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TELEVISION PROGRAM TO "CBS NEWS' FACE THE NATION."



## **January 10, 2010 Transcript**

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## TRANSCRIPT

BOB SCHIEFFER: Today on FACE THE NATION, are we on the right track in the war on terrorism and can the Senate majority leader survive an insensitive remark about Barack Obama's race?

A new book suggests that Senate Majority Leader Harry Reid thought Barack Obama's candidacy would be helped because he was, quote, "light-skinned and had no Negro dialect, unless he wanted to have one." At a time when Democrats are already having their problems, what will be the impact of that?

And the President tells the intelligence bureaucracy to shape up after the near catastrophe on the flight to Detroit. Where does the war on terror go from here?

Those are the questions for Dianne Feinstein, the Democratic chairman of the Senate Intelligence Committee, and Peter Hoekstra, the ranking Republican on the House Intelligence Committee. We'll bring in Peter Baker of the New York Times and our chief legal correspondent Jan Crawford for analysis.

And I'll have a final word on man's best teacher: dogs.

But first, trouble in the Senate and the war on terror, on FACE THE NATION.

ANNOUNCER: FACE THE NATION with CBS News chief Washington correspondent Bob Schieffer. And now from Washington, Bob Schieffer.

BOB SCHIEFFER: And, good morning again.

Washington has been fixated on the war on terror, but yesterday, one of those weird stories cropped up that set Washington on its ear. A new book, Game Change, by Mark Halperin and John Heilemann reports that during the campaign last year, Senate Majority Leader Harry Reid was telling people privately that Barack Obama's campaign would be helped because he was, quote, "a light-skinned African-American with no Negro dialect, unless he wanted to have one." Reid spent all day yesterday apologizing to the President who said he accepted the apology and to a score of black politicians and leaders. But the episode does recall a very similar incident when then-Republican leader Trent Lott said that he had the country elected segregationist Strom Thurmond, we wouldn't have had so many problems. That caused such a furor, you'll recall, that Lott had to resign his leadership post.

So, Senator Feinstein, who is in California this morning, I have to start with that. Is this going to have the same impact on Harry Reid? Should he resign?

SENATOR DIANNE FEINSTEIN (D-California/Chairman, Intelligence Committee): I don't think so. First of all, all of us are imperfect. Clearly, this was a mistake. Clearly, the leader misspoke. He has also apologized. He's not only apologized to the President, I think he's apologized to the-- all of the black leadership that he could reach. So the President has accepted the apology and it would seem to me that the matter should be closed.

BOB SCHIEFFER: Well, Michael Steele, the chairman of the Republican Party, said had a Republican said this about a Democrat, Democrats would be all a-dither, and he today called for Senator Reid to step aside. You don't agree?

SENATOR DIANNE FEINSTEIN: Well, let me-- let me respond to that. In the first place, when-- when Trent Lott had a somewhat similar situation, I saw no Democrats jumping out there and condemning Senator Lott. I know Senator Lott. I happen to be very fond of him. And he made a mistake; there was no question about that. And he apologized for it. So, I-- I know of no statement by any Democratic senator criticizing Senator Lott.

BOB SCHIEFFER: Congressman Hoekstra, you, of course, are a Republican. When your party chairman says that already some people are saying he probably should have just kept his mouth shut and-- and let this play out, because when you step in front of someone who is sort of in front of a firing squad, that can be a tactical mistake. But what do you the impact of this is going to be?

REPRESENTATIVE PETER HOEKSTRA (R-Michigan/Intelligence Committee, Ranking): I think that clearly this is going to be an issue that the-- the Democrats are going to have to deal with internally as to whether these kinds of statements-- they believe these kinds of statements are appropriate from their leader in the Senate. And then it becomes a personal issue for Senator Reid--does he believe that with this on his record he should still maintain his position as a leader in the senate? It is a Democrat issue. It is a personal issue. Republicans ought to stand on the sidelines and let the Democrats work through this process.

BOB SCHIEFFER: All right. Well, let's turn to this whole week that we have just been through and that is the-- the terrorism threat, the big thing that happened, the President's response this week. Senator Feinstein, did the President go far enough? What needs to happen now?

SENATOR DIANNE FEINSTEIN: Well, the Senate Select Committee on intelligence is doing a review of the situation and will issue a report with findings and recommendations. We hope to have the staff work done by the twenty-first. We'll have our first hearing on this January 21st.

