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FACE THE NATION

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GUESTS: Senator EDWARD KENNEDY, (D-MA)

ELISABETH BUMILLER
The New York Times

COLBERT KING
The Washington Post

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, Senator Ted Kennedy on filibustering judges and Iraq. It's showdown week in the Senate. Majority Leader Frist has vowed to set a vote on changing the filibuster rule for judicial nominations. Is there a way out? If it happens, will the Senate grind to a halt? And what about the continuing violence in Iraq? All questions for one of the most influential Democratic leaders, Ted Kennedy of Massachusetts.

Elisabeth Bumiller of The New York Times joins in the questioning, and we'll have a roundtable on the rest of the week's events with Colbert King, a columnist for The Washington Post. I'll have a final word on what the president knew and when did he know it, last week.

But first: Senator Ted Kennedy 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.

We have some late breaking news. Secretary of State Condoleezza Rice made a surprise visit to the troops in Baghdad today. The trip was totally unexpected. She'll visit with the troops there. The rest of her itinerary is being kept secret for obvious security reasons. Secretary of State Rice in Baghdad today.

Now with us, from Hyannis Port, Massachusetts, Senator Ted Kennedy. Joining in the questioning this morning, Elisabeth Bumiller of The New York Times.

Well, Senator, let's start with Iraq. Back in January, you said that the United States ought to begin withdrawing our troops in Iraq after the elections were held there, but it's been nothing but trouble since. Hundreds of people have been killed just in the last 10 days or so. Where do you think we ought to go now in Iraq, and what should we do now?

Senator EDWARD KENNEDY (Democrat, Massachusetts): Well, first of all, all of us are immensely impressed by the way our men and women are performing in Iraq, and all of us should give the strongest kind of support to their efforts. Secondly, we all want success in Iraq. That's very, very important. We might have differed in how we'd have gotten into Iraq, but all of us want success, ultimately, now. Third, I thought the emphasis that the secretary of State mentioned today in her statements in Iraq about a greater emphasis on political resolution and political cooperation and political solution is really the way to go.

We have seen the Iraqi government itself complain about too much interference by the United States on various political decisions. There will not be, ultimately, a military solution. There has to be, obviously, the use of military force, but there has to be a political resolution. Iraqis have to assume the control of their own national security and national defense. General Abizaid, before the Armed Services Committee just a couple of months ago, indicated that he was hopeful that the security issues could be resolved by the security forces, the Iraqis themselves, by the end of the year. That's a hopeful sign, but nonetheless it's a goal.

SCHIEFFER: Well, Senator...

Sen. KENNEDY: So we ought to let these forces--let them develop their own forces. In the recent appropriations bill, in the supplemental, we had \$5.7 billion to train the Iraqis. We've

been extremely slow with the Iraqis. The Iraqis now own their political resolution in terms of their government; they have to own their security as well. We ought to train them, give them equipment, but they ought to be making judgments and decisions and we ought to then try and work out a process...

SCHIEFFER: Let me just...

Sen. KENNEDY: ...where we're not going to be...

SCHIEFFER: Yeah. Let me just...

Sen. KENNEDY: ...the occupiers, but the liberators.

SCHIEFFER: Let me just get back to the question I posed. Do you still believe that we should have begun withdrawing troops? Can we afford to withdraw troops now with the situation as tenuous as it is?

Sen. KENNEDY: Well, what I believe, and believe very deeply, is that we have become the occupiers, not the liberators. And the way that you become again the liberators is when the people in Iraq feel that they have the political resolution, which they do as a result of the election, and secondly, when they are going to be willing to fight for their country like Americans are fighting and dying over there now. As long as the Iraqis believe that the Americans are going to continue to fight and die, I think it's increasing--continually difficult to convince them that we're not going to be there forever. And the way that you convince them is to provide the training, give them the help and the assistance. My wife's got a nephew that had 13 weeks' training at Ft. Benning and is now a tail gunner in Mosul. He had 13 weeks' training. We're not asking the impossible. We're asking the Iraqis to fight for their country, shed their blood and defend their nation...

