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



## **November 21, 2010 Transcript**

GUESTS: REPRESENTATIVE STENY HOYER  
D-Md.; House Majority Leader

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## TRANSCRIPT

BOB SCHIEFFER: Today on FACE THE NATION, Secretary of State Hillary Clinton, plus the number two Democrat in the House, Steny Hoyer.

Is the Afghan strategy working? Will START be ratified? What about the terror trials? And those airport security pat down? Some of the Secretary of State's answers may surprise you.

And, can Democrats and Republicans find common ground? We'll get Congressman Hoyer's take on that.

Chief legal correspondent Jan Crawford will be here with analysis.

And I'll have a final word on a royal pain.

But first, Secretary of State Clinton, 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. We talked to the Secretary of State as the NATO summit was concluding yesterday. She said the NATO allies gave the President's Afghanistan policy a resounding vote of confidence and that Afghan President Karzai, who has been critical, is now on board.

HILLARY CLINTON (Secretary of State): He is fully in support of the strategy. He is fully in support of the fact that it is making progress. But he is very sensitive, as you would expect the president of any country to be, as to whether or not when we engage in night raids or other offensive actions, we are actually getting the bad guys and not conducting actions that result in a lot of civilian casualties. And so, General Petraeus understands that and they work-- they're working closely together to make sure that they stay in sync.

BOB SCHIEFFER: Well, that doesn't sound exactly like what he told the Washington Post just a week ago, when he said U.S. forces were becoming too intrusive in Afghan life. He wanted to stop the nighttime raids, which is kind of the heart of General Petraeus' strategy. Are you telling me he's changed on that?

HILLARY CLINTON: No. What he-- what he has said to me and to others is if you have a night raid that kills a Taliban leader, he's all for it. If you have a night raid that kills five or six innocent civilians and maybe some really low-ranking nineteen-year-old kid who joined the Taliban, he's asking us to evaluate whether or not that is an appropriate balance. So I-- I think sometimes the-- the very legitimate questions he's raising get blown out of proportion. And I think what we-- we do in talking with him and I do it on a regular basis is to make sure we listen well and we understand exactly what the root of his concerns are.

BOB SCHIEFFER: Well, let me ask you. What do you say to the parents of an American nineteen-year-old, parents who have lost a nineteen-year-old in Afghanistan? When they hear that the president of Afghan-- Afghanistan says we're being intrusive there? What do you say to those people?

HILLARY CLINTON: Well, we say it-- and the President, of course, you know, signs a letter to every one who-- every family that loses someone in Afghanistan. We say we are making progress on the ground. That is indisputable. It's not only something we believe. The Afghans believe it and all of our NATO-ISAF allies believe it. Number two. Because this is a war against an enemy that doesn't fight fairly, that is, you know, picking off civilians, using IEDs, going after our troops, we have to be always as clear as we can that we're going after the real enemy and not just, you know, making a-- an offensive move that doesn't have a-- a positive military reason behind it. But, you know, that nineteen-year-old who is out on an outpost in Afghanistan is standing up for American National Security interests. And maybe there is always a question when you're trying to win the hearts and minds of a population while killing an enemy that lives and hides amidst that population how best to do it. But I think our young men and women on the ground understand that better than perhaps those who are far from the fight. So this something we always are asking ourselves. How can we do it better? How do we protect our people? How do we protect the innocent Afghans and how do we keep doing what we're doing successfully which is degrading and reversing the momentum of the Taliban.

BOB SCHIEFFER: All right. Well, let's-- let's talk about the START treaty. You know, Madam Secretary, on the President's recent trip to-- to Asia, he was totally blindsided when he thought he was going to get a trade agreement in South Korea and-- and the thing fell apart. Now he is saying that getting this START treaty ratified by the Senate is-- he's putting the highest priority on getting that done in this lame duck session of the Congress. How-- isn't he risking another serious em-- embarrassment, because frankly, he doesn't have the votes to get it ratified in the Senate right now? Why has he said this is the highest priority right now?

