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CBS News

FACE THE NATION

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GUESTS: Senator **CHUCK HAGEL, (R-NE)**
Foreign Relations Committee

Representative **SAM BROWNBACK, (R-KS)**
Judiciary Committee

Senator **DICK DURBIN, (D-IL)**
Minority Whip

KAREN TUMULTY
Time Magazine

MODERATOR: **BOB SCHIEFFER - CBS News**

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BOB SCHIEFFER, host:

Today on FACE THE NATION, means testing Social Security and filibustering judges, issues for Senators Chuck Hagel, Dick Durbin and Sam Brownback. Last week the president offered a bold new proposal to fix Social Security, cut benefits for the middle class and the affluent. But will it fly in Congress? And can Senator Frist succeed in ending the filibuster for judicial nominations? We'll get both sides from Republican Sam Brownback of Kansas, Democrat Dick Durbin of Illinois, and we'll talk with Senator Chuck Hagel, Republican of Nebraska, who has yet to say where he stands on the filibuster heap. Karen Tumulty of Time magazine joins in the questioning and I'll have a final word on the national debate: Are we arguing about the right things? But first, judges and Social Security 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.

With us in Topeka, Kansas, this morning, Senator Sam Brownback and, from Springfield, Illinois, the home of the new Abraham Lincoln Museum, Senator Dick Durbin who, of course, is the assistant minority leader, the assistant Democratic leader in the Senate. Joining in the questioning this morning, Karen Tumulty of Time magazine.

Senator Brownback, let me start with you. The president did move the argument a step beyond where it was on Social Security this week when he said that he would introduce a sort of progressive system on Social Security, or that's what he proposed. Basically he said larger benefits for those at the low end of the income scale and lesser benefits for those at the high end of the income scale. Do you think that is a good idea?

Senator SAM BROWNBACK (Judiciary Committee): Well, I don't personally think it's the route to go on it, but I do applaud the president for putting another thought, another idea out on the table. He obviously is doing everything he can to move this debate forward, to try to get something to step forward on an issue that everybody in the nation recognizes is a problem.

SCHIEFFER: Well, what is it that you think is the...

Sen. BROWNBACK: And I applaud the president for them, even though I don't think this is the route to go.

SCHIEFFER: Well, what's wrong with this?

Sen. BROWNBACK: Well, to me, on Social Security, what we should be doing is putting the funds that you put in and we meet the needs that people have said that they have, that we have said that we will meet in this system. And I think if you really go with the personal retirement accounts and fully engage in that type of system, we can move forward and not see any sort of benefit reduction for anybody in this system. But I think what the president's trying to do is to say to other people not engaged, particularly to the Democratic Party, 'Let's put some plans on the table and let's start moving forward.'

SCHIEFFER: Senator Durbin, what did you think about the president's idea?

Senator DICK DURBIN (Minority Whip): Another bad idea. Privatization of Social Security and personal accounts--the president's been on the road 60 days, and I'll have you know, when a president takes a message out for 60 days, the American people start listening. And as they've listened, they've decided that they don't want any part of it. Sadly, the privatization approach is not going to strengthen Social Security. It's going to weaken it. We now know it's going to lead to deep benefit cuts and create trillions of dollars of debt for

future generations. So the president comes in the other night and says, 'Well, here's how I'll strengthen Social Security. I'll cut benefits.' Well, whose benefits would be cut? It turns out to be middle-income families. For example, those making \$60,000 a year now on average retirement income would find 40 percent of their Social Security benefits cut under the president's proposal. It's the kind of thing I'm not surprised that Senator Brownback and Senator Durbin, Republican and Democrat, just don't see as any solution to the problems facing Social Security.

Ms. KAREN TUMULTY (Time Magazine): Well, so, Senator Durbin, we've heard a lot about what Democrats don't like about the president's plan. When are the Democrats going to put their own plan on the table, or do you think they need to put out some sort of solution to address this solvency issue in Social Security?

