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Capt. Mark Kelly, Wayne LaPierre on chances for compromise in gun control debate

Written by [Chris Wallace](#) [1] / Published February 03, 2013 / Fox News Sunday

Special Guests: Capt. Mark Kelly, Wayne LaPierre

The following is a rush transcript of the February 3, 2013, edition of "Fox News Sunday With Chris Wallace." This copy may not be in its final form and may be updated.

CHRIS WALLACE, HOST: I'm Chris Wallace.

The debate over guns gets even more intense.

(BEGIN VIDEOTAPE)

FORMER REP. GABBY GIFFORDS, D-ARIZ.: Too many children are dying -- too many children. We must do something.

WALLACE (voice-over): A dramatic hearing on Capitol Hill underscores the deep divisions over how to prevent mass shootings.

We'll ask two of the leading advocates to make their cases -- Mark Kelly, husband of former Congresswoman Gabby Giffords, and Wayne LaPierre, head of the National Rifle Association. Kelly and LaPierre, only on "Fox News Sunday."

(on camera): Then, Senate Republicans go after one of their former colleagues who wants to be defense secretary.

SEN. JOHN MCCAIN, R-ARIZ.: Were you right? That's a direct question, I expect a direct answer, yes or no?

WALLACE (voice-over): We'll ask our Sunday panel if Chuck Hagel's nomination is in trouble.

(on camera): And our Power Player of the Week, a cheerleader for poetry.

(voice-over): All right now on "Fox News Sunday."

(END VIDEOTAPE)

WALLACE: And, hello, again, from Fox News in Washington.

President Obama travels to Minneapolis tomorrow to continue his push for new gun control. And Saturday, the White House released this picture of the president skeet shooting at Camp David which he says he does all the time.

Meanwhile, the National Rifle Association is fighting any new limits on guns. It's the first big legislative battle this year and today, we will cover it in-depth. We'll talk with Wayne LaPierre, head of the NRA in a moment.

But, first, Mark Kelly, retired astronaut and Navy captain, and a husband of former Congresswoman Gabby Giffords who was shot two years ago. He and his wife have now launched a new group, Americans for Responsible Solutions.

Captain, let's start with your wife's dramatic testimony before a Senate committee this week.

(BEGIN VIDEO CLIP)

GIFFORDS: You must act. Be bold. Be courageous. Americans are counting on you.

(END VIDEO CLIP)

WALLACE: How is Gabby doing?

KELLY: She's doing great, Chris. You know, she enjoyed being there, in front of the Senate. It was a little bit of having her former job back, in a sense, being on Capitol Hill.

WALLACE: Let's get to this debate, because your wife's shooting raises some of the questions at the core of the gun control controversy. Jared Loughner had been suspended from college because of concerns that he posed a danger to others. And yet he was able to go to a store in Tucson, pass a background check and buy the gun he used to shoot your wife.

So, the question is, what good does it make -- does it do to make more people go through these background checks when Loughner with his problems was able to pass a background check?

KELLY: Well, that's a good question, Chris. He was clearly mentally ill. The school knew it, his parents knew it, and he was expelled from Pima Community College because of his mental illness.

If his condition was entered into the system, into the criminal background check system, and he went to do that background check, I would assume that he would have been rejected. So, in the case of Jared Loughner, if Arizona would have entered 121,000 records that they had not entered into the system, if his record was one of those, and the he probably would have been rejected, as just like, since 1999, 1.7 million criminals and mentally ill have been rejected when trying to buy a weapon.

Now, the thing that -- the other point we need to make is, there is a gun show loophole. So in the case of the rejection from -- at the gun store, he could have easily gone to a gun show or private seller and get a gun.

So, this is -- you know, this is a problem but we can solve it.

WALLACE: Let me ask you about another part of the issue, of the debate. Loughner shot your wife and all the others at that shopping center that morning, with a gun with a magazine that held 33 rounds.

If there were a limit on the number of rounds, the president wants it to be 10 rounds, what difference would it

have made?

KELLY: I think it would have made a big difference, as he tried to reload one 33-round magazine for another 33 magazine -- round magazine, he dropped the magazine, and that gave time for a woman named Patricia Maisch to grab it and it gave time for a couple of people to restrain him.

If, let's say, for a second, that that was a 10-round magazine and the same thing happened. You would have had a lot less people shot and a lot less people murdered. Even 9-year-old Christina Taylor Green, born on 9/11 and didn't live to see her 10th birthday likely would be alive today, because she was shot with a bullet after round number 13. **WALLACE:** As you know, Captain, Wayne LaPierre is going to be on in the next segment and I want to deal with the arguments he makes. He says we had an assault weapons ban for 10 years. It didn't work.

KELLY: Well, I don't know if it worked or not. I mean, I haven't looked at all of the statistics. Common sense tells me that if it is much more difficult for criminals and the mentally ill to get assault weapons and high capacity magazines and guns in general that we will save lives.

I served in the military for 25 years. I mean, I know the value of having an assault weapon, a gun that can kill many people, many quickly. I personally don't believe that we should have, you know, the average person on the street, including criminals, mentally ill and terrorists should have easy access to those weapons. In cases of mass shootings when an assault weapon has been used, we know that, typically, twice as many people are shot and that means more people die and are severely injured.

WALLACE: All right. The NRA says there are already 9,000 federal gun laws on the books. The problem is the government doesn't enforce them.