SCHIEFFER: OK.

Sen. KENNEDY: ...and we ought to work that out with them in a coordinated way, by the Iraqi government and by the United States...

SCHIEFFER: All right. Let's shift...

Sen. KENNEDY: ...in terms of the gradual withdrawal of American troops.

SCHIEFFER: Let's shift the subject here, if we can. We're going to have a showdown in the Senate, apparently. Senator Frist, the Republican leader in the Senate, says he is going to move this week to try to do away with the filibuster. And this may sound like inside baseball to many people, but let me just run through this. What this really means is this, and that is, as you know, a--when you have the filibuster it basically takes 60 votes to confirm a judicial nominee or a nominee to the Supreme Court. Without the filibuster, you can do that with a simple majority.

So, for example, if you became president, or Senator Hillary Clinton, a liberal Democrat, and you were pro-choice, as you are, you could pretty much nominate a pro-choice justice to the Supreme Court, and if you had a majority in the Senate you'd be pretty assured of getting that confirmed. On the other hand, you have a president like George Bush, who is against abortion; he can then nominate someone to the court without the filibuster and pretty much be assured that he could put somebody on the court who, for example, wanted to overturn Roe v. Wade.

So this is a lot more than inside baseball. This is something that affects everyone in America, no matter how you come down on this issue. Do you believe at this point, Senator Kennedy, that Senator Frist has the votes to overturn the filibuster rule?

Sen. KENNEDY: Well, I would hope serious Republicans would have the kind of second thoughts on this issue, which many of them have had in the recent times. What we don't want to do is have a very dramatic and significant and really unprecedented shift and change of power for--in the United States Senate to the benefit of a majority leader who is running for the president and a president that will be three and a half years and sacrifice 227 years of history and precedent and rules in the United States Senate. What we have seen in the recent weeks and months, in fact, this year is a power grab by the Republican right. We saw that with the special deals with Halliburton and the fact that we weren't providing the armor for our troops. We saw it by the president with the privatization of Social Security that would benefit Wall Street in a very, very significant way.

SCHIEFFER: Yeah.

Ms. ELISABETH BUMILLER (The New York Times): Senator...

Sen. KENNEDY: Just recently in terms of them burying help and assistance on school aid so that they could have the tax loopholes for their own group. We have approved 96 percent of these preside--this president's judges.

Ms. BUMILLER: Senator...

Sen. KENNEDY: All we're talking about is a handful of the most radical, right-wing, extremist judges that are for repealing voting rights...

SCHIEFFER: Yes, sir. We totally understand.

Sen. KENNEDY: ...and repealing other constitutional rights and that we find is unacceptable.

SCHIEFFER: Senator, if I could--may I just--may I just interrupt you? I'm not sure that you're hearing me back here.

Sen. KENNEDY: Yeah, sure. Yeah, sure. Yes.

SCHIEFFER: Back to the question. Do have you the votes to block Senator Frist or does he have the votes to pass this? Could you just give us your estimate at this point?

Sen. KENNEDY: Well, I would hope that he would. I think it's still very, very much up in the air. I think most of us understand that this will be decided by one or two votes.

Ms. BUMILLER: Senator, let me just ask...

Sen. KENNEDY: But what we're talking about...

Ms. BUMILLER: Senator...

Sen. KENNEDY: Yes.

Ms. BUMILLER: ...let me just ask this question.

Sen. KENNEDY: Sure.

Ms. BUMILLER: Senator McCain said this morning that there was a lot of movement towards a compromise. Now do you agree with that assessment and, if that's the case, what would that compromise be?

Sen. KENNEDY: Well, I don't know what the compromise would be. And you're not going to jump for a compromise when you're talking about changing 227 years of history. Look, I've been in the Senate for some period of time. This is really the most important judgment and decision that will have taken place in the United States Senate since I will be there. Because you're talking about an institution, established by the Founding Fathers, whose rules have guided us and where the Senate has played an enormously important role at this time. I've been in there where we've had 65 or 66 Democrat votes. We might very well get back there again. But to change the rules because you're running for president of the United States and we have a president that's got three and a half more years, when we're talking about lifetime judges...

