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

CBS News

FACE THE NATION

Sunday, April 10, 2005

**GUESTS: Senator HARRY REID, (D-NV)
Minority Leader**

Senator JOHN McCain, (R-AZ)

**MICHAEL DUFFY
Time Magazine**

MODERATOR: BOB SCHIEFFER - CBS News

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**FACE THE NATION - CBS NEWS
202-457-4481**

BOB SCHIEFFER, host:

Today on FACE THE NATION, the fight over filibusters and Social Security, issues for Senate Minority Leader Harry Reid and Senator John McCain. It's called the nuclear option, a procedure by which Republicans in the Senate could ban the filibuster which has been used to stop some judicial nominations. Will Democrats shut down the government if Republicans do that, and will the president have to drop private investment accounts from his Social Security plan to get any reform at all this year? These are the questions for Senators Reid and McCain. Mike Duffy of Time magazine joins in the questioning and I'll have a final word on two contrasting events of the past week.

But first, getting rid of the filibuster. Is it a good idea? 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: And good morning again. Spring has finally come to Washington. The rain has stopped, the sun is out and so are the cherry blossoms, and they have never been more beautiful. But while the weather outside is delightful, the political weather is getting downright frightful. The Republicans are threatening to change the rules in the Senate to get some of the president's controversial judicial appointments approved, and if they do, Democrats are threatening to shut down the whole place. Here to talk about it, the Democratic leader in the Senate, Harry Reid. Joining in the questioning this morning is Mike Duffy of Time magazine.

Well, how about it, Senator? Are you prepared to shut down the Senate if they try to put in this rule to do away with a filibuster which is one of the Senate's oldest traditions?

Senator HARRY REID (Democrat, Nevada): Bob, first of all, your viewers should understand, we have approved 204 judges for the president. Tomorrow, we'll approve the 205th. We have turned down 10 of the most radical. It doesn't sound to me like there's much of a crisis. It appears what the majority wants is to get everything they want. And it's--you can look at what's happened on the House side. When they don't get what they want, they change the rules. The majority leader over there has violated ethics rules, done things he shouldn't. It's been an embarrassment to the House. He's not going to be charged anymore. He changed the rules. The same thing is now applying to what goes on in the courts.

SCHIEFFER: Well, what are they trying to do? I mean, what does it mean when you try to overrule the filibuster?

Sen. REID: We have had this rule in effect basically for more than 200 years. And what we're saying is that it should continue. We have a separation of power doctrine in our country, three separate but equal branches of government. We should not be a rubber stamp for the president. We have by virtue of the Constitution certain obligations. One is to give advice and consent to the president, and we'll continue to do that unless they change the rules.

SCHIEFFER: Well, what if they do change the rules? Let's say they do invoke what they--even they call the nuclear option and they use a simple majority to overrule the filibuster, and by doing that, then they will claim they have the votes to confirm some of these judicial appointments that are being held up. If Senator Frist, the leader of the Republicans, does that, what do you intend to do?

Sen. REID: Bob, understand this is not the representation of mainstream Republicans in our country. This is the most radical notions we've heard, not only are they going to change the rules to the filibuster but they also have said they're going to start impeaching judges but the answer is...

SCHIEFFER: OK. But let me just go back to my original question, Senator. What are you going to do?

Sen. REID: ...Bob, we will not shut down the Senate. They will. We have told them that we want to work with them. We've had a great legislative year so far. We've done bankruptcy. We've done class-action. We've passed their budget. We've done a lot of things.

SCHIEFFER: Could I just ask you will...

Sen. REID: So the answer is they will do.

SCHIEFFER: All right.

Sen. REID: We won't.

SCHIEFFER: But let me ask you: What are you going to do if they, in fact, do that?

Sen. REID: Well, everything that's...

SCHIEFFER: If I may be honest with you, sir...

Sen. REID: Yeah.

SCHIEFFER: ...you don't seem to be answering the question. Is there a reason you don't want to answer directly?

Sen. REID: Well, I'm answering directly.

SCHIEFFER: OK.

Sen. REID: They will do it, not us. And what will happen is everything in the United States Senate, with rare exception, is done by something we call unanimous consent, meaning all senators have to agree on procedural things. If this takes place, that won't be happen. The Senate will be slowed down. We're not going to make shut down the government. We're going to make sure the troops get everything they want. But they will cause the Senate to go very slowly and there won't be a lot of legislation passed.

Mr. MIKE DUFFY (Time): Senator, let me ask you something about this special privilege for senators we call the filibuster. Once upon a time, it came with special responsibilities. You had to almost have--there was a physical cost. You had to stay on the floor. You had to talk for hours or days. There were no breaks. If you did, you lost the floor. Now it looks like you can just sort of raise an objection and you don't actually have to go through the process of standing out in the floor to stop a nominee. Do you see how some people would see that this is now a privilege that has become changed and perhaps overused?