KELLY: Yes, I agree with Mr. LaPierre, you know, on that point. There are gun laws on the books that aren't enforced, specifically with regards to background checks. I mean, there had been 1.7 million people that failed the criminal background checks since 1999. And, not enough of them are prosecuted. They should be prosecuted and there should be stiff penalties.

But at the same time, we can't give those people a second option as to where to go get a gun. And, right now, that is the gun show or the private seller. If we were to close those loopholes, it would be much more difficult for criminals and the mentally ill to get a gun.

You know, Gabby and I know it will be a hard problem to solve. I mean, she was somebody in Congress who worked with Republicans and worked across the aisle and that's what we're going to need to do here today.

You know, these are difficult problems. But, in the United States of America, we solve difficult problems. I mean, we sent men to the moon. We built the International Space Station. We cured diseases. We can fix this.

WALLACE: The basic question, the basic argument, the NRA makes, is they say, and the Supreme Court upheld, that there is a constitutional right to bear arms and they say government doesn't have the right to say what kind of gun, how big a magazine. According to the NRA, that's tyranny.

KELLY: Well, I don't agree. You know, I do agree that every American has the right to own a firearm, to protect himself, to protect his family, to protect his property. Gabby and I are both gun owners and I don't think you'll find a person stronger a supporter of the Second Amendment than me and I defended it with my life over Iraq and Kuwait.

You know, but this isn't about the Second Amendment anymore. This is about public safety. We had 20 first graders die in their classrooms because we don't have sufficient gun violence legislation in the country.

In 1934, we banned automatic weapons. You know, I argue the semi-automatic assault weapon with a high capacity magazine is just too dangerous to be on the street where criminals and terrorists and the mentally ill can easily get them.

WALLACE: Let's talk some political reality, because, as we mentioned you and your wife are starting a political group. The president is making a push. Mayor Bloomberg and other mayors are making a push. Let's talk political reality. I don't have to tell you, the NRA has a lot of clout on Capitol Hill. In the last election cycle, they contributed \$20 million to campaigns last year. Fifty percent of the members of the new Congress have an A-rating from the NRA.

Realistically, what do you think you can actually get through Congress this year?

KELLY: Well, certainly, sitting in front of the Senate Judiciary Committee, you know, I saw on both sides of aisle that members of the Senate, of that committee, really feel that we need to do something.

Now, sometimes, you know, it wasn't clear that everybody agrees on exactly what needs to be done. But I certainly saw that there is certainly a feeling, I believe, that a criminal background check is a necessity to keep criminals, the mentally ill and terrorists from getting weapons. And I think that's very possible to get that done. I mean, Gabby and I are going to work, you know, as hard as we can, to do whatever we can, to get common sense solutions.

KELLY: I think the first thing -- I mean, along with some, you know, help for the mentally ill and addressing this mental illness problem, is a universal criminal background check.

WALLACE: Well, I want to ask you, because you did not mention the assault weapons ban and Vice President Joe Biden said something quite interesting this week, I want to put it on the screen.

He said, "I'm much less concerned, quite frankly, about what you call an assault weapon than I am about magazines and the number of rounds that can be held in a magazine."

Has your side already given up on the idea -- not whether you think it is right or wrong -- but whether it's politically practical, realistic, have you given up the idea of banning assault weapons this year?

KELLY: Well, first of all, Gabby and I don't have a side. Our organization is -- supports gun owners, responsible gun owners like ourselves, people that are strong supporters of the Second Amendment. I mean, I think that is really a priority here.

But another priority is to protect Americans. And, there are common sense things we can do to make this country a lot safer -- a universal criminal background check, identifying the mentally ill and getting those records into the system, the high capacity magazine issue needs to be addressed. It saves lives. And, assault weapons.

I mean, I -- like I said, Chris, I mean, I spent 25 years in the military and know the value of having an assault weapon. And it's to kill a lot of people, very quickly. And I think they are way too readily available and I think in time we will be able to address those issues.

WALLACE: And, finally, we have less than a minute left, as you know, Wayne LaPierre will be on right

after the break, in the next segment. Man-to-man, what do you want to say to him?

KELLY: Well, you know, certainly, he's going to say that background checks don't work. But, that is not true. I mean, he's going to tell you that in a couple minutes.

Since 1999, 1.7 million people were prevented from getting a firearm because they had a criminal record or a history of mental illness, we have stopped those people from getting a gun. Now, we've got to make sure they don't have a second option to get the gun and that's getting the gun from a private seller or the gun show loophole without having a background check. We need to close that loophole.

So, I hope Mr. LaPierre can think about what would his members want. You know, 74 percent of NRA members think it is a very reasonable thing to do, to have a background check before buying a gun.

So what I would tell Mr. LaPierre, is I hope he'd listen to his membership, because members of the NRA tend to be very reasonable on this issue.

WALLACE: Captain Kelly, thank you. Thank you for joining us and we wish you and your wife the very best, sir.

KELLY: You are very welcome, Chris. Thanks for having me on your show.

WALLACE: Up next the head of the NRA, Wayne LaPierre.

(COMMERCIAL BREAK)

WALLACE: We're back now with more on gun control. Wayne LaPierre joined the staff of the National Rifle Association in 1978. For the last 22 years, he has been the NRA's chief spokesman at the center of the debate over guns.

