



# Senator Lindsey Graham on the War on Terror

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**WELCOME/MODERATOR:**

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**SPEAKER:**

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JESSICA MATHEWS: Good morning. I'm Jessica Mathews, president of the Carnegie Endowment for International Peace.

A few weeks ago, we celebrated our centennial. And we had a couple of panels that posed the question, can the United States afford to lead the world? Can it afford not to? And that's not a bad, I think, umbrella theme for our discussion today, because as we consider the future of the war on terror, we have to think first and foremost not just about America's responsibilities but about its capabilities. War in Afghanistan is now the longest in our history, and nearly 10 years after the 9/11 attacks, as you all know, we have 100,000 troops on the ground and are spending upwards of \$110 billion a year. We may be – we are the world's wealthiest country and most powerful, but we can't afford to sustain that level of commitment indefinitely, particularly when the cost and the American interest at stake and the possibilities for success seem somewhat out of line.

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At the same time American global leadership is – remains truly indispensable. We're the only country capable of projecting power around the globe, the only one capable of underwriting a stable international order of – or of leading a midnight raid deep inside another country against the world's most wanted terrorist. Our military and intel capabilities are spectacular, but they are also extraordinarily costly.

So then how do we balance these – our scarce resources against multiple conflicts in Afghanistan, Iraq, Libya and the urgent need to support democracies emerging from the Arab Awakening? After fighting two large ground wars in the last decade, are special ops and drone strikes the way of the future? And what specifically should the United States be doing to help build peaceful democratic states in the Arab world? These are issues that consume us as a country, consume us here at the endowment and consume our leadership in Congress as well.

We are very honored this morning to have a speaker who has come to share his vision of the future of the war on terror. He is a man who stands out in today's Congress for a willingness to go beyond bumper-sticker policy pronouncements and to really think things through for himself. Senator Lindsey Graham was elected to Congress in 1994. He won a Senate seat in 2002. Today, he's a distinguished member of the Senate Armed Services Committee, and a regular visitor to overseas war zones. I have to admit with some chagrin that I just discovered this morning that part of his reason for traveling is to perform his U.S. Air Force Reserve duty on these trips.

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We have – he is just back from a lengthy trip to Afghanistan, where for years now the argument has been, we're finally there. We finally got the forces right. We finally got the strategy right. We're making progress, and success is around the corner. And the next year's corner, the argument is pretty much the same. And so we face one of the enormously important sets of choices – the president does and the Congress does and the country does – as to where to go from here. So we are very fortunate to have Senator Graham here and very eager to hear his thoughts on his trip and where we stand with the strategy going forward. So please join me in welcoming Senator Lindsey Graham. (Applause.)

SENATOR LINDSEY GRAHAM (R-SC): Well, thank you for the kind introduction. I'm always interested in people who will get up this time of morning to talk about foreign policy, particularly to listen to me. So I hope the

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breakfast was good. You know, I thought I'd give a disjointed overview of Afghanistan, which I think says all you need to know about Afghanistan.

I just got back from a trip, about eight days; did some time as Senator Graham and Colonel Graham. And I go about every two or three months to Afghanistan. I used to do the same in Iraq. And I find it to be very helpful. You can find – you can see it with your own eyes, what's working and what's not.

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Just to put it in context, 18 months ago, it was pretty bleak. The enemy was on the offensive. We were on the defensive. And President Obama's decision to send 30,000 troops into Afghanistan, I think, was correct, and not a moment too soon. And the 30,000 troops are beginning to really show a difference. The counterinsurgency strategy is beginning to pay off.

This is really a civil war among Pashtuns, and at the end of the day, that's what this is all about. The Pashtun belt that runs between Afghanistan and Pakistan, where you got the border basically cutting the Pashtun community in half, is what we're trying to get our hands on. If they can't beat us in Kandahar, they can't beat us anywhere.

So the effort in the south has paid enormous dividends in terms of security. Spectacular attacks are what the enemy is down to. Assassination groups of four people on motorcycles are the new modus operandi, where they try to kill off the bureaucracy that's being formed in Kandahar. The governance piece is getting better, so the enemy is going after soft targets, because our coalition forces have got them on their knees. We just haven't succeeded in the south, militarily. The enemy, in my view, is being routed in the south.

But is it sustainable? That's the question for all of us.

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And I thought I'd give you a little overview of how things have improved in the last 18 months, from my point of view. The biggest change that I've seen in Afghanistan is the training of the Afghan national security forces. About 18 months ago, we did a – when General Caldwell took over, who I think is probably the unsung hero of this war; he's now in charge of the NATO training mission – 17 months ago, there were two nations training under the NATO banner, and they had 30 trainers. Today, there are 12 nations with 1,300 NATO trainers. What was happening before this new mission was stood up is the American National Guard was doing most of the police training. And we had the American Army, along with the National Guard, doing most of the training for the Army, and NATO had been basically replaced. And this whole idea of getting NATO back into the training mission has paid great dividends.

When we tested the Afghan security forces in terms of their rifle skills about 18 months ago, what percentage do you think passed NATO's shooting standards?

Q: (Off mic.)

SEN. GRAHAM: Good guess; 10 percent.

What was the literacy rate of NCOs graduating from the Afghan NCO academy? About 20 percent.

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I'll make a bold statement. If you can't read or write, it's pretty hard – or do basic math to send an artillery shell down range and hit the people you're wanting to hit, and if you can't shoot your gun accurately, it's going to be very difficult to win.

In the last 17 months, we've added 90,000 additional Afghan security forces. We now have 280,000; 90 percent of the trainees coming out of the training regime are NATO-qualified. Literacy rates are going through the roof. The NCO corps is now about 70 percent literate. This was the first graduating class of the officer candidate school while I was there where 100 percent of their graduates passed their literacy exams.

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In September 2008, we were recruiting 800 people to the Afghan National Army a month. In that same month, 2,000 left. That was a net loss of 1,200 people per month. From December 2009, we have been adding 6,000 to 9,000 new recruits every month to the Army and the police force. The retention rates of the Army are about 60 percent, which is in line with Western standards.

What has accounted for this? Better pay. Better equipment. We were producing numbers about 18 months ago of people that were poorly trained and at their first duty station were getting overrun. They were outgunned and they were outmanned on the police side. And we were producing an army that quite frankly had no training standards.

That's hard to absorb since we've been there for 10 years, right? How could that be? I would argue that Afghanistan has been the red-headed stepchild of the American war effort for quite a while because of Iraq. President Obama was right about this. Iraq did divert a lot of resources and world attention away from Afghanistan.

