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FACE THE NATION

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GUESTS: ROBERT GATES
Secretary of Defense

Senator **DIANNE FEINSTEIN (D-CA)**
Member, Judiciary Committee

MODERATOR: BOB SCHIEFFER - CBS News

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FACE THE NATION - CBS NEWS
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BOB SCHIEFFER, host:

Today on FACE THE NATION, on the fourth anniversary of the Iraq invasion, an exclusive interview with Defense Secretary Robert Gates. The war goes on, but the nation and Congress are split over what to do next. More troops are on the way to the war zone, but is that the answer? Just one of the questions for the secretary in his first one-on-one network interview.

Then we'll turn to the case of the fired US attorneys. Was it a purge of federal prosecutors who pushed corruption charges against Republican officials? We'll ask Senator Dianne Feinstein, Democrat of California, and a member of the Judiciary Committee.

Finally, I'll have a word on the awful effect government service seems to have on the human memory.

But first, Secretary of Defense Gates 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. And joining us now in his first network one-on-one interview, the secretary of defense, Robert Gates.

Mr. Secretary, thank you so much for coming, and I want to get right to it. This week marks the fourth anniversary of the invasion of Iraq. In January, the president asked for 21,500 more troops. Last week we learned that 7,000 more--about 7,000 more are on the way. That means that, by this summer, we'll have, I think, by my count, 158,000 troops in Iraq. Is there any indication so far that this latest edition of troops is making a difference or having an effect?

Mr. ROBERT GATES (Secretary of Defense): I think that the way I would characterize it is so far, so good. It's very early. General Petraeus, the commander out there, has said that it'll probably be summer before we know whether we're being successful or not. But I would say that the Iraqis are meeting the commitments that they have made to us. They have made the appointments, the troops that they have promised are showing up, they are allowing operations in all neighborhoods, there is very little political interference with military operations. So here, at the very beginning, the commitments that have been made seem to be being kept.

SCHIEFFER: But the violence seems to go on. While there has been something of a downturn in the violent events in Baghdad where we're putting these additional troops, we're seeing more violence in the outskirts. Obviously, we've changed our strategy, but it appears the enemy is changing its strategy as well.

Mr. GATES: Actually, General Odierno, the ground forces commander out there, and General Petraeus, the overall commander, both warned that as the surge took place into Baghdad and as we cleared people from Baghdad that there would

be kind of a squirting effect, that some of these people, particularly the al-Qaeda and the insurgents, would begin to operate in other places and try and still bring off spectacular attacks in Baghdad. And so we--that's why we have to wait and see what kind of trend line appears over the next weeks and few months.

SCHIEFFER: This week in the House of Representatives there'll be another vote on a bill that will seek to put constraints and set up some sort of a timeline for bringing the troops home. You have been against that. Give me your best argument about why we shouldn't do that.

Mr. GATES: Well, first of all, I think it's very important for people to know that I believe everybody involved in this debate is patriotic and looking for the best thing for America. I think most people agree that, across the political spectrum, that leaving Iraq in chaos would be a mistake, a disaster for the United States, and so we're all wrestling with what's the best way to bring about a result that serves the long-term interests, not only of the Iraqi people but of the United States. And I think everybody is wrestling with that problem on all sides of the issue. With respect to the specific bill in the House, the concern I have is that if you have specific deadlines and very strict conditions, it makes it difficult, if not impossible, for our commanders to achieve--to achieve their objectives. And frankly, as I read it, the House bill is more about withdrawal, regardless of the circumstances on the ground, than it is about trying to produce a positive outcome by incentivizing the Iraqis.

So the issue that we're all trying to figure out is how best do you get the Iraqis to reconcile their differences, because after all, this is not going to be solved by the military. It has to involve political reconciliation in Iraq among Iraqis. We're basically buying them time. That's the whole purpose of this strategy. And they're going to have to step up to the plate, and we can help them by giving them the time to do that and to make their military forces able to carry the burden by themselves.

SCHIEFFER: Let me just challenge the conventional wisdom here. The president said that, if we leave, they're going to follow us here. And this appears to me to be a civil war. Why would they stop fighting each other? Which is what they seem to be doing now. Why would they take a break in that and decide to challenge America somewhere down the line if we leave?