I think there are a number of things. One, so much intelligence comes in today. And I've been watching this and also in other instances, and-- where there are missed opportunities because intelligence isn't transmitted properly and it results either in death of our people or the absence of appropriate action. So, to improve the technology so that certain things as warnings jump out of this huge flow of intelligence coming all over.

Secondly, the no-fly list, and I'm delighted that the President is taking action on this. If you read the criteria to go on the no-fly list, it takes a Philadelphia lawyer to interpret it. It should be simplified--that if you have reasonable suspicion that an individual is connected to terrorism or a terrorist group, bingo, they go on the no-fly list. And there's a reason: The no-fly list is our ability to protect and defend our nation.

Secondly, our visa revocation system: His visa should have been immediately revoked, and it wasn't. So the question comes why and what we can do. I think these are three-- three things that can be it-- that should be looked at right away.

BOB SCHIEFFER: I wanted just to underline what you just said about getting on this no-fly list. I mean I agree with you. I think it would be easier to get into the Pentagon tank where they keep the secret war plans than it would be perhaps to get on the-- the no-fly list. Here's-- I'm just

going to read a little of the language that this constitutes where somebody gets on it or not. "...must meet the 'reasonable suspicion' standard of (sic) review...reasonable suspicion requires 'articulable' facts which, taken together with rational inferences, reasonably warrant a determination that an individual is known or suspected to be or has been engaged in conduct constituting..." and on and on and on. I won't even finish it. I mean, how can anyone in the government even know what that means?

SENATOR DIANNE FEINSTEIN: Well, that's right. And there's another thing. When this father, a respected Nigerian family, came forward and gave information and said, "Look, I'm worried about my son. He said he's never going to see me again. He's gone to Yemen. I believe he's fallen in with the wrong people." That-- that ought to be bingo. You know, you had Pakistani Americans coming forward and that did result in a good result because we found the five youngsters or young men in Pakistan. You've had eighteen Somali Americans go to Somalia to join training with al-Shahab, and that should be taken care of immediately.

BOB SCHIEFFER (overlapping): Let me--

SENATOR DIANNE FEINSTEIN: So, to listen to families, I think, is very important.

BOB SCHIEFFER: I want to go right to Congressman Hoekstra on this. A-- a lot of people are already saying that this-- this fellow, this Detroit fellow who was arrested on the Detroit flight, should not have been charged in a civilian court and given a lawyer. He should have been designated a military combatant and left in the hands of the military, so they could interrogate him.

REPRESENTATIVE PETE HOEKSTRA: I-- I would agree with that statement. I mean, I think what the President now needs to do is the President, I think, you know came out last week finally said we are at war with al Qaeda--recognized that. And I think he has a better understanding of the threat and an appreciation for the threat that we face. Not only should we now consistently charge these folks in the military court. But I think the bigger issue, and the senator was talking about that, what signs were missed? But I think the big signs that were missed were the ones that happened and came out of Fort Hood. Out of Fort Hood, we identified al-Awlaki, the American-born radical cleric in Yemen. After Fort Hood, what did we as an intelligence and a military community do to try to find this guy either arrest him or potentially kill him. Remember, he has the protection of an American citizen. I think that will be the big issue as we move forward. How are we going to deal with American citizens who go rogue?

The second thing that came out of Yemen was that this was, you know, that the core of al Qaeda on the Arabian peninsula are people that have been released from Gitmo. Yet, in December, the President released more individuals from Gitmo. The President's absolutely right. No one that he's released have-- do we have indications that they have found their way back on the battlefield? But it takes a while for them to get there. We shouldn't be sending them back to Gitmo.

BOB SCHIEFFER: Well, they have said now, they're not going to send anymore, that the last train has left Gitmo for Yemen.

REPRESENTATIVE PETE HOEKSTRA (overlapping): I--

BOB SCHIEFFER: But, you have people like John McCain and Lindsey Graham saying we should not release people from Gitmo to any country that has a-- an al Qaeda presence.

REPRESENTATIVE PETE HOEKSTRA: I think that's exactly right. You shouldn't be putting them to Yemen. You shouldn't be putting them into Saudi Arabia. There's talk about this rehab program that they go through in Saudi Arabia. The results have been very, very mixed. You shouldn't be sending them back to Somalia, Afghanistan, Pakistan. Because the evidence is clear--these people are released and a number of them go back onto the battlefield.

