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CBS News

FACE THE NATION

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GUESTS: Senator DIANNE FEINSTEIN (D-CA)

Senator ARLEN SPECTER (R-PA)

Major General PAUL EATON (Ret.)

FREDERICK KAGAN, Military Historian

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, the fate of Attorney General Alberto Gonzales, and what next in Iraq? This week Democrats in the Senate will introduce a no confidence resolution on the attorney general. But what does it mean? We'll ask the senator who'll introduce it, Democrat Dianne Feinstein of California, and we'll talk to the ranking Republican on the Judiciary Committee, Arlen Specter of Pennsylvania.

Then we'll turn to the war in Iraq and military historian Fred Kagan, one of the earliest advocates of the surge strategy, and Army Major General Paul Eaton, one of a growing number of retired generals who say it's not working.

I'll have a final word on my favorite holiday, graduation.

But first, Feinstein and Specter 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. In Burlington, Vermont, this morning, Senator Arlen Specter, ranking Republican on the Senate Judiciary Committee. Here in the studio, a key Democrat on that committee, Senator Dianne Feinstein.

Welcome to both of you.

Senator, I want to get right to it. You're going to introduce the resolution in the Senate this week calling for a vote of no confidence in Attorney General Gonzales. Will that pass, and how many Republicans do you think will join with you?

Senator DIANNE FEINSTEIN (Democrat, California; Senate Judiciary Committee): Well, hard to tell at this stage. Six Republicans have called for his resignation. I see no strong support for the attorney general within the Republicans. I think there is an acknowledgement that he is a weak attorney general. I think on our side of the aisle, the Democratic side, there are very strong feelings that go way back to many of the opinions, his concept of attorney general, which is that he wears two hats--one to serve the president, the other to serve the people. I don't think the attorney general can wear two hats. It's the people, and it's the law. And if the president wants to go agin the law, it's up to the attorney general to say, 'Mr. President, you can't do that.' That's not this attorney general. And I'm very worried about the department. I think its credibility is crumbling. I think what's happened to one of its most powerful arms, which is the federal prosecutorial arm, has damaged it seriously. And I think the only thing that can really change that is a new attorney general.

SCHIEFFER: Well, let's go to Senator Specter.

Now, senator, you have not yet called for the attorney general's resignation, but you've stepped right up to the line. You've said the department is

dysfunctional. Will you join Senator Feinstein in a vote of no confidence?

Senator ARLEN SPECTER (Republican, Pennsylvania; Senate Judiciary Committee): Bob, I haven't seen the resolution yet. I'll take a look at it. But I've been very candid in my evaluation that the attorney general was not credible when he said he wasn't involved in discussions or in deliberations. And the testimony this week, the former deputy attorney general, Jim Comey, was certainly very damaging to Attorney General Gonzales. Comey related about how efforts were made for then White House Counsel Gonzales and others to get an approval from then Attorney General Ashcroft, who was delirious in the hospital, to approve the terrorist surveillance program, a very, very damaging testimony. And I'm very concerned, as Senator Feinstein is, that the Department of Justice is second only to the Department of Defense in providing for security. They do the work on anti-terrorism investigations, they have the work on drug enforcement, violent crime enforcement. And the morale in the department is very low. US attorneys mention...

SCHIEFFER: Well, let me just ask you, because I do want to get to this testimony before the Judiciary Committee. I want to get to that in just a minute. But I want to ask you about this vote of no confidence. Do you, in fact, think Republicans, a sizeable number, will join with Democrats on that?

Sen. SPECTER: Well, I...

SCHIEFFER: And what do you think the impact is going to be on the attorney general?

Sen. SPECTER: Well, I think so. I think you already have six Republicans calling for his resignation. I have a sense, Bob, that before the vote is taken that Attorney General Gonzales may step down.

SCHIEFFER: Really?

Sen. SPECTER: Well, it is a very forceful, historical statement. Votes of no confidence are very rare. More than a century ago, one was leveled against a sitting president. And I think, historically, that is something which Attorney General Gonzales would like to--would like to avoid. And the most important thing, though, is the inability of the department now to function. I was about to say, US attorneys met in San Antonio this past week, and there was a lot of criticism, a lot of dissension. And that department is very, very important, functioning for the welfare of our country.

SCHIEFFER: Well, what you're saying here is that you're not prepared to call for his resignation, but you seem to be saying the department and the country would be better off if he left.

