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**CBS News**

# **FACE THE NATION**

**Sunday, May 16, 2004**

**GUESTS: Senator LINDSEY GRAHAM, (R-SC)  
Armed Services Committee**

**Senator CARL LEVIN, (D-MI)  
Ranking Member  
Armed Services Committee**

**SEYMOUR HERSH  
The New Yorker Magazine**

**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, did the prison abuse scandal grow out of a secret plan approved by Secretary of Defense Rumsfeld? According to longtime investigative reporter Seymour Hersh of The New Yorker magazine, Defense Secretary Rumsfeld expanded a supersecret operation used to interrogate al-Qaida terrorists to the questioning of prisoners in Iraq. We'll talk to Sy Hersh this morning and also to the ranking Democrat on the Armed Services Committee, Senator Carl Levin, and a Republican member of the committee, Senator Lindsey Graham, who is also a Reserve officer of the Air Force Judge Advocate General Corps. Our 50th Anniversary Flashback is on the 50th anniversary of Brown vs. Board of Education. And I'll have a final word on leadership, or the lack of it, in the prison abuse scandal. But, first, who approved these interrogations, 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 good morning again.

With us now, Seymour Hersh, and joining us from Detroit, Michigan, Senator Carl Levin, from Clemson, South Carolina, Senator Lindsey Graham.

Sy, you say in the edition of The New Yorker that will be published tomorrow that Secretary of Defense Rumsfeld secretly approved a plan to use these harsh interrogation methods that we had been using on top al-Qaida terrorists on these prisoners being held in Iraq, many of which come under the classification of prisoners of war, which means that they come under the Geneva Convention. Explain to me what exactly was going on here and how did it come about?

Mr. SEYMOUR HERSH (The New Yorker): After the war in Afghanistan began, we began having trouble just bureaucratically, the Pentagon. We would get tips from around the world of potential al-Qaida terrorists and to send our team--Special Forces teams in--I'm talking in the months afterwards--into, let's say, Senegal or Sudan, the American ambassador wanted to know what they were doing. Other people wanted to know. You had to clear it. Rumsfeld is always an action guy, and he set up a separate unit, a--a special access program--it's very highly classified--inside the Pentagon of a--and they set up a whole compartment.

Guys were read into it from the--they recruited people from the--the Delta Force to SEALs, some CIA guys. Everybody worked under an alias. They were completely undercover and this was a team of bang guys. They could go across the border, no visas, no passports. They were brought covert means of communication, aircraft and other things were brought--were purchased through a separate secret facility in the Pentagon--that's a standard operating procedure, very classified.

He signed off on it. The s--the Deputy Wolfowitz had signed of it, the chairman of the Joint Chiefs. These guys were effective. They went around--so I understand. They had their own prison system. The--the second cut went to Guantanamo. The first cut they kept, and--and they would just go snatch people, get them turned over and get--generate a lot of intelligence. This was an ongoing operation that was going on until the summer, all the way.

SCHIEFFER: But then what happened? Then he decided to let that program work in Iraq on these prisoners at the Iraqi prison?

Mr. HERSH: After the UN blew up--remember last--last August, and after there was a

bombing at the Jordanian Embassy, and after we got very rattled, the insurgency was going. Do you remember there was a lot of talk about 5,000 guys in the insurgency? Rumsfeld was talking about dead enders, he was talking about Ba'athist members, Sunnis, who were very close to Saddam who we thought were r--a little small core. We thought there was a group--a finite group. We had to break them. And we weren't getting anything out of the interrogation set--process we had. The--it just wasn't generating the kind of intelligence we wanted.

