

**CENTER FOR
STRATEGIC AND INTERNATIONAL STUDIES (CSIS)
CSIS-BOB SCHIEFFER SCHOOL OF JOURNALISM DIALOGUE:
ASSESSING THE TERRORIST THREAT**

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JOHN HAMRE: Good afternoon, everybody. Welcome, we're delighted that you're all here; this is going to be a really interesting afternoon. Thank you for coming. This is the first here in this year for the Schieffer Series, something we're very, very proud to co-host with the Schieffer School of Journalism at TCU. And of course, it's named after Bob Schieffer who has been so generous with his time to highlight this very good series for all of us. And we're all richer for it. And I would just like to say, thank you, to Bob again for this very, very fine experience for us.

Welcome back to Dan Benjamin. Dan was here at CSIS; I'd forgotten it was 6 years. He said it was 6 years, two books, and two babies. (Laughter.) I don't know how all that worked out but it worked out very well; he's got a wonderful family and we're just very glad that he's even willing to serve back in the government.

I just would like to say a word of thanks to Greg Ward and to our very good friends at UTC that make it possible for us to hold this series and to present it for all of you. They're doing this as part of their leadership in Washington to create a better and more informed society. So we're going to have a very good session.

Bob, thank you again for this, and let me turn it over to you to get us started for real. Thanks.

BOB SCHIEFFER: Thank you very much. Thank you, Dr. Hamre. I would also like to announce that the director of the Schieffer School, John Lumpkin, is with us here today with his wife Eileen; he's right on the front row. (Applause.)

Well, I think if the events of the past weeks have shown us anything, it is that no matter what kind of a campaign, no matter what plans people come to the Oval Office with, no one can control the agenda – not even the occupant of the most powerful office in the world. So many times, events control the agenda. And we have certainly seen that with the arrest of the bomber in Detroit; the other news that's come since then.

We have a very fine panel. Dan Benjamin, who was here at CSIS, as Dr. Hamre said, was sworn in as coordinator of counterterrorism at the Department of State with the rank of ambassador in May of last year. Prior to his appointment, senior fellow at Brookings; then, the 6 years before that, he was here at CSIS.

In 1994-99, served on the National Security Council staff, director of counterterrorism in the Office of Transnational Threats; '94-'97, served as foreign policy speechwriter, special assistant to President Clinton.

Before entering the government, he was a foreign correspondent for TIME magazine and The Wall Street Journal; has co-written two books, “The Age of Sacred Terror” and “The Next Attack: The Failure of the War on Terror and a Strategy for Getting it Right.”

Arnaud de Borchgrave, of course, will be very well known to everyone in this room. He, at the age of 21 – how long ago was that? (Laughter) – he was appointed the Brussels bureau chief of UPI; three years later, Newsweek’s bureau chief in Paris; at 27, became senior editor of the magazine, a position he held for 25 years. He was editor-in-chief of the Washington Times beginning in 1985. He later served as president and CEO of UPI from ’99 to 2001. He has won numerous awards, including “best magazine reporting from abroad,” “best magazine interpretation of foreign affairs,” and here at CSIS he has authored and co-authored numerous articles.

Jan Crawford, as we welcome home to CBS News as of January of this year; she is a recognized authority on the Supreme Court. Her 2007 book, “Supreme Conflict: The Inside Story of the Struggle for Control of the Supreme Court,” was a New York Times bestseller.

She began covering the court in 1994 for the Chicago Tribune, went on to become a law and political correspondent for ABC News after they stole her away from CBS, where she was appearing often on “Face the Nation” and as a consultant on legal matters for us; she is back now.

She has reported on most of the major judicial appointments and confirmation hearings in the past 15 years. Her reports on the Bush Administration’s legal war on terror, and her reports on interrogation techniques, have been credited for being the catalyst for congressional hearings. Jan was the one who first reported that members of the Bush administration Cabinet were meeting in the White House and deciding on interrogation techniques.

She began her journalistic career at the Chicago Tribune in 1987. She then went to the University of Chicago Law School. But before that, she graduated from the University of Alabama.

JAN CRAWFORD: And “Roll Tide,” I’d just like to say. (Laughter.)

MR. SCHIEFFER: Which – who had a pretty good year.

MS. CRAWFORD: Yeah, well, and next year, just wait. (Chuckles.)

MR. SCHIEFFER: Next year they might have to play TCU. (Laughter, applause.)

Let’s start with you, Ambassador. We just had the voice, or what was purported to be the voice, of Osama bin Laden, warning us that he was really proud of the Detroit bomber and telling us there may be more. I guess, number one, the basic question: Do we think that was Osama bin Laden?

AMB. DANIEL BENJAMIN: I don't think there's been an official confirmation from the intelligence community but I think everyone's going on the assumption that it probably was. It sounded like him; familiar themes.

MR. SCHIEFFER: What do we make of it?

AMB. BENJAMIN: Well, all we have is this long paragraph, this one squib. And it's interesting – it's characteristic of bin Laden insofar as he is attaching himself to the actions of others, showing his relevance again, or at least aspiring to show his relevance.

I think it's an interesting development insofar as you see bin Laden, like al-Qaida in the Arabian Peninsula, doing something that we haven't seen before – at least I can't remember another time – in which they were treating as a success something that didn't explode, which I think is an indication of some weakness, actually.