Sen. REID: It hasn't been changed. I've been involved in filibusters. I talked one time for 11 hours, one time seven hours. It's the leadership that's not allowing this to happen. I've said

many times to Senator Frist, 'Go ahead and see how long these people are willing to talk,' but they want to do it the easy way. They don't want the Senate to be the Senate.

Mr. DUFFY: Other...

Sen. REID: They don't want to work evenings. We back here now work three days a week, Tuesdays, Wednesdays and Thursdays. When I came here, we worked five, six days a week. We worked at night. Not anymore. We want to have a Senate that is--they can go home. They can go out and raise money, do whatever they want to do, but not work on legislative matters.

Mr. DUFFY: Of the seven judges that the president has renominated to the appeals court, is there any one that the Democrats would accept? Is there room for a compromise from the Democratic side at all?

Sen. REID: We've already voted against these people. We've approved as of tomorrow 205 judges. I think we've been totally reasonable and we're going to continue to be reasonable. We just want some reciprocation on the other side. Remember, I said and I repeat, this is not something mainstream Republicans are pushing. This is the most radical of radical. Yesterday, they said even at a judicial conference that they want to use the Stalin doctrine: Get rid of them. And that means what Stalin talked about is kill them. Now maybe they weren't talking about that, but that's the full quote they were using.

Mr. DUFFY: You said this week, also, that you might be willing to consider joining filibusters in the president's nominee to the EPA and the UN, John Bolton. Are you concerned that if Republicans--if a Democrat is ever re-elected and becomes president again, that they will just turn the tables on you?

Sen. REID: Mike, this is the way the Senate's operated forever. Forever. You go back to the beginning of when we were--our first president, Washington, had trouble with his judges. Thomas Jefferson, Franklin Roosevelt, a couple of good, strong Democrats, they tried to jiggle the courts, and even though they had large majorities in the Senate, their own party rose up against them. And I am hopeful that people of goodwill, senators, Republican senators, will do the same thing, 'cause this is wrong. And you talked about the other nominees. I want to make sure...

Mr. DUFFY: Bolton and Johnson.

Sen. REID: ...I don't--you don't accuse me of not answering the question. Bolton--I don't know about Bolton. He doesn't appear to be the best guy for the job, but let the committee work on this. But we are not going to--we're not going to allow somebody that's an embarrassment to the country to go forward. And I think the problem with the--read in the paper with the EPA chief, that's been resolved because they've withdrawn the pesticide test on kids. But, look, my concern has always been, Mike, it's judges today, it's Cabinet officers tomorrow, and pretty soon we're nothing, just an extension of the House of Representatives, and it will change our basic form of government that's been in existence for more than 200 years.

SCHIEFFER: Let me just go back to make sure, because basically what I'm just drying to find out is, where are you on all of this and what--and what's going to happen? In a letter to Senator Frist in mid-March, you said, 'Should the majority choose to break the rules'--you're talking about stopping the filibuster--'the majority should not expect to receive cooperation

from the minority'--that's you, the Democrats--`in the Senate on Senate business.' But now you're saying this morning that you're willing to make some exceptions for matters of national security and so forth. Is there some sort of compromise?

Sen. REID: I think that letter goes on--I think that letter goes on to say that. I...

SCHIEFFER: Well, is there some sort of compromise in the works here, or are you just saying you're going to shut the place down?

Sen. REID: We're--listen, Bob, we're happy to work with them in a reasonable basis, but we are not going to change the Senate as it's been the Senate. That will be a burden they have to bear, to change our basic framework of government. We'll be happy to work on some things that may make it easier for them, on other issues, but we are not going to take away the right of senators to speak on issues they feel are important.

SCHIEFFER: At this point, Senator, do you think that Senator Frist, the Republican leader, has the votes to overrule a majority--overrule a filibuster?

Sen. REID: Well, Bob, I take care of 44 senators, plus me. I know where our votes are. He has to decide where his votes are. And people of goodwill, like John McCain and others, who I have the greatest respect for, are going to have to decide if they're going to follow this radical procedure that's been outlined by the radical Republicans around the country. There aren't many of them...

SCHIEFFER: Well, let me put...

Sen. REID: ...but they seem to be driving what's going on in the Senate, and that's too bad.

SCHIEFFER: Let me put it another way, then. Do you think you have the votes to block Senator Frist should he attempt to do this?

Sen. REID: Well, I can't judge what the Republicans are going to do. We need six Republicans. Six out of 55 I hope are there because it's for the good of the republic. I hope that's the case.

Mr. DUFFY: Do you--one more question. Do you see any room for a compromise on your end at all, someplace you could make a deal and ease this crisis?