So Rumsfeld and his deputy for intelligence, a guy named Steve Cambone, decided against the wishes of the community--here's a group of guys that are doing great, nobody knows about them--we don't have a smell about these guys--around the world, collecting top-flight information. Let's bring some units from this group, bring them into Baghdad, bring them into the prison system, read some of the people in the military intelligence system into the program--it's a very small program--clear them in, bring some of our people there under aliases. We've all heard these stories about a lot of mysterious guys in civilian clothes running around the prison. And the goal was to use a couple of very harsh means, one, sexual humiliation, another, a more physical force. That--and I'm not saying Rumsfeld authorized what we saw in the last few weeks, but he did authorize these guys to come into the prison system and jack it up, get better stuff.

SCHIEFFER: And so what happened was that these low-level enlisted men saw these people operating and got the idea that there were no rules. And--and explain, Sy, what is the difference in how we treat terrorists and how we treat prisoners of war, people in this--in this prison?

Mr. HERSH: Well, people we believe to be terrorists don't have any legal standing in--in the definitions we raised, non-combatant, and--and--and--and the people--potential al-Qaida, the people of Guantanamo are in a different legal status. We've--the--the administration's been very open about it: The Geneva rules do not apply. In--in Iraq in the prison system, at one point we had 40,000 people there and most of the people we picked up are picked up at roadside checks, randomly, we bust into a house and grab people. And by the--this wonderful report by General Taguba that we talked about in the last few weeks, in his own classified report, he said 60 percent of the people in the prison had nothing to do with anything, were our potential allies. The International Red Cross says 90 percent. So we sent this team of specialists to go after a group that wasn't necessarily refined or, you know, they weren't people that we had already made a dif--differentiation about.

I will say this. I'm told that one reason for going after this group is--and humiliating them with sexual stuff is you have blackmail--the photographs, a lot of them were--were posed, I'm told, to get photographs of these guys in a--in a naked--that's what so very much against in--in the Islamic world is you--you can't do that. And you could go in the--their neighborhood and show these photographs and you'd have a blackmail potential. Maybe you could get some of these innocent Ba'athists to go into the community and work for you. That was one of the ideas.

SCHIEFFER: Well--well, let--I--I think we ought to stress that the reason you abide by the Geneva Convention with prisoners of war is simply because you do not want the other side to have an excuse to use your prisoners of war i--if they are captured. And this, it seems to me, is what--what has gone wrong here. There seems to be no rules in that prison. Nobody knew who was in charge. Nobody knew who was--was commanding it. You had these very low-level enlisted men. Is it your belief that they were simply doing what they thought the intelligence people wanted them to do? Or do you think some of it they--they sort of invented themselves?

Mr. HERSH: Oh, absolutely. Young people told that three people roughly keep them up all night, abuse them sexually, they'll get creative, there's no question. And there were no grown-ups monitoring. This was, you know--I always consider the military to be a loco parentis of these people. You know, we have officers. Kids will do dumb things. I mean, kids--every kid does dumb things and you need officers to supervise them. I'll also tell you another reason you don't use coercion generally. A lot of experts will tell you this. You don't get good results. You don't get good results when people are terrified and they tell you what they think you want to hear. It's just bad across the board.

SCHIEFFER: Let me just tell what you what the Pentagon has said in response to the article. They--they have said `assertions apparently being made in the latest New Yorker article about the abuse of Iraqi dayte--detainees are outlandish, conspiratorial and filled with error and anonymous conjecture. The abuse evidence in the videos and photos and any similar abuse that may come to light in any of the ongoing half-dozen investigations into this matter has no basis in the sanctioned program.'

In other words, they just flatly deny it all.

Mr. HERSH: Well, they don't deny it. The segment is interesting because it doesn't deny there was a secret program that--that was brought in. They're not talking about it. But I'll tell you where this goes. We've had Secretary Rumsfeld and other high officials of the Pentagon testifying for about 10 days now before committees including, of course, the Senate Armed Services Committee. The ball is really thrown to them now. Are--are--are they going to insist--it seems to me Congress has to step up now and say, `Are we going to insist that we're going to get to the bottom of this?' Because I'll tell you something that's very clear. Two--two months after this program began by late October, the CIA, on advice of its counsel--and this is in the article--said, `We're out of here.' They didn't want to get out of the overriding big program because no matter how much competition there is between agencies, it was successful and they were contributing to it. I'm talking about the covert operation against al-Qaida and other terrorists. But they pulled their people out of the prisons.

