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**CBS News**

# **FACE THE NATION**

**Sunday, November 21, 2004**

**GUESTS: Senator BILL FRIST, (R, TN)  
Majority Leader**

**DOYLE McMANUS  
Los Angeles Times**

**DAVID BROOKS  
The New York Times**

**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, a Congress that just can't get it done. We'll ask Senate Republican leader Bill Frist why.

We were blindsided by 9/11 and the intelligence about Iraq having weapons of mass destruction was dead wrong. That is why the president campaigned on reforming our intelligence-gathering system. But last night, House Republicans blocked legislation to do just that. Congress gave up and went home. Can the vote be turned around or should we expect another year of inaction and partisan bickering? We'll ask the Senate Republican leader, Bill Frist. Doyle McManus of the Los Angeles Times will join in the questioning. Then we'll be joined by New York Times columnist David Brooks to talk about the news of the week.

Finally, I'll have a word on staying alive. But first, Senator Bill Frist 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 with us now, the Senate majority leader, Bill Frist.

Senator, thanks for coming.

Joining in our questioning this morning: Doyle McManus of the Los Angeles Times.

Senator Frist, I have to be frank. After 9/11, after the discovery that all of our intelligence was wrong on Iraq, I would guess that a lot of Americans are pretty disgusted this morning when they woke up and read in the newspaper that the Congress was unable to come to agreement on the reforms that the president said were a priority of his administration to reorganize the intelligence community. What do you say to them?

Senator BILL FRIST (Republican, Tennessee): Well, Bob, I hope they're not disgusted and I hope that...

SCHIEFFER: Well, why wouldn't they be?

Sen. FRIST: Because I think that they will stand back and say, 'Intelligence reform is important.' We know it from the 9-11 Commission recommendations, not just in response to that, although that becomes sort of the focal point because the book was written and the recommendations were very good, but even long before that, the administration started reform. In truth, of those 41 recommendations, over half of those have already been implemented by the administration. It's important for the American people to understand that because otherwise they could be disgusted and say, 'Because you haven't legislated, nothing's been done,' and that's just not right.

Number two--and this is where I have tremendous respect for Speaker Denny Hastert yesterday who made a decision, and ultimately after a bill that really came through in the morning, say, 'We're not going to take it all the way to the floor until we get it right. We can rush things. We can push them through. We can respond to public pressure, but we need to get it right.' And that's why I have tremendous respect for him.

SCHIEFFER: Well...

Sen. FRIST: So what we've done--let me just finish because the American people need to understand. When the 9-11 Commission recommendations were made, immediately the speaker and I, and I working with Tom Daschle--Senator Daschle, set a program, a process in place, and we've gone non-stop through August, during the whole recess, during September in committee, October, November in conference, and, indeed, we're not going to stop even over December. We're going to continue through the next two weeks and hopefully we can complete this bill in early December.

SCHIEFFER: Do you think there's any chance that you would come back and try to work on this bill?

Sen. FRIST: Absolutely. Absolutely. Listen...

SCHIEFFER: You think there will be another session of Congress?

Sen. FRIST: Well, we're planning on coming back December 6th and 7th. Now what we're doing--because the bill is not ready. It was clear yesterday both in the House where the focus is, so it's easy to put the blame over there, but even in the United States Senate, although we've got strong bipartisan support--and I'm confident we can pass the bill as it is--people said, 'Let's get it right.' And this whole chain of command, the soldier on the field, is this bill going to any way interfere with them? If there's any question, we're not going to jam a bill through. And so, yes, we're going to come back. We're going to work over the next two weeks...

SCHIEFFER: Who...

Sen. FRIST: ...but if it's not ready then, then we'll come back in January.

SCHIEFFER: Senator, you're not jamming through a bill. This is something that's been going on for months here. The president said you got it right. The vice president said you got it right.

Sen. FRIST: Bob--but no, I've got 50...

SCHIEFFER: The Intelligence Committee chairman said you got it right.

Sen. FRIST: I've got 51 United States senators, as of 1:00 yesterday afternoon, as of 1:00, I'll bet two--I'll bet maybe three to four of them had read what was in that bill. It didn't come over till noon yesterday, so we're not gonna just jam it through tomorrow. That's why we're gonna say, 'Let's come back in two weeks. Let's sensibly come back, put a--make sure we have a bill. We've already passed one in the Senate, one in the House. Let's put them together and accomplish it.'