Sen. REID: When you say `no deal whatsoever,' I am willing to sit down and talk, but again, Mike, I'm not willing to change our ability to talk when a judge has been there too long. If they want to run the Senate for a day or two or three, and we start working Fridays and Mondays and Saturdays, that would be good with me instead of just working the three-day workweek. I'll bet most Americans wish they had a three-day workweek.

SCHIEFFER: Let me just ask you a little bit about the president's Social Security reform. Do you think at this point that the president has the votes to pass his reforms as he's now talking about them, or do you have the votes to stop him?

Sen. REID: When the president ran for Congress in the early--late '70s, he said then it was going broke and he wanted to privatize it. This is a mantra again by radicals throughout the country--not many of them--who want to take away Social Security. In the paper today, in the

paper yesterday it said that that's--was one of the things they want to do. It's a federal program. They want to get rid of it.

Social Security is the most successful program in the history of the world, and we're going to protect it. And each day the president talks, our opponents rise. They're--no demographic group in America supports what he's trying to do. Privatization is a buzzword for destroying Social Security. If he wants to take privatization off the table, we'll talk to him. But remember, Social Security is not in crisis. It's--it'll pay out all of its benefits for next 40 years. We're willing to work with him if he takes privatization off the table to work on those out years.

SCHIEFFER: Do you have the votes to stop privatization at this point?

Sen. REID: I believe so.

SCHIEFFER: All right. Senator, thank you very much. It's nice to have you this morning.

We'll be back in a moment to get another side of this, at least another perspective on it, with Senator John McCain in a minute.

(Announcements)

SCHIEFFER: And with us now from Phoenix, Arizona, Senator John McCain.

Senator, thank you very much for coming.

Well, you heard what Senator Reid just said. Senator McCain, do you think your leader in the Senate, Senator Frist, is actually going to go through with this thing that he has threatened to do, and that is to basically overrule the idea of the filibuster? Do you think that's actually going to happen?

Senator JOHN McCAIN (Republican, Arizona): I don't know because I'm still hoping that we can sit down and work this out. Look, elections have consequences. There were a number of President Clinton's appointees that I had serious concerns about, but I believe that the American people speak every four years. And I think that we ought to remember, for over 200 years, somehow we've been able to work this issue out and we should be able to.

Could I just mention, Bob...

SCHIEFFER: Sure.

Sen. McCAIN: ...that I think this judges issue is a symptom of the fierce and almost bitter partisanship that exists in Washington today. And we've seen other examples of that, but we should be able to sit down, we should be able to work it out. We are in a war. We do have severe budgetary and fiscal problems. It would not be good for America to shut the Senate down. And I think that one of the reasons why you heard Senator Reid not exactly totally firm on some aspects of that is because, one, the experience of '94, but, two, will the Republicans shut down the government and also there is--there are overriding issues that we should be deciding on rather than shutting down the United States Senate.

SCHIEFFER: Well, let me just ask you the question directly, because you heard Senator Reid mention your name as one of those who is thinking perhaps of breaking with your own party leadership on this. Would you oppose this if Senator Frist decides to do it, Senator McCain?

Sen. McCAIN: I would listen to my leaders. I believe that these judges should be confirmed. I think that they are good people. And as I said, elections have consequences. Having said that, the Senate is different. Wyoming has two votes and California has two votes. We have traditionally protected the rights of the minority. I remember, not with great joy, when I was with the minority in the--with Republicans who were in the minority in the Senate and President Clinton was president. And we were able to stop some of his initiatives because we had more than 40 votes. I think that there's a problem with a slippery slope. I think that there's a problem with really changing the environment of the Senate and we are different from the House and if we don't protect the rights of the minority, someday history shows that we won't always be in the majority. And if you had a liberal president and a Democrat-controlled Senate, I think that it could do great damage.

SCHIEFFER: Well, can I just ask you the direct question? Are you opposed to doing away with the filibuster, Senator?

Sen. McCAIN: Yes.

SCHIEFFER: You are.

Sen. McCAIN: Yes, but I will listen to our leadership.

SCHIEFFER: All right. Let me just ask you one more question. At this point, do you think your leader, Senator Frist, has the votes that would be necessary to do away with the filibuster?

Sen. McCAIN: I don't know. I think it's going to be close. People that make a living doing these kinds of counts say that it's about five or so. But all of us want to listen to our leadership. We believe--the Republicans, I'm talking about--we believe these judges should be confirmed. At the same time, we have these other concerns and I think they are legitimate. Suppose, Bob, that there's some overwhelming legislative issue that comes up after we've done this? This is important to the future of the country. What would keep us from taking the same tack about a legislative issue if it were some really huge issue that we're now contemplating as far as confirmation of judges is concerned?

Mr. DUFFY: Senator McCain, Tom DeLay this week said the federal judiciary had--was run amok. John Cornyn, the Texas senator, a Republican, said he could understand perhaps why there'd been examples of courtroom violence against judges given the way people feel about some of the decisions. What's your reaction to what feels to some people like a war on the judiciary by members of your party? They seem very....