And, Mr. LaPierre, welcome to "Fox News Sunday."

LAPIERRE: Thanks, Chris. Good to be with you.

WALLACE: You just heard Captain Kelly and he specifically brought up the background checks and the fact that since 1999, 1.7 million people have failed background checks and have been denied guns.

Now, I know you point out, criminals are not going to go through the background checks and there are other ways, and there's always going to be a black market to get guns. But if 1.7 million people have already been denied guns by a partial background check, doesn't that make people safer?

LAPIERRE: You know, Chris, I have all the respect in the world for Captain Kelly and what happened to his family should never happen to any family, we all want to stop it. But, let me talk about the proposal President Obama and people like Mayor Bloomberg are putting forward.

One, let me answer your question -- I don't think you can say that those 1.7 million people have been stopped from getting a gun at all, because the government didn't prosecute virtually any of them. They let them walk in, they were denied and let them walk out.

And who really thinks if they wanted to commit a crime they didn't go on and get a gun?

WALLACE: I don't know, seems to me if 1.7 million people were denied. I understand the hardened criminal

but the disturbed person, the Adam Lanza in Newtown, the James Holmes in Aurora, Colorado, those are not hardened criminals. And if they're stopped from getting a gun by universal background check, won't that make a difference?

LAPIERRE: You know, the instant check was actually the NRA's proposal. We offered as an amendment to the Brady Bill, to put it on dealers, and I have been in this fight for 20 years and we supported it and we put it on the books.

But, I have finally become convinced after fighting to get the mental records computerized for 20 years, and watching the mental health lobby, the HIPAA laws and the AMA opposed it, I don't think it's going to happen. I mean, the fact is, that check now, these people are not --

WALLACE: But it worked enough that 1.7 people were denied. I mean, I completely agree with you -- I mean, as Captain Kelly pointed out, Jared Loughner was able to pass the test and there are holes in it, but it doesn't mean, because it's not perfect doesn't mean that it doesn't --

LAPIERRE: Well, the hole in it is the fact I've been -- we have been fighting 20 years to get the records computerized and I know what goes on behind the scenes in this town, they won't do it. The mental health lobby won't do it. The HIPAA laws won't do it.

It's not going to -- I wishing it would happen. We are all for it but it's not.

WALLACE: You are for universal background checks?

LAPIERRE: Well, universal, but, now, that's what President Obama is now putting forward and let me talk about that. It's a fraud to call it universal. It's never going to be universal. The criminals are not going to comply with it. They could care less.

You are not going to computerize -- you have seen you're not going to computerize the mental health records. So here's what's going to happen. We ought to quit calling it now universal check. The real title ought to be the check on law abiding people all over this country.

And then let's talk about how it will work. They're going to take a failed system. If you are in Broken Bow, Nebraska, or if you're Anselmo, Nebraska, out there and you are a hunter or a rancher, if I want to sell you a shotgun or something like that, the federal government, we'll have to go find a dealer, or walk into a police station, who's going to do the check?

There's going to be fees. There's going to be paperwork. There's going to be law-abiding people caught up in a bureaucratic nightmare, and, there's going to be abuse in terms of prosecutions. And, it's going to affect only the law-abiding people them. Criminals could care less.

WALLACE: I want to move on to another subject. What do you make of the picture -- we'll put it on the screen -- that the White House released Saturday, of President Obama skeet shooting at Camp David? He says he respects hunting.

LAPIERRE: Well, I make the same thing during the campaign, when he said to people I will not take away your rifle, shotgun, handgun. They leafletted the country with flyers like this, Obama is not going to take your gun, Obama is going to protect gun rights. And, now, he's trying to take away all three. I mean --

WALLACE: He's not taking away shot guns.

LAPIERRE: Have you looked -- have you looked at the Feinstein bill, that he is supporting?

WALLACE: Well, that's not --

LAPIERRE: I mean, that's exactly what it does. I mean, I think what they'll do is they'll turn this universal check on the law-abiding into a universal registry of law-abiding people -- and law-abiding people don't want that.

LAPIERRE: I mean, my God, that's the last thing they want.

WALLACE: Absolutely do not -- I mean, forgive me, sir, you take something that is here, and you say it's going to go all the way over there. There is no indication -- I mean, I can understand you are saying that that's a threat, but there's nothing anyone in the administration has said that indicates they are going to have a universal registry.

LAPIERRE: And Obamacare wasn't a tax until they needed it to be a tax.

WALLACE: The Supreme Court decided that.

LAPIERRE: I mean, you cannot trust these -- I mean, my God, Dianne Feinstein, said, if I could go door-to-door and pick 'em all up, I'd do it.

Can I tell you what I think will work for just one second though?

WALLACE: I'm going to ask you a couple of questions, and we'll get to it. Forgive me, sir. I'm going to conduct the interview.

LAPIERRE: Yes. No.

WALLACE: The murder today, because one of the things that concerns people, it seems every day we talk about a shooting. Oftentimes, mass shooting.

LAPIERRE: Right.

WALLACE: Day after day after day. And the frustration is you don't think that the answering -- that limiting guns has anything to do with that. And I understand there is some things you think will work and we'll talk about that.

The murder yesterday of former Navy SEAL Chris Kyle, this was a man who wrote "American Sniper". This is a man credited with the largest number of confirmed kills of any American soldier ever. He and another man gunned down at a Texas gun range.

