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"Fox News Sunday" Host: Chris Wallace Guests: Commissioner Ed Davis, Boston Police Department; Senator Dianne Feinstein (D-CA); Representative Peter King (R-NY); Commissioner Charles Ramsey, Philadelphia Police Department; Philip Mudd, Terrorism Expert Time: 9:00 a.m. EDT Date: Sunday, April 21, 2013 Please credit any quotes or excerpts from this FOX News program to "Fox News Sunday with Chris Wallace."

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CHRIS MR. WALLACE: I'm Chris Wallace. We'll get the latest on the terror attack in Boston when we talk live to Police Commissioner Ed Davis, next.

COLONEL TIM ALBEN, MASSACHUSETTS STATE POLICE: (From video.) We are eternally grateful for the outcome here tonight. We have a suspect in custody.

MR. WALLACE: Massachusetts and the nation celebrate the takedown of the two brothers believed responsible for the marathon bombings. But what does the terror attack tell us about cracks in our national security? We'll ask two congressional leaders on intelligence issues, Senator Dianne Feinstein and Congressman Pete King.

Then, trade craft. How do we find terrorists without giving up our freedom? With cameras and images everywhere, is more big brother the answer? We'll sit down with Philadelphia Police Commissioner Charles Ramsey and terrorism expert Philip Mudd. (Introduces Sunday panel.) All, right now, on "Fox News Sunday."

And hello again from Fox News in Washington. At the end of the week, that saw the first mass bombing in the U.S. since 9/11, we're going to focus today on one central question -- where do we stand now in the war on terror? First, let's get the latest on the investigation from Boston Police Commissioner Ed Davis. As we welcome you, Commissioner, I know I speak for people across the country when I say -- congratulations, sir. Job well-done.

COMMISSIONER ED DAVIS: Good morning, Chris. Thank you very much.

MR. WALLACE: Let's start with the suspect, Dzhokhar Tsarnaev. What's his condition? Have police spoken to him yet?

COMM. DAVIS: The suspect is in serious but stable condition. The questioning is going to be done by a special team send in by the FBI. As far as I know, that has not happened yet.

MR. WALLACE: Is he able to speak? Is he in condition to speak? Are they waiting for that?

COMM. DAVIS: He's in no condition to be interrogated at this point in time. He's progressing, though, and we're monitoring the situation carefully.

MR. WALLACE: Is there any evidence at this point that there were other people involved in this plot, either foreign or domestic, and that they may be planning more attacks?

"Fox News Sunday" Host: Chris Wallace Guests: Commissioner Ed Davis, Boston Police Department; Senator Dianne Feinstein (D-CA); Representative Peter King (R-NY); Commissioner Charles Ramsey, Philadelphia Police Department; Philip Mudd, Terrorism Expert Time: 9:00 a.m. EDT Date: Sunday, April 21, 2013 Please credit any quotes or excerpts from this FOX News program to "Fox News Sunday with Chris Wallace." Federal News Service April 21, 2013 Sunday COMM. DAVIS: Chris, I can't get into too much of the investigation, but I can tell you that we're examining every possibility here. We've told the people of Boston we feel that they're safe at this point in time, and we continue to say that. There may be other components to this investigation that will lead to charges down the road. This is a very intensive and wide-ranging inquiry.

MR. WALLACE: Did the two brothers, from any indication you have, plan more attacks? And again, I get to the public safety aspect of this. Is there a possibility that there are more explosives out there that are unaccounted for?

COMM. DAVIS: It's possible, but we have already searched any of the locations that we know are directly connected with the two brothers. They clearly had other explosives. They detonated those explosives at the scene of the arrest and shootout in Watertown. We feel that they had plans to use those explosives, possibly on soft targets.

MR. WALLACE: So you think there were plans for more attacks on the homeland?

COMM. DAVIS: That's my assessment based upon the fact there are a significant number of explosives found at the scene of the arrest.

MR. WALLACE: So how confident can you be that they don't have more explosives still out there, sir?

COMM. DAVIS: We cannot be positive, but we're confident that these were the two actors, these were the two individuals that were carrying out this mission, and they are either dead or arrested at this point in time.

MR. WALLACE: I understand that you're limited in what you can say, but I have to ask you, what was the motive? Do you have any sense of why these two young men who had lived for years in this country suddenly turned into terrorists?