SCHIEFFER: Well, we'll move on.

Sen. FRIST: We can do it, but we've got to do it right.

SCHIEFFER: Let me...

Sen. FRIST: That's what the American people deserve.

SCHIEFFER: But--I just go back to my original question. But let me just ask you this, Senator: Do--can you guarantee today that there's gonna be a vote on this in December?

Sen. FRIST: No.

SCHIEFFER: You cannot.

Sen. FRIST: Absolutely not. Not until we get it right. We're gonna keep--we're gonna keep working exactly non-stop as we've gone through. You know, what...

SCHIEFFER: Well, you thought it was right because you voted for it. Did you not?

Sen. FRIST: The Senate passed a bill. The House passed the bill. I've not read what's in this combined bill that came out as of noon yesterday.

SCHIEFFER: Doyle.

Mr. DOYLE McMANUS (The Los Angeles Times): Senator, a lot of members from Congress from both sides of the aisle say the problem here was that the Pentagon didn't want to give up its power over its intelligence budget to this new...

Sen. FRIST: Yeah. Yeah.

Mr. McMANUS: ...national intelligence director, and that while the White House lobbied a little bit for the bill, the Pentagon was lobbying even harder against it. Is that accurate?

Sen. FRIST: Status quo and change has--they're huge sort of arbiters and people lock down. It is clear that this bill gives a director of national intelligence new power, and that power is authority in budget, as you just said, and that authority comes away from the Pentagon and the Department of Defense and that, to many people, is threatening. And so there is a huge debate there, and we've seen it play out both on the Senate floor, in committee and even behind closed doors, and that is important.

I think, though, we are at a point where we're going to have a director of national intelligence who is very strong, given that budget authority. There will be an appropriate amount of transparency there. We'll have a National Counterterrorism Center, a National Counterproliferation Center. We'll eliminate the stove pipes itself. That issue is an important one and it's an important issue that will be debated and will be decided. There is not general agreement between the Pentagon and members of the White House, and hopefully that can be resolved over the next 10 days.

Mr. McMANUS: Does your success in getting what you think the country needs really hinge on whether the president does more to lobby for this?

Sen. FRIST: For us, and going back to Bob's question--for us to do the bill in early December, it will take significant involvement by the president and the vice president and the White House, so it will take a real focus on their part over the next 10 days.

SCHIEFFER: Well, is he just going to have to talk to his secretary of Defense and get him on board? Is that what has to happen?

Sen. FRIST: Yeah, well, you know, I'm not going to speak for what the executive branch needs to do. I mean, as you saw, and as you implied...

SCHIEFFER: Well, that would help.

Sen. FRIST: ...we've got our challenges in pulling everybody together, but clearly--and that's why the speaker was so brilliant yesterday in taking a pause, even though, as you said, it may offend the American people, it's the right thing to do, to pull everybody together to work through the issues of the director and how much power and how much authority. The Terrorism Center is in pretty good shape. The immigration issues are another issue we haven't talked about, and we can talk about it more. The last five days, that was probably the number-one issue that was talked about in the committee itself. It's a complex bill.

It's one--again, the American people should be assured that we're going to do it right. We're not going to be jamming anything through, and we're stop--we're going non-stop through August, September, October, November, and we demonstrated it, you know, last night that we'll even come back in December.

SCHIEFFER: Well, let's move on to something else. Yesterday you finally passed the spending bill that, by everyone's analysis should have been passed months ago as routine business by the Congress. You finally wound up putting it all into 1,000-page bill, which as you just said about the intelligence bill no one...

Sen. FRIST: Which is not unusual for the past. If you look up the last 10 years...

SCHIEFFER: No one--no one on Earth knows what's in that bill. In fact, they didn't know until yesterday that someone had stuck in a provision that would have allowed congressional aides to go and just on a whim look at your intax--income tax return, my income tax return...

Sen. FRIST: Wrong.

SCHIEFFER: ...Doyle's income tax return. You wisely took that out.

Sen. FRIST: Fixed. It was fixed. It was fixed.

SCHIEFFER: But how could something like that happen after you had 10 months to work on this?

Sen. FRIST: It shouldn't happen. It shouldn't happen. It is a thousand-page bill. Democrats read it. Republicans read it. Democrat staffers read it. Republican staffers read it. And in that process they found this one sentence and last night we fixed it on the floor of the United States Senate. It will be fixed by the House in three days. Now...