And again, the clear signal is when these Gitmo detainees find their way back to the battlefield, they're no long-- they're no longer focused on the conflict in Pakistan, Afghanistan, or Iraq. Just like al-Awlaki, they form the core of people who want to attack the United States. It's a national security, Homeland Security issue.

BOB SCHIEFFER: Dianne Feinstein, do you-- what about that, that we shouldn't release anybody to a country where there's an al Qaeda presence. Do you go along with that?

DIANNE FEINSTEIN: Well, y-- yeah, I tend to agree with that actually. And if-- if you look at Yemen and we're taking a good look at Yemen. What you see is I think at least twenty-four or twenty-eight are confirmed returns to the battlefield in Yemen. And there are a number of suspected. If you combine the suspected and the confirmed, the number I have is seventy-four detainees have gone back into the fight. And I think that's bad.

And here's the reason. They come out of Gitmo and they are heroes in this world. This world is the only world that's going to really be accepting of them. Therefore, the tendency is to go back. And I think the Gitmo experience is not one that leads itself to rehabilitation candidly.

BOB SCHIEFFER (overlapping): Let me-- let me--

DIANNE FEINSTEIN: I think it leads to--

BOB SCHIEFFER: Let me say--do you think that maybe we just ought to keep Gitmo open for a while and not release anybody that's down there, or at least, put them in some other place but not release them?

DIANNE FEINSTEIN: Well, I agree with those that have said that Guantanamo has really been a recruiting tool for al Qaeda. That it has not been helpful to us. And I think that, you know, the Senate is now engaged in a huge study on the interrogation and detention of the some thirty-three high-value detainees. What happen to them? How were they treated? What success did the interrogation have? Were the laws followed? That kind of thing. And we should have the report completed within the next three months or so.

BOB SCHIEFFER: All right.

DIANNE FEINSTEIN: However, the-- the-- the-- the problem is that this is very difficult. And I-- I happen to know the prison system rather well. So I believe the safety of America is assured in the federal prison system. I-- I-- I don't worry about--

BOB SCHIEFFER (overlapping): But, it sounds to me like--

DIANNE FEINSTEIN: --the safety element.

BOB SCHIEFFER (overlapping): What you're saying here Senator Feinstein is-- is we ought to be very, very careful about releasing anybody right now. That-- that's seems to be your--

DIANNE FEINSTEIN (overlapping): Well, I think right now until-- until we sort this out the answer is yes.

BOB SCHIEFFER: All right. I want to thank both of you for being with us this morning. Very enlightening discussion. We'll be back with some analysis--

DIANNE FEINSTEIN (overlapping): Thank you.

BOB SCHIEFFER: --in just a moment.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And, we're back now with Peter Baker, White House correspondent for the New York Times and Jan Crawford our chief legal correspondent.

Jan, I want to talk with you. And I want to talk first, I think Dianne Feinstein made some news this morning and we'll certainly get to that. But I want to talk to you first about this-- this thing with Harry Reid. The book does not make clear where he actually said this, where he made this statement that because he has light skin, Barack Obama has a good chance of being elected and-- and because he doesn't have a Negro accent.

JAN CRAWFORD (Chief Legal Correspondent) (overlapping): Well--

BOB SCHIEFFER: Who did he say that to?

JAN CRAWFORD: Bob that is incredible thing. We confirmed this morning that he said that to one of the authors. And what he was trying to do, he was talking to one of the authors, you know, for this book. And what he was trying to do was to explain his early support for Barack Obama. How no one knew that he had come out early for Barack Obama. So he actually said this during an interview for this book. Now that, of course, caught his advisors totally off guard. This leaked out late Friday night about midnight. So, he spent all day yesterday, we confirmed this morning, he made thirty-five different phone calls mainly to African-Americans and leaders trying to apologize and get himself out of this mess.

BOB SCHIEFFER: And-- and he did apologize to the President and that was accepted.

JAN CRAWFORD: That's right. I mean the President said, "You know let's just move on. I've accepted your apology." The question now is though whether or not everybody else is going to move on. I mean, obviously, we saw Congressman Hoekstra say this is a democratic problem, it's a personal problem. I think that's the best thing that the Republicans can do right now. I mean when you've got somebody kind of exploding you don't want to step in and become collateral damage yourself. But what this--

BOB SCHIEFFER (overlapping): Never step in-- in front of a firing squad.

JAN CRAWFORD: That's exactly right.

BOB SCHIEFFER: Yeah.