SCHIEFFER: All right. Let--let's just do what you just said. Let's throw it to the Congress right now. Here's the ranking Democrat of the Armed Services Committee. Senator Levin, what do you make of these allegations and where does this go from here?

Senator CARL LEVIN (Democrat, Michigan; Ranking Member, Armed Services Committee): Well, it raises this issue a whole new level. You start at the bottom really with the few enlisted personnel that were actually carrying out the abuses that we saw pictures of. The next level would be the military intelligence folks that they were working with. According to General Taguba, they were in collaboration with them. And according to the testimony of the enlisted personnel, they were actually carrying out what the military intelligence folks expected them to do to soften up prisoners.

Then you got the whole civilian level, the folks that were told by the International Red Cross as early as January of '03, but again in March of '03, and this is--includes secretary of State, secretary of Defense, who were brought in to allegations, who were told about allegations of mishandling of these prisoners. Now it wasn't the same type of abuses that we saw pictures of, but nonetheless you've got the top secretaries in the Cabinet that were informed by the Red Cross directly that there were serious abuses going on in these prisons. That's sort of the third level and now you've got Seymour Hersh bringing this up to kind of a fourth level, if there--this is an accurate story, that Rumsfeld approved a program specifically which was authorizing significant abuses without getting into the details, because it is obvious that Rumsfeld would not know about anything specific in terms of sexual abuses in a prison. The question is whether there was this kind of a secret program, which authorized this additional

level of abuse in this very significant--if it were true, this--this now becomes a policy.

SCHIEFFER: Well, do you think, Senator Levin, that this is going to require a full-blown congressional investigation?

Sen. LEVIN: Oh, I think without any doubt. A full-blown investigation was required before this most recent article by Seymour Hersh, and I have assurance from Senator Warner that there is going to be--there are going to be extensive hearings with extensive numbers of witnesses called. He's already given that indication.

SCHIEFFER: All right.

Sen. LEVIN: And I have that assurance from the chairman of the Armed Services Committee, that there are gonna be these extensive hearings, and this just adds a very significant subject to what already exists.

SCHIEFFER: Senator Graham, what's your reaction?

Senator LINDSEY GRAHAM (Republican, South Carolina; Armed Services Committee): Yes, Bob?

SCHIEFFER: What's your reaction here?

Sen. GRAHAM: Well, the--the question is do we have an out-of-control prison or an out-of-control system? My reaction about the Congress' role in all this is that it's our job to look into these allegations, but what disturbs me about the tin--the tone that we've taken in Congress, before Secretary Rumsfeld ever testified, Bob, there were people sending e-mails out from Kerry's campaign saying he ought to resign. I think it says more about their motives than it does Secretary Rumsfeld. You've had Senator Kennedy say that this is a--prison's just under new management. That gets the blood boiling. You've had some people on our side say that they're outraged at the outrage. So what I would ask my colleagues to do is sort of slow down a bit and make sure we get it right.

Number one, this prison abuse scandal is important because it shows some aspects of our military out of control. We all want to win the war on terror, Bob, and the only way we'll ever win it is to have a well-ordered, well-disciplined military unit fighting for us. And what happened in that prison is a million miles away from that.

SCHIEFFER: Well...

Sen. GRAHAM: And we've got to have the moral high ground, too.

SCHIEFFER: Well, let me ask you this, Senator Graham. You were--you were in the Reserves. You were a member of the Judge Advocate General's Corps.

Sen. GRAHAM: Right.

SCHIEFFER: You were, while you were on active duty, a military prosecutor.

Sen. GRAHAM: Yes.