LAPIERRE: If you want to stop violence in this country, here's what you do, OK? First, if you want to protect or kids, you put armed security in schools. I'm not talking about arming teachers, I'm talking about police officers, and I'm talking about certified professional security people. There is not a parent that sends off their kid to school that wants those kids to be unprotected. Just in Atlanta this past week, armed security stopped a shooting in an Atlanta school. Stopped it, right? Stopped it.

Second --

WALLACE: Here's the problem -- but here's the problem, respectfully, sir. If you -- if you arm people at

schools, a lot of these people aren't just motivated to kill people in schools, they want to kill people.

And, forgive me, and, if it's -- school is too tough, they'll go to a movie theater. Like James Holmes. They'll go to a shopping center. They'll go to a gun range and kill Chris Kyle.

LAPIERRE: So, let's talk about the rest of it. You fix the mental health system. Every police officer knows people on the streets that should be institutionalized because after they're institutionalized, they are out there walking around in the street. We need to change our civil commitment laws. We need to change the mental health system, fund it and make it work. Get these people, interdict them and get them into treatment. We're not doing that.

I still would like to see mental health records computerized, but we can't get that done. I've got a transcript here with Senator Schumer, from 20 years ago, on "Face the Nation," where I begged him to help us do it, and they still haven't done it. And, the NRA has been fighting to get it done.

WALLACE: All right. You oppose gun control as a form of government tyranny. But in the Senate hearings, this week, you offered a different reason for it. Let's take a look.

LAPIERRE: Right.

(BEGIN VIDEO CLIP)

LAPIERRE: What people all over the country fear today, is being abandoned by their government. If a tornado hits, if a hurricane hits, if a riot occurs, that they're going to be out there alone, and the only way they will protect themselves, in the cold, in the dark, when they are vulnerable, is with a firearm.

(END VIDEO CLIP)

WALLACE: Do you really think that that is a more serious threat, marauding bands of Americans during a hurricane or a tornado, do you think that's a more serious threat to the average American than the steady drum beat of gun violence and sometimes mass gun violence?

LAPIERRE: We want to stop gun violence, that's what we're trying to do. So here's the threat. There are 25 violent crimes a week in this country. We need to take a city like Chicago and nobody wants to do it but the American public will get it when I say it. Chicago, 89 of 90 in the country in terms of enforcing the reasonable federal gun laws NRA supports on the books against felons and drug dealers and gangs with guns, the people doing the killing.

We are all obsessed with the Taliban and we ought to be. What about the gangs? They are ruining neighborhoods all over the country? We need a federal task force, if it takes 500 agents, if it takes a thousand agents, go into Chicago.

I know, Eric Holder doesn't want to it. He says it's a cookie cutter approach.

I know Rahm Emanuel doesn't want to do it. He sent people up on the hill when a Clinton administration was there, saying they are guppies and they can't be concerned with drug dealers with guns.

Every gang member on the street of Chicago, starting tomorrow morning, let's pick 'em up, we've got a federal law to get them off the street and put them in prison, and that would cut crime and we're not doing it.

WALLACE: Well, that's a perfectly legitimate point. It wouldn't have saved the people in Newtown. It

wouldn't have saved the people in Aurora, Colorado. It wouldn't have saved the people in Clackamas County, Oregon.

I want to talk about the question of rights. This Heller case is the case, a victory for the NRA, in which the court affirmed, the Second Amendment, means what it says. But here's what Scalia, Justice Scalia, wrote in the majority opinion. Let's put it up on the screen. "The Second Amendment conferred an individual right to keep and bear arms. Of course, the right was not unlimited."

Not unlimited. Scalia talks in his majority decision about what kinds of weapons people can buy, who can buy them, where they can be carried. The right is not unlimited, Mr. LaPierre.

LAPIERRE: And we have all kinds of reasonable laws right here the NRA supports and if they enforce them in Chicago, it would cut crime. But for the most basic right is to protect yourself and the American public wants to be able -- semi-automatic technology has been around 100 years. If you limit the American public's access to semi- automatic technology, you limit their ability to survive.

If someone is invading your house, I mean, you shouldn't say you should only have five or six shots, you ought to have what you need to protect yourself -- a woman should. Not what a politician thinks is reasonable.

WALLACE: A couple of weeks ago, the NRA started running an ad that created a great deal of controversy. Here's a clip.

(BEGIN VIDEO CLIP)

NARRATOR: Are the president's kids more important than yours? Why is he skeptical about putting armed security in our schools when his kids are protected by armed guards at their school?

(END VIDEO CLIP)

WALLACE: Mr. LaPierre, do you regret putting up that ad?

LAPIERRE: The point of ad was this -- it wasn't picking on the president's kids. The president not --

WALLACE: It mentions them.

LAPIERRE: The president's kids are safe and we are thankful for it. The point of that ad --

WALLACE: They also face a threat that most children do not face.

LAPIERRE: Tell that to people in Newtown. Tell that to people --

WALLACE: Do you really think the president's children are the same kind of target as every school child in America? That's ridiculous and you know it, sir.

LAPIERRE: You know, unfortunately, I think there are parents all over the school that think -- all over the country that think their kids are entitled to the same amount of protection when they go to school, and they want --

WALLACE: So, they should have Secret Service?