SCHIEFFER: Should someone who put that in the bill be fired, Senator?

Sen. FRIST: No. Oh, I have no earthly idea how it got there.

SCHIEFFER: Do you even know who put it in the bill?

Sen. FRIST: I personally don't know but obviously somebody's going to know and accountability will be carried out. It was wrong. Everybody says--nobody's going to defend this. I wouldn't even spend any more time on it. It was fixed. What is important about that

bill, though, because people are going to be critical, especially listening to the way you present it, that bill has been worked on for nine months in subcommittee. This thing wasn't written over the last three to four days. We have an Appropriations Committee that goes non-stop on this bill.

Having an omnibus, a big bill, that's not unusual. And we need to do better. We need to do--go to bi-annual budgeting. We need to have budget reform. But we're going to work on that in the next Congress. But it's not unusual to have an omnibus bill. And let me tell you what's good about this bill because you'll hear pork and spending and all the details, which, you know, make for good fodder and good show, and there are things in there that I would say shouldn't be in there in terms of certain spending. But what is beautiful about it is it shows the fiscal discipline, the number of \$821 billion is a cap that we set in our budget process nine months ago, and we hit it to the number last night; \$388 billion in there represent the least increased spending in over a decade in these bills.

That fiscal responsibility, that cutting down on spending, ultimately reducing our deficit over time, ultimately balancing our budget, is something this budget set--or that this bill last night sets us on a road to do.

SCHIEFFER: Well...

Sen. FRIST: Just let me say one last thing.

SCHIEFFER: ...you don't have Defense in there, you don't have entitlements in there. Am I not correct about that? You don't have the big-ticket items which is going up, up, up.

Sen. FRIST: The--well, if you take out--what's really impressive is--well, that's the entitlement. I hope we get to that because as we look to the agenda ahead, we've got to address Social Security, Medicare reform, the demographic shift. That's as we look ahead. But let me just say once again if you take Homeland Security, and we're going to have to keep spending on that, and if you take security out of this bill last night, this huge bill, an important bill, overall increase in spending was 1 percent. That's less than inflation. It shows that this president, this Congress, this House, this Senate, both now and in the future, is going to take fiscal discipline and restraining spending as very, very serious.

SCHIEFFER: Doyle.

Mr. McMANUS: Senator, you do have a big agenda for next year, but--and part of that is judicial appointments. Now you've been complaining for a long time about Democrats holding up judicial appointments.

Sen. FRIST: Just two years.

Mr. McMANUS: And you've proposed changing the rules to make it impossible to filibuster. Now the Democrats have said if you do that, you're going to have an awful lot of trouble passing any of that other stuff you want--Social Security, Medicare, anything else. Where's your thinking now? Are you going to go for what's called the nuclear option and have total war in the Senate?

Sen. FRIST: Yeah, real quickly just again so all of our listeners know, for 200 years in this country advice and consent, written in the Constitution, our responsibility in the United States Senate, has meant that when a judge is nominated by the president he or she comes

over and we express advice and consent by voting. Yes or no, up or down? You don't have to vote for them all. You can vote against them or for them. For the first time, over the last two years, in the 108th Congress, the Democrats have said, 'Let's throw away that 200 years of precedent, 200 years of history, and for the first time let's take a nominee from the president, who has majority support in the Senate, and let's deny senators the opportunity to vote.' It's wrong.

We're going to use every tool we possibly can to reverse that. It's--they basically have reversed 200 years of history over the last 20 months. And, therefore, to answer your question, we've picked up seats now. I'm not--we're not going to jam anything through to bluster or to prove points. All we ask is that every judicial nominee gets an up or down vote. Vote for them. Vote against them. And, with that, I don't see why it would be necessary to change rules. Just go back to the precedent of 200 years. So I'm not going to say what we're going to do, because if the Democratic leadership comes forward and says, what you just said, that's wrong, 'we're going to continue to filibuster,' obviously I'm going to come in and change the rules. Or do...

SCHIEFFER: You are? You definitely are going to change the rules?

Sen. FRIST: If--I'm not going to let you pin me down.

SCHIEFFER: Try to.

Sen. FRIST: I'm not gonna let you pin me down. I said if they come in and say, 'We're gonna block your judges by using a filibuster,' which is unprecedented to kill judges, which that has never been done in the history. They did it once, twice, five times, 10 times.

SCHIEFFER: Well, Senator, let me ask you this.