HILLARY CLINTON: Well, Bob, first, I don't think those are two analogous situations. I mean, the President didn't finalize a deal in Korea because he was not satisfied that the deal was in the best interest of America. And that's what a President is supposed to do and so he did the right thing. Obviously, he is continuing to negotiate, to get a deal that is in the interest of the United States. With respect to START, there is no doubt that the START treaty is in the interest of the United States. Don't just take it from me or from the President. Look at what the Europeans, people like Angela Merkel or the foreign minister of Poland or the president of any of the Baltic countries or so many others are saying. They live next door to Russia. They know that this is in their interest and they also know that because we have no treaty, there is no inspection going on. There is no verification going on. And so--

BOB SCHIEFFER (overlapping): But Madam Secretary--

HILLARY CLINTON (overlapping): Well, but Bob-- but the--

BOB SCHIEFFER (overlapping): --he doesn't have the votes.

HILLARY CLINTON: Well, but you know, it's always difficult to get these treaties through. It always takes a lot of presidential effort. And we are making the case that number one. This is in American's national security interest. Our friends and allies around the world support this. We need to get inspectors back on the ground. Remember what Ronald Reagan said when he was passing a-- an arms control treaty with Russia. Trust but verify. Right now we cannot verify. And this is the kind of important national security agreement that the Senate needs to be encouraged to stop and really study and focus on. And to be fair, Bob, you know, the Senate Foreign Relations Committee voted it out on a big bipartisan vote. It couldn't get the attention it needed before the election. The President is saying this needs to be dealt with in the lame duck session. Senator Lugar, who knows more about arms control treaties than anybody else I would

argue in our country probably at this point, has said very passionately this must be done for the United States.

BOB SCHIEFFER: But do you think you can get the votes? That's-- I guess that's the question I have.

HILLARY CLINTON (overlapping): Well, but that's what poli-- but that's what politics is about. And I have to say I'm proud of the President for making this a priority, because he's putting it above politics which is exactly where it needs to be. He-- he believes so strongly that this is an important treaty to get done this year that he is putting his enormous office efforts behind it. And, you know, obviously, we're all doing everything we can. Now at the end of the day, the-- the senators have to decide. But I would hope that this treaty would be treated as others whether it was a Democratic or a Republican president saw their treaties in arms control with the-- with the Russians treaty and that is, this is beyond politics. Let's pass it by an overwhelming bipartisan vote.

BOB SCHIEFFER: All right. Well, let me ask you quickly about these terror trials. We-- we saw one of these people from Guantanamo, he almost walk out of a courtroom here, someone who was charged with blowing up our embassies in Kenya and-- and another place in Africa. And he was acquitted of two hundred and eighty-four criminal counts convicted on only one. Now mind you, I know he's going to face some prison time. Is it time, Madame Secretary to start rethinking whether we ought to put these people in these civilian courtrooms and-- and think about putting them before military tribunals?

HILLARY CLINTON: Well, Bob, I don't believe so and here's why. The terrorists who are serving time in our maximum security prisons are there because of civilian courts, what are called Article III courts. Our Article III courts have a much better record of trying and convicting terrorists than military commissions do. And, in fact, this defendant having been convicted will be sentenced somewhere between twenty years and life. And some of the evidence that was presented could not be used but the rules of the military commission which remember operate under military law similarly would be disqualified certain evidence. I believe that the vast majority of the defendants can be tried in Article III courts but there are some who should not be. And they should be reserved for military commissions for a variety of reasons. But I think--

BOB SCHIEFFER (overlapping): What about Khalid Sheikh Mohammed?

HILLARY CLINTON (overlapping): Well--

BOB SCHIEFFER (overlapping): Do you think he ought to be trial in the civilian court?

HILLARY CLINTON: I-- I think that that is a case that is a very difficult one because of all the security issues and the other problems. There will be a recommendation made by the attorney general. But if you look at the case that was finished last week a lot of the counts were related to evidence that because it was connected in some way to the use of inappropriate interrogation methods could not be used. And as experts in military law have pointed out, that would also be a problem in a military commission.

BOB SCHIEFFER: Let me ask you one final question. There's a big uproar in this country now about this new pat downs that are going on as people try to get on airplanes. Now do you think that this is necessary in the war against terrorism or should we take another look at this?

HILLARY CLINTON: Well, Bob, I-- I-- I think that we have to be constantly asking ourselves how do we calculate the risk? And you know, sometimes we don't calculate it correctly. We either overstate it or understate it. Clearly, as Secretary Napolitano has said, you know, we're doing this because the terrorists keep getting more creative about--

BOB SCHIEFFER: Got you.