Sen. DURBIN: Well, first let me tell you, if you're talking about the issues of grave importance to this country, Social Security is certainly important. But the crisis will be found in Medicare and Medicaid and the cost of health insurance, which this administration won't even address. When it comes to Social Security, I think we've made it clear. Take privatization off the table so that we really are dedicated to making Social Security strong. Then put everything on the table. I lived through this in 1983. We decided on a bipartisan basis to strengthen Social Security for 50 years and we got the job done. We can do it again.

Ms. TUMULTY: Well, everything on the table, then, would consist of either borrowing more money, raising taxes or cutting benefits. Which of those three things or which combination of them would Democrats support?

Sen. DURBIN: I can just tell you frankly I speak for myself: Put it all on the table. That's what the Greenspan Commission did in '83 and we came up, with President Ronald Reagan and Speaker Tip O'Neil, with a balanced approach that brought 50 years of solvency for Social Security. We wouldn't have to go as far this time, not nearly as far, because Social Security is strong for at least the next 40 years. We can make modest commonsense changes today that will keep it stronger for a longer period of time.

SCHIEFFER: Well, Senator Brownback, you talk about something where you bring in these personal savings accounts and you don't cut benefits for anybody.

Sen. BROWNBACK: Yes.

SCHIEFFER: I think everyone would agree that's going to cost a tremendous amount of money. What about some of these things that Senator Durbin is talking about? Doesn't something have to be cut here? Doesn't somebody have to feel the pinch here if we're going to get this problem solved? And the problem is that Social Security is running out of money.

Sen. BROWNBACK: Well, that is the problem. Social Security is running out of money and the problem is a demographic problem that we all know about. It started--we had 13 workers per retiree and now when we're headed towards two workers per retirees, and that type of system just doesn't work. You need to get to some form of investment type of system. And that's why I've so much engaged the personal retirement accounts. But I also think there's a clear point that's going on right here. You don't hear any plan being put forward by the other side. The president is out actively engaging, trying to move this debate on forward, and I really think until we see something come forward from the other side--'Here's our combination. Here is our mix of things to bring solvency to this issue'--we can see something happening. Right now I think it's looks more like the president's kind of bidding against himself to just try to get the Democrats to engage.

SCHIEFFER: But you say the Democrats have put forth nothing, and I certainly agree with you on that. At this point, they have not. But when you say you can have personal savings accounts and you don't have to

cut benefits, isn't that basically saying--I mean, that's not a plan, because nobody thinks that that is sustainable.

Sen. BROWNBACK: But it is sustainable if you move aggressively towards that system. I've got a bill in with John Sununu that's lead--on in the United States Senate; it has sponsors on the House side of this. But when you move the transition from this pay-as-you-go-type system we have now to an investment type of system, it is going to cost in the transition. That is going to be difficult. Our point in putting this forward and aggressively engaging in it is saying that if you will do it now before the boomers fully retire, before we start getting into a deficit pay-in situation into Social Security, you've got far more options and greater ability to do this type of transition than I think--you look around the world and see many countries engaging this type of transition for these type of retirement programs.

SCHIEFFER: OK.

Ms. TUMULTY: Senator Brownback, when you and Senator Durbin return to Washington after next week's recess, one of the first things the Senate is going to confront is a big fight over judges. A lot of Christian conservatives have made the argument that the war on President Bush's judicial nominees is really a war on people of faith. The president in his news conference seemed to try to distance himself from that saying, 'I don't subscribe to that idea. I think that people oppose my nominees because of judicial philosophy, not because of faith.' Where do you come down in this argument?

Sen. BROWNBACK: I think the president got it right. I read through that comment later and he says, 'I think they're opposed to my judicial nominees because they're not going to legislate from the bench.' And you've seen in this country over the last 40 or 50 years a great deal of legislating from the bench, where the court takes it upon itself to look and to say, 'Well, we think this ought to be here,' and a lot of people around the country react negatively to that...

Ms. TUMULTY: Well, so...

Sen. BROWNBACK: ...'cause they're saying, 'Look, a judge should be there interpreting the law, not writing it,' and I think that's really the basis. The president's trying to put forward some nominees that will be more strict constructionists, stay within the Constitution and the role of the judiciary.