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And how did the Taliban reemerge after the 2002 and 2003 efforts to defeat them? They filled a vacuum that was created by lack of security and poor governance. They don't have one tank. They have no air force. And nobody has a navy, because you don't need one in Afghanistan. The fact that they could come back with almost 100,000 coalition forces during the time period of 2002 to 2009 is a testament to the fact that the strategy we had was not working. And to every commander before General Petraeus and General McChrystal, it is not fair to beat these people up, in my view. They were holding the country together with duct tape; just didn't have the right military footprint.

And the rules of engagement of our NATO partners were law enforcement rules of engagement, not fighting a war. Before General Petraeus came along, and General McChrystal, if you detained someone under ISAF detention, you had 14 days to – what – 96 hours, excuse me – 96 hours to make a case or release them. Trust me, in a wartime environment, it's very hard to make a criminal case in 96 hours, particularly when you have no capacity on the Afghan side. So the whole capturing the enemy dynamic was driven by a law enforcement model that was impractical. And it's very hard to get people to come your way in a community when you grab somebody that's been disruptive and a hundred hours later they're back in town. So that is changing.

We changed our rules of engagement. We now have the ability on the Afghan coalition side to hold people, rehabilitate some, but park them. I would argue that we would have never been successful in Iraq if we had not had the ability to detain fighting-age males in Anbar province.

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How many people did we have in detention at the height of the war – under military detention in Iraq during the height of the war in Iraq? Does anybody know – U.S. military control? Twenty-seven thousand; we had 27,000, mostly Sunni, fighting-age males at Camp Bucca in southern Iraq. Forty-thousand were in security detention on the Iraqi side. So you had 67,000 fighting-age males that were parked for about two years, on average. And that gave the community a chance to regroup.

So what has happened? Why this turnaround of events? More capacity on the coalition side. Thirty-thousand troops, particularly when they're Marines, can do some damage to any enemy. And you see in Helmand and Kandahar a tremendous change in security. You see better Afghan troops coming out of the system. You see a counterinsurgency strategy that's designed to minimize civilian casualties, but at the same time, the combination of being able to detain people longer and night raids have disrupted the enemy.

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This is a big topic in Afghanistan. The counterterrorism component of the counterinsurgency strategy has led to enormous security gains and disruption of the enemy and has created conflict within the Afghan population. President Karzai constantly talks about this. But I cannot tell you how proud I am of the coalition counter – counterterrorism teams, with their Afghan partners, who go out every night and round these guys up to the point that the average age of a mid-level Taliban commander has gone from 35 to 25. The ability to generate forces from Pakistan to come into Afghanistan has been greatly diminished, because people are not volunteering for that duty much anymore.

Is it sustainable? That's really the question. My belief is that the ticket home is to keep the model that we have in place, build upon it and make sure the American Congress doesn't undercut it.

This couple of weeks from now, maybe even sooner, the president will announce a drawdown of some of the surge forces. Based on my view of Afghanistan, that is very much possible. The north is generally secure, but there's pockets of disruption there. This is really about the south and the east, RC-East, where the Haqqani Network operates; labor-intensive counterinsurgency efforts going on there. We have 98,000 troops, 30,000 surge forces. I do believe a modest reduction this summer is called for, achievable and would not undercut the overall effort. The goal to transition to Afghan security force control by 2014 is very much possible if we continue the training, equipping and the general effort to build capacity.

How did the Taliban come back? A lack of security vacuum, but also poor governance. I would argue the biggest threat to our success in Afghanistan is about 40 percent the insurgency and 60 percent the Afghan government. That's how this has flipped.

Now, on that end of the spectrum, progress has been uneven, does exist, but I don't know if it's sustainable. Watch for the Kabul Bank. Has anyone heard of this problem? This will be a defining moment in U.S.-Afghan relations. Kabul Bank – very short version of it – was a bank formed about five or six years ago, where you had brothers of the president, brothers of Field Marshall Fahim, and elites in Afghanistan formed a bank. And one of the things the bank was able to do is receive deposits from coalition governments to pay the basic expenses the Afghan government, including the army. And the bank was basically raped. The IMF said it was the most abusive rip-off that they've seen. And when the IMF says that, that's saying a lot, because they go in pretty tough spots. So if you can win that prize, you've done something.

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Now, how do we deal with that? There is a paper that I saw coming out of the Afghan government that is a whitewash. There are dual-Afghan-U.S. citizens involved. I would urge this administration to form a task force around Kabul Bank to make sure that we can tell the American people going forward that we're no longer going to tolerate the level of corruption that has existed in the past. It would be music to the American people's ears, and it certainly would play well in Afghanistan. So we've got a chance here this summer to reset within Afghanistan and the United States.

And you mentioned cost. You have to look at the cost of a war in terms of what? Losing and winning. There's a consequence to our continued presence of 98,000 troops. It won't be that many forever. But between now and 2014, there's going to be more – over 50 percent will probably be there in 2014. The amount per month is substantial.

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But what would happen if we lost? What would be the cost to the country? I would argue it would be catastrophic for our regional and national security interests to fail. And what is failure? A general collapse of the Afghan security forces, the government, where you have a partitioned Afghanistan, where the south is basically under quasi-Taliban control, no security footprint there, and the insurgency can operate freely between Afghanistan and Pakistan with immunity, and that the Pakistan government, over time, would be under siege by the deterioration in Afghanistan. The likelihood of terrorist groups – like they're beginning to form in Yemen – would certainly come back and fill in this vacuum.

What does it cost us as a nation to allow the vacuum to be created after the Russians left? Put a price tag on that. Sit down, and in a logical, non-emotional way, put a price tag on 3,000 people killed here in the homeland, and all the costs we've absorbed to make sure we're not attacked again by 19 people flying airplanes.

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I would argue that the cost of winning far – or far outweighed much less than the cost of losing. We're on the verge, in my view, of turning this thing around. And that's hard to hear after 10 years, isn't it? Some hopeful signs on governance: The rule of law programs that I've been working with for about six years now in Afghanistan, as Colonel Graham – maybe five years, I guess – were disjointed, unorganized and ineffective. We've got every group known to mankind, every acronym in Afghanistan trying to provide rule-of-law services.

The military-civilian partnership was broken a couple years ago. Now it is the most robust I have ever seen. And do not kid yourself: The civilian partners in this effort to secure Afghanistan are as important as any brigade we have because our ticket home is to leave behind an Afghan army and police force that can secure the population, a judicial system better than the Taliban and governance that provides basic economic and social justice better than the Taliban. I think we're very much on track to do that, if we're patient.