HILLARY CLINTON: --what they do to hide explosives and, you know, crazy things like underwear. So clearly, there is a need. Now if there is a way to limit the number of people who are going to be put through surveillance, that's something, that I'm sure can be considered. But everybody is trying to do the right thing.

BOB SCHIEFFER: Okay. Madam Secretary--

HILLARY CLINTON (overlapping): And I-- and I understand how difficult it is--

BOB SCHIEFFER: Yeah.

HILLARY CLINTON: --and how offensive it must be for the people who are going through it.

BOB SCHIEFFER: Well-- now to the final question. My time is up. But would you submit to one of these pat downs?

HILLARY CLINTON: Not if I-- not if I could avoid it. No. I mean, who would?

BOB SCHIEFFER: Thank you very much, Madam Secretary.

HILLARY CLINTON: Right.

BOB SCHIEFFER: All right. Well, Jan Crawford our legal correspondent is joining us now to put a little analysis and perspective on this. Let's get back to these trials, Jan. Is the Justice Department, are they still considering putting these people into civilian courts or are they rethinking this now?

JAN CRAWFORD (CBS Chief Legal Correspondent): Well publicly, as we saw in your interview just now with Secretary Clinton, they're saying, they're still going forward with these plans to hold some of the trials here in the United States of some of the terrorists who are being held in Guantanamo. They haven't said which ones. Obviously they're rethinking, whether or not they're going to bring the Khalid Sheikh Mohammed the mastermind, self-confessed mastermind of 9/11 into the United States, after all of that enormous opposition. And they were forced to walk back and now, of course, Attorney General Holder is studying that. Remember, it was just a year ago where he testified that they were going to do this. They were going to take this path. Failure was not an option. He told the Senate Judiciary Committee that these were cases that had to be won. Well, what the Ghailani verdict shows is that failure is an option. As you pointed out, he was only a-- he was only convicted of one count. He was found not guilty of all those other counts, the most serious charges. So it raises the possibility that these guys could come here and be acquitted. And then what?

BOB SCHIEFFER: But on my sense of it is that the Congress will never let that happen because I think in both Houses now, there are movements underway to cut off the funds if they try to move these-- how seriously do you take that?

JAN CRAWFORD: That's exactly right. And my sources say you've got a people in that both the Senate and the House now, Republicans who are drafting legislation to block these trials from ever taking place here. Listen, I mean, they were on shaky ground to begin with, these trials. And this Ghailani verdict I think, may well have knocked, kind of the last leg out of the table for whether we'll ever see trials in federal court here. And I think it's very important to keep in mind that whatever you say about the wisdom of-- of trying terror suspects in our federal courts initially. A decision was made years ago by a different president, approved by Congress, to try them in military commissions. So that was the path they took. And now to change course, after these guys were held down at Guantanamo without lawyers, without charges, subjected to harsh interrogation techniques, is a very difficult thing. In many ways, that train has left the station.

BOB SCHIEFFER: All right. Jan Crawford, thank you very much. We're going be back in one minute with Steny Hoyer, the number two Democrat in the House.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And we're back now with Congressman Steny Hoyer, just re-elected the number two man in the House Democratic leadership. Congressman, I-- I want to ask you about tax cuts and a lot of other things but I got to start with these pat downs. I mean this uproar that's going on. Are-- are you hearing any of that? And does the House plan to take any action?

REPRESENTATIVE STENY HOYER (D-Maryland, Majority Leader): Yeah, I think the pat downs are going to be very controversial. The TSA, of course, faced with a very difficult problem. They want to keep the airplanes safe. They want to keep us safe as individuals and as air travelers. On-- on the other hand, they also want to honor our-- our personal privacy. And reaching that balance it's clear that there's not a consensus some whether they've done that yet. Bennie Thompson, the chairman of the Homeland Security Committee has written to the TSA looking for a response, looking for how they analyze this. There is going to be hearings on this. So it took very controversial item with two worthy objectives. Number one keeping us safe but number two also honoring our personal privacy.

BOB SCHIEFFER: Well, I mean, would you want to undergo one of those things?

REPRESENTATIVE STENY HOYER: I don't think any of us would want to undergo that. I don't think any of us feel that the-- the discomfort and the delay is something that we like. But most people understand that we've got to keep airplanes safe.