Sen. McCAIN: Right.

Mr. DUFFY: Go ahead.

Sen. McCAIN: I agree with the president that we are--we believe--I strongly believe in an independent judiciary. I know that Senator Cornyn has already stated--he's a fine senator--has already stated that that was not the intent of his remarks. But there are three co-equal branches of government, and I don't like a lot of the things that judges do and I've disagreed with some of their decisions, but I don't think we should change the present system.

Mr. DUFFY: You also have a record of bridging partisan divides, Senator. Do you see a way out of this? You said you were hoping for one, but do you see what it would be, what it looks like?

Sen. McCAIN: I think both parties have to understand that the price they would pay would be very high if--with the American people. Already recently the approval rating of Congress, both Republicans and Democrats, has declined rather sharply. I think we ought to understand that if we can fully comprehend--the people that I talk to in Arizona, they say, 'Why are you guys always fighting? Why don't you solve Social Security?' We're in a war in Iraq and a war on terror. And so I think both parties have to, if they can recognize that it's not in their particular interests to have this kind of showdown, then I think we can reach some kind of agreement.

SCHIEFFER: Senator, I want to ask you about Social Security in just a minute, but let me go just for a second back to Congressman DeLay. His people--and there's a big story in The Washington Post today--they say they're coming together, that they see this not as an attack on Congressman DeLay but as an attack by liberals on the whole conservative cause. What do you think ought to happen here in regards to Congressman DeLay? Do you think he is becoming a liability to the Republican Party? Do you think he's been unfairly treated? What thoughts do you have on all this?

Sen. McCAIN: I don't know if he's become a liability to the Republican Party or not. It think that's a judgment that Republicans in the House and others will make. Congressman DeLay on the subject on the trips, were paid for by people who shouldn't have paid for it, said that he was told that it was paid by legitimate organizations, these trips were paid for by them. I'll take him at his word. So I'm not in a position to make a judgment about Congressman DeLay.

SCHIEFFER: All right. Let me ask you quickly about Social Security. You come from a state with a large number of retirees. Do you think the president's plan is dead? What do you think he can do to help it along? Where do you think this is all going?

Sen. McCAIN: Well, I think first of all, to underestimate the tenacity of this president and his ability to get something done is a mistake that a lot of people have made. In fact, you might even say that I made that mistake myself in the year 2000. But the president's committed to this proposal. I believe that we have obviously made some mistakes in presenting this issue to the American people. Otherwise we'd be doing better. I mean, that's an obvious fact.

I think that two things have happened. One is that the American people now appreciate there's a problem, and I respectfully disagree with Harry Reid. If it's not a crisis, isn't it going to be a crisis? I mean, anyone will tell you that it reaches a point where we are in a crisis, so why not address it ahead of time? And I think the American people have now grown to appreciate that. Second of all, I think we ought to present the private retirement accounts as a link to the future where working Americans today could get a much larger return on their dollars--their tax dollars that are earmarked for Social Security.

SCHIEFFER: Senator, do you think...

Sen. McCAIN: We can do a better job.

SCHIEFFER: Senator, do you think it would have a better chance if you put off the personal savings accounts, say, till next year and work on the solvency problems?

Sen. McCain: I'm not sure, Bob, if that's what--what I do think, again, why don't we sit down and work this thing out between Republicans and Democrats. It shouldn't be partisan. My earliest political memory was 1983 when Ronald Reagan and Tip O'Neill joined together and they at least kept Social Security from bankruptcy for a period of time. We should do that again.

SCHIEFFER: All right. Senator, always a pleasure to have you.

Sen. McCain: Thank you.

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

(Announcements)

SCHIEFFER: Finally today, you did not have to be Catholic to be moved by the events of these past days. You didn't even have to be religious. Just seeing the millions gathered in Rome and realizing it was the largest spontaneous gathering of human beings in the whole history of the world was enough to take your breath away. To me, the most moving scenes of all were seeing the old pope so near death insisting that he be brought to the window to bless the crowds one more time.

It was not just his love but his sense of duty to those he led that impressed me. I kept thinking about that as the week unfolded as we saw another spectacle, preparations for the wedding of Prince Charles, a man who gets paid for doing nothing, yet seems to feel put upon because he has to do it. Nothing that is. We read of his exasperation that the wedding had to be put off a day in deference to the pope's funeral and we watched him sneer at photographers who asked him to pose for some pre-wedding pictures with his sons. My heavens, what imposition will he next have to endure, a photo with his mom?

This was a week for prayer and I must admit one of mine was to give thanks that I was born in a country whose founders were among the first to recognize the silliness of the whole idea of royalty and who made sure we would never have to fool with it.

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