Having said that, the military-civilian partnership is not going to survive if Congress becomes an isolationist body. Now is the time, after bin Laden's death, to pour it on. We have momentum in the region. The signal that the president sent to the world, particularly the terrorists, was that there's no place you can go and no period of time that can pass to escape justice. I cannot tell you how that resonated in Afghanistan. But we're losing momentum if we do not watch it.

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So what I would like to see this summer is Congress to fully fund the civilian side as well as the military side because USAID, the new director is a very good man. And we have coordination between the military, civilian side that I've never seen before.

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Back to the rule of law. What was disorganized spending of money without a purpose has now been changed dramatically. Every group, every interagency discipline meets once a week under Ambassador Klemm, who is in charge of rule of law at the embassy. He has a one-star deputy. They meet every week to talk about what projects they would like to fund: Where does it make sense to spend money? What province should get a regional judicial center? What province needs more prosecutors?

And they vote among themselves about where to spend the limited resources they have, and everybody in Afghanistan has a say. There's a videoconference every week. I have seen a transformation of the rule of law because of this system, where people get in a room, they set aside their bureaucratic differences and they focus on the country as a whole and they make intelligent decisions about where to spend money and what programs to advance.

This type approach should happen on the contracting side. One of the biggest changes is, General McMaster was put in charge of a program to look at the way we contract in Afghanistan. We were part of the problem. Giving money to almost anybody who could promise security, we were funding the warlord system that, at its basis, was helping the insurgency because people hated these folks.

We now are revealing every contract in Afghanistan and making sure that more people have the opportunity to compete for the money and that we're not empowering individual groups that the population as a whole hates. And when you look at Kandahar, there are four families that run the place. And they have one thing in common: If you're not in that family, everybody hates you.

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So what we're trying to do now is spread the economic opportunity from our presence and create a system that's less corrupt, more transparent and empowers the general population. General McMaster has done a very good job in a short period of time of making sure that the money we spend in Afghanistan is not going to undercut our overall efforts.

Now – I'll take some questions here in a second – from a South Carolina point of view, we have over 10 percent unemployment. Our folks are war-weary. They're worried about their schools, not just Afghan schools. We're \$750 million short of the money we need to pay the bills in South Carolina. These are tough economic times. The easiest thing in my business is to talk about those people over there: They've been fighting for a thousand years, it ain't never going to stop and I'm tired of sending money over to a bunch of people who hate each other and never going to be able to get their act together; we've been there 10 years – come home, Lindsey.

The reason I push back is because I see this in a totally different light. I see Afghanistan, Tunisia, Egypt, Libya, Syria, Yemen as incredible opportunities to change the world for the better. You've been in the peace business for 100 years. We're all going to have to step up our game. Just think about what exists today in the Mideast. When is the last time a democracy had a chance to flourish in Egypt? I can't think of one in the last 6,000 years. Don't let this moment pass – it may be 6,000 years before you get another shot at it.

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Afghanistan and Iraq have been the center of our attention. You can't find Iraq on the sports page anymore. We're not there yet, but we're certainly inside the 10-yard line. We're on their side of the field in Afghanistan. We have a military-civilian partnership; we have rules of engagement and a unity of effort I have not seen before. And for those who deny that, you're doing a great disservice for the people who have sacrificed a lot to achieve that.

The closer you get to Afghanistan, the more hopeful you are. Most of the people in Congress who are voting to accelerate withdrawal have never been there. If we, as Congress, accelerate the withdrawal schedule because it's popular at home, we will undercut all the gains we have made. The momentum is with us; the wind is to our back.

Here's what I tell people at home: When we killed bin Laden, didn't you feel proud? Everybody said yes. Weren't you glad that President Bush and President Obama never lost focus? Aren't you proud of the SEALs? And everybody says yes, and we all are. My argument to the people in South Carolina is that killing the terrorists is one part of what we have to do, but by no means does it bring about security. The ultimate ticket home out of Afghanistan and the other places that we're in conflict with is to empower people in the countries themselves that will fight the terrorists in their own backyard.

Investing in moderation where you can find it, investing in creating capacity within those countries to deny the enemy safe havens in the future is more labor intensive; it's more costly; it's more dangerous. But the payoff is enormous. And it requires the one thing that the enemy has in abundance: patience – the willingness to accept mistakes, correct and move forward.

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How long will this war on terror last? Certainly for the rest of my lifetime in some form. But if we can beat them in Afghanistan – and by “beating them,” I mean leave and never have to go back, except as tourists – 15 years from now, it is my hope that most policemen will be educated, not just a few, and we're on track to make that happen because the population as a whole is improving their literacy; that the country will be less corrupt, and I believe that will be so because the mid-level people in Afghanistan who have known us, not the fights of the '80s, have a sense of nationalism that's very hopeful.

The major crimes task force that's fighting corruption has been impeded by the Karzai government at every turn. There's a whole generation of Eliot Nesses being formed in Afghanistan. There's a new class of army officer, a new NCO in the making. It's going to take at least a decade to 15 years for these people to get in charge. By 2014, I do believe that we can substantially reduce our military footprint because of the improvements we see in the Afghan security forces.

The biggest impediment now to Afghanistan is the Congress and Pakistan. It is very difficult to sustain this effort if, on the other side of the border, the enemy can regroup without fear. I am convinced that if the Pakistan army, security forces and government join with us for six months to deny the enemy a safe haven on the other side of the border – Pakistan, the war in Afghanistan would be over through political reconciliation. That's how all civil wars end.

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I'm going to end where I began. This is a civil war. The efforts to reconcile and to reintegrate are going better than I've ever seen because the enemy is having a hard time recruiting people and economic opportunity is becoming



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more available to more and more people. So the desire to reintegrate and reconcile is growing. And the one thing that impedes that is the ability of the enemy to have a safe haven for planning, recruiting and execution on the Pakistan side of the border.

We're at a crossroads with Pakistan. We're on a collision course with Pakistan. You read some articles today about the intel committee. We might as well televise the intel committee meetings because they're in the paper a week later. But the general scenario for Pakistan has been informed of IED factories in Shram (ph), or Miram Shah. And by the time the Pakistani army can get there, the drones can attack – they're empty. It's a dynamic that has to stop.

So the Congress: If we try to load up the defense authorization bill with amendments, that would be seen as a signal to the enemy that we're going to accelerate the transition plan the president came up with. I think we'll undercut all the efforts and gains we've made.

So I am optimistic about Afghanistan, if we have the patience to see this thing through. I'm optimistic about Pakistan if we have the willingness to confront them because I do believe, at the end of the day, the choice Pakistan has to make is pretty clear. Double-dealing is not the way to win in Pakistan. The insurgency on their side of the border is as big a threat to Pakistan far greater than India, and the day they realize that is the day this thing turns around.