SCHIEFFER: Here we have a group of military JAGs, military lawyers, who became so concerned about this last year that they actually went to a civilian bar association and asked the lawyers there to intervene for them. Now that's extraordinary. Why do you think that

they had to do that? Were they afraid that they'd be rebuked if they tried to make their concerns known within the Pentagon?

Sen. GRAHAM: That's a great question. I want to know who they talked to, what their concerns were, why--who they talked to inside the Pentagon. The good news is that military lawyers take their job seriously. So I want to find out as much as anybody. But the group beyond the Congress that wants to get to the bottom of this are the men and women in the military, like professional JAGs, because what happened in that prison is a stain on their honor. One thing I found from these photos, Bob, this is not hazing, these are felony-type offenses. The abuse is real, it's serious, and the idea that a few rogue MPs directed all this, I think, is gonna be disproved by the photographs. 'Cause when you look at these photographs, you see military intelligence analysts, maybe interrogators, present at the abuse situations, and it's--present during the abuse sessions. So I've never believed this was just a few rogue MPs, but I'm not willing to indict everybody in the system until I have more evidence.

SCHIEFFER: Well, but don't some of the professional military officers up the chain of command--I mean, let's hold this below the secretary of Defense for--for this question--don't they share some of the responsibility? Somebody had to sign off on these plans. Did they not sign off on it? Were they told to be quiet and go sit in the corner?

Sen. GRAHAM: Well, here's what I think happened. What you see on these photos are not regulated. It's not lawful. It's not written down. It's unregulated, it's unwritten, it's unlawful. But I think some of it was planned. Did the atmosphere in that jail get so out of hand that people violated the rules on their own? Senator--excuse me--General Sanchez wrote down policies for interrogation. What you see in that prison is not about stress positions. What you see in that prison is sexual humiliation, physical violence that is very serious, that's not written down anywhere, and that's the question. How did it occur, who was behind it, and how far up do you go? But from the military aspect of how that prison was run, they'll be talking about this case 50 years now in terms of command leadership. The commanders in charge of that prison and the people running that prison, if that's not dereliction of duty, what would be?

SCHIEFFER: Let me go back to Senator Levin.

Senator Levin, one of the things we heard Secretary Rumsfeld say when he came before your committee, that this was all signed off on by Pentagon lawyers. But what the JAGs are telling us, what our sources are telling us is that the Pentagon made a concerted effort to go around the military officers and--and signed--and got only the civilian lawyers to sign off on this. Do you know anything about that?

Sen. LEVIN: No. We were told, though, at the hearing that the lawyers signed off on those interrogation techniques called rules of engagement for interrogation--an incredible title, because rules of engagement are supposed to be aimed at combat, not at interrogation. But right on that Department of Defense document, the headline, 'Interrogation Rules of Engagement,' is an indictment in and of itself. And in the rules that are allowed are inconsistent with the Geneva Convention, and as of yesterday or the day before have now been withdrawn. We have a massive failure here of military leadership and civilian leadership, and it seems to me the people who have paid the price are the citizens of this great nation and the military themselves.

SCHIEFFER: Sy Hersh, let me ask you, is it your understanding that the national security adviser, Condoleezza Rice, and the president were actually briefed on some aspects of this?

Mr. HERSH: On--on the classified aspects of moving them, yes, th--this would have been something briefed. But obviously I wasn't, you know, a fly on the wall. I-I am told that Rumsfeld did get authority for this from Condoleezza Rice, and al--setting up the original program and also from the president. That doesn't mean necessarily they were kept up and informed.

Let me just say this, though, to the senators, which is I-I--believe me, I know our military is full of really dedicated people, and they can be very rough when they have to be. But the kind of stuff that's gone on in this prison and in--and in--and with this program has really offended some very senior people. And you guys have a great staff, both the majority and minority. You've got a lot of professional people there. If you convene a serious is--hearing and I assure you some senior officers will come and--if you give them enough protection, and tell you things that will really knock your socks off. So go for it.