Ms. BUMILLER: Senator, Senator...

Sen. KENNEDY: ...that would basically undermine some core commitments to the Constitution.

Ms. BUMILLER: Excuse me.

Sen. KENNEDY: I don't think it's a wise idea.

Ms. BUMILLER: But let me just go back to my question.

Sen. KENNEDY: Yeah.

Ms. BUMILLER: Do you agree with the assessment of Senator McCain that there could be a compromise this week?

Sen. KENNEDY: Well, I would always hope that we would maintain the basic integrity of the Senate, so I, for one, would welcome the opportunity to look at any kind of recommendation or suggestion. But we're not going to see the important role that the Senate has in terms of making these judgments. What we are--basically what I'm saying is that we should not accept a compromise that's going to silence and muzzle and gag a member of the United States Senate to express their conscience on an issue of a lifetime judge when the issues at stake are basic constitutional issues of voting, of a woman's right to choose, of issues on the environment.

Ms. BUMILLER: OK, Senator, thank you. Let me ask you this. What would the Democrats do if Senator Frist wins on this? What is your course of action here?

Sen. KENNEDY: Well, the--basically, as I say, I hope he will not be successful. The Senate is basically about the comity of trying to work out the schedule so that we can deal with this. I'm eager to have--we have in the last five months failed to deal with the fundamental concerns of the American people. We haven't done anything at all really on education, except cut it. We haven't done anything on health-care costs. They've increased. We haven't done anything to provide paid sick leave. We haven't done anything to provide the secretary of HHS the authority to negotiate drugs.

Ms. BUMILLER: Senator...

Sen. KENNEDY: We're going to start offering those amendments. Let me just finish. We will offer those amendments now. We will conduct the debate. We will lead the debate. And we will lead the debate on matters which are going to affect families. That's what we do at this time, instead of having an accommodation where the majority leaders say, 'Look, you're interested in mental health parity.'

Ms. BUMILLER: Senator, let me...

Sen. KENNEDY: 'We'll give you assurance that we'll have that seven months from now.' Uh-huh. We're going to have those debates and have them now.

Ms. BUMILLER: Let me move to another topic. As you know, the president's nominee to be United Nations ambassador, John Bolton, his nomination has been held up. The vote has been held up by Senator Boxer, who says she's put a hold on it. Senator Dodd has said he will continue the hold. This is another form of filibuster, as you know. So do you think that the John Bolton--the vote on him should be brought to the floor of the Senate?

Sen. KENNEDY: Well, when we finally get the proposal from the Foreign Relations Committee, we can see what the tactics would be. I'm strongly opposed to John Bolton. I don't think--we need a diplomat at the United Nations, not a bully. And the way he's manipulated intelligence, we've learned the lessons about that from Iraq, and the way he's bullied subordinates, I think, makes him unqualified. I think Senator Voinovich had the right assessment. We need more Voinoviches speaking on the floor of the United States Senate.

Ms. BUMILLER: If it--if it...

Sen. KENNEDY: And when they do, I think, we have a good opportunity to beat him. But I'm not on that committee. It's being reported now. There'll be a presentation on that. I'm opposed to him, but we can make the political judgment at that time.

SCHIEFFER: Is it worth filibustering him just from a political point of view, Senator? Would that be good politics for Democrats to filibuster him...

Sen. KENNEDY: Well, I'm interested...

SCHIEFFER: ...while you're also in this argument over judges?

Sen. KENNEDY: Listen, I'm concerned about the dramatic failure of this administration on North Korea over these past years. And Mr. Bolton has been the architect of administration policy on North Korea. And that's why I'm opposed to him because I don't think he's competent to handle that job. And I feel strongly, and I think other members, both on the committee and the Senate, ought to have an opportunity to speak on this. This is enormously important, a job that he's being recommended for. We'll have a chance to make that judgment.

