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**CBS News**

# **FACE THE NATION**

**Sunday, October 16, 2005**

**GUESTS: Senator JOSEPH BIDEN, (D-Del.)  
Ranking Member, Foreign Relations Committee**

**Senator CHARLES HAGEL, (R-Neb.)  
Foreign Relations Committee Member**

**DOYLE McMANUS  
Los Angeles Times**

**JAN GREENBURG  
The Chicago Tribune**

**LARA LOGAN  
CBS News Correspondent**

**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, Iraq goes to the polls, but what does this election really mean? The turnout was high for the vote on the Iraqi constitution. We'll go first to CBS News correspondent Lara Logan in Baghdad for the latest on that.

Then we'll talk about it with Democratic Senator Joe Biden and Republican Senator Chuck Hagel.

We'll also get the latest from them on the CIA leak investigation and the nomination of Harriet Miers to the Supreme Court.

We'll get analysis from the Chicago Tribune's Jan Crawford Greenburg and Doyle McManus, bureau chief for the Los Angeles Times.

Then I'll have a final word on a familiar refrain from the White House.

But first, Iraqis vote, 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: We're going to start this morning in Baghdad with CBS News correspondent Lara Logan.

Lara, the voting has been going on now. The results won't be official for some hours. But do you have any indication yet of whether the constitution passed?

LARA LOGAN reporting:

Yes, Bob. Election officials here are hopeful that it is going to pass. All eyes have been on the four Sunni provinces that had the potential to defeat the constitution, but it appears that they were only successful in two of those provinces. And if that's confirmed then there is no chance that the Sunnis can stop this constitution going through.

SCHIEFFER: Lara, we have a report now that five more American soldiers were killed yesterday there. Do you think this election is going to have any impact one way or the other on the violence there and the danger that Americans find themselves in?

LOGAN: I don't think so, Bob, particularly given the fact that the foreign elements in the insurgency, the extremist religious terrorists, don't care at all about the constitution or elections or anything else. Their only desire is to drive the Americans out of this country under a cloud of shame so that they can declare victory and they're going to continue to do that no matter what.

SCHIEFFER: Now, Lara, there's a major event coming up Wednesday. The trial of Saddam Hussein is going to finally get under way. You're going to be covering the trial. What do you anticipate?

LOGAN: Well, Bob, you know, it's very interesting. I just came back from Saddam Hussein's hometown of Tikrit, where people there were saying to me that they really don't believe he will be able to get a fair trial under this government and as long as American forces are in this country. That's hardly surprising, considering those areas are still loyal to Saddam. But across the country there will be many victims of Saddam Hussein and their families who are desperate to get what they would see as justice for the crimes

that were committed against them. According to the government, it's likely to be a fairly quick trial and it may even be adjourned on the first day.

SCHIEFFER: All right. Well, thank you very much, Lara. We'll look forward to that.

And we turn now to Senator Joe Biden, who joins us from Wilmington, Delaware; here in the studio, Senator Chuck Hagel of Nebraska.

Senator Biden, you just heard Lara Logan say that she does not believe that whatever happens in this election it's going to have any kind of impact on the violence there and the danger that the Americans face. What would you say to that?

Senator JOSEPH BIDEN (Democrat, Delaware; Ranking, Foreign Relations Committee): Well, I'd agree with that in the short term, but without a political solution, the Sunnis buying into a constitution some time after the election in December, without that there's no possibility. At least if that occurs, there's the possibility that the insurgency that's home-grown will decide that the political answer is the way out, not violence. That does not deal with, as she referred to, the foreign elements that are in Iraq.

SCHIEFFER: Senator Hagel, you have said before that we're losing this war basically. If the constitution does pass, will you revise and exchange your remarks, as they say in the Congress?