Ms. TUMULTY: So do you think it's wise or fair of so many Christian conservatives, people who you count as your allies, to be making this a debate over faith?

Sen. BROWNBACK: I don't think it's a wise thing to do. But a lot of people are very, very frustrated over this judicial issue, and they're seeing the courts redefine issues like marriage and redefine issues over a period of years of the presence of God in the public square, or we go back to the historic Roe vs. Wade abortion debate and the finding, the finding by the courts of a constitutional right to abortion. You've just got this building up, building up through the judiciary, where the left in America in particular has used the judiciary, and they're saying these are things that should go through legislative bodies. And if judicial bodies would do their role, they think these would go through legislative processes.

SCHIEFFER: Let's bring Senator Durbin in.

Senator Durbin, do Democrats feel that they have the votes at this point to stop Senator Frist, the Republican leader, if he tries to bring this thing up to outlaw the filibuster and allow a vote on some of these things?

Sen. DURBIN: I don't believe either side is confident that they have the votes, and one of your guests later in the show is one of the people we're asking questions of. Which side will you come down on? We feel that it's extremely close, but it bears repeating that President Bush has had now 206 of his judicial nominees approved by the Senate and only 10 have not been approved. During the Clinton years in an eight-year period of time over 60 nominees were not even given a hearing before the Judiciary Committee, and several of those were filibustered, including filibusters which my colleague, Senator Brownback, voted for, on Judge Piaz and Judge Berzon. It's been done before. I think Harry Reid has reached out from the Democratic side to Bill Frist and said 'Let's try to find some reasonable way to avert this constitutional confrontation.'

SCHIEFFER: Yeah, but, Senator Durbin...

Sen. DURBIN: We haven't gotten very far.

SCHIEFFER: Let me just ask you quickly: Will Democrats shut down the Senate and shut down business if the Republicans do succeed in outlawing the filibuster?

Sen. DURBIN: Absolutely not. That hapless tactic was used by Newt Gingrich. It will not be used again by Democrats. We are going to keep the Senate and the government moving forward, but the Senate will change. If the Republicans insist on breaking the Senate rules, to change the Senate rules in the middle of the game, if they assault the principle of checks and balances enshrined in our Constitution, and if they say that the president should have every nominee, even the most extreme radical-right nominee, we're in for a battle that will change the face of the Senate.

SCHIEFFER: But...

Sen. DURBIN: We hope it doesn't happen.

SCHIEFFER: But you're saying that you won't shut down the Senate. You won't...

Sen. DURBIN: No, we won't.

SCHIEFFER: What will you do? I mean, how will you...

Sen. DURBIN: We will--if they will break the rules in order to change them, then we will live by the rules, and the rules, of course, when applied every day, mean that senators will spend more time at their desks, more time on the floor, more time in session. Long bills that used to skate through without being read will be read. Amendments will be read. There'll be real debate and, more importantly, the Democrats will try to move toward a positive agenda. We're not considering issues like education after Bill Gates...

SCHIEFFER: But I want to make sure I understand. You're saying we're not going to slow down the Senate. It'll still be business as usual. We'll just have to live with what they've done.

Sen. DURBIN: No, no. That...

SCHIEFFER: You--because there's been all this talk about shutting the place down. You're saying now that will not happen.

Sen. DURBIN: Shutting down the Senate, shutting down the government, that's the heated rhetoric from the other side. That has never been our position. Our position is we will enforce the Senate rules. We will

move an agenda that addresses education and health care, and senators will spend more time voting, debating, really addressing some of the issues we've ignored.

SCHIEFFER: OK.

Sen. DURBIN: I hope that it doesn't come to some of the terrible things that have been predicted.

SCHIEFFER: All right. Well, I think you made some news there. We'll be back in a minute to talk to Senator Chuck Hagel.

Gentlemen, thanks to both of you.

(Announcements)

SCHIEFFER: Joining us now, Senator Chuck Hagel of Nebraska, who was just described by the assistant Democratic leader in the Senate, Dick Durbin, as being one of the crucial votes. If it comes down to outlawing the filibuster, he says that he doesn't believe either side has the votes right now.