Sen. SPECTER: Well, I don't think there's any doubt about that. I think the actual termination is a personal one for the attorney general and also for the president. And I'm not going to tell the president what to do. I don't want him telling me how to vote. We have separation of powers, and I'm going to let them make their own decisions.

SCHIEFFER: What leads you, senator, to the conclusion that he will probably step down before such a vote is taken?

Sen. SPECTER: Because of the likelihood of a very substantial vote of no confidence, and I think that, if, as and when he sees that coming, that he would prefer to avoid that kind of an historical black mark.

SCHIEFFER: Well, let's go back and talk about this extraordinary testimony, Senator Feinstein, before the Judiciary Committee that Senator Specter talked about. And basically, let me just sum this up. A former deputy attorney general, Mr. Comey, testified that he rushed to the bedside of then-Attorney General John Ashcroft, who had just come out of surgery, to have his gall bladder removed. He went to that hospital room with the sirens blaring on his car because he had heard that then-White House Counsel Alberto Gonzales and the White House chief of staff, Andy Card, had gone there to get Mr. Ashcroft to sign some kind of an order to continue the eavesdropping program. He said that it was--he was prepared to resign, the FBI chief was prepared to resign, and Ashcroft himself were prepared to resign if that authorization was signed as it was written. Let's just listen to a little of this.

(Beginning of excerpt from May 15)

Mr. JAMES COMEY (Former Deputy Attorney General): I was concerned that this was an effort to do an end run around the acting attorney general and to get a very sick man to approve something that the Department of Justice had already concluded, the department as a whole was...

Offscreen voice: Right.

Mr. COMEY: ...unable to be certified as to its legality.

(End of excerpt)

SCHIEFFER: Now, senator, this is like something out of a spy novel. What do you think was going on there? What was--what was in that authorization that all of these ranking officials were threatening to resign if it went through as written?

Sen. FEINSTEIN: Well, of course, I serve on Intelligence, so I'm aware of the terrorist surveillance program. Apparently the program, as originally designed, was even broader than what was subsequently developed. And I think there are a number of issues here. I think the...

SCHIEFFER: Broader in what sense?

Sen. FEINSTEIN: Well...

SCHIEFFER: Authorizing reading of just e-mails or what?

Sen. FEINSTEIN: Well, I can't tell you. All I can tell you is that the

attorney general was not going to certify the program, and Mr. Comey looked at it. He was the acting attorney general. He said he could not certify it. Against, I think, the canons of ethics, the present attorney general, then White House counsel, went with Mr. Card to the ICU to try to change the mind of a very sick man to remove from the acting attorney general the authority and to approve the program. And much to his credit, apparently John Ashcroft raised his head and said, 'I will not do that.'

SCHIEFFER: Do we know, Senator Specter, what was in that authorization? Do you have any idea?

Sen. SPECTER: No, we don't, except that Jim Comey said that it was not legal and his certification, the attorney general's certification, was necessary for the program to continue.

SCHIEFFER: Was--do you have any idea who sent Andy Card and then White House Counsel Alberto Gonzales to the hospital?

Sen. SPECTER: Well, we know that the president was personally involved, and to President Bush's credit, when Mr. Comey and the FBI director, Bob Mueller, went to see the president, the president told Bob Mueller to tell Jim Comey to do what he thought was right. And the president did not back up Gonzales, did not back up the people who wanted to lean on Ashcroft or wanted to lean on Comey. The president said let them do what they think is right.

SCHIEFFER: All right. Well, they later changed it, as we now know, and the authorization was signed.

Senator Feinstein, let me just shift the subject because we're almost out of time. Big agreement on immigration among negotiators in the Senate. Do you believe that this bill is going to pass, and can this bill pass the House of Representatives as well?

Sen. FEINSTEIN: Can it pass? Yes. Will it, who knows? I give great credit to Senator Specter, to Senator Kennedy, for those senators that really sat down over a substantial period of time and tried to negotiate in what is one of the most difficult, emotional and resistive areas to legislate. I think...

SCHIEFFER: Do you think it will pass the Senate?

Sen. FEINSTEIN: I think it's a good bill. I think, yes, it can. It probably will pass the Senate. I think one of the problems is, everyone's rushing to judgment.

SCHIEFFER: Uh-huh.

Sen. FEINSTEIN: The bill was only released last night, so no one is really aware of all of the fine points. It is not amnesty. It is well-balanced. It makes major reforms in the immigration system.

SCHIEFFER: Yeah.

Sen. FEINSTEIN: It does provide a path for legalization for the 10 to 12 million. It does provide a stable work force for agriculture.