Senator CHUCK HAGEL (Republican, Nebraska; Foreign Relations Committee): Well, any time you can have a free, fair election, that's an accomplishment and that's encouraging and that's positive. And we should see what has occurred in Iraq in that light. That said, I think the report that we just heard from Iraq sets this in the correct frame of reference. Let's take us through the next few months. What's going to be critically important is this election coming up in December which will, in fact, elect a permanent Iraqi government, a government that was not installed by the United States or outside forces, but the Iraqi people will elect that government. They will form that government.

The other part of that that's very important here for everyone to understand is that the four changes that were made by the interim National Assembly last week to the constitution set in motion a continuing process to amend the constitution that was ratified over the last few hours. Now that can go many ways. And the current constitution essentially legitimizes and enshrines the semi-autonomy of the Kurds and the Shias in the south. Now that's a problem for the Sunnis, and that's one of the reasons, I suspect, that we're gonna find when the votes are counted the Sunnis tried to defeat this. Now whether that will actually enhance efforts, we don't know.

One last point: Constitutions are compacts of consensus. You drive toward consensus. That's the political element that's critical here and will determine the future of Iraq. Is this good news today? I think it is. But we have a long way to go. Last point I would make on this point to your question about continued insurgent violence, you remember last January, very little violence that day and essentially leading up to that, but then over the last few months since that election we've had the biggest spike and increase in insurgency attacks and American deaths and casualties we've had in a time frame.

SCHIEFFER: Well, I think that's a very good point to make and one we shouldn't overlook.

Senator Biden, what do you think is gonna happen here on the question of American troop withdrawals? If this does pass, as Lara Logan says she believes that people there believe it's gonna do, should we begin to think about drawing down some of that force? Or where is all this going now?

Sen. BIDEN: Well, I'm not sure, but--to state the obvious, but it seems to me that it depends, as Chuck says, on the December election, whether there's overwhelming Sunni participation in that election to elect parliamentarians, and then to attempt to amend the constitution sufficiently. That would occur--and that would occur in February--amend the constitution again to get a general Sunni buy-in.

The real thing I'm looking at here, Bob, is was there a 90 percent rejection by Sunnis of this constitution or was it a 60 percent rejection? It makes a big difference if any of the Sunnis were split off and they see a political solution. I think we're not likely to draw down anybody through this next phase, which is December, and then the rewriting of a constitution if that occurs. But look, if there ends up being an all-out civil war, and there's a low-grade civil war right now because there's no political buy-in, then we could have 250,000 American troops there and it won't matter.

SCHIEFFER: Do you mean that you fear that there may be a civil war there?

Sen. BIDEN: I do. That has been my constant fear that our--that there will not only be a civil war, that civil war will result in a regional war, because if it breaks down into an all-out civil war, that is if the Sunnis don't buy into this constitution over the next two months by voting for Sunnis in the parliament, in getting--trying to get the constitution amended, if they don't do that, then you're going to see all of the sponsors of the various three major elements there. Everybody has a dog in this fight. We may find a regional war and not just a civil war, and that does not lend itself to any solution by any number of American troops. You'll see us drawing down more rapidly than otherwise.

If it succeeds, the political process, I predict you'll see a drawdown of American forces by this time next year, with still having somewhere in the range of 50,000 forces in a different configuration than you do now. But it's too early to make that judgment. Chuck is right. I hope they don't declare victory based on this election.

SCHIEFFER: Well, Senator Hagel, do you think it is too late to get the support of the American people? Have Americans given up on this? I mean, that's what polls seem to be suggesting.

Sen. HAGEL: Well, I'll answer two questions, the question you put to Senator Biden and that question. On Biden's question: I think you will see American troops coming out of Iraq next year and we should. Mel Laird, the former secretary of Defense who was the architect of Nixon's Vietnamization program, has a piece in Foreign Affairs magazine this week. It was--premiered in David Broder's column today, and I think he's right. And one of the points that he makes, Laird, is that the longer American troops stay there, the more attractive we are as targets and excuses for insurgents and Sunnis. The longer we stay there, the more enabling we are to the Iraqis. The Iraqis need a new sense of confidence, the ability to be able to sustain and govern and support and defend themselves. It doesn't mean we pull out. It's exactly what he did, Laird did, with Vietnamization, a gradual moving of American influence and troops outside.

