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



## **April 11, 2010 Transcript**

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## TRANSCRIPT

BOB SCHIEFFER: Today on FACE THE NATION, Secretary of State Hillary Clinton and Secretary of Defense Robert Gates on the new agreement with Russia and the changing nuclear strategy.

PRESIDENT BARACK OBAMA (April 11, 2010): Today is an important milestone for nuclear security and nonproliferation and for U.S.-Russia relations.

BOB SCHIEFFER: Within minutes after the strategy was announced and signing of the new agreement was done, critics were charging that we gave away too much. We'll get the administration reasoning from the two secretaries. And I'll have plenty of questions as well about Afghanistan and the odd statements coming from its President Hamid Karzai who seems highly critical of the United States when American troop levels in his country are nearing a hundred thousand.

We'll bring in chief legal correspondent Jan Crawford on the retirement of Justice John Paul Stevens and his likely replacement.

And I'll have a final thought on the man who sent Justice Stevens to the court.

But first, Clinton and Gates 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.

BOB SCHIEFFER: Good morning again. It seems like we've been talking about nothing but health care in Washington for months now. But last week, the administration shifted the focus to the life-and-death issue surrounding nuclear weapons--what to do with them and what to do about them. The administration began a major push. Tomorrow, forty-six world leaders will be here in Washington to talk about how to keep terrorists from stealing or buying nuclear weapons. The President and his Russian counterpart signed a major agreement Thursday that will reduce the size of both countries' stockpiles. And, perhaps, most important--the administration announced a major change in nuclear strategy telling non-nuclear nations that as long as they do not acquire nuclear weapons, we will not attack them with our own nuclear weapons. The idea being that they are safer from nuclear attack without these weapons than with them. That sparked immediate criticism. So that's where we started our joint interview with the two secretaries at the Pentagon.

(Begin VT)

BOB SCHIEFFER: But already the critics on the right, especially, are saying we're giving away too much, Mister Secretary. That if, for example, we're attacked with the biological or chemical weapons that the attacker won't have to worry that we won't use nuclear weapons against them. So, why was this a wise change?

ROBERT GATES (Secretary of Defense): Well, first of all, the-- the negative security assurance that we won't use nuclear weapons against non-nuclear states in conformity with-- or in compliance with the Non-Proliferation Treaty is not a new thing. The-- the new part of this is

saying that we would not use nuclear weapons against a non-nuclear state that attacked us with chemical and biological weapons.

BOB SCHIEFFER: Yes.

ROBERT GATES: But there are a couple of things to-- to remember about this. First of all, try as we might--we could not find a credible scenario where a chemical weapon could have the kind of consequences that would warrant a nuclear response. We were concerned about the biological weapons. And that's why the President was very clear in the-- why we are very clear in the Nuclear Posture Review that if a state-- if we see states developing biological weapons that we begin to think endanger us or create serious concerns that he reserves the right to re-- to revise this policy. But there's one other piece of this that I think folks have missed, and that is that if a non-nuclear state attacks us with chemical or biological weapons, that it says, and I quote from the Nuclear Posture Review, "that country will suffer a devastating conventional retaliation, and we will hold the leaders and the commanders in that country personally responsible."

BOB SCHIEFFER (overlapping): Are-- are-- are-- are nonnuclear weapons so good now, Madam Secretary, that we don't have to rely on nuclear weapons anymore?

HILLARY CLINTON (Secretary of State): We rely on both, Bob. And I think that's the point that Secretary Gates is making. We've maintained a strong, robust nuclear deterrent as set forth in the Nuclear Posture Review. But we have also in this administration moved toward a global strike capability to enhance our conventional response. And we have an enormous amount of firepower conventionally. And it is also clear that this is putting everybody on notice. We don't want more countries to go down the path that North Korea and Iran are. And some countries might have gotten the wrong idea, if they looked at those two over the last years. And, so we want to be very clear. We will not use nuclear weapons in retaliation if you do not have nuclear weapons and are in compliance with the NPT. But we leave ourselves a lot of room for contingencies. If-- if we can prove that a biological attack originated in a country that attacked us then all bets are off, if these countries have gone to that extent. So we want to b-- we want to deal with the nuclear threat first and foremost because that's the one that we face right today.