How are you going to vote, Senator? Have you decided?

Senator CHUCK HAGEL (Republican, Nebraska; Foreign Relations Committee): Well, I hope it doesn't come to a vote, Bob. Legislative institutions in a democracy operate with one currency, and that's trust. And when you debase that trust, it doesn't make any difference what the rules are, what the procedures are, what the structure is, you will fail your nation. What we need to do is bring some trust back into this process. I have great confidence in Bill Frist and Harry Reid. I think if we leave them alone, these outside forces, these extreme forces running television and radio ads across this country on both sides of the issue, they certainly have the right to do that, but we as senators have to figure this out ourselves. We have to sit down ourselves, look each other in the eye and talk not just about short-term consequences but, more importantly, long-term consequences for the institution of the Senate. The Senate was primarily built around protection of minority rights.

Should a president get an up or down vote on his judicial nominees? Absolutely. I think he should. But as you heard in the first segment, neither party's hands are clean on this. The Republicans torpedoed 60 Democrats. I think the Democrats are making a mistake in how they're going about this in holding 10 of these appeals court nominees hostage. But we've got to work our way through it. The old-timers in the Senate, the respected, wise men in the Senate--and I listen to them--tell me that this isn't the first bump in the road we have had. Howard Baker, Bob Dole, George Mitchell have all had to work things out. That's the wise course of action we should take now and not change the rules.

SCHIEFFER: Well, let me just ask you this then. If Senator Frist came to you and said, 'You know, we're going to go, we're going to do this, we're going to try to outlaw the filibuster. Senator Hagel, I need your vote.' Would you give him your vote to do that right now are you prepared to say?

Sen. HAGEL: Senator Frist and I had a long conversation this week, just the two of us, and he knows where I stand, and he will be the only one who knows where I stand. But again, if I have to vote, I'll vote. But I hope it will not come to that. I have confidence that we can be mature and divert this catastrophe that's about ready to collide.

Ms. TUMULTY: Another issue where you are a crucial vote is the nomination--the president's nomination of John Bolton as UN ambassador. There have been, since the Senate Foreign Relations Committee hearings, a number of new allegations as to his treatment of subordinates and his unwillingness to brook

anyone who would disagree with him. Have you heard anything in all of this, either publicly or privately, since the hearings that makes you even more likely or less likely to vote for his confirmation?

Sen. HAGEL: I don't know all the facts yet. I have not spent my days worrying about all those allegations. I think, as you all know, on May 12th we will vote on that nomination, but prior to that we'll have at least five hours set aside to listen to the results of the examination of these witnesses coming forward and the allegations that have been presented. And at that point we'll make a decision. I have not heard anything particularly new that I was not aware of, but I've said, 'Let's let the process work. Let's let it work out.' Mr. Bolton deserves that. The president deserves it. The country deserves it.

SCHIEFFER: Look, that sounds like just a little bit of a change on your part, because I think they were counting on your vote to vote for him, and I think everybody pretty much took that for granted that you were going to go along, whether enthusiastically or not. But it sounds to me like you're--if you're not rethinking this, you're thinking about which way you're going to vote right now.

Sen. HAGEL: Well, I'll go back to the statement I made in the open hearing the day that we agreed unanimously in that committee hearing, all members of the Foreign Relations Committee, to take a look at these new allegations. And what I said was that I would be prepared, was prepared at the time, to vote him out of committee, but I also said I would do that on the basis that the review of his record was not complete and I would withhold my vote as to how I would vote on the floor.

SCHIEFFER: But it's fair to say, is it not, that he doesn't have your vote yet? That's fair to say.

Sen. HAGEL: That's fair to say.

Ms. TUMULTY: Senator Hagel, today marks the two-year anniversary of President Bush's declaration that the war in Iraq was a mission accomplished. We've seen 74 people killed in Iraq, mostly Iraqis, just since Friday. How do those words sound to you now?