Additionally, the themes of this brief communication that we have are interesting because bin Laden, of course, has attached himself to the struggles of the Palestinians for a long time, and the entire paragraph, really, is about the Palestinians. And he is, you know, doing this again. And all the older al-Qaida themes have fallen away – about U.S. presence in the Middle East, for example. And there's this discussion as though the United States could spare itself attacks in the future by separating itself from Israel.

Now, this is a way to play to the audience, because he knows that this is a very big issue for large segments of the Muslim world. But I don't remember him ever suggesting that we would improve our own situation by doing something else. I mean, in the past, we were always sort of the genetic enemy. So I think that that is interesting.

And of course the final thing to say is that it's interesting he keeps harping on the Palestinian theme, since the Palestinians don't want to have anything to do with him. If you follow these things, you know that bin Laden and – or, more correctly, Ayman al-Zawahiri, his number two, and Hamas, have had a running battle on the airwaves and in print for years and years that really reminds you of some of the early sectarian battles between early Communist groupings. You know, very, very vitriolic. There is no one in the Palestinian world who wants to be associated with bin Laden; they think he's bad news and a dead end for them. So it's interesting that they continue to try to portray themselves as the champion.

MR. SCHIEFFER: Arnaud, you have been following these issues for a long, long time. How do you sort of assess the threat of terrorism? What is it that we ought to be most worried about?

ARNAUD DE BORCHGRAVE: I think what we have to be most worried about is what happens on the Internet, where they have created a sort of global caliphate for these young, radicalized kids of Muslim families. Whether it's in the outskirts of Paris or the outskirts of Denver, some of them get very excited tuning in to what they believe to be a larger, global affiliation. And it has radicalized quite a few people, including Maj. Hassan.

And what was fascinating about the Maj. Hassan case at Fort Hood is that he had clearly indicated that he was attracted by militancy in the Muslim world, and yet in the Army report, there is no mention of that, and no mention of the fact that his business card says, "Soldier of Allah" – which seems to be would be one of the first things you would put in a report trying to figure out what this guy's all about. But this is how I see the biggest threat today, as through cyberspace.

Also, I think that we should remember about Osama bin Laden is that he's convinced that he brought down the Soviet empire. Because from the day the last Soviet soldier left Afghanistan on February 15, 1989, until the Berlin Wall fell, was only nine months. And he's convinced that what he did during the war against the Soviet occupation of Afghanistan was largely the work of the mujahidin that he had recruited from a variety of Arab countries.

MR. SCHIEFFER: Jan, you watched the legal side of all of this. It appears, apparently, from what we learned in hearings last week on the Hill, that some people in the government were unaware that this man – the Detroit bomber – was going to be charged in a civilian court; and yes he was. You had Denny Blair, the director of national intelligence, saying, well they should have put him in the charge of this new committee – what's it called, the Committee of –

MS. CRAWFORD: – High-Value Interrogation.

MR. SCHIEFFER: When in fact there is no such thing, as the –

MS. CRAWFORD: He had to later correct that.

MR. SCHIEFFER: Which was sort of a confidence-builder in itself. (Laughter.) What's going on here?

MS. CRAWFORD: Well, I mean, as I'm sure that most of you saw, I mean, lawmakers, I think, on both sides were somewhat stunned when Dennis Blair testified that no one had been consulted about whether or not he was going to be charged, read his Miranda Rights, and you know, we would all assume that there was a plan in place. But in fact, Blair was not consulted; Leiter wasn't consulted; Napolitano wasn't consulted, and even Mueller wasn't consulted.

Now, granted, this all happened very quickly. He was interviewed by agents for 50 minutes as he was going into surgery for some very unfortunate burns that he had.

MR. SCHIEFFER: Do we know what – (Laughter).

MS. CRAWFORD: We can just pause there for a moment. But then a decision was made after consulting with headquarters there in Detroit and here at Justice to Mirandize him. So he then was able to get a lawyer, and he stopped talking. So they got about 50 minutes of questioning, it's been reported, out of this attempted bomber. And obviously now that's what everyone is –

MR. SCHIEFFER: Have we figured out where in the government – who gave the order to take him into this civilian court yet?

MS. CRAWFORD: No, and in fact, Republican lawmakers have now all, of course, signed a letter asking for that question to be answered: Who made this decision? Of course, a number of people have pointed the finger at the attorney-general, Eric Holder, who has already made a number of somewhat unpopular decisions, I think, in this legal war on terror. But we don't know yet who kind of gave the final say, although the finger's already – the blame game is already starting, and the attorney-general is kind of the one who is now in the crosshairs on that.

But, at any rate, I mean, obviously the question is how we proceed with terrorist suspects. And as Blair said in his testimony, he believes that this should have been handled initially by this High-Value Interrogation Group that had been set up for this very purpose, but that it was only organized for incidents that arose overseas. But then, of course, he later had to come back and say, well, it wasn't quite operational at all.

So that's something that's going on now in the White House as part of this broader review of whether or not that was, in fact, the right decision – whether or not Abdulmutallab should have been, of course, read his rights and put in the criminal process, just like, you know, some drug dealer who shoots somebody on the street corner.