BOB SCHIEFFER: You did make an exception to North Korea and Iran and-- and explain to me what that means Mister Secretary.

ROBERT GATES: Well, because they're not in compliance with the Nuclear Non-Proliferation Treaty, so for them all bets are off. All the options are on the table.

BOB SCHIEFFER: Do we still reserve the right to use nuclear weapons first if we think our security is in danger and requires that?

HILLARY CLINTON: Yes. Now that's not our preference. And we make it very clear that, you know, we-- we want to maintain a strong deterrent. We see that primarily for the purpose of deterring bad actors against us and responding if necessary. But we did not go so far as to say, no first use.

BOB SCHIEFFER: Talk about missile defense, and that is using missiles to shoot down missiles. Are we still going to rely on that because I think some of the statements coming out of Moscow have disturbed some people because-- Am I correct in saying the Russians have said they'll withdraw from this treaty if we press on with missile defense?

HILLARY CLINTON: Well, that's not exactly what they said. First of all, in any treaty, in previous arms control treaties, there is a provision which basically states the obvious that either country can choose to withdraw if they determine that it's in their interest to do so. What the Russians have said is that they're concerned about our continued development of missile defense. We have made it very clear we are pursuing missile defense and there is absolutely nothing in the New START Treaty that in any way impinges upon our efforts to pursue and perfect missile defense.

We also have, on a regular basis, reached out to the Russians to say cooperate with us. We would like to see a-- a joint effort on missile defense because we don't see the principal threat in nuclear terms coming from Russia. We see it coming from state actors like Iran or non-state actors like a terrorist organization like al Qaeda getting a hold of nuclear material. So missile defense remains not only alive and well but we're going to be deploying it in Europe to protect our European allies and partners from a potential attack by Iran. And we're going to continue to try to work with the Russians to convince them that this is in their interest as well as ours.

BOB SCHIEFFER: So we're not backing off at all on-- on going forward with missile defense and--

ROBERT GATES (overlapping): Not at all and--

BOB SCHIEFFER: --missile defense system.

ROBERT GATES: --not at all and not only are we putting significant additional resources into the budget for missile defense, particularly the-- the theater level and regional missile defenses that Secretary Clinton was talking about, but we have also-- we're putting over a billion dollars into continuing the development of the ground-based interceptors at Fort Greely in Alaska that have the longer range capability.

BOB SCHIEFFER: Let's talk a little bit about Afghanistan. The president of Afghanistan, Mister Karzai, is scheduled to come here May 12th I think it is. Is he still welcome here?

HILLARY CLINTON: Absolutely. And we're looking forward to his visit.

BOB SCHIEFFER: Well, what about him? I mean we hear all these reports. I mean the latest was that he may be on drugs. We hear him talking about he's going to join the Taliban. We hear that he's trying to blame everything on the United States and the New York Times--the corruption in his country. What's going on with this man?

ROBERT GATES: Well, first of all, I think he sees himself as the embodiment of Afghan sovereignty. And so he is sensitive to public statements that he thinks are not aimed just at him but at Afghanistan and I would say at his family. And-- and so I think there is a sensitivity there. But-- but the reality is-- first of all, this statement about the drugs and so on is just stupid.

General McChrystal is meeting with him regularly. He-- they have traveled together to Kandahar recently. He is playing-- President Karzai is playing a very constructive role and beginning to set the framework for the Kandahar campaign with the local shuras, the local tribal leaders and elders.

So the working relationship with him on a day-to-day basis is-- is still going-- is still going quite well. And-- and the truth of the matter is, I think that this is-- this is a period there have been a lot of critical articles and-- and they're very sensitive. I think what we don't realize is how many of these foreign leaders read all that's in the American press.

BOB SCHIEFFER: Well, Madam Secretary you talked to him what last week--

HILLARY CLINTON (overlapping): Mm-Hm. I did.

BOB SCHIEFFER: --or this week, maybe it was. Do you think he's stable?