SCHIEFFER: All right, let me just switch to Senator Specter.

Senator Specter, you said a little earlier before the broadcast you thought that it could pass. But do you think that they will be able to marshal the votes in the House to--so this bill can become law, or is that still an open question?

Sen. SPECTER: I think so because, when you get to the bottom line, the current system is chaos and anarchy. Our borders are broken. This bill, while it has many critics on the right and on the left, will provide for border security, employer verification. It will treat the 12 million undocumented immigrants in a--in a constructive way. It is not amnesty. They'll have to pay a fine, they'll have to earn their way to citizenship. It's better than what we have now, Bob.

SCHIEFFER: All right. Well, we have to leave it there. Thanks to both of you. Back in a minute with the subject changes to Iraq.

(Announcements)

SCHIEFFER: What's the situation in Iraq right now? Joining us from Seattle, retired Major General Paul Eaton. He is with votevets.org, which is a veterans organization against this Iraq troop surge. And here in the studio, Fred Kagan. He's a military historian, taught at West Point. He's also a strategist with American Enterprise Institute.

And you were one of the early advocates, Mr. Kagan, of putting more troops into Iraq. You're just back from there. Do you think these extra troops, is it working, is it having an impact?

Mr. FREDERICK KAGAN (Military Historian): I believe that it is. From what I saw, I was in there on the ground in and around Baghdad in early April, and I just got back on Monday from another trip. We spent eight days going around, and we saw some pretty significant improvements on the ground and security. And the impression that we got from the officers that we talked to at all levels, from company commander up to General Petraeus, is that security is improving across the board, some places more than others. There remain significant challenges, but things are getting better.

SCHIEFFER: But the significant challenges, I mean hardly--well, no day passes without a report of another huge explosion with dozens of people being killed, more American soldiers being killed. How do you make the statement that it looks like things are getting better?

Mr. KAGAN: Well, we have to understand, it's very tragic when these events occur, but this is a war. And the enemy is fighting us with suicide bombers and a variety of other heinous methods. And we have to not make the mistake

of saying just because the enemy is still fighting us, therefore we're losing. What I saw on the ground is that there are more people on the streets, there are more markets open, there're more shops open in the markets. People who we talked to on the street told us we--you know, they felt a little bit more secure. Extra judicial killings, the Shiite sectarian murders of Sunnis, remain down by about two-thirds since when the surge began, which is very important from the standpoint of, 'Can we get this under control? Is there just sort of uncontrollable violence?' The answer seems to be no. But al-Qaeda has been engaged in a surge of its own, and it's trying to defeat us, and it's trying to play off the congressional debate, as well.

SCHIEFFER: Well, let's ask General Eaton.

General, you've just heard this. He's just back. What's your response?

Major General PAUL EATON (Retired, United States Army): Bob and Dr. Kagan, good to be with you this morning. I've got two-part problem with this so-called surge, which is really a very modest reinforcement of troops on the ground. First, the administration has failed to grow the armed forces to meet the foreign policy demands. Dr. Kagan has been very eloquent in a demand to grow the Army to meet these demands. So this surge is really on the backs of the American soldier, extending tour lengths to 15 months, and it's--it is a terrible impact on the US Army.

Second, there has been a concurrent failure on the part of the administration to surge diplomatically as well as economically. We are not bringing the full power of this nation to bear on the problem. The president has failed to mobilize the nation for this very important conflict.

SCHIEFFER: Well, what about the suggestion that Dr. Kagan is making here, that, in fact, the violence is down, that things are getting better?

Maj. Gen. EATON: If that is true, and that very well may be--I have not been there in some time--it is a reflection on what General Petraeus has done by breaking the force down and inserting smaller packages, smaller forward operating bases--in areas where they desperately need an American presence bring--to bring security to the area. So rather than these monster forward operating bases, you now have smaller outposts that are greatly helpful to the--to the Iraqi police and to the Iraqi armed forces to help shoulder the burden. So it's more a technique. It's a change in tactics that this very modest reinforcement that's going on has helped.

SCHIEFFER: All right.

Maj. Gen. EATON: And I won't deny that.

SCHIEFFER: Well, let's talk about the whole point of this, of course, is to give the Iraqis time to get their forces trained. How's that going, Mr. Kagan?

Mr. KAGAN: Well, I think it's going well. I think we need to accelerate it.