Clearly, the shelf-life for his information is very short. And you can say that it would be fine and, you know, we can get a plea deal, and we'll be able to talk to him over a period of months. But I think someone – and you may want to address this – but someone in his position, kind of sent out as a soldier, as it may, that intelligence that he has, has a very short shelf-life. And there is much that can be learned from him, but it could be entirely different in three months.

MR. SCHIEFFER: Ambassador, would you like to just comment on that on kind of how this was handled?

AMB. BENJAMIN: No. (Laughter.)

MS. CRAWFORD: Before we go on, though, I want to ask – I've got a question.

AMB. BENJAMIN: I mean, to be fair, you know, one of those things that happens to you when you leave think tanks and you go into government is you learn to say, you know, I'm going to defer that to the Justice Department. And one of the great things about working for the State Department is that we tend not to muck around in domestic affairs. So, I think I will forebear any comment on that.

MS. CRAWFORD: Alright, well, before we get too far down this road, could we go back to this tape because I want to – I think one thing, you know, we saw this tape from Osama bin Laden taking credit for this attempted bombing. And, you know, you said you think that it means that, you know, maybe, they're weakened.

But I mean, isn't there another way? You could also say it shows how closely that they are monitoring us. And they saw that this caused enormous distress here in our government and created a great crisis of confidence among our citizens.

So because of their close monitoring of our situation, they decide to, in fact, take credit for something that really was a failure, as you said – a mope with a bomb in his underwear that didn't go off.

And while, yes, it shows, I think you could say, certainly that, you know, obviously 9/11 was this incredible sophisticated attack that, really, exceeded anyone's imagination. And so they haven't been able to repeat that, and so now they're taking credit for some, you know, mope with a bomb in his underwear that didn't work.

But then we saw this report yesterday by a senior former CIA official that al-Qaida is very patient and they're assembling weapons of mass destruction and they're prepared to – that's why we haven't seen some of these attacks – and that that threat remains very grave and very real. And the probability, in another report yesterday, is that it's more likely than not that we will see that kind of attack somewhere in the world soon.

MR. SCHIEFFER: Let the ambassador, and then, Arnaud, if you want to respond.

AMB. BENJAMIN: To your point about "they read us carefully" – that's undoubtedly true. And I think it's still valid to say that they've been reading us closely all along and in the past, they probably wouldn't have taken credit for something that didn't blow up. But it is certainly true that they read us very closely.

And I always – when I worked here, for example – used to cite the best example of this as being a letter that was found on the computer, I believe, of Ayman al-Zawahiri in Afghanistan in which he thanked the United States for showing the mujahedin just how important biological weapons were because they wouldn't have thought about them otherwise.

So they do read us very closely and they obviously have the advantage of asymmetry and the advantages that go with being able to read the responses of an open society to all these sorts of developments.

Now, it is also true that it's a group that has historically had a lot of patience. I mean, I don't think that is news; I do think that, you know, they're under enormous pressure, particularly in the Afghanistan-Pakistan border region, so we certainly hope that their patience is not repaid. But they have been patient, they have a long history of aspiring to use weapons of mass destruction and we know that this is still on their minds. And obviously, this is the highest threat, the most potent threat we worry about. And we spend an awful lot of time working on this every day, so there's no question that we still take them very, very seriously and recognize what their ambitions are.

MR. SCHIEFFER: Arnaud?

MR. DE BORCHGRAVE: I'd go back to what the ambassador was saying about Palestine, and Osama bin Laden's most recent message because everywhere you go – all the travels I've been in the Middle East and Pakistan and Afghanistan – it is still central. A lot of people pooh-poohed this for many years – they've just used it as a pretext – but it's not. You go to the madrasahs in Pakistan, Israel is always mentioned right after the United States. And India, they're number three.

So I think it's going to be very, very long, but what I would agree with the ambassador completely is that they have taken some very bad hits. And I didn't think that the Nigerian trying to blow up the plane and being wrestled to the floor by a fellow passenger was an example of the kind of stuff that is coming down the pike. There'll be far bigger things. As you may recall, in Kabul when it was liberated, all sorts of things were found in the safe houses – the al-Qaida safe houses – little sketches of dirty bombs, and, when I –

MS. CRAWFORD: Anthrax, I think.

MR. DE BORCHGREVE: Anthrax. And when I was in Kandahar three months before 9/11 to interview Mullah Omar, which is still the only interview he's ever given, there were three Pakistani nuclear scientists staying in the same guest house as we were, my Pakistani team and I. And when we asked them what they were doing there, they sort of smiled and they said, we're here on agricultural projects. And there hadn't been a drop of rain there for 3 years.

MR. SCHIEFFER: How can it be that – you mentioned Maj. Hassan – that we can have a situation where someone is posting inflammatory rhetoric on the Internet, and somehow or another – and as best I can find out – no investigator from any investigative agency in the government ever asked Maj. Hassan, "Are you the Hassan who's writing all this stuff on the Internet?" Is that – what is –

MR. DE BORCHGREVE: That's political correctness, and I think –

MR. SCHIEFFER: You think that's what it is?

MR. DE BORCHGREVE: Absolutely, and it's visible all over Europe. You have, say, on the Antwerp city council in Belgium, there's a naturalized Moroccan citizen who spouts the straight al-Qaida line on many issues. And yet he's a Belgian citizen and a member of the municipal council of Antwerp. They can't touch him. And nobody wants to denounce him because they're afraid of antagonizing the Muslim communities in Belgium.