HILLARY CLINTON: Absolutely, Bob. You know, I-- I have to say that some of these outlandish claims that are-- are being made and accusations that are being hurled are really unfortunate. You know, this is a country that is under enormous pressure. This is a leader who is under enormous pressure. And I-- I wonder sometimes how anybody can cope with the kind of relentless stress that you face after having been in some military activity or war footing for thirty years, which is what the reality is--

BOB SCHIEFFER (Overlapping): Well--

HILLARY CLINTON: --in Afghanistan.

BOB SCHIEFFER: --I take your point but even our own ambassador there, Mister Eikenberry said that he did not consider him a reliable partner and was one of the reasons that originally he opposed this surge of troops we put in there.

HILLARY CLINTON: Well, I think what you are hearing from Secretary Gates and me today is we consider him a reliable partner. We know how difficult it is sometimes for foreign leaders, not only in Afghanistan but elsewhere in the world, to separate our free press and everything that it says and everything that it claims from what our government policy is. And it is difficult when you go in to see a leader on a regular basis as our military and civilian representatives do in Kabul and there's some article making some outlandish claim. And a leader often thinks, well, it wouldn't be printed if the government weren't (sic) behind it. And so we do have some explaining to do, if you will, and that's not just true in Afghanistan. We see that in many different countries around the world.

BOB SCHIEFFER: Well, now there's a big operation coming, what, in Kandahar, I suppose? And it's my understanding that he has still not signed off on that. Is he going to be a part of that? And are we going to have to go it alone there or can we expect his cooperation--

ROBERT GATES: Oh, he--

BOB SCHIEFFER: --Mister Secretary?

ROBERT GATES: --he absolutely is a part of it. The campaign actually is already under way in Kandahar. It's-- it's a-- it's not going to be like a big conventional battle. That's not what we expect to develop in Kandahar. And so one of the things that's important is what we did in Marjah, which was President Karzai going down to the area, talking to the tribal leaders, talking to the local officials, getting their views, letting them be heard about what their concerns were. He's already made a couple of these trips to Kandahar area with General McChrystal. And so, he is very much participating in setting the stage, if you will, for this next phase of the campaign.

BOB SCHIEFFER: I'd just like to hear from both of you, how do you evaluate the situation in Afghanistan now, where are we? We'll soon have a hundred thousand troops there.

ROBERT GATES: I-- I am-- from our perspective, I-- I'm modest-- modestly optimistic. I think that the military campaign is going very well. The way they set up Marjah to have the civilians-- both western civilians and Afghan officials--coming right behind the-- the military, I think has worked well. General McChrystal speaks incredibly highly about the civilians in the field that are backing up what he's trying to do. So, I think General McChrystal's view is that things are proceeding pretty well.

BOB SCHIEFFER: Let me ask you, also, both about Iraq. We had some very bloody attacks there just like last week. Ninety people dead, three hundred wounded. Is our withdrawal still on schedule? Will it be prudent for us to continue to draw down those troops?

HILLARY CLINTON: Our withdrawal is on schedule. We share the dismay of the Iraqi people and their leadership in this continuing campaign of terror and violence. That is meant to destabilize this effort gone going to form a new government. You know, this is-- this democracy is new to the Iraqis. The election was extremely successful. More than sixty percent of Iraqis, from all communities, came out and voted. There wasn't any clear winner. And so there has to be a consensus and a coalition put together. That is happening as we speak. And, clearly, the terrorists intend to try to foment sectarian violence. That has not occurred. They're trying to destabilize this effort at political governance that is necessary to move on to the next stage. So, both our military and our civilian leadership in Iraq are committed to working to get to a point where we have a new Iraqi government and then we're working with the Iraqis not only as we withdraw our military troops, but on the civilian side to assist them in assuming greater responsibility.

BOB SCHIEFFER: Last question. Yes, go ahead.

ROBERT GATES (overlapping): Let me just say-- let me just say it. The terrorist group is al Qaeda in Iraq, and we know this and we know what they're trying to achieve. And, the remarkable thing is, despite all these bombings that sectarian violence has not rekindled.

BOB SCHIEFFER: A big gathering of, what, forty-six leaders from around the world coming to Washington this week for this big conference on nuclear proliferation. We know there's going to be an enormous traffic jam.