But if you think about the failures of this administration in North Korea, the dangers of nuclear proliferation with North Korea, and this nominee was the architect of that policy. That is a failing grade, let alone what he's done otherwise.

SCHIEFFER: All right. Well, Senator, I want to thank you very much for being with us this morning...

Sen. KENNEDY: Oh, fine.

SCHIEFFER: ...and giving your side of the story. We'll be back in a minute with the roundtable discussion.

(Announcements)

SCHIEFFER: And back here with Elisabeth Bumiller of The New York Times, and joining us from The Washington Post, columnist Colby King.

Colby, you heard Senator Kennedy there. I'm not sure he gave us much of an answer on whether he thinks that the Republicans have the votes to overturn the filibuster. What do you hear?

Mr. COLBERT KING (The Washington Post): He certainly didn't. We talked with Senator Judd Gregg of New Hampshire about a week ago and I asked him directly, 'Does Senator Frist have the votes?' His answer was a little cagey, too, but what he said was if you ask for the vote, he'll have the votes. Pressed him again if he asked for the votes, he'll have the votes. In other words, Senator Frist is not going to press the issue unless he's sure that he can win. He didn't give us a head count. He didn't tell us who was there and who was in and who was out, but he certainly said Frist will do it if he has confidence that the votes are there.

SCHIEFFER: Is it your stance that both sides are right now looking for a way around this? I mean, that's what I'm beginning to wonder.

Mr. KING: We're hearing that, and there are compromises being floated around, but I must say they're very demeaning to the Senate in terms of (unintelligible).

SCHIEFFER: What do you mean by that?

Mr. KING: By that, it means--that's saying that things such as, 'We'll give you two votes--give you votes on your two judges, but on the others, we may want to just filibuster it, talk about them for a while before we vote, and then we won't test the nuclear option.' That is demeaning. The members, they ought to either be voted up--you can make a case for voting these judges down or you can make a case for voting them up, but to treat them like they're decks of cards and just trading cards is not only demeaning to the nominees who have records of their own and ought to be judged on the merits of their records but also demeaning to the Senate. And this would not have happened, Bob, in a Senate run by Lyndon Johnson and Everett Dirksen or a Senate run by Mike Mansfield and Hugh Scott of Pennsylvania. This session should think about the leadership or the lack of leadership and statesmanship in today's United States Senate.

SCHIEFFER: It is a different Senate, I will grant you that. Elisabeth, how important is this to the White House? We haven't heard them say all that much about it.

Ms. BUMILLER: Well, they've been very careful. We've heard Vice President Cheney say that he would vote if it came to a tie vote. The president has not weighed in publicly, but, of course, they want to overturn the filibuster. They will tell you privately they want their judges, but the president has been reluctant to do this. He's been asked several times at news conferences and publicly and his standard line is, 'This is the business of the Senate. I'm not going to meddle.' Of course, we know that's--they're very involved.

SCHIEFFER: I think it's very, very close at this point according to my own calculations and it's interesting to me that the person who may actually be the deciding vote could be John Warner, the very conservative senator from Virginia, who may--I'm saying may; there's been no public announcement--could vote with the Democrats to defeat this.

Mr. KING: That could very well be the case because John Warner above all is a traditionalist...

SCHIEFFER: Right.

Mr. KING: ...and he respects the institution. He respects the notion of extended debate, unlimited debate, and as a matter of principle, he may just stand firm on that as Senator McCain will do as well. There are some others who are up in the air, but John Warner may very well be one of those who will stand with the Democrats not because he agrees with them on the substance but he agrees with the--in terms of the judges but he agrees that the Senate ought not to change its rules like this.

SCHIEFFER: All right. Let's go back to this thing about John Bolton, the very controversial person the president wants to send to the United Nations. Where do you think that is, Elisabeth?