MR. SCHIEFFER: Are we going to have to change our ways, Ambassador?

AMB. BENJAMIN: Which ways are you thinking of? I mean, I think that –

MR. SCHIEFFER: Well, I mean –

AMB. BENJAMIN: One of the things that we've found is –

MR. SCHIEFFER: Maybe, perhaps, ask people if they were the ones who wrote something that's on the Internet.

AMB. BENJAMIN: Well, I think that the secretary of defense has indicated that there were clearly failures in this particular case. And I think one of the things that we have found out very powerfully in the last month is that this continues to be a dynamic and evolving threat; that we will continue to see foot soldiers coming from different corners and wearing different guises; and that we know, for example, that our enemies are very eager to find people who, you know, don't like what we think they should look like.

So in that regard, yes, we are going to have to change our ways. We are going to have to always maintain our intellectual edge, our technological edge. We're going to always have to be improving our tradecraft when it comes to intelligence.

All of these requirements suggest that we're going to be in a footrace for a long time, and I don't think anyone in government thinks otherwise. We were fortunate this time in that we, you know, had our shortcomings illuminated for us, and now we can correct them.

MR. SCHIEFFER: Jan, do you – let me just ask you this question – do you think, I mean, just from a legal standpoint because now we're seeing not just Republican lawmakers, but some, some Democrats are saying, maybe we ought to rethink this thing of charging him in a civilian court. Can they undo that and put him before a military tribunal?

MS. CRAWFORD: Well, you've seen some people already say, we need to get him back out and get him back in. And that's what, now, you're going to start – I don't see any movement in the administration to do that. I mean, I think they've taken this course and they're going to stay on this course, and they're still, at least, today, saying that it was the right course, and they've gotten valuable intelligence. But they're going to review that decision in the event, you know, God forbid, that that ever happens again.

But, I think that as we talk about all these issues, particularly even from a legal standpoint, and, obviously, as the Obama administration is now moving forward, it's a footrace, but in many ways, it's a marathon that we're in. And we're in a marathon against an enemy, you know – in America, I think, we – 9/11 was a long time ago. You know, that – we've moved on. We've forgotten about that. And, you know – but we're up against an enemy that is still thinking about the 13th century. And, so, when we're in this marathon, I think we have to be acutely aware that 9 years isn't all that long. And when you think about patience and determination, I think that's what we're up against.

And now we have a new administration that is starting to evaluate the policies of the old, and acutely aware of this rub – and you're going to see this in every terror program – and you already have; some have been abandoned, some have been preserved – this real rub between civil liberties. You alluded to, kind of, the political correctness, civil liberties, assuring your base that you fired up during the campaign that you were going to take an entirely different approach than the evil Bush administration, versus, assuring the American public that you understand the grave

threat, the determined enemy and the real, dire consequences that we could face as a nation and a world if we don't take this threat seriously.

So when we talk about, I think, all of these terror programs, that's kind of overarching. A foundation has to be kept in mind that the president now is really looking at this and trying to grapple with these two very competing interests: civil liberties and, again, reassuring the American public and doing everything he can to keep the American public safe.

And I think the Christmas Day attempted bombing was in many ways a turning point for this administration. I think this last year we've seen a lot of programs where – I don't want to tread on your territory here – but where if you think about it as a tug between State – the State Department and kind of looking at how we're viewed in the world, and preserving our image in the world, State won a lot of those arguments last year. I think you're going to see Defense start to take a more vigorous approach and start winning out going forward.

Now, when Obama – I don't want to filibuster anyone, just going on, sorry –

MR. SCHIEFFER: Go ahead.

MS. CRAWFORD: My – you know, give me the microphone, I'll just, start – as my ex will say. But, you know, the president and, I think what we see when we look back is he has, in fact, preserved many of Bush's – President Bush's – programs. And I think that surprised a lot of former Bush administration officials. So you know, when you look at –

MR. SCHIEFFER: A lot of second-term programs.

MS. CRAWFORD: Right, right. That's right.

MR. SCHIEFFER: I think of it as a political reporter – Barack Obama in many ways ran against the first-term Bush but adopted many of the second-term Bush's programs, especially on combating terror.

MS. CRAWFORD: That's causing him some problems now because if you think back to a lot of the rhetoric that he used in the campaign and the way he was going to completely repudiate the evil ways of George Bush, in many ways he was talking about policies that George Bush himself had already abandoned because of the Supreme Court decisions or because of, you know, a few years after September 11th, he was re-evaluating them.

But the rhetoric of the campaign, and what I think the base still believes, is that we're looking at George Bush in 2002, and that's what Obama in many ways was running against. So now that he's in the White House, and lo and behold, he's keeping some of these programs; he's going to allow indefinite detention; you know, we haven't closed Guantanamo, you're starting to see this uprising from people on the left and the base that he, really, you know, is not doing what he said he would.

MR. SCHIEFFER: Let me just pick up – oh, go ahead.

AMB. BENJAMIN: Well, I would disagree a bit with that. The president is completely committed to closing Guantanamo. We have found that it is a lot more difficult to do than we thought on January 20th.