Sen. FRIST: If they're gonna do that--if they're gonna do that, I will work as a leader to change the rules so that every senator has the opportunity and the option--the opportunity--the responsibility to give advice and consent and that is vote up or down.

SCHIEFFER: Senator, a group called The American Progress Action Fund sent me a question to ask you. And here's what it says: 'Senator Frist, if you oppose the use of the filibuster for judicial nominations, why did you vote to filibuster Judge Richard Paez when President Clinton nominated him to the 9th Circuit?'

So you've done it.

Sen. FRIST: Filibuster is used--and it's called cloture, as you know.

SCHIEFFER: Yes.

Sen. FRIST: Filibuster, cloture, it gets confusing--as a scheduling or to get more information is legitimate. But no to kill nominees. He was not killed by us, he was confirmed. There has never been in the history of this country until the Democrats started using this tool to filibuster and kill judges. And they've done 10. And that's a perfect example.

SCHIEFFER: Well, they've also approved...

Sen. FRIST: Filibuster is used...

SCHIEFFER: How many have they approved? I think about 200.

Sen. FRIST: If they approved 1,000, it doesn't matter because that's their retort. You're giving the usual Democratic line. The important thing...

SCHIEFFER: No, I'm just asking a question.

Sen. FRIST: No, I'll tell ya--yeah--I don't know what the number is. But the point is--is that they've stopped--even if they just stopped one using this filibuster, it's denied me what the Constitution says you, Bill Frist, advise and consent, they've taken away that option. I can't vote. It's never been done before.

SCHIEFFER: All right. Gentlemen, thank you both. We've had quite a spirited discussion this morning. Hope we can continue it.

Sen. FRIST: Thank you, Bob.

SCHIEFFER: We'll be back in a moment with our roundtable discussion.

(Announcements)

SCHIEFFER: And joining us now for a little roundtable, David Brooks of The New York Times, a conservative columnist there.

David, what did you think of what Senator Frist just said? I mean, to me this looks pretty bad when you have a Republican president and Republican controlled Houses and the Senate, and yet, the priority item that the president campaigned on goes down in defeat or at least they can't even get a vote on it here. What happened here?

Mr. DAVID BROOKS (The New York Times): Oh, the intel...

SCHIEFFER: On the intelligence bill.

Mr. BROOKS: Well, you know, I think there are a couple things. The senator said there were two objections. One is do our people on the ground and our troops know where the intelligence is coming from? Is that straight line? The big thing, though, is immigration. You can't get a lot of members of Congress upset about the intelligence--inner workings of intelligence. They're upset about immigration. That's why it may actually pass because that's something they can separate out and may get this through. But let's put this in context. A lot of this legislation is just moving boxes around on a flow chart. A problem with our intelligence service is we've got a bunch of guys with faces like us going out to Arab countries, African countries and saying, 'We're gonna infiltrate your terrorist networks.' We've got to get out of the embassies. We've got to fundamentally rechange intelligence. That's not what this does. This is a start, but the real change has to come.

SCHIEFFER: Explain what you mean when you say it's immigration that's the real problem here. In this bill, there was, I guess, a provision that allowed aliens to get driver's licenses...

Mr. BROOKS: That's it.

SCHIEFFER: ...and that's why--at least one of the House members blocked this bill.

Mr. BROOKS: Right. And not only one...

SCHIEFFER: Why is that important on an intelligence bill?

Mr. BROOKS: Well, it was put in intelligence because people think it's a national security issue, that people can sneak through this country, get a driver's license and just permeate the country. And basically in the House especially, there is a bloc, and I gather it's about 80 or 100 members of the House, who really are worried about immigration and who are already mobilized on that issue. So that's something they're ready to talk about and that's something they really objected to in this bill.

SCHIEFFER: What did you think about what you heard this morning, Doyle?

Mr. McMANUS: Well, I'm still fascinated by the fact that the Defense Department is on one side of this issue and the White House is on another, and as I mentioned, there are a lot of members of Congress who think that the White House has sort of been lukewarm in favor of its own bill.

David, I wanted to ask you--you said it's moving boxes around but it was one of the major points the 9-11 Commission made that with an enormous amount of the intelligence apparatus of this country in the hands of the Pentagon and not under the control of the director of Central Intelligence, it's very hard to coordinate.

Mr. BROOKS: Yeah. It...

Mr. McMANUS: Is that an important issue?