Sen. HAGEL: Well, I think they sound not like a wise and mature statement, one that was far too premature. Probably on no basis was there any solid judgment to make that statement. I think the president realizes that. I think his administration does. Certainly we now are close to 1,600 men and women killed, Americans, in Vietnam--or in Iraq over the last two years. We've had, I think, 200 killed or more since the elections.

SCHIEFFER: What are we doing wrong?

Sen. HAGEL: Well, this is complicated. It's difficult. Some of us talked about that before we went in. But I lost that debate. We're not going to unwind where we are. We are in the middle of a very complicated, dangerous situation. It is far bigger, in my opinion, than Iraq. In fact, we don't even know who is really running the insurgent dynamics or the strategies or the tactics. We don't know if there are pieces or we don't know how many outside forces are involved. And so to ask the question: What are we doing wrong?--we don't have enough answers to probably give you a solid basis, a framework, to give you a good analysis of what's wrong. We know that there is a nationalism that's developing. We know that there's a tribal, ethnic, religious dynamic. We should have known that before we went in. We know that Iran has significant influence on the inside in the political structure. We know all these things.

And the other thing is that some of us said before we ever went in, we went in way too light. You can't secure a nation like Iraq, as big as it is geographically and with the people, with 150,000 troops. And we're putting tremendous pressure on these men and women over there. And I don't think we're serving their interests well by the light force structure that we went in with. Most of the generals said publicly at the

time--some were quite directly admonished for it--that you need twice that number of troops if you're going to protect and secure and stabilize Iraq for the long term.

SCHIEFFER: I just want to go back to what you just said. After 1,500--more than 1,500 Americans killed, you just said we don't know enough about what's going on there to even know what we're doing wrong.

Sen. HAGEL: I think that's true. I don't fault our intelligence agencies. I don't fault our men and women in uniform. I don't fault any particular commander. The fact is this is a very complicated part of the world that we never understood. We still don't understand it. There are forces involved here that are under the surface, that are, I suspect, guiding much of this insurgency, not just the terrorist forces but there's a nationalist force there that has always been there; plus you take these religious, ethnic problems and cracks and dynamics that have been there for years and years and years, and you add all that up and that presents a very combustible equation.

SCHIEFFER: We have just a few seconds left. You're going to New Hampshire tomorrow. Senator Hagel, are you thinking about running for president?

Sen. HAGEL: Well, I've said I'll make a political decision on my future after the elections next year. I would hope that I might have some options next year, over the next two years, as to a political future. I don't know what those options would be. I was invited up to receive an award. I'm going to do some things at colleges and other places and have a lot of good friends up there and say hello and spend two days in New Hampshire.

SCHIEFFER: Well, good luck to you.

Sen. HAGEL: Thank you.

SCHIEFFER: We'll talk to you later.

And I'll be back with a final word in just a minute.

(Announcements)

SCHIEFFER: Finally today, when our children were young, we once sailed up the Nile in Egypt, and it was the best vacation ever. We loved the hieroglyphics. We marveled at the Pyramids. But the great lesson for our family was realizing how the most advanced society of that ancient world eventually stagnated and collapsed when the people came to believe they knew enough. They lost interest in geometry when they learned enough geometry to build the Pyramids. Their development of writing stopped when they knew enough to record the pharaoh's deeds. For hundreds of years, they knew enough to keep their society just as it was, but eventually it was overrun by outsiders who had continued to progress.

I thought about that the other day when I was reading Tom Friedman's column in The New York Times, and he commented on Microsoft founder Bill Gates' assertion that technology was moving so quickly and our educational system was so obsolete that eventually he would be unable to hire our kids. Yet as our educational system grows worse, as China and India race to develop the intellectual power to take advantage of the technological explosion, what to do about it is strangely missing in our national dialogue. Our national debate has veered in another direction, a fierce never-ending argument over cultural and religious differences. Do we really have that luxury? Have we really come to believe we know so much we no longer need to concern ourselves with confronting the future? If that is so, we need not worry about cultural differences. As it was in ancient Egypt, our society will stagnate and eventually be overwhelmed by outside forces.

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