LAPIERRE: No, but what they should have is police officers or certified armed security in those schools to keep people safe. If something happens, the police -- despite all the good intentions, is 15 to 20 minutes. It's too long. It's not going to help those kids.

Certified armed security in schools, just like --

WALLACE: But that's not going to protect them in the shopping mall, in the movie theater, on the streets.

LAPIERRE: Which is why we need to do everything else I'm talking about. Let's enforce the federal gun laws which we did not do now against gangs with guns, felons with guns -- my gosh, in the shadow of where we are sitting now, gangs are out there in Washington, D.C. You can buy drugs. You can buy guns. They are trafficking in 13-year-old girls --

(CROSSTALK)

WALLACE: I understand there are lots of problems out there and this isn't going to solve all of them.

But you can't say, that -- first of all, the gangs don't commit the mass murders, Adam Lanza wasn't a member of a gang. James Holmes was not a member of the gang.

You talk -- one of the points of the ads that I want to ask you about, is you made it a class argument, the rich and elites.

LAPIERRE: Sure.

WALLACE: They have bodyguards. They have security.

LAPIERRE: Sure. And Mayor Bloomberg has it. Mayor Bloomberg has bodyguards.

WALLACE: I'll tell you who else has security. You do.

LAPIERRE: Sometimes. Yes.

WALLACE: And, you have security. Today you have security.

LAPIERRE: Yes, and you talk about hypocrisy right out in the open, we have had all kinds of threats on me, OK?

WALLACE: Does that make you an elite -- an out of touch elite because you have security?

LAPIERRE: I don't deny anybody the right to security when they need it. What I'm saying, it is ridiculous, Chris, for all the elites and all the powerful and privilege, the titans of industry, to send their kids to school where there's arm security. They have access to semi-automatic technology. They have access --

WALLACE: First of all, I don't know anybody who has -- I don't know anybody elites who sends their kids -- my children went to the same school that the Obama children went to, many years ago, and there were no armed security there.

LAPIERRE: A third of the schools in the country already have armed security.

WALLACE: I understand that, but the idea of an elite class, it's just nonsense, sir.

LAPIERRE: Capitol Hill, right now, they are all protected by armed security, with high-cap magazines while they sit there and try to limit the average citizen, to 10, because they think that that is reasonable in their opinion --

WALLACE: One last question, because we are running out of time. President Obama is making it a big issue. He's going to Minneapolis tomorrow. You know, that Captain Kelly and Gabrielle Giffords are making it an issue.

Mayor Bloomberg is going to launch a big campaign. In fact, they are running an ad during the Super Bowl here in the Washington area pointing out the fact that in 1999, you supported a universal background check.

LAPIERRE: Not universal. We supported a check at gun shows.

WALLACE: OK. All right.

LAPIERRE: Not universal.

WALLACE: Expanded. Correct -- stand corrected.

Question -- do you think in this environment with this new effort, after Newtown, you're still going to be able to convince Congress not to pass any new gun controls?

LAPIERRE: I think the majority of the American public sees through this and want the current laws enforced. They don't want more laws imposed on what is only going to be the law-abiding and they see that how little all of this has to do with keeping our kids safe, and how much it has to do with decades or two decades long agenda to just drag the same old gun ban proposals they been trying for 20 or 30 years, and piggyback them onto this tragedy.

And I think that's a tragedy. Let's make Chicago safe. Let's put a federal task force in there tomorrow morning.

WALLACE: Mr. LaPierre, Thank you.

LAPIERRE: Thanks, Chris.

WALLACE: Thanks for coming in today. And this is going to be a debate, the first big political debate of this year. Thank you, sir.

LAPIERRE: Thank you.

WALLACE: Up next, Chuck Hagel stumbles his way through his Senate confirmation hearing. We'll ask our Sunday group whether his nomination to be the next defense secretary is in trouble.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIPS)

CHUCK HAGEL, DEFENSE SECRETARY NOMINEE: I support the president's strong position on containment.

I have just been handed a note that I misspoke and said, I supported the president's position on containment.

If I said that, it meant to say that I obviously -- his position on containment, we don't have a position on containment.

SEN. CARL LEVIN (D-MI), CHAIRMAN, ARMED SERVICES COMMITTEE: Just to make sure your correction is clear, we do have a position on containment, which is that we do not favor containment.

(END VIDEO CLIPS)

WALLACE: Wow. Defense secretary nominee, Chuck Hagel, struggling in his Senate confirmation hearing this week when asked about the U.S. policy on Iran's nuclear program.

And it is time for our Sunday group: Republican strategist Kevin Madden; Nina Easton of Fortune magazine; radio talk show host Laura Ingraham; and former Democratic Senator Evan Bayh.

Senator Bayh, you have served in the Senate 12 years, have you ever seen a nominee for a top Cabinet post have a worse confirmation hearing.

EVAN BAYH, FORMER DEMOCRATIC SENATOR: Well, Chuck didn't bring his A-game, Chris. I think that everybody would concede that, probably Chuck, first and foremost among them. But at the end of the day it's not going to matter. He's going to be confirmed as secretary of defense.

And because there is a strong presumption that the president gets to choose his own Cabinet, absent something that disqualifies him from a personal standpoint, there's nothing like that here. Now many of the Republicans will vote no, largely because it an easy no vote. The president gets his cabinet but they get to express some reservations.