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So my final thought is, what should America do past 2014? It is my belief that this year, we should try to negotiate a strategic partnership with Afghanistan that has an enduring relationship politically, economically and militarily as far as the eye can see. If this year, leveraging this concept to get better governance in Afghanistan, we would announce, at the request of the Afghan government, we will be staying past 2014; there will be four to five American joint bases with American airpower, with special forces components – in other words, we're not leaving Afghanistan – the signal to the Afghan security forces would be, fight hard, train hard because you're going to have American airpower at your back as far as the eye can see. The signal to the Taliban: forget it – you're never coming back. The signal to Iran is that we mean it when we go to war. We're in it to win. The signal to Pakistan: The model you've come up with of betting on the Taliban and being our friend is a losing model. Let the Taliban go.

I am confident we can win if we do the right things. And I'm confident, if we lose, America will never know economic security and it will be the biggest mistake we've made as a nation in my lifetime. Thank you very much for having me. (Applause.)

Anybody still awake? Get some coffee. You want to call on people? You want me to? We'll start here.

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Q: Hi. I'm Susan Cornwell with Reuters. I'd like to hear more about what you think can be done about Pakistan. Also, this morning, there's a report that they've arrested people who were involved in helping the United States.

SEN. GRAHAM: They did more than arrest them. But I'm sure that will come out later.

Q: Yeah. Tell me more about that.

SEN. GRAHAM: No, I can't. (Chuckles. Laughter.)

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Q: How do you – yeah. You know, you’ve sort of defined the problem and you suggest that – you said it – you know, if their army would just join the United States for six months, maybe this thing would be over.

SEN. GRAHAM: It would be.

Q: But how do you get there?

SEN. GRAHAM: Well, we have aid, right? We provide aid to the Pakistan government and the army. I said, right after bin Laden – how many people think that bin Laden lived there for five years and no one really knew it? (Laughter.) Yeah, I think that’s good. That’s okay. I mean, I think people at some level had to know it.

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But having said that, the aid is probably replaceable. So let’s don’t over calculate the fact that we provide funding to the government and to the Pakistani security forces as the ultimate leverage. It’s not. What I think the ultimate leverage is, it’s to basically let the army know that you’re on thin ice with your own people.

The Pakistan army lives pretty darn well. You know, if you want to go in business in Pakistan and there’s a general – a retired general as your competitor, good luck. I think now is the time to be firm with the army because that really is the game. If you could convince the army, which makes every national security decision in the country, that they’re going to have to reform themselves and if they don’t, the Pakistan people are going to begin to understand more clearly how you operate, the international community is going to understand more clearly how you operate, that their reputation is at stake – that’s the one thing in Pakistan that seems to matter the most when I visit: the reputation of the army.

General Kayani: I like him a lot. Pasha: interesting guy. So my belief is that we should have a dual-track effort to put them on notice that if you will not take care of the safe havens in Miram Shah and Shram (ph), with the Haqqani network and the Taliban, that we’re not only going to use drone strikes, but we’re going to put everything over the table on – everything on the table. You don’t need a ground invasion of Pakistan, but I’m really, quite frankly, tired of having to go to a South Carolina family and say, sorry that your son was killed in Afghanistan to an IED made in Pakistan and there’s nothing we can do about it.

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We’re just going to have to step up the game and let them know, militarily, the safe havens are going to be engaged more aggressively. Our aid? Going to have to start putting conditions, benchmarks and measurements. Karzai needs to be told that how you handle Kabul Bank depends greatly on what kind of support you’re going to get in the future. The effort to fight corruption in Afghanistan and develop an Afghan security force needs to be measured and benchmarked. So what I would suggest with Pakistan is that we put a benchmark and measurements on the Pakistani side in terms of governance and security cooperation, tie our aid to that and also, let them know that we’re going to tell the whole world about how they operate.

Q: Joanne Young, Kirstein & Young. Yesterday, I heard the assistant secretary of state in charge of Asia talk about our policy relationship with Asia and the concern that we’re – we’ve become too Middle East-centric, that our allies and friends in Asia are feeling insecure about our commitment there and we’re losing opportunities there. At the same time, the Chinese are thrilled about us being bogged down in Pakistan, Afghanistan and other Mideast spots like Libya.

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My question is, I've heard for years that the Chinese are very close with Pakistan, give them a lot of aid and weapons. And, you know, I wonder if you could comment on the Chinese involvement in the Middle East and the extent to which they're part of the problem in keeping us bogged down, especially with the relations with Pakistan.

SEN. GRAHAM: Well, the Chinese involvement in Afghanistan is growing on the economic side. They're trying to buy up all the mineral rights of the country. And one of the things that I worry about is the corrupt nature of the land mine system – I mean – land mines – the mining system, the mining minister – is that we need to hold them more accountable on behalf of the Afghan people before all the mineral rights are given away through a corrupt system where the Chinese come in and basically buy up mineral rights. So let's push back against China. Let's expose them for what they're doing to the Afghan people.

It's really not about us. We're not there – we didn't go to Iraq for – there's better ways to buy oil than have to send troops and spend a trillion dollars. That's not a good model to get oil. And we're not there for the mineral rights of Afghanistan, like the Taliban say. But the Chinese are all over the place. And we need to put pressure on the system that allows the Chinese in Africa basically to buy off corrupt dictators at the expense of the people, and expose them for the mercantile people they are. I think we need to push back as hard as we can.

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When it comes to Pakistan, Pakistan has got to make a choice. A regional alliance would be helpful. If we could get Pakistan, India and Afghanistan to have a regional alliance, that would necessitate a smaller army. How many people are in the Afghan army now? About 300,000. Who's going to pay for this army when we leave? We are – with some coalition help, I hope. But until they develop their mineral rights, the size of the army is going to be a(n) expense we bear. And if you could have a regional security agreement between the three countries I named, you'd need a smaller Afghan army. If you've got American air power in perpetuity in Afghanistan, you're going to need a smaller army.

When it comes to China, the only thing I could suggest to the administration is just push back. You know, push back: the way they do business in Pakistan, in Afghanistan and Africa in general.

When it comes to Asia, how many people believe we need to reduce our military spending? OK. Percentagewise of GDP, is it on the high end or low end historically?

AUDIENCE MEMBER: The low end.

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SEN. GRAHAM: All right. If GDP spending on defense is on the low end historically, are we on the low end of threats we face historically? No. But here's the problem: We're on the high end of unsustainability in terms of debt. So we have to do two things. We have to reform Pentagon spending, because we're so broke. But if we lose sight of the military configuration we need to keep us safe on all fronts, I think we'll have been penny wise and pound foolish.