(Hillary Clinton and Robert Gates laughing)

BOB SCHIEFFER: What-- what else can we expect, Mister Secretary?

ROBERT GATES: Well, personally, I'm leaving the country.

(Hillary Clinton, Robert Gates, and Bob Schieffer laughing)

ROBERT GATES: Well, I-- I-- this is really more in-- more in Secretary Clinton's area, but I-- in my expectation is, first of all, it's an extraordinary achievement to get that number of leaders to come to Washington to talk about this subject and-- and the-- the key frontend piece of the Nuclear Posture Review, the-- the-- the-- where this is different than any in the past is the focus on nonproliferation and on gaining control of nuclear materials around the world.

HILLARY CLINTON: And, Bob, that's what we're aiming to achieve. We are seeking to get agreement and a work plan about how each country will do its best to better secure the nuclear material that it has within its borders to prevent the transit of nuclear material. I'm sure that there will be discussion of some of the smuggling incidents that the IAEA has proven to have happened in the last years. But, this is a very big part of President Obama's agenda on nonproliferation.

BOB SCHIEFFER: My thanks to both of you.

HILLARY CLINTON: Thank you.

(End VT)

BOB SCHIEFFER: And, we'll be back in one minute with the latest on who might fill Justice Stevens' spot on the Supreme Court.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And we're joined now by our chief legal correspondent Jan Crawford, who is here to talk about the other big story of the week: the retirement of Supreme Court Justice John Paul Stevens. But before we do a little editor's note, if you will.

During that Friday interview with the two secretaries, I was surprised, I would say, almost stunned by their warm and fuzzy words about Afghan President Hamid Karzai after all the tough criticism and the exasperation that's been voiced in the past by this administration, everything from how he rigged the elections to looking the other way at corruption, even to his brother being involved in the drug trade. Not to mention, the weird statements that Karzai has been making, that even the White House has been calling troubling. Well, it turns out there has been a big fight behind-the-scenes in the administration over how to treat Karzai and officials have now concluded the so-called "tough love approach" wasn't working. So senior officials told several news organizations late Friday on background that the administration has decided now to see if being nicer to Karzai will be more productive. And so you saw the beginning of that benedict offensive, just another reminder that few things around here happen by accident.

Well, Jan, let's get to your-- your big story. When do we expect the White House to act on this? My sense is that they're going to move as quickly as they can and the nominee is going to be someone as noncontroversial as possible, because the one thing they don't need right now is a big fight going into the mid-term elections.

JAN CRAWFORD (Chief Legal Correspondent): Well, the President said on Friday that he'd be looking to nominate a candidate within the weeks to come. I think we'll definitely have a nominee by Memorial Day. They don't want to do it too soon because that gives the Republicans a chance to beat up on their candidate in advance of the hearings, which can't take place until July. Justice Stevens is not officially retiring until the end of the court's term in June. And this comes, I think, at a tricky time for the White House and for Democrats in general, because every second that they spend not talking about jobs and trying to sell an unpopular health care plan are in many ways a boon to Republicans. And one way I think they're going to counter that my sources say is by continuing to portray the Supreme Court as out of touch with every day Americans. We saw the President take that unprecedented swipe at the Supreme Court during his State of the Union address back in January when he talked about their

recent campaign finance ruling that allowed unlimited spending by corporations and unions. That decision is enormously unpopular with American people. Polls show seventy to eighty percent of the people opposed that. And the key thing that he said on Friday that the President said when he was talking about Justice Stevens' retirement was about that ruling. Let's take a listen to that clip.

**PRESIDENT BARACK OBAMA:** It will also be someone who, like Justice Stevens, knows that in democracy powerful interests must not be allowed to drown out the voices of ordinary citizens.

**JAN CRAWFORD:** Now, just like you said earlier, things don't happen by accident in Washington. That statement was calculated and deliberate. You're going to see the White House continue to beat that drum through this nomination process and into these confirmation hearings. They're going to have a nominee that they think can prove that Democrats, not Republicans, understand everyday Americans.