BOB SCHIEFFER: Let's also talk a little bit about this whole business of these trials of these terrorists. We know what happened last week. You heard what the Secretary of State says. Do you think there will be a move in the House to cut off these funds? I know the Republicans are already talking about--to move, to bar these people from being moved from Guantanamo.

REPRESENTATIVE STENY HOYER: Well, of course as you know we've-- we've had that. We haven't had any authorization for such movement except for trial. But I think the answer is there's-- there's great concern. I'm not sure if it's very warranted. Whatever happened in the trial it was held here in a Title III court. And it was held safely in this court. Now the outcome, one count out of I think two hundred and fifty or two hundred and seventy-five counts was disappointing. However, the count that he was convicted on has a twenty-five-year-to-life

sentence. And of course it's at the federal level there's no parole. So he's going to spend a very long time in jail.

BOB SCHIEFFER: Given your druthers would you rather see them tried in a civilian court or in a military court.

REPRESENTATIVE STENY HOYER: You know, well, I've suggested to the administration two years ago, that we look at the option of having either military commissions or Title III courts. I've been down to Guantanamo. There are facilities in place there with--

BOB SCHIEFFER (overlapping): Do it there?

REPRESENTATIVE STENY HOYER: --Title III court can sit there. You don't have to bring them to the United States. I think under the Constitution we could clearly impanel a Title III court to dispose of these cases in a proper way in Guantanamo itself.

BOB SCHIEFFER: Well, I mean, what would you do? Fly the jury in or what?

REPRESENTATIVE STENY HOYER (overlapping): Well, we'd-- we'd have to--

BOB SCHIEFFER (overlapping): How would you do that?

REPRESENTATIVE STENY HOYER: --figure that out. But juries as you know are sequestered in many cases. So it wouldn't be much different. And it's a-- it's a Caribbean island. It's not like you're sending them to an archipelago or-- or Siberia. But the fact is that we need to figure out how to get these cases resolved, whether we do it through military commissions or title three courts. And I think you're right, bringing them to the United States given the current concerns and make up of the Congress probably is not going to happen.

BOB SCHIEFFER: Let's talk a little bit about tax cuts. One of the big things you're going to be dealing with is in-- in this lame duck session is whether or not to extend the Bush tax cuts which expire at the end of the year. Democrats want them for middle and lower-income folks. Republicans say no way. You got to also extend them for people in the upper-income brackets. We keep hearing hints, signals, whispers that the President might be willing to compromise, maybe make those tax cuts for the upper-income folks temporary, in order to get the ones for the lower-income people. Would House Democrats be willing to go along with that or do you have a problem with the President?

REPRESENTATIVE STENY HOYER: Bob, I don't have a problem with the President. And-- and-- exactly what he says on this is he's for the two hundred and fifty thousand and under. That's his position. That's our position. Let me say that this election, as-- as we know, was in my view essentially about two things. Number one, we hadn't grown jobs quickly enough. We hadn't grown the economy. And concern about the deficit. Now if you're going to try to balance those two things, one of the things you don't want to do is have average working Americans have an increase in their taxes. We're absolutely opposed to that happening. And we're going to work towards not making sure that working Americans don't have an increase in their taxes. On the other hand, there is a great concern about the deficit which means the best off of us have to contribute to making sure that we pay for what we buy. That's the balance we have to make. And I'm hopeful that we can work together and find common ground on-- on this issue. Trying to work on both growing the economy and bringing the deficit down because I think that's what Americans want.

BOB SCHIEFFER: But-- but-- I'm not sure you answered my question there. Are you willing to compromise on-- on these upper-income folks make those tax cuts temporary in order to get the other ones?

REPRESENTATIVE STENY HOYER: I-- I-- I'm not willing to compromise on your show, Bob, but what I am willing to do is to say, look, our objective is to make sure that working Americans don't get a tax increase at a time when the economy is still struggling.

BOB SCHIEFFER (overlapping): If the--

REPRESENTATIVE STENY HOYER (overlapping): --not growing as fast--

BOB SCHIEFFER (overlapping): --if the President came in--

REPRESENTATIVE STENY HOYER (overlapping): On the other hand--

BOB SCHIEFFER (overlapping): --and said--

REPRESENTATIVE STENY HOYER (overlapping): --we need to make sure that we don't give away seven hundred billion dollars in tax expenditures, which is going to make our deficit even worse. We've got to accomplish both objectives. And I am certainly prepared to try to seek common ground and work with Republicans and trying to get to that objective.