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So that goes back: How can you maintain a presence in Asia when you're involved in all these wars? So my hope is that we'll come up with a GD spending number – GDP spending number on defense that would allow us to reassure our Asian allies that we have not abandoned the region.

The reason I don't beat on President Obama morning, noon and night is because he's got a hell of a hard job. The whole world is coming unglued, here. And there are great opportunities, but it's going to take some patience and commitment and bipartisanship we don't have today.

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Q: Klaus Larres, Johns Hopkins, SAIS. Could you say something about –

MS. MATHEWS: Can you wait for the –

Q: Sorry. Thank you. Klaus Larres, Johns Hopkins SAIS. Could you say something about cooperation with the allies in Afghanistan? Should they do more, should they do less, the coalition?

SEN. GRAHAM: Yeah, well, you see NATO training. The addition of NATO trainers has been very, very helpful. But 2014, our British allies, who have the largest force, behind us, they're committed to leaving. We've had – the Canadians are now in a training mission. They've gotten out of the combat role.

At the end of the day, Gates was pretty hard on NATO, right? Let me say this about our allies in Afghanistan. In the last year, there's been a transformation in a positive way. So I'm here to tell you that on my – from my point of view, I appreciate the allied effort in the last year to get more involved in the meat and potatoes of turning Afghanistan around. But from a Western power perspective, you know, Libya – you know, how – did you think you'd live long enough to see that, you know, the French would be the boldest people on the planet? (Laughter.)

So at the – at the end of the day, the alliance in Afghanistan I think is solid. We've turned around rules of engagement that fought crime, not a war. And I feel better about our training regime than I've ever felt. So my bottom-line statement is, yes, you can do more; you can help us train faster; you can send more trainers over; you can help pay for the Afghan army. But generally speaking, things are going in the right direction, which is a testament to General Petraeus and Ambassador Eikenberry. OK.

Q: Dixon Osburn, with Human Rights First. Thank you, Senator, for your comments this morning. I deeply appreciate it. And thank you to Carnegie for hosting this forum this morning.

[00:46:07]

A specific question and a broad question: You said in Iraq during the conflict that at its height we had 67,000 people in detention, at security detention at one of the facilities there. We're at the height in Afghanistan. What are the numbers of detentions there?

SEN. GRAHAM: Good question. That's just what I – you know, you'll be shocked. Twenty-four hundred right now, under law-of-war detention by the American government. Now, what have we done in the last 18 months that's been positive? Remember Bagram Air Base? Did anyone ever go to the prison in Bagram? Not good; was it? Big cages. We were just holding the place together, and we had a prison there that had a very bad reputation in Afghanistan and without.

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I was present at a ceremony in January of this year where we turned control over Parwan Prison at Bagram Air Base, a completely new facility – nicer than any jail we have in South Carolina by a mile. And we had 800 law-of-war detainees.

[00:47:14]

One of the big conflicts I addressed when I was in Afghanistan is the desire of President Karzai to have control of all detention by January 2012. Within the 2,400, there is – there's a number of foreign fighters, not Afghans, that I'm convinced, if we turned over to the Afghan legal system, they would be back on the battlefield tomorrow. I am pushing the administration to send some of these people to Guantanamo Bay.

This whole detention issue is about to blow up. We're a nation without a jail. If we captured someone in Yemen tomorrow that was a high-value target, where would we put them? (Pause.)

AUDIENCE MEMBER: (Panama ?). (Laughter.)

SEN. GRAHAM: So we've got 2,400 people, and there is no jail available for future captures, for people caught outside Afghanistan. Within Afghanistan, there are 20,000 people in prison on the Afghan side. We're doing an assessment now: About 25 percent we can't find a case file for. Absorb that. One in four people in jail in Afghanistan, there is no file of what you were charged with and what you were convicted of and how long your sentence was. It's pretty hard to win over the population with that kind of system.

We're on the verge of identifying everybody in jail and giving them a docket number and trying to recreate what they were convicted of. Kandahar Prison – you had 500 Taliban dig out of the prison just a few months ago. I've been to that prison many times. The detention system on the Afghan side is immature and porous. So we've got tension: 2,400 law-of-war detainees under American control. We don't want to be occupiers, but if we turn them all over too quick, you're going to inundate a system that's very immature. And that is Afghanistan in a nutshell.

[00:49:35]

We've got to build capacity on the Afghan side. And we've got to have a rational plan to get out of the detention business, because it is hurting us as a nation to pile up these detainees. I think there is a pathway forward that's going to come out in about three or four weeks, but that's the problem. OK.

Q: If I could follow up on that – Julian Barnes with The Wall Street Journal – how many of those detainees do you think should need to go to Guantanamo? And I thought there was plan –

SEN. GRAHAM: Just a handful.

Q: I thought there was a plan that would allow the U.S. to control a small portion of Parwan that – in order to keep those folks off the battlefield.

SEN. GRAHAM: There is, but it has a limited duration. The strategy of winning this war has to be comprehensive. If you don't have a detention regime that will, you know, keep the enemy off the battlefield and not undercut your efforts to win over the population, you made a huge mistake. Guantanamo Bay and Abu Ghraib we agree hurt our image, the initial engagement there. Parwan is the answer, but capacity is the issue.

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We have a group of detainees that we're not going to be able to hold past 2014, that are third-country nationals. And as a nation – nobody wanted to close Guantanamo Bay more than I did. How many people believe it is remotely possible to get Congress to close Guantanamo Bay? (Pause.) I don't.

So it is a reform prison. It's got to be used, because it's becoming a huge issue. So a handful of detainees in Afghanistan need to go to Guantanamo Bay. The ability to hold about 240 after we transfer complete control is going to be recognized, but is indefinite in nature. This is an issue that needs to be addressed in a comprehensive manner, and it can affect the war effort one way or the other.

Q: Hugh Grindstaff (sp). In other recent briefings I've been to lately about Afghanistan, the word "poppy" hasn't come (ph) up.

SEN. GRAHAM: Yeah, isn't that something? Why is that? (Laughter.)

Q: (Chuckles.) Well, I was going to ask you that. (Laughter.) And also, since most of the Republican candidates have very little foreign affairs experience, what's your advice to them? Because if they're going to be anti-Obama, then they're going to be anti the policy you're putting forward.

SEN. GRAHAM: Get some experience quickly. (Laughter.)

You know, did you all watch the debate? What did you think about the exchanges on foreign policy?

AUDIENCE MEMBER: There wasn't any.

SEN. GRAHAM: Yeah. You know, you – it was shallow, right?

