SCHIEFFER: Quickly, Senator Specter--I'll give--give you a chance to respond to the same thing.

Sen. SPECTER: Well, I think it is premature to talk about a pardon because there are some appeals up. I think the conviction may very well be reversed. What you have here is a situation where the special prosecutor was authorized to investigate the leak, and early on it was determined that the leaker was Deputy Secretary of State Richard Armitage. And, as The Washington Post pointed out, that should have--that should have ended the investigation. The prosecution went further on a cloud over the vice president. You really have thunderstorms today around the White House. But it was discredited a long time ago that there was no effort by Saddam and Iraq to get nuclear material

out of Africa, so that, when the investigation went further, you've had the jailing of a reporter for 85 days...

SCHIEFFER: All right.

Sen. SPECTER: Let me just make one comment about...

SCHIEFFER: Quickly, senator, quickly because we're out of time.

Sen. SPECTER: Quickly, pending legislation. Senator Luger and I have introduced a bill to give a reporter a privilege, and I think...

SCHIEFFER: Well...

Sen. SPECTER: ...we have to...

SCHIEFFER: Senator, I'm terribly sorry, and I know you feel strongly about that. We're just simply out of time.

Sen. SPECTER: OK, thank you.

SCHIEFFER: We're going to be back in just a minute.

(Announcements)

SCHIEFFER: And we're back now with Senator Claire McCaskill, freshman senator from Missouri. She is joining us from St. Louis today.

And, senator, we ask you, because you were one of the first senators, when this story broke about the trouble going on at Walter Reed hospital, to recognize the seriousness of what was happening. You moved quickly to try to introduce legislation. I just wanted to check in with you this morning to see what's been going on. How do you think things are moving on this?

Senator CLAIRE McCASKILL (Democrat, Missouri; Armed Services Committee): Well, I'm a little worried, Bob, because what happens in Washington when there's a scandal is everybody appoints a commission. The president has done a commission, and--and Secretary Gates has done a commission. And I'm sure all the people that will serve on those commissions are good people. But--but, you know, we need to act. You know, commission is just another way of delaying and--and contributing to the bureaucracy, and that's a huge part of the problem. This is going to take a lot more than a coat of paint on the walls of a--of, frankly, a bad motel, which Building 18 really is.

I suggest that everyone in Washington spend some time talking to the soldiers at Walter Reed. That's what I've been doing, and it's very easy to see where the problems are. And frankly, some of this is just as simple as fixing a--a morass of paperwork that is freezing families into a level of stress. It just is unacceptable for our wounded and the people who love them.

SCHIEFFER: Well, so what should they do? Do we need to just get more people

out there, assigned on temporary duty, to help these people? What would be some of the things you would suggest?

Sen. McCASKILL: Well, as we say in the bill--and a lot of the things that we do in the legislation that Senator Obama and I introduced, a lot of that can be done without legislation. But they need to combine the physical evaluation and the medical evaluation into one process. Right now you have two silos of bureaucracies, and, as a wounded soldier tries to figure out where they're going to end up after they leave Walter Reed, they get caught up in this tangle. Those need to be combined, those bureaucracies.

I had Sergeant Rutter, a wonderful man from Missouri, who lost both of his legs in Iraq, who's been at Walter Reed for 10 months. He told me that after the doctor signed his narrative summary, which is very important to these soldiers, it took the report two and a half weeks to go across the hall. Now, come on, we can do better than that. And--and they need more social workers, they need more case workers, they need more legal advisers, and they need a change in the culture of command. General Kylie needs to be removed from his duties as surgeon general of the Army, because it's that culture of command.

And by the way, General Kylie, I documented in the Armed Services hearing this week, he knew of these problems. He's known of them for several years, and he was in the position to do something about it, and he needs to change--he needs to go. We need a new commander over the medical command of the US Army, and a new culture of command.

SCHIEFFER: Now, one of the things we've found out over the past couple of weeks, that these problems go beyond Walter Reed. They go to some of the other military hospitals, and they also extend into the Veterans Administration, where we've seen the secretary of the Veterans Administration in at least two television appearances that I--I have seen him where he seemed unfamiliar with the services that were being offered by his own agency. How serious is the problem there?

Sen. McCASKILL: Well, the Walter Reed syndrome spreads to other military hospitals around our country and also into the VA. And frankly, the VA is really a problem. The president has cut the budget in Veterans Administration for the past five years. In the budget that he just submitted to Congress, he went in the veterans' pockets for another \$5 billion for the health care they were promised for free. And with all due respect to the head of the Veterans Administration, this is a man that was chairman of the Republican National Committee. The appearance isn't right. You know, this--this--this looks like a brownie situation. Let's put somebody...

SCHIEFFER: "Brownie" as in FEMA?

Sen. McCASKILL: As in FEMA. You know, this is a political appointment. This is somebody who has spent a whole lot of the last few years defending everything about the White House. Really, that's not the right person to be leading the agency that's supposed to protect our veterans. And I really think it's time we put somebody in charge of the Veterans Administration whose

first priority are the veterans and not the politics surrounding the agency.

SCHIEFFER: Do you see the Congress moving as quickly as it ought to on this, senator? Because it seems to me--and you get a pass on this because you just got to Washington, you were elected in November--but it seems to me that some of the oversight committees should've been watching this a lot more closely than they did and should have identified some of these problems long ago.

Sen. McCASKILL: Well, there's a new day in Washington when it comes to oversight. In January of--of '06, the general accountability office testified three times in Congress. In January of '07, they testified 18 times. I think you're going to see a lot more oversight and accountability from this Congress. But I think the--the biggest challenge, Bob, is making sure that senators and Congressmen don't lose interest when the headlines fade.

SCHIEFFER: Right.

Sen. McCASKILL: This is about going back out to Walter Reed in six months. And by the way, I advise all the members of Congress to talk to the soldiers. That's our resource at Walter Reed, not the brass.

SCHIEFFER: All right. Thank you very much, senator. We are out of time, but thank you.

Sen. McCASKILL: Thank you very much, Bob.

SCHIEFFER: We'll be back in a second.

(Announcements)

SCHIEFFER: Finally today, some thoughts one week out from the Libby trial. Prosecutor Patrick Fitzgerald convinced a jury that Libby, the vice president's top aide and confidant, lied to a grand jury. That is serious business. But here's the part I don't understand. What the prosecutor had set out to do, what the case was all about was to determine if someone had broken the law by knowingly revealing the identity of secret intelligence agent Valerie Plame. Did any of that ever happen? Was the law actually broken? If the prosecutor found such evidence, he must not have found much because no charge was ever filed. We don't even know if she was a secret agent covered by that law. Nor will we ever.

Fitzgerald spent millions of dollars, hauled reporters before grand juries, forced them to reveal sources, even put one in jail and kept her there for months. But once he convicted Libby of lying, he said he planned no other action. Sure, the trial produced valuable information. We found out that top officials of the government apparently lie, spend a lot of time trying to manipulate the press, are quick to demean and discredit their critics, and, when such hardball tactics backfire, find themselves paying an embarrassing political price.

But when these investigations drag on for years, when prosecutors spend

millions of our tax dollars, when reporters are forced to tell grand juries who in the government they've been talking to, shouldn't we expect a little more for our money? Shouldn't we at least be told if a law was broken and whether Ms. Plame's identity was even covered by that law? That's it for us. We'll see you next week right here on FACE THE NATION.