SCHIEFFER: Senator Graham, at this point, what concerns you most about this?

Sen. GRAHAM: I want to make sure the culture stays so that people who are investigating this can go where it takes them. I want to make sure that every defense counsel defending somebody knows they can do it vigorously. That's what we want. Every prosecutor will turn over the rocks and make sure we find people beyond the privates and sergeants. What concerns me the most about this is that we need to learn. And what will we learn from this prison abuse scandal?

Number one, we didn't have enough people in place, they were poorly trained and it just failed. That prison failed. We need to get to the bottom of it to make sure we don't let a military unit ever get out of that cont--ou--so out of control again, and we show the world that we're different, that we lead by example, that we walk the walk, we're the good guys. But we've got to live up to the burden of being the good guys. Fix the military problem, get to the bottom of what happened in the Pentagon, and do it without so much partisanship.

SCHIEFFER: Senator Levin, I'll give you a very short final word.

Sen. LEVIN: I think there's been a lack of accountability up the chain. All the focus has been on the few at the bottom that we've seen pictures of. It goes way further up than that, both on the--the military and the civilian side, and it seems to me the people who were abused in our nation and the people in our military, mo--almost all of whom are very good people, deserve better than they got from the leadership of this nation.

SCHIEFFER: All right. Thank you, all of you.

We'll be back in a moment with another FACE THE NATION 50th anniversary Flashback.

(Announcements)

SCHIEFFER: Fifty years ago this month, May 17th, 1954, the Supreme Court decided *Brown vs. Board of Education* and declared school segregation unconstitutional. For civil rights leaders, the battle was just beginning. That's this week's FACE THE NATION 50th anniversary Flashback.

Four years after the decision, Roy Wilkins, head of the National Association for the Advancement of Colored People, became the first African-American to appear on FACE THE NATION. Many school systems were integrating one grade at a time, which meant some wouldn't full integrate for another 10 years.

Protesters: (From vintage footage) Two, four, six, eight, we don't want to integrate. Two, four, six, eight, we don't want to integrate.

SCHIEFFER: School desegregation was stalled and Wilkins wanted action.

(Excerpt from FACE THE NATION, September 7, 1958)

Unidentified Man: Why this--this great haste on your part? Why can't you wait till 1969?

Mr. ROY WILKINS (NAACP): Because it's too long, because there are two million Negro children, each one of which at the end of each segregated school year is being denied an opportunity to prepare properly for life.

(End of excerpt)

SCHIEFFER: The struggle for equality continued, but 50 years later, the court's decision stands as one of the most influential of the 20th century. Another FACE THE NATION 50th anniversary Flashback.

And I'll be back with a final word.

(Announcements)

SCHIEFFER: When I saw those pictures in the Iraq prison, I kept asking myself what could have been going through the guards' minds? But the more I think about it, the more I wonder, what was going through the minds of the people who sent them there? The way these prisons were being run violated every tenet of military doctrine: no chain of command, no clear understanding of who was in charge, what the rules were or even what the mission was. That is a recipe for disaster. Is it one more bad result from sending a force to Iraq that was too small to maintain order once it got there? Whatever it was, no professional military officer should have signed off on it. Did the military give bad advice on this or go along with a bad plan because officers feared retribution?

If Seymour Hersh's reporting is correct it was the Pentagon's top civilian leaders who came up with the controversial and more aggressive interrogation procedures, a plan designed to camouflage just who was in charge. That could explain a lot. Not many of the Pentagon's military people even knew about this, but those who did should have known better. Did they question it? Did anyone threaten to quit? We know that a group of ranking military officers were so concerned they went to a civilian bar association and the lawyers there and urged them to intervene. Why take that action? Were they afraid to speak out to their superiors in the civilian ranks? What kind of leadership creates that kind of atmosphere? That is the larger question and we are nowhere close to having an answer.

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