[00:52:38]

It was – well, in a debate, it's not fair; you only get 30, 40 seconds to answer a question. But I was very disappointed. I was disappointed that no one articulated why it matters if we win or lose in Afghanistan. Why are we there?

No one articulated the fact: What would happen if Gadhafi stays? Now, I'm disappointed with the president's strategy because I don't think it's leaning forward enough. I think once you took American air power off the table, then you prolonged the war. Gadhafi's eventually going to go, because he doesn't have the support of his people. And NATO, all things being equal, has done a pretty good job taking the fight to Tripoli. You know, the rebels fighting Tripoli is going to take a very long time, because they're poorly trained and not well equipped. But if you could cut the head of the snake off, as I said a few weeks ago, break the inner circle of Gadhafi, this thing would be over pretty quickly.

So we have Republicans talking about stopping our efforts in Libya. You know, Speaker Boehner's a good friend. I don't remember all of this talk about the War Powers Act in the past. (Laughter.) You know? President Obama – I want to beat him in the most desperate way, but when it comes to foreign policy, when I think he's right, I want to stand with him because this is about our national security.

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So I haven't heard one Republican running for president articulating the strategic importance of winning or losing in Afghanistan. Everybody is for, you know, making sure we vet Muslims in the Cabinet, you know? (Laughter.) That is the least of my concerns. My concern is: Will the Republican Party come to grips with what it takes to win a very long struggle against radical Islam? And do the Republican candidates for president understand you cannot kill your way into safety?

And we'll see where this thing goes. But from Lindsey Graham's point of view, I'm going to try to reenergize a part of the party – Ronald Reagan's got to be turning over in his grave in many ways – reenergize the Republican Party who really does want to carry the banner for national security.

And we'll take a few more questions. But we're a nation right now without a jail, at a time we need a jail. We're a nation that still continues to use the law enforcement model when it comes to home-grown terrorism and people on our shore. The guys at Bowling Green, the Iraqi people that came here on a visa that were caught trying to send weapons back to Iraq to kill Americans – they were charged with Article III crimes very quickly after the sting operation. They should have been held as enemy combatants. And the CIA no longer really interrogates terror suspects, and we're down to the Army Field Manual.

[00:55:31]

There's a lot of criticism the Republicans could levy against President Obama, in terms of the way he's constructed some of the systems to protect us, but I hear nothing but just platitudes.

OK. Young man.

Q: Hello, Senator Graham. Eric Gomez (sp), with the U.S.-New Zealand Council. I was – you mentioned before India, Pakistan, Afghanistan – some sort of coalition in the region. Given Afghanistan's history, from what I understand, ever since the Soviet involvement in Afghanistan before, do you think it would be a better spending of our resources to get closer to India, continue our operations in Afghanistan, but distance ourselves a bit from Pakistan, given that they – they're not a very secure friend?

SEN. GRAHAM: Well, I don't know how you – I think you have to compel choices that need to have been made a long time ago. The whole idea of a regional alliance I think would prevent – would create more stability for Pakistan than anything else. They'd be the biggest winner. You know, this obsession with India is – you know, from a Pakistan point of view, I can understand it, but they're misreading, I think, the big threat to their country.

[00:56:52]

So the more we can encourage Pakistan to talk with India and Afghanistan, the better. President Karzai went there a few weeks ago – few days ago – and they promised cross-border cooperation when it comes to the Taliban insurgency. We see how – we'll see how that unplays.

Yeah, somebody under 30 here – yeah, I'll take –

Q: Emily Burns (sp), University of Pennsylvania. You were talking a little bit about Libya and trying to, you know, keep U.S. air power on play and really get Gadhafi out of there. What do you see as our role in Libya at the moment, given the U.N. mandate just to protect civilians?

SEN. GRAHAM: OK, what is the Arab Spring all about? What do you think the Arab Spring's all about?

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Q: Democracy in the Middle East and – it's about democracy in the Middle East, and having – showing that there really is that potential for civil society in the Middle East.

SEN. GRAHAM: Let's vote: How many people think she's right? (Pause.) All right. You know, you did pretty good. That's pretty – pretty correct.

At a more South Carolina level, I think just people are pissed off. (Laughter.) You know, they're tired of living in a country where a few have everything, and the many, you know, get the short end of the stick. And democracy is a sort of an aspiration, but I'm not so sure this is driven by Jeffersonian democracy.

What happens at the end of the day if Gadhafi stays? How many people believe that will be a foreign policy disaster for this country, if Gadhafi survives the international community's effort to replace him? There are a lot of people who are going to get killed in Libya, and the whole region's going to be in turmoil. And good luck of ever stabilizing gas prices with this guy back in charge.

[00:58:40]

Why can't the Republican Party say that? Because it's just as obvious as I'm probably talking too long. It's obvious that once you engage Gadhafi, he has to go. Now, somebody asked me what happens in Libya. I think the national transition council has got a good opportunity to reconcile the country. I don't believe al-Qaida is going to take over Libya. It makes no sense, to me, for people to go out in the street and take on Gadhafi, to replace him with something worse. So this whole idea that we can't help Libya because we don't know what's going to happen makes absolutely no sense. Because I can tell you what happens if he survives: Everything is bad. If you replace him, there's more likely good will come from it.

So I hope that the international community, the day he leaves, will engage Libya; help build parties; provide them some economic assistance at a time they need it, even though they're eventually going to be very wealthy when they can actually get the revenue shared – they can get a piece of the revenue that only a few have had.

Isolationism is not a viable strategy in the 21<sup>st</sup> century for the United States. There are voices coming out of the Congress on both sides of the aisle – if they had their way, we wouldn't spend one penny on foreign assistance.

What is the foreign assistance budget? Does anybody know?

Q: Not that much.

SEN. GRAHAM: Forty-eight billion dollars. It's less than 1 percent. It is all we've got in Africa. President Bush, to his undying credit, has saved thousands of Africans for (sic) a slow, certain death to AIDS. That's going to help us over time.

[01:00:28]

Now, in Tunisia, Egypt and Libya, we're starting to put a price tag on all these engagements. Have you been watching Fox News? This is – did we do that in Iraq or Afghanistan?

Q: No.



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SEN. GRAHAM: No. We did put – you know, this week it cost \$20 million to help the rebel forces. If we start looking at our foreign policy engagements from that lens, then the enemy is going to be very emboldened.

So I hope that the assistance packages that we put together after Gadhafi falls and to help Egypt in the September elections and to help Tunisia to turn the corner, that people will see that as a national security investment that's important even though we're broke.