MS. CRAWFORD: But, I mean, George Bush wanted to close Guantanamo, though.

AMB. BENJAMIN: But, you know, there wasn't a lot done in those days to actually close it. They took some out and filled it back up. So I do think that there is a pretty distinct difference. There was also an executive order immediately banning so-called enhanced interrogation. There have been a lot of different things that we have done that are quite different.

And what – you know, you describe the tension – the political tension – but I think you have to add one more dimension and that is that – you described it as our image in the world – it's not really just a matter of our image in the world.

One of the things that I think the president has brought to this issue is a constant focus on the question of radicalization: What are we doing as we confront terrorists to ensure that, if we take one off the street, we're not creating ten more? And I think that was really at the heart of the critique of the Bush counterterrorism program. And I think that this is something that has remained a constant, and that we continue to try to elaborate on and figure how we can do this job better.

We know that we're not going to see an overnight cessation to radicalization or create the environment in which radicalization is vastly more difficult because a lot of the dynamics that created this threat have been decades in making.

MR. SCHIEFFER: But, Mr. Ambassador, you would agree that they're not going to be able to close Guantanamo for a long time? I mean, and when you do close it, you're just going to have to move the people that are there to some place else, and to another prison. And so far, the Congress won't give him the money to do that. So I think we're going to – it's going to remain open for a while.

MR. DE BORCHGREVE: Bob, it seems to me that we haven't – (cross talk) – okay – we haven't really focused on how many of these people are running around the world determined to do great evil to the United States. All the moderate heads of state I talk to, from Algeria to Jordan, Saudi Arabia, Pakistan, they all say that the total number of real extremists in their society is about 1 percent. And then you ask them how many fundamentalists they have; they say about 10 percent. Well, you extrapolate that on a global scale, that gives you 130 million people who approve of the actions of 13 million. And that means we're going to be up against them for long, long years to come. Do you agree?

AMB. BENJAMIN: Thirteen million is not an accurate reflection of the number who are actually committing violence. Let's stipulate that, so –

MR. DE BORCHGREVE: No, but these who would like to commit acts of violence.

AMB. BENJAMIN: Yeah, I think that that's an overstatement of the actual numbers.

MR. DE BORCHGREVE: But you think that –

AMB. BENJAMIN: I don't know exactly what day Guantanamo's going to be closed on, but I know that this president is absolutely committed to closing it down. And, we'll do so at the earliest possible moment.

MR. DE BORCHGREVE: If you take the number of youngsters – young boys, graduating from the madrasahs in Pakistan, you come up with millions of people since 9/11 who have been taught that America is enemy number one – they are totally brainwashed – of course, they learned the Quran by heart. But they also learned how to hate the United States. And by the end of those ten years, they're quite willing to sign up for anything.

AMB. BENJAMIN: Well, I'm not disputing that there are an awful lot of people who've been inculcated with a particularly potent kind of hatred. Very few of those are ever going to have the cultural skills necessary to go somewhere that could really damage the United States, and many of them may have the hatred but don't have the actual – the kick to go and actually commit violence. There is a big difference between intense hatred and actually being able to take up weapons.

MR. SCHIEFFER: You know, I would just, kind of, put a bookend on this discussion of Guantanamo, and then we will go to some questions, so everybody who wants to ask a question, come up to the microphone.

It seems to me that one of the lessons I always talk to young reporters about is, when you're doing an interview, it's not the first question you ask that's important. It's the follow-up question, which always comes from whatever the person says in response to the first question. And during this presidential campaign, since John McCain and Barack Obama both said, we want to close Guantanamo, we all – and I take as much responsibility, because I interviewed them both many times during the campaign – we all forgot the follow-up question: How are you going to do that? And now we see, when you don't ask that follow-up question, what kind of happens, because, I think we still don't know how – with all respect to you, Mr. Ambassador – I think nobody knows what to do with these people at this point would be my thought on it.

Are we ready for some questions? Okay, right here.

Q: Thank you. Raghbir Goyal for India Globe and Asia Today. Great panel. My question is that this week President Obama completed his one year in office, and also tomorrow is the State of the Union. What do we get – how many points do you give him for one year, and as far as terrorism is concerned, and other problems going on around the globe? (Cross talk.)

AMB. BENJAMIN: That doesn't sound like it was directed at me. (Laughter.)

MR. DE BORCHGREVE: Well, I would say the magic is gone, the bloom is off the rose, and our allies are very disappointed at what has not happened so far. You hear that everywhere, including many of my moderate Republican friends who voted for President Obama; they're very disappointed at how little progress has been made. And they all seem to say he's taken on too much. He should not have taken on health care to begin with; he could have left that to the end of his term, and then campaigned on health – but, he obviously was trying to do too much in too little time.

MR. SCHIEFFER: I would just capsule it by saying, I do believe in retrospect – and it's always easy in retrospect – I think he probably tried to bite off more than the country could digest at one time. But I think, you know, he launched some very noble initiatives and, I think if we had to give him a grade at this point, it would simply be incomplete. Jan?