**BOB SCHIEFFER:** So, let's talk about who-- who would you say are the leading contenders right now?

**JAN CRAWFORD:** Well, there-- there are-- my sources say, that there's a kind of fluid list right now of ten candidates. But already intense vetting is under way. Some of those people are there really as a courtesy. Intense vetting is under way, and they're focusing on three candidates at this point. Not ruling people out at this point, but I think three people are really emerging as ones that we really need to focus on. Merrick Garland, who is a federal appeals court judge in Washington, DC, considered probably the easiest to confirm, more moderate than some of the other candidates and-- and some that Republicans probably would accept. So that would disappoint the base. And there's a lot of call inside the White House and inside the administration for another woman. Remember, out of nine justices only two are women. So that points to Elena Kagan. She's the Solicitor General. She argues United States position in the Supreme Court. She was the former dean of Harvard Law School. And she's got some support among conservatives, because she hired a lot of those conservative law professors at Harvard and really brought that school together and could maybe also build some alliances once on the Supreme Court. And then finally, there's Diane Wood. She's a federal appeals court judge in Chicago, very highly regarded, works well. Very highly regarded by her conservative colleagues on that court. You have Frank Easterbrook and Richard Posner, also a professor from the University of Chicago. Taught antitrust law. But she's been sitting out there on that appeals court and has had some controversial decisions on things like abortion. So I think she might a fight.

**BOB SCHIEFFER:** This is going to be a tricky thing for Republicans, too, this strategy here. Do you expect them to put up a huge fight? Is there is any chance that they would try to filibuster this?

**JAN CRAWFORD:** Well, sure. I mean they could filibuster a really controversial nominee. Let's say someone like Harold Koh, who is the head of the-- the chief lawyer in the State Department, former dean of Harvard Law School. A lot people on the left would like to see someone who is very, very progressive to lead the liberal wing and go toe-to-toe with John Roberts, a kind of the equivalent legal liberal. But he would be filibustered. Republicans would block that nomination. And I don't think there's any indication at all the White House would nominate him. They don't want that kind of fight. They want someone if they're going to get confirmed at the end of the day. And when they start gaming this out, they're going to try to get the best, most-- it's almost like charting it out on a graph. You know, you take who is the most progressive liberal that can

affect the court in a strategic way versus who can you get confirmed. And they'll plot that out when they make that decision.

BOB SCHIEFFER: Is it your sense they can get this done before the congressional recess in August?

JAN CRAWFORD: Oh, yes. And that's what they want to do. And in his note to the White House Justice Stevens made clear that he was giving them the heads up so that that could happen. They could have this process get started and have someone confirmed before August.

BOB SCHIEFFER: All right. Jan Crawford, thank you so much.

I'll be back with some final thoughts on this in a minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: Finally today, it is a little sobering to realize you were there when the President appointed the man who turned out to be the longest serving member of the current Supreme Court, which may be why I seem a little sober today.

I was the White House correspondent thirty-four years ago when President Ford nominated Justice John Paul Stevens. And, no, it doesn't seem like yesterday, it was a long time ago.

The nation was coming out of the awful days of Watergate. The President had pardoned Richard Nixon, which I thought at the time was the absolute wrong thing to do, and which I later came to believe was the right thing to do.

President Ford told me that he did that because he really had no choice. He had to get the nation moving forward and focusing on the serious problems ahead. But he also told me he was genuinely proud of the appointment of Stevens, and in later years he wrote he was willing to let history's judgment of him rest exclusively, if necessary on that nomination. So he would have liked the way The New York Times put it yesterday that Justice Stevens may be the last justice from a time when ability and independence rather than perceived ideology were viewed as the crucial qualifications for a seat on the court. It was a long time ago, and a very different time.

Gerald Ford was in the White House only a short while and is sometimes denigrated by historians and presidential scholars. But giving the nation a way to reboot after Watergate at great political cost to himself and sending John Paul Stevens to the Supreme Court is not a bad legacy. As Justice Stevens' fine service was being rightly celebrated last week, I couldn't help but think of that as well.

Back in a minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: That's it for us this week. Be sure to join us next week when we'll have an exclusive interview with Massachusetts Republican Senator Scott Brown, his first Sunday show interview as a Senator.

See you then. Thanks for watching.