Second point. I think that, depending on how these elections go and what we, in fact, end up with and the kind of government that we have, that gives us an opportunity, Bob, that may not come again. and it cuts to your question about confidence in the American public. I think the American public will support it if they see progress. And what I would suggest is use this opportunity after the election, under UN auspices, sponsorship, to call for a regional security conference on Iraq with all of the partners. The United States takes a secondary position. Everyone has a role in this because it is a regional problem. We have another front opened up in Syria. Syria is very unstable. We've got huge problems in Iran. Iran probably has more influence in Iraq than any country today. Our influence is waning. It will continue to wane and so I think it's important to put this thing into a perspective of a regional context.

SCHIEFFER: All right. That's a very interesting proposal. Senator Biden--and you're nodding your head, that you seem to think that's a...

Sen. BIDEN: Well, I talked to you about hav--setting up a contact group there about a year ago if you recall.

SCHIEFFER: Absolutely.

Sen. BIDEN: I agree with Chuck completely.

SCHIEFFER: Let me shift the subject here to what's going up on--on at the Capitol. Senator Biden, you, of course, are a member of the Judiciary Committee. We have this--what's become a very controversial nomination of Harriet Miers to the Supreme Court. What do you think is going to happen there? Do you think there's a chance that the president may have to draw down that nomination?

Sen. BIDEN: Well, I don't understand the Christian Coalition or--and/or Republican politics on this. I'm waiting to find out more about the woman. I know virtually nothing about her. The only thing that's come clear is the hypocrisy of some insisting they need to know about where she stands on the major constitutional issues, yet with Roberts suggesting that we didn't need to know that. They have a right to know. We all have a right to know where she stands on these basic issues. And I hope this puts to bed this notion that it's not a legitimate thing for the United States Congress to find out where a nominee stands on the fundamental constitutional questions facing her.

SCHIEFFER: Well, let me ask you this. Do you think it was right for the president to stress that she is an evangelical Christian and that she went to a very evangelical kind of church in Dallas?

Sen. BIDEN: I call that groping. I mean, it sounds like a man who is going down and decides to try to throw something to his supporters. Look, it wasn't appropriate with Roberts. It's not appropriate with her. It's not appropriate with any nominee in my view. There's a lot of people that have private, personal religious views that, in fact, they swear that they will not let interfere with their reading of the Constitution. I hope to the Lord that's where she is.

SCHIEFFER: All right. Well, since the Lord is not available here...

Sen. BIDEN: No pun intended.

SCHIEFFER: ...let me turn to....

Sen. BIDEN: No pun intended.

SCHIEFFER: ...Senator Hagel and see what he thinks. Is--do you think it was fair and are you getting any pressure from the White House on this?

Sen. HAGEL: No, I'm not getting any pressure from the White House. I think what Joe said is essentially the way to approach it and that's the way I have. I know very little about Harriet Miers. She's an accomplished professional. A lot of people are strongly supporting her. But there's a big black hole out there on judicial philosophy, in many areas that are very important before we make a decision as to who we put on the Supreme Court before life. And one other point I'd make, this nonsense about sexism and elitism. The fact is this is an elite group of individuals. The fact is we want an elite group of individuals. I'm not so sure I want my next-door neighbor, as much as I like him or her, to be on the Supreme Court because they're nice people.

SCHIEFFER: OK.

Sen. HAGEL: This is what we need to determine. It will be determined. Let Ms. Miers explain who she is and what she believes and the process will play out.

SCHIEFFER: All right. Thank you very much. Thanks to both of you. Always enjoy talking to both of you.