MS. CRAWFORD: Well, I think too, if you look at what the American people think, in the most recent polling on natural security issues he's starting to lose the confidence of the American people. The polling on some of these issues, whether it's Guantanamo, interrogations, the public is starting to shift and think, you know, more overwhelmingly – we should not close Guantanamo, much more support of aggressive interrogations – and that we should not have stopped or ending these advance interrogation techniques. So he has, I think, an appearance problem, at the very least, with the American people, on some of these issues. And the immediate response to the Christmas Day bombing attempt, I don't think, gave Americans a lot of comfort.

MR. SCHIEFFER: Would you like to say something, Ambassador?

AMB. BENJAMIN: I would just say that it's a really good thing that national security policy and the rule of law are not dictated by spot polls because that's how we do really, really bad things.

I think it's vitally important that we keep in mind what our values are. One of the problems we have faced in dealing with this threat and in dealing with our friends around the world is that we didn't navigate by our values. I think, at the end of the day, the president will be seen to have made the right decisions on Guantanamo, on enhanced interrogations, and on a variety of other issues related to this. You know, the framers of the Constitution were quite insistent that some things be beyond the issue of popular consent on a day-to-day basis and I'm personally quite grateful. (Chuckles.)

MS. CRAWFORD: And that is no question. But I think the problem when you start losing the support of the people is that when you have to get Congress involved to put a new prison in Illinois and give you money to bring detainees from Guantanamo, it makes it much more difficult. And if you don't care about that at the end of the day, you're starting to sound an awful lot like George Bush who was criticized enormously for just saying, I don't care about polls and this is the right thing to do and I don't need to consult Congress.

AMB. BENJAMIN: Well, first of all, this president has consulted Congress on numerous issues all along the way. I would also question the characterization that he's losing support. If

you look at the polls in historical context, he's in the upper half by any measure, compared to where lots of other presidents were after the 1-year mark, so I think that it's premature to make these kinds of judgments.

MR. SCHIEFFER: Question?

MICHAEL MARSHALL: Michael Marshall, UPI. Question about Yemen. The Christmas bomber was very probably, almost certainly, radicalized in Yemen and quite possibly trained there as well. So now there's a great deal of focus in the U.S. on what measures we can take to counter al-Qaida in Yemen, pressure on the Yemeni government to take more action even though that government has very limited control over much of the country.

Do you think with the pressure rising from the experience of this bomber, we are likely to go into Yemen in a way that makes things worse or will we actually get it right? And what will getting it right mean in the Yemeni context?

MR. SCHIEFFER: Let's let the ambassador take that, and then Arnaud, I'd like to get your thoughts on that.

AMB. BENJAMIN: Well, I'm grateful for the question. A lot more – much more my home turf than the polls. (Laughter.) Yemen obviously has – al-Qaida in the Arabian Peninsula has obviously come up a notch in terms of our threat perception and that is due to the fact that they demonstrated a desire and at least a good deal of the capability to carry out an attack against the U.S. at home and that changes matters.

That's clearly not a good-news story, but the other side of the story is that this administration came into office and quickly saw that the deterioration of the security situation as well as the deterioration of key socioeconomic indicators in Yemen required that we change paths. And there was a policy review that began in March that was concluded this fall and that indicated that we needed a new policy towards Yemen.

It is focused on two efforts: one is strengthening the Yemenis to take on the threats within their borders, particularly al-Qaida in the Arabian Peninsula, but also creating the conditions in which this country can strengthen its government, strengthen its governance in different parts of the country where it has not been strong and deal with some of the really critical economic issues that afflict, I think, the 166th wealthiest nation on earth.

And the other good news piece of this is that after being distracted by other issues within Yemen for many, many years, the government decided that it needed to take a decisive step against al-Qaida in the Arabian Peninsula and that turn came in part because of the really consistent engagement of senior administration officials, including John Brennan from the White House, Gen. Petraeus, my colleague Jeff Feltman at the State Department and many others.

And so they have been going after al-Qaida, the Yemenis have been going after al-Qaida, with a great deal of resolve since December and we are hopeful that that will continue to be the

case. We are also encouraged that the international community has recognized what a serious issue Yemen is and that's being discussed at the conference in London tomorrow.

MR. DE BORCHGRAVE: Jim Jones, when he was a NATO supreme commander five years ago took me on a trip to Africa, mostly Muslim countries, and we stopped in Djibouti which is now a U.S. base. Used to be called Camp Lemonier; it's called Camp Lemonade because they can't pronounce it in French. (Laughter.)

And it's a former Foreign Legion base. We have almost 2,000 Marines there and they are very well-informed on what's happening in Yemen and this was five years ago and there was plenty of action already taking place. So I can't conceive of another operation the size of Afghanistan taking place in the Arabian Peninsula.

AMB. BENJAMIN: And as the president and the chairman of the Joint Chiefs have said, we have no intention of putting boots on the ground.

MR. DE BORCHGRAVE: Right.

MR. SCHIEFFER: Yes?

SUSZANNE SPAULDING: I'd like to go back to the discussion – I'm Suzanne Spaulding with Bingham-McCutchen and I would like to go back to the discussion about the handling of Abdulmutallab, the Christmas Day bomber attempt – attempted bomber. Even if you accept the premise, which I think is very constitutional questionable, suspect, that we could see someone in the United States and throw them into military detention, isn't it true that the concern about getting a lawyer would still apply?