Mr. GATES: Well, this Washington game of is it a civil war or isn't it, I think, is a problem. This characterization is a problem because it oversimplifies. The reality is that stoking sectarian violence is a very specific strategy on the part of al-Qaeda and the insurgents. That was behind the bombing of the Samarra mosque. It's behind their efforts today. And they're--they make no bones about the fact that it's their strategy. So you don't have thousands of Shia and Sunni falling in on each other or attacking each other, you have hit squads going around the city. So this is a purposeful strategy. It seems to me that there is the opportunity to create a political environment in which these issues can be sorted out among the Iraqis themselves, and that's basically what we're trying to do.

SCHIEFFER: Well, but, but I think General McConnell, the head of national intelligence now, testified the other day up on the Hill, when someone said, 'If we pulled our troops back, would they pursue our troops?' And he said, 'That's not likely,' which suggests they going to stay there and fight one another.

Mr. GATES: Well, I think--first of all, I think they are not going to follow our troops into Kuwait. The notion that al-Qaeda is going to follow our troops is probably not right. But I would say that it has become--it has been clear all along that Zarqawi and the current leader--first of all, Zarqawi was a Jordanian, the current leader of al-Qaeda in Iraq is an Egyptian, and they've made no bones about the fact that, once they've been able to establish a firm base in Anbar or in Iraq more broadly, that they intend to try and destabilize the neighbors and eventually attack the United States. They've not made any secret of that.

SCHIEFFER: I want to shift just a bit. You're getting very high marks from a lot of people, including many enlisted people in the military, for the fast action you took to correct the situation out at Walter Reed Hospital. You replaced the commander, you forced out the secretary of the Army, and the surgeon general of the Army has retired. How do you see that situation now? Has enough been done? And I would also ask you, what did you learn about this job of being secretary of defense from this situation?

Mr. GATES: Well, I think, first of all, we have begun acting--we began acting immediately. I learned about the situation out there in the two part series in The Washington Post, and I think I did something unheard of in this town, I actually thanked the reporters for bringing it to our attention. And the remedial actions began virtually immediately, in terms of building a team and trying to make the repairs there. But we are now looking at the bureaucratic problems and the administrative issues and the staffing at Walter Reed. And we're not going to wait for these commissions and other groups to report before we begin trying to tackle these problems. And the new commander out there, Major General Eric Schoomaker is on top of this. We've brought in a lot of new people to help manage this situation. And as these different groups report, the commission that I appointed, that the Defense Department--chaired by former Army Secretaries Togo West and Jack Marsh--they're supposed to report early in April. We'll implement whatever recommendations they have that go beyond what we've already done. And the same thing with the national commission that the president has implemented.

So we're acting. The Army has an action plan for dealing with the situation with outpatients at Walter Reed. I'm getting reports from that--on that action plan's implementation every two weeks, so we're trying to stay very much on top of it. Frankly, I, like everybody else, was both angered and offended by the fact we had allowed a situation to develop that made the hospital administration--especially for these outpatients--an adversary rather than an ally. And I would like to make one pitch, though. The doctors and nurses and staff at Walter Reed are the best in the world. They're immensely dedicated, they're immensely talented, and we owe a lot to them.

SCHIEFFER: Another tough situation that you're facing in your job early on is the chairman of the Joint Chiefs of Staff, General Pace, said recently that he considered homosexual acts immoral. He later said, well, he shouldn't have said that, but he didn't apologize, and a lot of gay people are saying that that is a slur on thousands of people who are serving in the military right now. I would like to ask you first, do you--do you agree with General Pace, and should more be done on this front?

Mr. GATES: Well, I--as I said the other day, I think that this is an issue on which personal opinion really doesn't have a place. We have a Don't Ask, Don't Tell policy that is a law. It's inscribed in statute. My responsibility is to implement the provisions of the statute.

SCHIEFFER: And you think it's OK as it is. You don't plan to ask General Pace to do anything more than he's already done?

Mr. GATES: No, I think General Pace has made pretty clear that he wished he had avoided his personal opinion. Let me say, you know, Pete Pace is one of the finest people I've ever worked with. He's a man of enormous principle and integrity and a--and of tremendous skill. I think the American people are lucky to have him as chairman of the Joint Chiefs of Staff.