Sen. HAGEL: Thanks to you.

SCHIEFFER: Back in a minute with our roundtable discussion. We'll get into the leak investigation and Judy Miller in just a minute.

(Announcements)

SCHIEFFER: And joining us now, Jan Crawford Greenburg of the Chicago Tribune, who covers the Supreme Court for the newspaper, and Doyle McManus of the Los Angeles Times, the bureau chief of the LA Times here in Washington.

Jan, let me--let's talk about this Harriet Miers thing. As Senator Biden just said, he thinks the president's groping. He said he sounds like a man who's going down when he starts talking about the religion of the woman he's nominated to the Supreme Court. What do you hear about this? Where do you think this thing ends right now?

Ms. JAN CRAWFORD GREENBURG (Chicago Tribune): Well, obviously, that went very badly for the White House last week. In trying to shore up support among social conservatives, they stressed her religious views, and that only deepened the hostility among other Republicans who wanted to talk about her judicial philosophy. The White House this week is going to roll out a new approach and try to talk about her accomplishments. But if they're going to get this nomination back on track, they've got to show she has the accomplishments necessary to be on the Supreme Court. She's got an accomplished career. She's a smart woman. She was on the city council, ran a law firm in Dallas. But is that enough? There are thousands of qualified lawyers. Does she have the accomplishments to be the 110th justice of the United States Supreme Court?

SCHIEFFER: Let me ask you this: Most of the opposition to her seems to be coming from the Republican pundits, not necessarily the Republican senators. Do you think the senators are just sitting back and letting the pundits do the dirty work here? Or is there as much opposition among the senators who will vote on her confirmation on the Republican side as we're hearing from the Republican right?

Ms. GREENBURG: I think the pundits are tapping into a kind of groundswell of opposition from a lot of Republicans, and even on the Hill. I talked to many Republican aides to senior senators on the Judiciary Committee on the Republican side who are just outraged by this nomination. They think the president really abandoned what he had promised, which was to appoint a nominee with a well-stated judicial philosophy. Many of the people who had been under consideration, they believe, were more qualified. So I think the opposition is a lot broader than just a few people who have columns and are now taking shots at the White House.

SCHIEFFER: Doyle, do you think there's a chance they'll draw down this nomination?

Mr. DOYLE McMANUS (Los Angeles Times): I think there's a possibility of that. They're trying something that's very tough now. As Jan said, they're trying to repackage Harriet Miers. The first couple of

weeks was to try and resell her to the conservatives. That doesn't seem to have worked very well. Now it's to show that she has those legal accomplishments. But the question is, will that two-step work, or are they stuck in a kind of a catch-22 where neither side is going to be happy with this?

SCHIEFFER: I think it's fair to say that not very much is going very well for the White House these days, whether it's this publicity stunt that backfired last week when a White House aide was caught rehearsing some soldiers who were supposed to be having a spontaneous conversation with the president on the war in Iraq--minor stuff like that all the way up to the trouble this nomination is in.

I want to ask you this. The New York Times comes out this morning with a big story of what their reporter Judy Miller told the prosecutors. She writes a story about it. And it's all coming down to this leak investigation over who blew the cover of this CIA agent. Do you get the sense that the White House--I mean, my sense of it is they're very worried about this now. Do you think we're going to see some indictments here of somebody?

Mr. McMANUS: Well, they are absolutely worried about it. I don't know whether there are going to be indictments. That's in the mind of the prosecutor. But to me, the most dangerous thing in all of those stories--there's a great deal of insight and intrigue in those stories on the Judy Miller case. The most interesting thing was that it clearly shows that prosecutor isn't just interested in the narrow question of the law that prohibits revealing the identity of a secret agent, which is how this started; he's asking about the Espionage Act. He's asking about broad disclosures of classified information. Well, the problem is, White House officials disclose classified information all the time, even in this administration. And it's very clear that Karl Rove and Scooter Libby, Vice President Cheney's chief aide, both said things to reporters that were officially classified. If that prosecutor goes to the letter of the law, both of those men are in trouble.