That, Jan, wasn't it Judge McCassey who said that in a habeas petition, for example, that those suspected terrorists get access to an attorney? And the Congress in the Military Commissions Act also said in the, you know, military commissions, you get to have a lawyer. So the concern about being lawyered up would not be addressed by that. And then Dan, isn't there a cost to that policy of treating suspected terrorists as combatants in terms of the point you made about perhaps locking one up and creating 10 more?

MR. SCHIEFFER: Jan?

MS. CRAWFORD: Well, definitely it's true that he would be entitled to a civilian lawyer through the military system if that's how he was tagged. But I think it's no question that that would have been an entirely different type of interrogation that would have been allowed had he gone into that system. And there is precedent for that. I mean, Padilla, for example, was held in a military capacity for about a month before he was then turned over to the, you know, regular kind of civilian court.

And I think that why this is such an urgent issue for the Obama administration and why the Obama administration is actually internally now trying to weigh whether they did make the right decision and would do that again going forward is because there is such valuable

intelligence that could be lost. And while these were very able FBI interrogators operating out of that Detroit office, the ability to have a high-value intelligence group once it's up and running interrogate a terrorist suspect could produce, with the knowledge of the kind of context and, you know, kind of be able to connect the dots, it would make an enormous difference.

And that's a decision and a choice that this administration – again, I mean I don't want to keep, you know, beating this drum – but that's a decision that they're going to have to make when they're balancing civil liberties versus national security once again. How they're going to treat and they've obviously decided that they're not going to do the same kind of interrogations that the Bush administration did and what is that going to mean and what are we going to give up? You know, these are choices, these are valid choices, but in leading to her question for you, there are consequences to those choices.

MR. SCHIEFFER: But you have, Jan, have you not reported –

MS. CRAWFORD: There are real – there will be intelligence lost. Now, you may say you're okay with that because we value civil liberties, but there will be consequences to that decision.

MR. SCHIEFFER: I just want to, before – you have reported, have you not, that there is some discussion going on within the administration about whether they ought to go back and charge some of these people in the military tribunals rather than in the court like – there's some second-guessing about even –

MS. CRAWFORD: This is all part of this internal review that's going on review. And as we're also seeing, part of this review that's going on right now, not even limited to Abdulmutallab and the Christmas Day bomber, is how we're going to charge and handle all of these detainees who are now being held at Guantanamo.

Are we going to put them in the military commission system which President Obama, of course, has signed into law – not all that different, by the way, than the Bush administration's military commission system? Or are we going to put them in regular civilian court just like a drug dealer who's, you know, killed somebody on the street corner and to bring them here and have them for trial?

Now the Obama administration – in I think what is one of the sharpest breaks in terms of a policy matter – has decided to bring, as you guys all know, Khalid Sheikh Mohammed and the top four 9/11 plotters to lower Manhattan and have them go through a regular criminal trial for their roles in killing 3,000 people on September 11th.

They have decided, however, and not clearly articulated why, that they're going to have other Guantanamo detainees still go through this military commissions process, so we are already kind of getting a two-track system. Then again, if they go forward, they're still evaluating how they're going to handle some of those guys. We don't know how they're going to handle some of those detainees at Guantanamo.

MR. DE BORCHGRAVE: You don't think that New York is a felicitous idea, do you?

MS. CRAWFORD: I think whether or not it's the right decision, that's obviously – whether it's the right decision to try a terrorist suspect in federal court, which is now what we're seeing with Abdulmutallab, it's an entirely different decision to try someone in federal court who has been held in Guantanamo for 7 years without charges, subjected to waterboarding, you know, 182 times – then go in after having put them in the military commission and say, you know what, we're going to put you in the federal courts now.

And we're going to give you the full panoply of constitutional rights and procedural rights that any American citizen would get – the right to speedy trial, the right to file a motion for outrageous government misconduct – they get all of that now. And I've got to say, the problem with these trials in criminal court for KSM and these other four is that it could pervert our entire system of justice.

Because when KSM files a motion for outrageous government misconduct, which he no doubtedly (ph) will, how's a judge going to evaluate that? I mean, how – so then what does that mean for the next trial? If you're just a regular defendant, you know, and the judge has ruled that it's not outrageous government misconduct on KSM's behalf, then, you know, what does that mean for our next trial? There's a danger that it could actually water down protections for everyone.

And so the costs of this – they are real. I mean, again these are choices, do your cost-benefit analyses. There are real costs to this if these are going to be real trials. You know, if this is just not a show trial. But if it's a show trial and we're doing – why are we doing it? I mean, the point is to show that we're a beacon, our justice system is fair, so you know –

MR. SCHIEFFER: Okay. Ambassador?

AMB. BENJAMIN: Well, a few points. Last I checked, we didn't actually have the capability to just do a show trial. We do have a Constitution and we have laws and so I don't think that's going to happen.

MS. CRAWFORD: No, but there's enormous – when your attorney general says – when your attorney general testifies that these cases must be won, that – again, I mean that suggests that – right? And you know, a judge won't dismiss them on a technicality, which is a Constitutional protection, actually, but – (laughter).

AMB. BENJAMIN: Look, first of all, political appointees say what – we say we what say, but nonetheless, there are still the laws of the land and they'll be observed. I think that the proposition that you always are going to lose intelligence by charging people and bringing them to trial is an untested hypothesis.