SCHIEFFER: But what I guess the question I asked was, do you consider that a slur on members of the armed forces, what he said?

Mr. GATES: I think I'll leave it at the fact that I don't think this is an issue where personal opinion has any place.

SCHIEFFER: And you don't think he should apologize.

Mr. GATES: I think we should just move on from this point.

SCHIEFFER: Uh-huh. And should the Don't Ask, Don't Tell policy is--are you satisfied with that or should that policy be reviewed?

Mr. GATES: Well, look, I've got a war in Iraq, a war in Afghanistan, challenges in Iran and North Korea and elsewhere, global war on terror, three budget bills totaling \$715 billion. I think I've got quite a lot on my plate.

SCHIEFFER: One of the things that I read about that you have done since coming to the Pentagon is that you are reviewing the whole intelligence apparatus out there. Were you satisfied with these sort of ad hoc intelligence organizations that were set up at the Pentagon? You're an old CIA hand. You ran the CIA.

Mr. GATES: My view is that all intelligence activities ought to be done by established intelligence institutions where there's appropriate oversight both within the executive branch and in Congress. The main effort that I've undertaken is, frankly, there are some deficiencies in the law that establish the director of national intelligence, and it has created some problems in

terms of how the community operates. I think we have some opportunities with Admiral McConnell and with General Hayden at CIA. We're going to have a new undersecretary of defense for intelligence, and I think we can work together to see if we can figure out a better way for these agencies to operate together and more productively to better serve the president and the Congress.

SCHIEFFER: Do you think the addition of these ad hoc intelligence organizations at the Pentagon may be one of the things that went wrong?

Mr. GATES: I honestly don't know enough of the details about what went on and so on. I just--I just know instinctively I prefer not doing things offline.

SCHIEFFER: All right. Let me ask you one other thing. I read that you have--now are writing personal letters to every family who has lost someone in Iraq. Why did you decide to do that? It must be a very difficult thing.

Mr. GATES: This is what I do, unfortunately, virtually every evening, and I guess it's because I feel a personal responsibility for each one of these men and women who've made the ultimate sacrifice for our country. And it's just--it's a small gesture to the families that I personally am involved and that I personally very much care and have great sorrow over the sacrifice that their son or daughter or husband or wife has made.

SCHIEFFER: These are handwritten.

Mr. GATES: The bulk of the letter is a typed letter, but I always add three or four lines in handwritten personal feelings at the end.

SCHIEFFER: Mr. Secretary, I want to thank you very much for coming this morning. I hope you'll come back.

Mr. GATES: Thank you.

SCHIEFFER: We'll be back in a minute to talk about the other big story of the week, the controversy over the firing of US attorneys.

(Announcements)

SCHIEFFER: We're back now with Senator Dianne Feinstein of California. She is, of course, a--one of the ranking members on the Senate Judiciary Committee. And we want to talk to her this morning about this extraordinary situation going on over at the Justice Department, where some critics are saying that the recent firings of some US attorneys was done for political reasons, that some of these attorneys were leaning too hard on Republicans on corruption charges.

And, senator, I would start by saying, one of the prosecutors who was fired is from your state of California, Prosecutor Lam, who put Duke Cunningham, the Republican congressman who was caught on bribery charges, put him in jail. She was in the midst of another investigation along that same line. Do you

think that that's what's going on here, that these people were fired because they were getting too tough with some people in the Republican Party?

Senator DIANNE FEINSTEIN (Democrat, California; Judiciary Committee): Well, let me speak about Carol Lam and then the fact that five out of the seven called on December 7th told they'd have to be out by the middle of January. Five out of the seven of them had public corruption cases. Carol Lam is a former judge. She's 15 years a prosecutor. She had a very distinguished record in San Diego. Now, of course, there are always people, for one reason or another, don't like somebody who is the major prosecutor of the area. San Diego has very big cases. She prosecuted the Arellano Felix cartel, drug cartel--that is a big case--and many cases like that. Now, having said that, on May--I think it was May 10th, she sent a notice to the Justice Department saying that there would be two search warrants sent in the case of "Dusty" Foggo and a defense contractor. That--the next day, an e-mail went from the Justice Department to the White House saying, 'We have a real problem with Carol Lam.'

SCHIEFFER: Really?