Ms. BUMILLER: Well, it's up in the air. I can't predict. I think we saw Senator Kennedy also wavering. The White House is working very, very hard right now to make this work. It's now become a power struggle obviously. We've seen it before.

SCHIEFFER: Yeah. It's no longer about John Bolton.

Ms. BUMILLER: It's about who is more powerful, the White House or the legislative branch, and John Bolton, as we know, was a protege of Dick Cheney. He was--it was a--Cheney wanted him there, but now it's--it's also about I should say two different visions of American foreign policy whether you want to go with a multilateralist approach or the moderate Republicans or more of the aggressive approach the president has taken up until now.

SCHIEFFER: You know, it's also--it may well be that the job of UN ambassador was a consolation prize for John Bolton who really wanted to be the number two person, the deputy secretary of State, and my understanding is that did not get much enthusiasm from Condoleezza Rice and they thought they could give him this and sort of appease the more conservative elements and now it's come down to what it is.

Mr. KING: Yeah, and I don't think the White House anticipated this at all. John Bolton had been confirmed before. They had no idea that there would be this kind of opposition to his nomination. He will probably get the votes. He'll probably make it there, but he will go there much damaged as a result of this extended attack on him. And let's face it. John Bolton's problems are John Bolton's problems. He brought those problems to the table. Now it's a struggle between those who have a one view of the foreign policy and those who have another view, but don't make any mistake John Bolton caused his own problems and he will go to the United Nations and all of his colleagues will know what his background was, what kind of record he's bringing there and that he does not have the full support of the United States Senate.

SCHIEFFER: What about Iraq? How long do you think the president has? It seems to me, if this situation doesn't begin to settle out somewhat, it's going to be very difficult for him to keep the Congress on his side, Elisabeth.

Ms. BUMILLER: Well, I think the president would tell you that he's there as long as it takes. I think that he's made it clear that troops will be there through this term, and they are--they seem to be willing to take an awful lot of heat on this, because I don't know what, really, the alternative is.

SCHIEFFER: Do you think that the Congress--the Republican congressmen are willing to take this heat going into the 2006 election, Colbert?

Mr. KING: Oh, no. Next year they're going to really be worried about it and they're going to try to find a way out and they're going to hope that this thing doesn't appear to be the sort of quagmire that it looks to be now.

The president can say this, though: This is not--today's Iraq was not the Iraq we've been dealing with last year. Unlike what Senator Kennedy said earlier, I don't think that the US is really being seen as the occupier now. Look at what's happened. The attacks are now largely against the Iraqis themselves, and not just their security forces, but also innocent civilians. January, you had an election that put an interim government in place. In April you had a permanent government put together. Now they're working on a constitution. The president can say, 'Look, there's progress here,' but there's no doubt about it, those--the death tolls are going up and that's a really serious problem.

SCHIEFFER: Thank you. Thank you, Elisabeth. Thank you, Colbert. Great to have you.

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

(Announcements)

SCHIEFFER: Finally today, it was an extraordinary moment. We had all just breathed a sigh of relief that the nation's capital had not been under attack Wednesday when the White House revealed that no one had told the president about any of it until the danger had passed. The president had been out biking when it happened and, as the White House told it, there was no need to tell him, no need for him to know, since he was in no danger.

Now wait a minute. No need to know his wife had been taken to a bomb shelter, the vice president and congressional leaders were being whisked to secret locations, the Capitol and the White House were being evacuated? Please. Common sense--to be sure, a resource that is seldom used in Washington--tells us that communications equipment failed, or someone just made a bonehead mistake. Not exactly indictable offenses. But this White House is genetically incapable of admitting even a minor mistake, so spinners found themselves arguing the president is so inconsequential in the grand scheme of things that he didn't need to be told until all the smart people around him had fixed the problem.

Call me old-fashioned, but I'd feel better if the president knew. I have no inside information, but my guess is the president agrees. I've known a president or two in my time and I've yet to meet one who thought he was inconsequential, or who appreciated having himself pictured as such, especially by his own people. I sure wouldn't.

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