I think we need to work on growing the Iraqi army. I think we need to work on equipping the Iraqi army better. But I was very impressed. I had the opportunity this last time to go down to Diwaniyah, which is about halfway between Baghdad and Basra, meet with the commander of the 8th Iraqi Army Division. And we've had the opportunity to talk to a number of other Iraqi army and even Iraqi police commanders who were very impressive folks. They're professional, they understand what they're doing, they're fighting. This Iraqi army division commander just conducted a large scale clear-and-hold operation, supported by American forces but with a lot of his own troops in Diwaniyah against the...(unintelligible)...against the Shiites. He's a Shia in a Shia area. So that's coming along pretty well.

The situation of the national police is much more complicated. There are some very good national police commanders; there are some very bad sectarian actors in the police. We need to keep working that, but the way to work that is to continue a partnership between our units and their units actively working on the ground, which helps us identify the bad actors and work to remove them, and work to remove them, which we're doing.

SCHIEFFER: Let me ask General Eaton, because he was--you were in charge, were you not, of training while you were there, General?

Maj. Gen. EATON: (Unintelligible)

SCHIEFFER: Why is it that it takes so long? I mean, we train a United States Marine in what, nine months, 10 months, something like that? Why does it seem to take so long to get these Iraqi units up and running?

Maj. Gen. EATON: Bob, the--when you develop a soldier, there are really three components: develop him physically, develop him from the perspective of military training, military skills. That's very easy to do. The moral component, the British term I've picked up over time, is the greatest challenge, which is certainly the easiest when you're dealing with preparation of an American soldier or an American Marine. They see themselves--American soldiers, American Marines see themselves as legitimate actors, acting on behalf of a legitimate government. They feel that they have the spirit of the nation in their hearts. And that is the absent piece, that's the very difficult piece developing the Iraqi armed forces and the police, is that we need to build that sense that they are legitimate actors on behalf of a legitimate government. And this administration has not worked the peace hard enough with the Iraqi government to discipline the Iraqi government, to help that government help their own soldiers believe that they are, in fact, legitimate.

SCHIEFFER: Mr. Kagan, do you think that by summer the average American--not people like yourselves or even like me, who follow this on a minute-by-minute basis--are going to see some substantial difference in the situation in Iraq?

Mr. KAGAN: Well, we're already almost in summer, and I think we have to understand the last units are still going in, and it takes time once a unit has actually arrived in theater for it to establish the kind of relationships

within the neighborhoods to understand what's going on before it can start to operate effectively. This is not just a case--General Eaton is absolutely right, the increase in troops was never the main focus, even of our recommendation. The change in tactics was.

SCHIEFFER: Well, how long will it take before we'll be able to tell?

Mr. KAGAN: My hope is, if things go well, then by the fall, possibly by the winter. But I'm confident that by the end of the year, unless something unexpected happens, we should see a significant and visible improvement in security on the ground in Iraq.

SCHIEFFER: How long do you think it would be, best estimate, when American troops can start to draw back?

Mr. KAGAN: Our estimate, when we originally made our proposal, was some time in late '08. I think that's probably still true. But I think that the violence should be down significantly before that happens.

SCHIEFFER: Well, I hope you're right about that.

General, thank you very much for joining us this morning...

Maj. Gen. EATON: Bob, my pleasure.

SCHIEFFER: ...and for your perspective. Thanks to both of you.

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

(Announcements)

SCHIEFFER: Finally today, well, it's the graduation season, and yesterday I gave the commencement address at the Lyndon B. Johnson School of Public Affairs at the University of Texas in Austin. I told the students it was a special honor for me because Lyndon Johnson was the first politician I ever saw. I was 10 years old, he was campaigning for the US Senate, and he came to our neighborhood in a helicopter. We'd never seen a helicopter, and when we heard his voice on an electronic bullhorn come out of the sky, frankly, it scared us to death. We didn't know if it was Lyndon Johnson or God or what. But that is another story.

What made yesterday even more meaningful for me was that my parents grew up on the edge of that campus during the Great Depression. It might as well have been a thousand miles away for them because they had no money to go to school. But while they were there, and seeing that their children would someday have what they couldn't--a college education--became the driving force in their lives. I was the first on either side of the family to achieve that, and a week ago, when my nephew received his degree, their dream was realized and then some. Not only had all their children graduated from college, but their grandchildren as well. It made me so proud because I know how they would have felt.

That's the thing about graduations. Whether you're a graduate or a parent or a sister or a brother or someone who just dropped by, graduations bring out feelings we experience at no other time of our lives. Graduation is my favorite day. I hope you'll be lucky enough attend at least one graduation this year. If you do, I'll know you had a great day.

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