Sen. FEINSTEIN: Yes, really. Now, the--I've taken--that's not quite the quote, but the "real problem with Carol Lam" is a direct quote.

SCHIEFFER: So what you're saying is that the Justice Department...

Sen. FEINSTEIN: I don't know. All I'm saying, as the evidence comes in, as we look at the e-mails, there were clearly US attorneys that were thorns in the side, for one reason or another, of the Justice Department. And they decided, by strategy, in one fell swoop, to get rid of seven of them on that day, December the 7th. Now, what we've heard a lot of, well, this is a political appointment. Of course it's a political appointment in the sense that the appointment is made by the president of the United States. But once that prosecutor takes the oath of office, that prosecutor must become independent. That prosecutor must be objective. And what I worry about most of all in this is the chilling effect this has on objectivity of the American US attorney, who is the main prosecutor for the federal government of big cases under federal law.

SCHIEFFER: OK, so what do you think needs to be done now?

Sen. FEINSTEIN: Well...

SCHIEFFER: Obviously, this needs to be investigated. Do you think the attorney general should step down?

Sen. FEINSTEIN: Well, I'm reserving judgment. I find it very difficult to go for somebody's jugular. I'd rather wait and see what comes out. And if I--as a result of our hearings, if it looks like there is massive failure, the attorney general has said he did not know what was going on. That is very difficult for me to believe that you can fire seven prosecutors on a given day, five of whom are involved in major corruption cases one way or another,

and the attorney general, who's the head of the organization, hasn't given a go ahead somewhere along the line. We need to find that out.

SCHIEFFER: I guess you will want the attorney general to come and testify. Do you think White House officials should come and testify? They may say, 'Well, you know, we have executive privilege here. You can't force us to testify.'

Sen. FEINSTEIN: Absolutely. Well, there will be a subpoena issued for Karl Rove, perhaps among others. Mr. Rove is speaking publicly about it. I think he should come up to the committee and speak under oath about it, and we should have the opportunity to ask him questions.

SCHIEFFER: Do you have any idea whether he's willing to do that?

Sen. FEINSTEIN: I would suspect he is probably not willing. We'd be very pleased if he were willing.

SCHIEFFER: Well, what needs to be done?

Sen. FEINSTEIN: Well, what needs to be done is to put the law back the way it was. Apparently, Bill Moschella of the Justice Department, in 2006, suggested in the conference a change in the Patriot Act which essentially would give the attorney general the ability to appoint a US attorney without confirmation by the president--with--by the Senate. What we would like to do is return the law back to where it was before. This will begin tomorrow. The bill, which is authored by Senator Specter and myself, will be on the floor of the Senate tomorrow. The chairman of the Judiciary Committee, others will be there to speak on it, and the vote will take place on Tuesday.

SCHIEFFER: Do you think you'll win?

Sen. FEINSTEIN: I believe we will return it. I believe that most, if not all, United States senators believe it is critical to have Senate confirmation. This is what prevents people from coming in who aren't qualified, for people coming in who are political operatives, who--this is what makes our system of justice so stellar. It's the system of checks and balances.

SCHIEFFER: Senator, I thank you for coming. I wish we had more time.

Sen. FEINSTEIN: You're very welcome. Thank you.

SCHIEFFER: Back with a final word in just a minute.

(Announcements)

SCHIEFFER: Finally today, I have a travel advisory for visitors from outer space. If you've been following the news lately, you can be excused for believing that government service is harder on human memory than Alzheimer's. As the recent trial of "Scooter" Libby showed, White House work left him

unable to remember anything. But his problem was nothing compared to the epidemic of memory loss at the Justice Department, where federal prosecutors got fired but the attorney general couldn't remember talking to his own staff about the reasons why, where lower officials couldn't remember whose idea it was, and nobody at the White House could remember anything except they didn't do it. Among the prosecutors who got fired was one who sent a Republican congressman to jail on corruption charges, another who did not push corruption charges against Democrats fast enough, at least not fast enough to please a Republican senator who complained.

Pressuring federal prosecutors to play political games is serious business. The president says he's not happy about it, and the attorney general says mistakes were made. Well, of course they were. But confirming the obvious is not enough. From the top down, the word must go out this will not be tolerated and those responsible must be held accountable. Even an alien from outer space can see that, or smell it, because this one stinks to high heaven.

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