BOB SCHIEFFER: If-- If the President came to you and said, Mister Hoyer, the only way I can get this done and get these Republicans to go along is at least give the upper-income folks a temporary extension of they-- of the tax cut. What-- what would you say to him?

REPRESENTATIVE STENY HOYER: if the President comes to me and-- and-- and we've had discussions, I'm certainly going to talk to him about how we move the ball forward. As you know, Bob, I'm somebody who believes that no action at a time of challenge is really not the-- the way to go.

BOB SCHIEFFER: But you're not going to tell me what you're going say to him.

REPRESENTATIVE STENY HOYER: No, I think that's probably correct.

BOB SCHIEFFER: All right. I-- It would just-- just note that Nancy Pelosi says no way no how, on that.

REPRESENTATIVE STENY HOYER (overlapping): We'll let me-- let me say this--

BOB SCHIEFFER (overlapping): And she's your leader. So you're with her on that?

REPRESENTATIVE STENY HOYER: She-- she's the leader of our party. And the fact is that I believe strongly. Again, I want to state that working Americans and we've set the bar at two hundred and fifty thousand for a family and under, should see no increase in their taxes. On the other hand, we have to get at this deficit as well. And those of us who are better off need to help do that. Yes, we've got to cut spending. But we can't keep cutting taxes and expect that not to have an impact on the deficit. It does. So what, I'm saying, Bob, is that-- to you or to anybody

else is, look, let's try to move forward. We'll talk about how we do that. And we need to get agreement. I'm-- I'm a--

BOB SCHIEFFER (overlapping): Are you glad that--

REPRESENTATIVE STENY HOYER (overlapping): --legislator that knows you going to have two hundred eighteen and-- in the Senate unfortunately, you going to have a super majority.

BOB SCHIEFFER: Are you glad that Nancy Pelosi decided to run as leader of the House Democrats? A lot of people thought they should-- that she shouldn't. A lot of people thought that you would run for leader if she didn't.

REPRESENTATIVE STENY HOYER: Well had she not run, I would have run for leader. And, I think, I would have been elected leader. Having said that, this election was I think about issues, about concerns and anxieties that the American people have. Not about personalities. They want us to focus on jobs and growing the economy and bringing the deficit down. I-- I think Leader Pelosi will-- will do that. I'll do that. Hopefully, our Republican colleagues will do that as well and we'll find common cause to reach that objective.

BOB SCHIEFFER: All right. Steny Hoyer, always-- always enjoy having you with us.

REPRESENTATIVE STENY HOYER: Thanks, Bob.

BOB SCHIEFFER: Thanks for being here.

REPRESENTATIVE STENY HOYER: Good to be with you.

BOB SCHIEFFER: I'll be back in a moment with some final thoughts.

(ANNOUNCEMENTS)

BOB SCHIEFFER: Finally today, I met the Queen of England once. And I have to admit it was fun. We were invited to a garden party at the British Embassy and my wife wore a hat that measured about two feet across as did the other women. It was a bright sunlit afternoon, but the whole thing was sort of a cross between a costume party--"look at that hat. Wow. Where do you think she got that hat" and the Kentucky Derby, where big hat watching is also a featured attraction? The Queen shook hands as Prince Philip trailed along after her his hands clasped behind him. Did you ever see anyone but Prince Philip or Prince Charles walk with their hands clasped behind them? It must be part of the training. It was a nice afternoon, but I remember thinking later aren't we lucky that the people who founded this country saved us from all that? I mean, what if we had to pay for a royal family on top of our other financial problems? So excuse me, for not joining in all the celebrating when Prince William got engaged to his long-time girlfriend. I'm happy for the boy and the girl. They seem nice. But on my list of things that matter, they love life of British Royals falls somewhere between other people's golf scores and the recipe for airline food. I love the British people, but for the life of me I'll never understand why they keep these people on the payroll.

Back in a minute.

(ANNOUNCEMENTS)

BOB SCHIEFFER: And we'll see you next week right here on FACE THE NATION.