The key question, Chris, is, does someone like a Senator Ted Cruz from Texas decide to filibuster? That would raise the bar a little bit. I think Senator Hagel will still be confirmed but it will create some heartburn for some moderate Republicans.

And in the final analysis I think the ultimate take away from this is the next time Secretary of Defense Hagel comes before Congress or has a press conference, he needs to bring that A-game to project a sense of command and confidence people expect of a secretary of defense.

WALLACE: You said at the end of the day it doesn't matter. Should it matter that he didn't seem to know what administration policy was? He didn't in some cases seem to know what his own policy was, I mean, he's going to be the head of the Pentagon.

BAYH: Well, it raises questions on shows like this but it won't affect his confirmation...

(CROSSTALK)

WALLACE: Senator, it wouldn't raise a question in your mind?

BAYH: Oh, he corrected his answers and I think -- look, he wasn't as crisp as he might have been. But I think he misspoke. It wasn't as if he was projecting a real difference on policy with the administration.

What ultimately in matters, Chris, is how he performs as secretary of defense. Bob Gates, Leon Panetta, set the bar pretty high. I think Chuck Hagel will clear that bar and he is better prepared the next time.

WALLACE: Laura, at various points in Hagel's testimony he didn't seem to know or thought much about

major issues, about the Pentagon, about his funding, at one point he called the Iranian government legitimate and elected.

Are you as forgiving as Senator Bayh?

LAURA INGRAHAM, RADIO HOST: Well, I think the Russians and the Chinese were probably watching how this played out, because, I -- Bill Kristol was right when he said this was not just a second rate performance, this could have been the worst performance that ever took place at a confirmation hearing, and that is saying something.

So when you're the secretary of defense, it shouldn't be just the fact that you won two Purple Hearts, were awarded those in battle, his patriotism is not questioned. Merit should count for something.

And he is going to have to stand up against a, frankly, American military that is going to be cut back. He is going to have to stand for that and still be able to stand strong on the world stage. The fact that he didn't know where sequester came from. He didn't -- when Roy Blunt is questioning him, he didn't realize it came from the budget agreement.

That in and of itself it was disturbing. I mean, you would expect an aide to him to know the answer to these questions. He seemed completely out of his depth, which was surprising, knowing that people like McCain were going to be very tough on him. This couldn't have come as a surprise to him. I thought it was a shocking performance. Really, shocking.

WALLACE: And then, Nina, Hagel had to deal with past remarks such as his 2006 comment that the, quote, "Jewish lobby" had intimidated people on Capitol Hill, to do, quote, "dumb things," which led to this exchange with Senator Lindsey Graham.

(BEGIN VIDEO CLIP)

SEN. LINDSEY GRAHAM, R-S.C.: Give me an example of where we have been intimidated by the Israeli Jewish lobby, to do something dumb. Regarding the Mideast, Israel, or anywhere else.

HAGEL: Well, I can't give you an example.

(END VIDEO CLIP)

WALLACE: Nina, which raises the question, why does Barack Obama want Hagel in the Pentagon in the first place?

NINA EASTON, FORTUNE: Well, here's the thing, I think that his stumbling -- we're all focusing on how he stumbled, what troubled me was the peek into his world view, which in fact I think is the president's world view that we are seeing in the second term, and that containment exchange was very much front and center in this.

What does containment mean? It means that we're going to allow possibly a nuclear Iran and just contain it. We're not going to prevent it. And already people are skeptical about whether this White House is going to actually use -- keep the military option on the table to prevent a nuclear Iran.

This goes to the question of, does Hagel see the U.S. military, a strong U.S. military as a force for good, for leadership in this world? And you get the sense from this, from his comments, a la Bob Woodward in The

Washington Post, and the exchange he had with President Obama, that he doesn't. He sees this as a new world order and that we are, as it were, leading from behind. He didn't exactly say this.

And I would add that this comes at a time when Leon Panetta is pointing out the threat of these MANPADs, these anti-aircraft attack missiles that are coming out of Iran, that we need to intercept.

And there are dangers in places like that. There is al Qaeda expanding in North Africa. It is a dangerous world, you can't just put a pause button on it.

WALLACE: Kevin, let me be blatantly political here with you. What is the smart play for Senate Republicans? Should they filibuster Hagel? And we should point out that we can't find any history of a top presidential cabinet appointment ever being filibustered by either party. Should they try to filibuster him or say, hey you want him, you got him?

MADDEN: Well, I expect, having talked to many folks up on Capitol Hill that there is not a very big appetite for filibuster. I think that they are more inclined to use this as a vehicle to, again, argue where they disagree with President Obama's national security policy and where they disagree with his foreign policy. So I think that is probably the better play.

You know, one of the really interesting things here is, to Senator Bayh's point, was that a lot of folks up there believe that the president does get his nominee, but, that there were a number of instances where his qualifications, Senator Hagel's qualifications, did come into play, that it was a very big problem that you have somebody who is not even qualified enough to have really important and distinct opinions, on some very big national security policies.

So I think that is something that the folks up on Capitol Hill, again they're going to use that as a vehicle -- and that is probably a smart political play -- to litigate some of those differences that they have, with the administration.

WALLACE: All right. We have to take a break here, but when we come back, serious movement this week on immigration reform. But will congress pass anything?

(COMMERCIAL BREAK)

WALLACE: Still to come, our Power Player of the Week.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: I think poetry has a way of saying, this is my experience, and you can share in it with me.