JAN CRAWFORD: But what is this going to mean, not only for Harry Reid, who you know is kind of life support out there in Nevada anyway. I mean, he's just pulled the plug on him for his re-election chances. And then what does this mean to Democrats, I mean, more broadly in those midterms.

BOB SCHIEFFER: What do you think? Does this affect the President's agenda, Peter?

PETER BAKER (New York Times): Well, it's one more distraction. We're talking about that. We're not talking about health care. I think you remember of course Vice President Biden said something similar when he was running against Barack Obama for President that he was the first clean, articulate African-American running. And it shows a certain discomfort, I think, even within his own party of how do I-- how to grapple with who this new President is. A-- a guy who did sort of come out of nowhere, had only been in the Senate four years before he became President. You've got the folks who've been here in Washington for a long time, still trying to figure out how to define his success, how to define his place in American politics.

BOB SCHIEFFER: Republicans are already saying, I mean, Michael Steele, the chairman said he ought to step down. Trent Lott, when he made that remark about Strom Thurmond that the country would have been better off had he been elected President. He did have to resign his leadership post. Do you get a sense that--I guess it's a little too early to know--but that Harry Reid may have to leave the leadership?

PETER BAKER: Well, these things are always, of course, a-- a summation of something else that is going on. I mean, Trent Lott had to step down in part because his own party had grown disenchanted with him for a lot of different reasons, including his President--President Bush, as White House didn't step in to support him.

The question is are there enough reasons for the Democrats to be unhappy with Harry Reid for other reasons that would undermine the support in a moment like this when he's in trouble. There's no sign that President Obama would abandon him at this point. I think, in fact, President Obama needs him to focus on health care and get it through in this next month.

JAN CRAWFORD: Yeah, I mean I think the much bigger question is more broadly what this is going to mean in the midterms and for the Democrats specifically in the midterms. Because, you know, this could very well make the base much less enthusiastic to come out to vote. I mean the midterms are much more about the base versus base. Anyway those Republican voters are very fired up and the Democrats need every single vote they can get at this point. I mean already before this happened, it looked like Democrats were going to lose, what, four to six seats in the Senate, twenty to thirty seats in the House.

So I think this-- I-- I agree. I don't see that this is going to really lead to Reid stepping down but I think when we looked (sic) forward into this upcoming election it's going to have big problems for Harry Reid, big problems for Democrats in general.

BOB SCHIEFFER: Let's talk about what Diane Feinstein just said because it seems to me she made some news. She said, number one, we have got to do something about this no-fly list to make sure. Now, she's said that before, get people that ought to be on the no-fly list on there, which I must say I-- I-- I completely and totally agree with her.

But she also seemed to be agreeing this morning with John McCain and-- and Lindsey Graham who said we not only should not be letting people in Gitmo go back to Yemen but-- but we shouldn't let them go to any country where there's an al Qaeda presence.

JAN CRAWFORD: Well, this is a real problem for the President, of course. What are we going to do about Guantanamo? I mean Barack Obama said when he went into office he wanted that thing closed in a year. That deadline is coming up on us. Obviously, that thing is not going to close. Congress has already passed a law saying they are not going to give him any money to close it down and they've refused to give him any money to acquire a prison here to put them in. So, you know, that I think is an issue that he's going to be grappling with all year. What's he going to do? There's about a hundred ninety-eight detainees down there right now. And you know I think very-- it's very likely that Congress is not going to step up here and say, "Sure, let's shut down Guantanamo and bring them here." Now at the end of the day that might work out, you know, pretty well for Barack Obama because he can say, "Look, I did what I could. I said we should shut Guantanamo down. Congress said no. Congress has spoken. Let's move on."

BOB SCHIEFFER: But when you have a liberal Democrat like Diane Feinstein saying, well, she didn't exactly say keep it open but she also said we have to be very wary about letting anybody out.

PETER BAKER: Yeah. I think that-- what was already slowing down in this process has now ground to a halt for a little while. I think that the idea of anybody being transferred out of Guantanamo in the next couple months seems very unlikely anywhere. And then, you know, this Thompson Illinois prison, you know, as an alternative, the real question then becomes, okay, are you going to have Guantanamo open in Guantanamo or are you going to have Guantanamo open in Illinois because you have-- ultimately a lot of the same people are going to be in one place or the other. It doesn't make a difference to have them here on American soil. A lot of people would say yes and that's not a popular thing.