SCHIEFFER: So there is--then that would be the crime.

Mr. McMANUS: That would potentially be the crime. Now it's a crime that isn't usually enforced that way. Otherwise we'd all be out of business because we, you know learn things that are officially secret all the time. But if he goes in that direction, yeah, that could be indictment.

SCHIEFFER: Now, Jan, you're a lawyer. Is that--would that be a hard crime to prove?

Ms. GREENBURG: Well, it could be, and there are other things that he is certainly looking at that we've seen from some of the reports out of The New York Times this morning. In many of these cases often not the underlying crime, the initial disclosure, but it's the obstruction. And we see that all the time, and it's clear that the prosecutor is looking to see whether some of these witnesses, whether Libby or Rove, actually tried to influence testimony. His questions of Judith Miller this week were specifically targeted to whether or not Libby tried to shape her testimony, what she might say to the grand jury. That would be a crime.

SCHIEFFER: You know, I think there's one thing here that there may be something that's actually good for journalism in all of this because I think if anybody who reads these stories in The New York Times today--and they do a lot of reporting on how all this came about--it becomes very clear that these new organizations are not monoliths. There are a lot of people that work for The New York Times that don't like one another. And I'll give you a little secret. That same situation exists where I work, here. And I think it's kind of good for people to know that people do have disagreements. Sometimes they're personal, sometimes they're professional but, boy, they really lay it out in the newspaper today.

Mr. McMANUS: Well, that's true and it would be nice to see if people looked at the process and saw that it was a lot of honest people trying the best they could to get the truth. But I don't know if that's the lesson that's going to come out of this. I do know that this Bush administration has one of the worst cases of

second-term blues we've ever seen, because if you lay all of these issues on top of each other plus Iraq, plus energy prices, it is a real uphill struggle.

Ms. GREENBURG: And if we...

SCHIEFFER: Go ahead.

Ms. GREENBURG: Going back again to the Miers nomination, this is a time when the White House really needs its friends. It needs all its supporters and it's got a war within its own base. It's got half its party or a significant element of its party with a platform that's outraged by this Miers nomination. So when it's in a battle and it's not necessarily got all its supporters around it either.

SCHIEFFER: Very quickly. If Karl Rove or Lewis Libby, the vice president's chief aide, if either or both are indicted, will they have to leave?

Ms. GREENBURG: It seems to su--certainly from what we've seen and the president has said that if we see indictments or crimes have been committed that that would happen.

Mr. McMANUS: We looked into history to try and find an example of a White House aide who's been indicted and then been able to stay on, we can't find an example.

SCHIEFFER: OK. Well, thanks to both of you.

We'll be back with a final word on this in just a moment.

(Announcements)

SCHIEFFER: Finally today, even as Watergate was at the boiling point, the Nixon White House maintained it was never a distraction to the president and his people. 'The press may be consumed by it,' they always said, 'but we have more important things to do: running the government.' Once the famous tapes came out, of course, we all knew otherwise. Nixon and his people had been thinking of little but Watergate and how to cover their tracks.

Which is why White House press secretary Scott McClellan's words about the current investigation into who blew the cover of that secret agent for the CIA had such a familiar ring. 'The White House doesn't have time to let these things distract us from the important work at hand,' he said. Oh, sure. A special prosecutor is bearing down, the president's top people are being called before a federal grand jury on a regular basis--four times so far for Karl Rove--the investigation has revealed a vicious secret war between the White House and the CIA over who should take the blame for the wrong intelligence that took us to war, and it's just another day in the office?

Maybe preoccupation with all of this is why nothing seems to be going right at the White House anymore. As for this investigation, it looks like it's coming to a conclusion, but watching the White House reaction makes me wonder: Is this story just beginning?

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