(END VIDEO CLIP)

WALLACE: Her job this year is to spread her love of poetry.

(BEGIN VIDEO CLIP)

UNIDENTIFIED FEMALE: Being impassioned about something that means a lot to me, that I'd like to convey to other people.

(END VIDEO CLIP)

WALLACE: Stay tuned, we'll be right back.

(COMMERCIAL BREAK)

(BEGIN VIDEO CLIPS)

PRESIDENT BARACK OBAMA: Yes, they broke the rules. They crossed the border illegally, maybe they overstayed their visas, those are the facts. Nobody disputes them. But these 11 million men and women are now here.

SEN. MARCO RUBIO, R-FLA.: If this endeavor becomes a bidding war to see who can come up with the easiest, quickest and cheapest pathway to green card possible, this thing is not going to go well, folks.

(END VIDEO CLIPS)

WALLACE: The president and Senator Marco Rubio leading the discussion this week on what to do about immigration reform. And we're back now with the panel.

Well, a bipartisan group of eight senators, four Republicans and four Democrats, you see them on the screen, agreed to a statement of principle, not legislation, but principles this week on immigration, the 11 million illegals already here would get legal status almost immediately, but the path to citizenship would be linked to tougher enforcement at the border and in the workplace -- Laura, reasonable compromise?

INGRAHAM: I don't think so. I think what you are seeing here is, the Republicans are kind of cautiously optimistic -- oh, because Marco Rubio is up there and who doesn't love Marco Rubio if you are a conservative. The problem is we have seen the movie, we know how it ends. With enforcement, promises of enforcement, when it is all linked together, it's all in one bill, the enforcement usually never happens. And what we know from the administration and the Democrats is when states try to enforce what they can of immigration law, they are thwarted, lawsuits are filed, whether it's Arizona, places like Alabama, then you had the partial DREAM Act amnesty from the president by executive fiat.

They are not really all that thrilled with spending more money on enforcement, making it more difficult. David Vitter on my radio show this week called Marco Rubio both naive and said, well you are nuts if you think you can do this all in one bill. You have to establish border security first. And then I think the American people who are compassionate, giving, then deal with the people, probably more, closer to 18 million, not 11 million, by the way, but that is the number everyone throws around, then deal with the people who are here illegally.

WALLACE: But Senator Bayh, and I'm not saying whether Laura is right or wrong in terms of that being the right policy prescription -- politically, that is completely unacceptable to the Hispanic community and to President Obama.

BAYH: That's true, Chris. But there are areas where the concentric circles overlaps here. The Democrats want to do it from a policy perspective, but they also want to placate part of our base that is very important. The Republicans need to do this for reasons of self-preservation. They can't have a conversation with the single most rapidly growing part of the American electorate, the Hispanic community, unless they address this issue. And the business community believes strongly that resolving this issue is important to growing the economy.

So I do think there is some reason to believe that a consensus can formed. It may be a narrow one, and I think

one of the main issues here, what is the administration and what are the advocates want? Are they willing take Martin Luther King's approach through civil rights reform, step-by-step, or they have to make some compromises to get something done with the Republicans, or do they insist on everything and say, rather than legislation, we would rather have an issue in the midterm elections. I think that is one of the big issues.

WALLACE: But you don't think the president and Democrats would agree to this idea that a lot of conservatives suggest of, enforcement first, border security first?

BAYH: Well, that is going to depend on the semantics and the structure, Chris. Enforcement, sure. I don't think many Democrats -- not all Democrats...

WALLACE: You do that before you move at all on the 11 million...

BAYH: But then the question -- the devil is in the details, the question is, what is this timing of that, what are the metrics you use. So yes, some enforcement, but not something that just has forever to these people. There is no practical hope of ever having some kind of permanent status here.

WALLACE: Kevin, you saw the group, the bipartisan, the gang of eight that we put up there, that is only four Republican senators, let alone the full Republican caucus in the senate, let alone the House Republican majority. What they're chances that Republicans would go for something close to what the gang of eight came up with, this -- because, one of the key things we should point out is under this bill you would get, not a path to citizenship but even before enforcement, you get provisional status which means immediately, the 11, whatever, million, see now I'm concerned about that -- we're going to say 11 million just for the sake of the argument, immediately have legal status in this country?

MADDEN: Look, I think you are poised now for a better chance at success on this issue than any time we have had previously. I think one of the things that has happened is, you do have a sea change among many Republicans who do believe there is an important political ramification here. But put that aside we will not win Hispanic voters with one immigration bill.

I think what is very different about this time around than when we have had the immigration debate internally as a party in the past, is that folks like Marco Rubio do accept the reservation of folks people like Senator Vitter, they do understand that there are folks that have strong, substantive concerns about how we go about enforcement. And he's not willing to demonize those critics or attack them. And instead he is looking for them for input. And he is looking for them to be a part of the solution.

That is what happens with -- and I don't mean it critically against Senator McCain, I mean it clinically, but every time somebody disagreed with Senator McCain, he would attack them. And he would say, well, come up with your own bill. And this time I think there is a greater degree by folks like Marco Rubio that want to go out and engage critics as he has done with conservative talk show hosts, he's gone out and talked to talk radio, and he has engaged people who have been critical. That I think is the key element to whether or not there is -- this is successful for...