JAN CRAWFORD: And I just don't see the political will to shut that down thing down in Congress and I don't see Obama expending political capital to force Congress to do it.

BOB SCHIEFFER: Dianne Feinstein, we talked this morning. Hoekstra says they should have not charged this Detroit bomber in-- in a civilian court. He should have been turned over to the military and handled in that manner. Do you think we will see this continue they will-- if we have another of these instances, that it will be charged in a civilian court?

JAN CRAWFORD: Bob, you know, this has obviously been such a controversial issue. This week we saw the former attorney general Michael Mukasey writing a piece in the Wall Street Journal harshly critical saying, you know, we lost valuable intelligence by going in and saying you're entitled to a lawyer, read your Miranda rights when they told the-- the bombing suspect that.

So, you know, the White House heard that. I mean my sources tell me, I spoke with several yesterday, that inside the White House top advisors are saying, you know, we really need to take a hard look at this. Maybe that was at the best course of action, and we're going to be seeing that as part of this broad review now of what the President is doing. Obviously, he's looking at intelligence failures but also just about the process in general. Is that the right approach if this kind of thing ever happens again?

BOB SCHIEFFER: That's very interesting that that's what they're even wondering about it in the White House.

Peter, I want to talk about this remarkable piece that you have coming out in next Sunday's New York Times magazine. About nine thousand words I think, where you tell this--

PETER BAKER: A very fast read.

BOB SCHIEFFER: Yeah, fast read--this story about how a terrorism plot was-- was intelligence people thought it was for real that a Somali group was coming across the Canadian border on the day of Barack Obama's inauguration and planned to set off bombs on the Washington Mall. And as late as the morning of the inauguration there were meeting and trying to decide what to do if a bomb went off while the President was speaking.

PETER BAKER: Right. Right. This tells you a lot about this presidency. This is the first presidency to come into office, obviously, in this post 9/11 sort of age of terrorism, and even on the day he's taking office they're worrying about what happens if the worst happens. And it's not just--

BOB SCHIEFFER (overlapping): When did you-- when did they find out that this was a false report?

PETER BAKER: I mean, literally, that morning as the inauguration was going on, ultimately, it becomes clear. This became what they call a poison pen. It was one group trying to rat out another group to get the Americans to take them out.

But this also tells us a lot about the nature of terrorism today. How do you find out what's real and what's not? What is smoke? And what is-- and what is actually something you should go after? And that you see again with Abdulmutallab.

I mean, they saw these fragments together how much of this was something they should have put together. Obviously, everybody now in hindsight can rationally say this was obvious. If you look at these clues at the time, things aren't always as obvious.

BOB SCHIEFFER: One of the things that I found interesting in your piece was that a lot of the policies that Barack Obama is following now were actually policies he adopted from the Bush administration on terrorism. During the campaign he sort of ran against the first-term Bush--

PETER BAKER: Right.

BOB SCHIEFFER: --but as those policies were moderated, he has now adopted many of those that Bush adopted in the second term.

PETER BAKER: Right. Exactly. By the time President Bush left office, he had already shaved off some of the most, you know, extremely radical parts of the first-term counterterrorism policy. President Obama kept a lot of it. We still have military commission. He didn't give up the right to have renditions. He still has people being detained without trial.

BOB SCHIEFFER: It's a fascinating piece. I highly recommend it. We're out of time.

We'll be back in a moment with some final thoughts.

(ANNOUNCEMENTS)

BOB SCHIEFFER: Finally today, I have no idea where this comes from or who wrote it. If I did, I'd give them credit. But a friend who knows I love dogs e-mailed the following, which I pass along today only because it seems a nice thing to share at the beginning of a new year.

It is a list of what we would learn if dogs were our teachers, such as: Always run to greet loved ones when they come home. Never pass the opportunity to go for a joy ride. Recognize the ecstasy of fresh air and wind in your face. Take naps--I do that. Stretch before rising--a good plan. Run, romp and play daily. Thrive on attention--I do that. And let people touch you. Avoid biting when a simple growl will do. On warm days, lie on your back in the grass. On hot days, drink lots of water and find the shade. When you're happy, dance around and wag your entire body. Enjoy long walks. Be loyal. Never pretend to be something you're not. If what you want is buried dig deep until you find it. And when someone is having a bad day, be silent, sit close by, and nuzzle them gently. We'd be better off, better people if we acted more like dogs.

Back in a minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And that's it for this week. We'll see you right here next week on FACE THE NATION.