See, military force is just one component of what it takes to win this war on terror. The ultimate victory for this country is to replace Gadhafi with somebody who is not completely crazy, and easier to deal with. Saddam Hussein, Gadhafi and the Taliban being vanquished in a decade is a pretty good start on a new future. And what follows after they leave? Well, you saw what it took in Iraq. We can do it better in Libya, Tunisia and Egypt, but we need to learn the lessons from Iraq: Don't let vacuums occur.

Q: Thank you. Jerry Crockett (sp) from Seton Hall University. And since you mentioned Gadhafi and all the negatives that will come out if you were to stay, I have a question. Do you think there are any negatives, if he leaves, in terms of nuclear politics? Because in 2003 he gave us his nukes, had rapprochement, but then we attacked him. So I'm sure he probably regrets giving up his nukes. And Iran, looking at that, might say, why do we give up our nuclear program if this opens us up to the possibility of attack in the new future from the West?

[01:02:37]

SEN. GRAHAM: Well, that's a very, very good question. How many believe Iran would give up their nuclear weapons program if we didn't attack Gadhafi? (Pause for show of hands.) I think they want a nuclear weapon to make sure they secure the regime's future in perpetuity, with the belief that if we get a nuclear weapon, people are going to basically get off our back.

Here's what I worry about Libya. If he stays, the Iranians are going to think, aha, the West cannot – they're just all talk. If he goes, and Yemen, Tunisia and Egypt go a different way, and if we can break Syria off from Iran, and the Iranian regime believes that the West and the United States has the capacity and the persistence to see things through, that's the best way to deter them from getting a nuclear weapon, in my opinion.

You can't go back now in Libya. I'm going to offer a resolution on the defense authorization bill on the floor, when it comes to the floor, about Yemen. I'm going to challenge the Congress to allow the president to use military force in Yemen, because Yemen is beginning to be a safe haven for al-Qaida and the president's having drone attacks. I think we shouldn't be on the sidelines. We should support the president.

So my view about Iran is that the best thing we can do to deter the Iranians is to support the Arab Spring. The Arab Spring at its heart and soul rejects theocratic or secular dictatorships that are oppressive to people. Whether this is about democracy or not, I don't know, but it is about the idea of a few people enriching themselves at the expense of the many.

[01:04:40]

And we had a shot in 2009 in Iran. If the Iranian people would see an alliance between the West and this Arab Spring movement that could topple oppressive dictators, I think it is the best thing we could do to energize the Iranian people and suppress the Iranian regime. The converse is true. If those who reject the Mubarak model of just giving up and going to jail – because that's what your choices seem to be now – so Syria's going to start fighting harder – if Iran sees these regimes being able to kill the Arab Spring literally, then you can sure as hell bet they're

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going to get a nuclear weapon. And if we can support the Arab Spring, China and Russia are going to think, will it come here?

This is the best opportunity in my lifetime to put dictatorships, secular and theocratic, under scrutiny and under pressure. That takes money, it takes diplomacy, it takes international effort, and on some occasions it takes military force.

I want to talk to the one guy who said – back – yeah, that gentleman right there.

Q: Senator, thank you very much –

SEN. GRAHAM: Then you'll be next, over there. (Chuckles.)

Q: – for your opening comments. I'm Muhammad Atif At VOA. Senator, first of all, keeping in mind the events of 2<sup>nd</sup> May and the attack on Karachi Mehran base, do you think it's a struggle between the army of Musharraf and Kayani? And secondly, Pakistan's commitment towards fighting insurgents, is it lacking because of their capacity to fight them, or is it their will?

[01:06:41]

SEN. GRAHAM: That's a great question. I think it's both. You know, it's clear that the Pakistani army has suffered more casualties fighting terrorism than we have. The Pakistani army in Swat Valley almost got defeated. So there is a line of thought that you do not want the Pakistan army to engage the Haqqani Network right now, because they could lose. So that's one issue.

The other issue is whether or not they have the will if they have the capacity. So from an American point of view, it's very hard for me to believe that it's just a capacity problem, given the evidence I've seen about openly supporting the Haqqani Network and Miram Shah. There are places in Miram Shah, which is a town about 30 clicks across the border from Afghanistan, where you can see surveillance photos of the Haqqani Network openly operating. There are IED factories down in a town called Shram (ph), near Quetta, where they're just openly operating IED factories. So that piece of the puzzle convinces me that it's more than capacity.

[01:07:45]

There is a – Pakistan is a house divided. There's a group within the army, like this major who is now in prison, who believes it's better for their country to expose bin Laden than it is to hide him. There are corps commanders on the Frontier Corps that are taking the fight to the insurgency because they believe it's the best thing for their country.

The Pakistani army is very good at clearing. They kill everybody. Holding and building is not their strong suit. The only way we're going to control the tribal regions, in my view, is to have a partnership, with limited military assistance from the United States, but allow them to build and hold. So I see the Pakistan army being schizophrenic, and quite frankly, it's more than capacity. Where there is a lack of will, we need to expose it. Where there's a lack of capacity, we need to increase it. But how do you increase capacity if there's no will?

So what should we do? It gets back to your question early on. I think we should give the Pakistani government and army a clear pathway forward, identify certain benchmarks and measurements that we would like them to achieve, that are achievable within their capacity, that would be transformational if they agreed to do these things – as a test of a new relationship.

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[01:09:08]

After bin Laden – if you’re listening in Pakistan – it is almost impossible for an American politician to continue to help Pakistan. The American people are so sour on this relationship. And having said that, as hard as I’ve been today on Pakistan, the worst thing we could do is abandon them. As long as there’s some hope, I think we need to stay engaged. And quite frankly, the hope is pretty small right now. So let’s reset this relationship, start over with some benchmarks and measurements.

One last question, from the gentleman back there.

Q: Senator, Stephen Rickard with the Open Society Institute. I want to thank you for your impassioned defense of the need to make investments on the civilian side for our national security, and also to thank you for your consistent advocacy on behalf of the rule of law as the critical underpinning in our combating terror. You did that under a Republican president; you’re consistent in doing that under a Democratic president.

In light of your remarks and your consistent service as a champion of the rule of law, could you – it would be very useful, because of the role that you played in taking torture and abusive interrogation off the table, to hear you reaffirm your view that they should never serve a part in our interrogation, that they’re unlawful and contrary to our values, especially in light of the recent debate.

[01:10:47]

SEN. GRAHAM: I will be glad to.

Q: And in light of your comments about the need to detain a certain number of people indefinitely, and also your comment that you believe that the law – the war on terror will last for your entire lifetime in some form –

SEN. GRAHAM: Right.