WALLACE: To answer my question, do you think, particularly the House Republican majority to go along with something like this?

MADDEN: I believe there -- there are principles in there that folks within the House majority do agree with, and they do recognize that this is part of a larger economic argument and it is only a step in dealing with some of the political problems that we have.

WALLACE: Nina, is this a win-win for the president if he gets comprehensive immigration reform, it's a huge legislative accomplishment and adds to his legacy, and if he doesn't, Republicans are just digging themselves into a deeper hole with Hispanics?

EASTON: Yeah, like everything seems to be a win-win with this president, these days, particularly on spending issues. I think it is -- I think we can't lose sight of the fact, though, that it's potentially a win for Republicans.

You know, this -- this legislation, this outline of legislation is remarkably similar to 2007, when, by the way, that sank John McCain's first attempt at the primary. But the difference now is a lost election, the fact that Republicans got 27 percent of the Hispanic vote when they should be getting 40 percent. And you have a very attractive, popular conservative leading the charge.

And I think there are going to be conservatives that aren't on the boat, but I think having Marco Rubio out there, out front on this is really key. And I think it will -- it will be good for the Republican Party.

INGRAHAM: It's risky for Rubio, though. I think we have to be clear on that. Because, while he's extremely popular and, again, we all like him, there -- there's a real divide here in the Republican Party. We have 23 million Americans who are either unemployed or underemployed. The idea that this is somehow going to be a huge boon to the economy, tell that to the middle-class worker in Ohio who sees his wages stagnated and other people who have been unemployed for long-term periods of time. It's a tough deal for them.

BAYH: The difficulty for the Republican Party at this point, Chris, is you've got a disconnect between primary politics and general-election politics. And what Marco Rubio understands is that it doesn't do you any good to win a nomination if you've rendered yourself unelectable in the fall.

WALLACE: And to go back to you, Laura, in about 15 seconds, do you think Republicans are going to go along with something along these lines? **INGRAHAM:** No, I don't. I think -- I think, unless there's real enforcement and it's verifiable, not the appointment of another commission, which I think is just a joke -- unless it's real enforcement, I think it's not going to work. I don't think it's going to go through. That's my view.

WALLACE: All right. Thank you, panel. See you next week.

Don't forget to check out "Panel Plus," where our group picks right up with the discussion on our website, foxnewssunday.com. And we'll post the video before noon Eastern Time. And make sure to follow us on Twitter @foxnewssunday.

Up next, our Power Player of the Week.

(COMMERCIAL BREAK)

WALLACE: It is common practice in Washington for people to use words to score a point, to sting. But we found a woman who uses words to reach out and to heal. And she is our Power Player of the Week.

(BEGIN VIDEOTAPE)

NATASHA TRETHERWEY, U.S. POET LAUREATE: To comfort us when we have losses, to celebrate with us our joys and triumphs, but also to help us see things differently than we do in our everyday lives.

WALLACE (voice over): Natasha Trethewey is talking about poetry and the role she says it continues to play, not as accessible as prose, not as immediate as video images, but conveying something important, something deeper.

TRETHERWEY: I now use ink to keep record. Sometimes our everyday speech has a way of saying, "This is me and that's you, and we're different." And I think poetry has a way of saying, "This is my experience, and you can share in it with me." Truth be told, I do not want to forget anything of my former life...

WALLACE: Trethewey is the nation's 19th poet laureate. Working out of the Library of Congress, her job this year is to spread her love of poetry.

TRETHERWEY: Well, I actually get inspired. It helps me to write poems to be here.

WALLACE: She describes her role as a cheerleader.

TRETHERWEY: In a former life, was a cheerleader, and it seemed a natural way for me to think about being excited about something, being passionate about something that means a lot to me, that I'd like to convey to other people.

WALLACE: Trethewey's father is white, her mother, black. They had to leave Mississippi in the '60s to get married.

(on camera): How do you think it affected you, the idea that your parents' marriage was a crime?

TRETHERWEY: Well, I think that it created in me a sense of psychological exile.

WALLACE (voice over): And when she was 19, her mother was murdered by her former stepfather.

TRETHERWEY: That's the moment where I really tried, in the language of poetry, to make sense of that loss.

Here, the dead stand up in stone, white marble on Confederate Avenue. I stand on ground once hallowed by a web of caves.

WALLACE: One of the themes of her work is memory, what gets left out of the nation's public record. She won a Pulitzer Prize in 2007 for "Native Guard," about a forgotten black Union regiment that fought in the Civil War.

TRETHERWEY: We know it is our duty now to keep white men as prisoners, rebel soldiers, would-be masters.

WALLACE: She wrote that poem in the library's reading room in seat 170. Sometimes, to rest her eyes, she would look up at a pillar marked "Poetry".

TRETHERWEY: And now, when I do it, I can't see the word "Poetry" so clearly, but I have faith that it's there.

WALLACE: And so Trethewey will continue to cheer-lead for an art form that forces you to slow down and contemplate in a world that doesn't always value that.

TRETHERWEY: Trying to find a way to say what seems so necessary to be said, but so difficult also, to someone that I can speak very intimately to across time and space, on the page, that is thrilling to me.

WALLACE (on camera): Trethewey works out of the attic in the Library of Congress, and she has set up office hours there for people who want to come and discuss poetry.

And that's it for today. Have a great week. And we'll see you next "Fox News Sunday."

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