And it may be true in some cases, but I would wager that it is untrue in many cases because if you put someone in a criminal justice system, you are in a bargaining position and you can offer them things that they would like to have that will make them talk. And that is a huge

incentive for a lot of these guys once they've seen the inside of a cell. And let me tell you, if ever there was a great motivator out there, it's the notion of spending the rest of your days in a supermax.

Second, I'm not going to comment on what we do here because I work at the State Department, but I will say that at the State Department we encourage countries around the world to try their terrorists. And we do this for a very important reason. When terrorists are tried – when they are put in courtrooms and when they are subjected to the same treatment as common criminals, they are deglamorized. They are shown to be not holy warriors but just thugs, just people who like to blow things up and kill innocent people. And it has an enormous delegitimizing impact.

We have done this with many countries around the world. I was just in Jakarta, for example. They have done a fabulous job bringing terrorists to trial and it has had a profound impact on driving down radicalism and on building public support for their counterterrorism efforts. Countries that simply detain people, either for a limited or for in many cases for an unlimited period, are often only enhancing the perception that they are not legitimate authorities in their own countries.

So this is a very important issue for us and I strongly believe that underwriting the rule of law programs we do is a vital part of our counterterrorism and that it's something that we really ought to expand on. Yes, there are intelligence gains that we want to make, but intelligence is not the only good in this contest and you really need to weigh these things. And believe me, we have found that putting people on trial has a profound de-radicalization value. So it's not, you know, an unequivocal thing to get that intelligence interrogation.

MS. CRAWFORD: Well, and the best – I guess there's a note to your point, I mean, that, wasn't it Saddam Hussein – I mean, those were carefully, when they were touching his hair on some of those photographs, that was designed to – because that's such a grave insult and –

AMB. BENJAMIN: Exactly. You know, someone showed me today the picture of, I think there was – I don't know if he was just back in court or not – Manuel Noriega. A man who wanted to be tried in his military uniform and we said, no, you're going to be tried in your civvies. And you know, he didn't look very forbidding like that. (Laughter.) And frankly, I think it's a good thing when terrorists are cut down to size.

MR. SCHIEFFER: Right here.

ANDREW C. KUCHINS: Andy Kuchins, CSIS. Terrific panel, thanks very much. I'm really enjoying this. I'd like to change the topic a little bit though. Amb. Benjamin mentioned the London conference coming up in a couple of days for our allies and partners to discuss our strategy in Afghanistan, other important meetings taking place in Ankara and Islamabad and other places.

Last week the State Department did release a document elaborating a new strategy for stabilization of Afghanistan and Pakistan. And I'd like to hear our panelists discuss what they

think to be some of the strengths and weaknesses and key differences in this approach to Afghanistan and Pakistan.

MR. SCHIEFFER: Arnaud?

MR. DE BORCHGRAVE: Andy, I think you know better than most people, is that after 9/11, when our allies rushed into Afghanistan after we'd liberated the place, they thought they'd be there for seven or eight or nine months, not seven, eight, or 9 years. And the pressures to get out as quickly as possible are enormous.

The Canadians who are obviously authorized to fight along with the Dutch and the Brits – they all want out by 2011 at the latest, some by the end of 2010. So the pressure right now is on – as you've seen just reading between the lines for negotiations that would lead to some kind of coalition of warlords, the Karzai government, elements of Taliban – whether all that is going to work or not, I have no idea.

But I do know from my experiences with Mullah Omar in Kandahar three months before 9/11 that he was already pretty annoyed with Osama bin Laden. He said, you won't see him; he talks too much; he issues too many fatwas; he has no business issuing fatwas, as he didn't complete his religious education. I said, well, you didn't complete yours either, did you Mullah Omar? He said, well, you're quite right, but I don't issue fatwas. I said, what do you do then? He said, well, my council of elders issues fatwas and I can't assign them. (Laughter.)

It was quite clear that there was tension between Osama bin Laden and Mullah Omar. And I know that the ambassador doesn't agree because he's told me at the time that we tried everything possible to get Osama bin Laden out and I still think it could have been done. Anyway, it wasn't done, but it could still happen.

MR. SCHIEFFER: Ambassador, I'll give you the last word here. We're –

AMB. BENJAMIN: We really tried to get them out.

MR. DE BORCHGRAVE: I know you did. (Laughter.)

AMB. BENJAMIN: Yeah. We tried very hard. We ran up against a brick wall with the Taliban. Well, I think that actually what was a much-criticized process was very deliberative and well thought through and while obviously there is a deep desire not to be there forever, I think there's also an important value – really a critical value in showing that we are going to stay the course with the Afghan people, that we're prepared to take very seriously their security needs, that we're going to protect their populations, that we are going to be there, certainly in the civilian sense, for the long haul because that is what's going to embolden them to, you know, pursue a path of state-building and democratization and stability.

And I think that we have gotten a good balance and I think the president has done a good job in terms of showing the way forward. Obviously this is not easy. Obviously we think that a lot was neglected in the period that we were as a nation focusing on Iraq and, you know, a lot of

us wish we weren't this far down this particular road. But the security interests there that we have are enormous and I think that our commitment is exactly the right thing to do under these circumstances.

MR. SCHIEFFER: Ladies and gentlemen, if there's one thing I know how to do, it's end on time.

(END)