Q: Can you tell me, from your point of view, if we detain people indefinitely without charge, how do we write into law the point in time at which we will let them out?

SEN. GRAHAM: OK. All right, this is a good way to end, because – how many people believe it’s a strength for America that we will provide due process to the worst people in the world? (Pause for show of hands.) I do, too. See, there is no shortage of people in the Mideast who will cut your head off. There are plenty of people would like to find a better way, but they’re scared to death because if they say, I want to go a better way, they’ll get their heads cut off. So detention is important.

But I’ve always believed that the rule of law is the sustainable ingredient that’s missing. And that’s the hardest thing to achieve. Military success can happen pretty quickly if you get 30,000 Marines going after the enemy, but to sustain systems that will keep the enemy at bay and to allow people to go a different way, you’ve got to have a judicial system that basically people buy into.

[01:12:08]

I don’t mean to give you a long-winded answer, but I will. (Laughter.) In Afghanistan, what role should tribal justice play? Who really cares how you decide who gets the goat? I don’t. But I do care about a rape case or a

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felony. So we're learning that tribal justice systems can provide capacity pretty quickly for basic, everyday disputes. Land disputes are somewhere in the middle. The biggest problem we have now in sustainability in Kandahar is figuring out who owns the land. So we're trying to blend in Afghanistan a mix of tribal justice and formal justice that is Afghan good enough.

Now, from an American perspective, detaining terror suspects when you're not fighting a nation state is something new and novel. So what does waterboarding do to us as a nation? It takes us down a road where the moral high ground over time is lost, confusion occurs among the ranks, and we begin to abandon the very principles that we believe in to change countries.

Do we want waterboarding in Afghanistan? No. What would we tell the Afghan security forces? What do we tell the Pakistani police? Stop torturing people. I believe, without any hesitation, that waterboarding is an interrogation technique that violates the War Crimes Act that we wrote a few years ago and will hurt America more than it will help America.

[01:14:00]

Having said that, I do not believe it's wise to advertise on the Internet the Army Field Manual as the exclusive interrogation technique available to our country against the enemy. The one thing interrogation does, it allows you to get good information, and if you do it right, it will turn people towards you, not away from you.

So what I've tried to do is strike a balance, to make sure that we have aggressive interrogation techniques that live within our values and that we can pursue the enemy but at the same time not lose who we are.

Long-term detention. The difference between fighting a war and fighting a crime is fundamental. And this has been a debate going on for about five or six years now. Under the law of war, you're not required to charge an enemy prisoner with a crime. How many people believe that the act – terrorism attack of 9/11 was an act of war? (Pause for show of hands.) How many people believe it was a crime? (Pause for show of hands.) All right.

Now, that is a huge decision to make. Under the criminal law, there is no ability for indefinite detention, nor should there be. I do not believe in holding someone charged with a crime without the right to represent themselves, without being charged in a way where they understand the charges and being able to confront those charges. If you corrupt the criminal justice system in the name of fighting the war, you're going to lose the war and lose the criminal justice system.

[01:15:40]

There is another way. Under the law of war, when you capture an enemy combatant, you're not required to charge them with a crime. There are some people that this administration have identified – 48 right now – of being too dangerous to release but not subject to criminal prosecution. They're indefinite detainees. When will this war be over? I told you it would last longer than my lifetime. From a South Carolina senator's point of view, that could be a very long time. (Laughter.) The average age of a South Carolina senator when I came to the Senate was 91. (Laughter.)

So I buy into the idea this is a war without end and the normal rules of law of war do not apply, because an enemy combatant determination is a de facto life sentence. How do you get to be an enemy combatant? You go through a combat status review tribunal held by the military. Then every detainee gets a habeas hearing before a federal judge

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and independent judiciary. And if the judge rules with the government that you're in fact a member of al-Qaida or an affiliate group, then you're in a legal situation where you could die in jail.

I'm OK with that as long as you have due process. I'm OK with killing al-Qaida folks, and I'm also OK with keeping them in jail for the rest of their lives if the process, at least, of that decision is rational and within our values.

[00:17:08]

So here's what I've urged the president to consider: an annual review process where every detainee will be able to make the case, I'm no longer dangerous or there's something new in my file that should be looked at, and I should be able to go back to a judge and petition for a rehearing.

I believe at a certain point you should have another engagement by an independent judiciary, and that every year, at least every year, every detainee will be given the ability to make the case that they should be released. But the consequence of joining al-Qaida, if in fact you do that, are enormous. You could lose your life or you could die in jail.

The general belief that indefinite detention is outside the law, I don't agree with. But because this is a war without end, you've got to change your laws. So let's have an annual review process, interagency, where you give the guy a lawyer and let them make the case every year, I should be released, I'm no longer dangerous. That's what I think we should be doing.

[01:18:12]

I support the president's decision that 48 of these guys are not going to go through the normal criminal process, because the day you put them in a criminal trial, if you take the right to confront away from the detainee, you've distorted the criminal justice system. What did Vice President Cheney want to do with the first Military Commissions Act? Allow the jury to hear evidence not shared with the defendant. He was trying to get around the confrontation right.

That's not your choice. What would we say if an Iranian court captured a CIA agent or some special operations guy and they had a trial where the judge or their equivalent of a jury was provided evidence against our guy and he not be given a chance to look at it? We would scream bloody murder. We would say it's a violation of Common Article 3.

So what I've tried to do is not let the criminal justice process be corrupted because the evidentiary issues are difficult. I've tried to create two lanes: an Article 3 lane, military commission lane for prosecutions; a(n) indefinite detention lane for those people who are high-value, very dangerous but also need to have due process because it's a war without end.

I've taken off torture, in my view, through the Detainee Treatment Act. I think we have interrogation regimes that we should be proud of but also recognize the difference between robbing a liquor store and committing an act of war against the American people.

I wish it were easier. I wish it wouldn't go on so long. I wish we didn't have to do all of this. But wishing doesn't solve the problem. It's going to go on for a very long time. And each country is different, my friend. What you do in Yemen is going to be different than what you do in Libya.

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And one final thought: What the hell do we do in Syria? How much longer do we allow Assad to use tanks and helicopters to kill his own people before somebody intervenes and does something about it? The Libyan model, I think, should be looked at in terms of how we engage Syria if things continue to deteriorate.

[01:20:32]

I wish we had the luxury to look the other way. But if we could replace Assad with something like a democracy, it would be the most isolating event I know of when it comes to Iran. We have a moment of time here to change the world. And there are people as I speak going up against tanks, helicopters, people armed to the teeth, wanting what we take for granted. How can we as Americans sit on the sidelines?

Thank you for having me. (Applause.)

[01:21:31]

(END)