Mr. BROOKS: You know, both the problem here and the solution whether the White House is actually going to lobby this thing, go back to one issue. That issue is: Does the president control the executive branch of government? And that's really what he's been trying to do this week, appoint people to the State Department and the CIA who will listen to him. The problem the president has had for four years is that he makes a decision, he thinks it's going to be carried out like it's corporate America. This ain't corporate America. They're there longer than you are in the permanent bureaucracy. So what he's tried to do with this legislation and with his appointments is saying, 'I'm going to make a decision and you guys are actually going to listen to me these next four years.' That's a touch call for any president.

SCHIEFFER: Well, can--doesn't this hurt the Republicans and kind of get the president off to a really bad start here for a second term? He's a Republican. The House and the Senate are controlled by Republicans. It seems to me they have no one to blame if they can't pass the priority legislation that he says he needed.

Mr. BROOKS: Well, that's the nightmare of power, which is better than the nightmare of powerlessness. But to me, the interesting thing was we've had a lot of leadership fights. We've had a leadership fight about Tom DeLay this week. How powerful is Denny Hastert? Everyone loves the guy. He is loved.

SCHIEFFER: He's the speaker of the House.

Mr. BROOKS: He's the speaker of the House. People love him. Yet, in this case, you had a conservative group of people very emboldened by the election results saying, 'We're going our own way,' and that's interesting, that little dynamic there.

SCHIEFFER: Well, explain this part--and you had a very interesting column, I thought, this week about Tom DeLay where you said that he may have taken it one step too far even though you said he's the nicer guy than some people say he is.

Mr. BROOKS: Yeah, he's got this reputation as The Hammer, the guy with the bullwhip who terrorizes people. That's not true. You can't run the House that way. He's the majority leader of the House. The problem he's got, as everyone knows, he's been skating close to the edge on ethical matters for year after year after year. And a lot of these guys in the House, they came in say, 'We're not going to be like the old Democratic majority. We're not going to be just corrupt, self-serving, self-protecting our majority.' Yet, here's a guy who's really a political boss.

SCHIEFFER: And the House decided to pass a rule that if he is indicted, he won't have to step down.

Mr. BROOKS: They bent their own rules on accountability and they had a meeting. It was a long meeting, two and a half to four hours. They had a lot of to-and-fro. One House member was told by his wife going in, 'If you vote to do this, don't come home.'

SCHIEFFER: Could that forum be a backlash from that?

Mr. BROOKS: Well, I think there's a lot of operatic atmosphere going on here, a lot of turmoil in the House.

SCHIEFFER: All right. I want to thank both of you. Very enlightening discussion, at least for me, this morning. Thanks to both of you.

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

SCHIEFFER: Finally today, I saw in the paper that Fred Hale of Syracuse, New York, died Friday. He had been documented as the oldest man in the world. He was 12 days shy of his 114th birthday when pneumonia finally got him. He lived to see the Boston Red Sox, his favorite team, win the World Series last month. He was one of the few fans around when the team won the time before, 86 years ago.

I just love stories about people who live to be 100, maybe because I used to have to write them as a young newspaper reporter. Interviewing people on their 100th birthday is the assignment that always goes to the rookie, so I caught my share, always careful to ask the obligatory question about why they had lived so long. I found no consensus. One man credited clean living, no wine, women or song. I think he was prompted by younger kin. Another credited bad living, a big cigar and a swig of bourbon. Another had no idea at all about that or anything else, as far as I could tell. The late David Brinkley told me that, as a young reporter, he once asked a 100-year-old man how it felt to be 100. The old fellow responded, 'About the way you'd expect,' better than any answer I ever got.

Another reason I love these stories is that somehow copy editors and headline writers always foul them up. My favorite on that score was some years back when a wire service moved a story titled Oldest Living Graduate of West Point is Dead.

Getting back to Fred Hale, who died Friday at age 113; he was older than seven states in the union when he died. He lived in Maine most of his life, but moved to Syracuse when he was 109 to be near his son Fred Jr. Fred Jr. is 82, just a sprout in the Hale family.

Next week, our annual Thanksgiving weekend broadcast when we talk to authors and historians. Our guests will be Bob Woodward, author of "Plan of Attack," Ron Chernow, who wrote the best-selling biography of Alexander Hamilton, and Joe Ellis, author of the new best-seller, "His Excellency: George Washington."

We'll see you then. So long.