COMM. DAVIS: I think that question will be answered over the course of the investigation. We have great investigators from the Boston police, FBI, and state police working on this. But, right now, I can't say precisely what the motive was.

MR. WALLACE: You can't say because you don't know, or you can't say because you can't say?

COMM. DAVIS: I can't say because I can't say.

MR. WALLACE: Understood. Do you have reason to believe the older brother, Tamerlan, was the leader in this and that Dzhokhar may have been the follower? Can you hear me, Commissioner? OK. We have lost the commissioner temporarily. While we try to re-establish that connection, we're going to continue our conversation, and with so many questions still unanswered, we'll come back to the commissioner when we can.

So many questions still unanswered about the terror plot and how to protect our homeland, we've invited two congressional leaders on national security to discuss what happens now. Dianne Feinstein is chair of the Senate Intelligence Committee. Congressman Pete King is chair of the House Subcommittee on Counterterrorism, and he joins us from New York. I'm sorry. I've got him in my ear.

All right. Senator, Congressman, hold on. We're going to go back to the police commissioner.

Do you have a sense whether the older brother Tamerlan was the leader in this, and Dzhokhar somehow followed him into the conspiracy?

COMM. DAVIS: Any information along those lines is based upon conjecture at this point in time. I don't know definitively who was the motivator here. There's clearly evidence that's been published publicly that would indicate that the older brother traveled overseas and may have been involved in extremist views, but, again, that's not part of the investigation at this point in time.

MR. WALLACE: Let me just ask you one other question in that respect. Do you know anything about who Tamerlan met with, his involvement with extremists when he was in Russia for those six months last year?

COMM. DAVIS: I do not.

MR. WALLACE: What set the brothers off on their final rampage on Thursday night? Had you identified them 10:00 Thursday night? Were you closing in on them, or were they just trying to go out in a final burst of violence?

COMM. DAVIS: We were not closing in on them at that particular time. I think that they decided to go active after their pictures were disclosed publicly. Tragically, Officer Collier from the MIT police was murdered by these individuals as they started their rampage.

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MR. WALLACE: But that's where I'm -- I guess I'm getting at --

COMM. DAVIS: I just want to say --

MR. WALLACE: Go ahead, sir.

COMM. DAVIS: I just want to say, on Officer Collier, I believe that he was attacked, and his murder led to our apprehension of these individuals. Tragically, he paid with his life, but these individuals were out to kill other people, and I think that we forced their hand by putting the pictures out there. I think that's what started the rampage. But Officer Collier is a hero.

MR. WALLACE: And -- well, absolutely. And in that sense, were they planning or trying to escape, or were they trying to kill as many people as they could and they figured this was going to end with their death?

COMM. DAVIS: I only know what transpired in the hours after the release of the photos, and I think everybody can draw their own conclusions as to what their motivation was. I can't say from the investigative process exactly what we've determined at this point in time because of the federal investigation.

MR. WALLACE: Commissioner Davis, we want to thank you. Thanks for talking -- taking the time to talk with us today, and again we congratulate you on all the first responders for your great work.

COMM. DAVIS: Thank you, Chris. I appreciate that.

MR. WALLACE: Well, we've already introduced Senator Feinstein and Congressman King. So, let's talk to them about some of the policies. To Senator Feinstein -- one of the big issues that's come up now, should Tsarnaev be treated as a criminal, questioned under the public safety exemption to the Miranda rule, but then read his Miranda rights and have his right to a lawyer? Or should he be treated as an enemy combatant with no such protections?

SENATOR DIANNE FEINSTEIN (D-CA): I believe very strongly the former. I believe that's the only legal way to proceed. I do not believe, under the military commission law, that he is eligible for that. It would be unconstitutional to do that. Let me say this, Chris. One of the great things about America is that we come together at times of trial. I very much regret the fact that there are those that want to precipitate a debate over whether he's an enemy combatant or whether he is a terrorist, a murderer, et cetera.

Federal law, we've had 435 terrorist convictions under federal law. We've had 100-plus arrests. There have been maybe half a dozen under the military commission. It is really very clear to me that the course that can be taken -- you've got the high value interrogation group. They're skilled. They know how to do this. The Miranda right can be read at a later time. He's reportedly been shot through the throat. He's intubated. He can't talk now.

So there is time to do the investigation, to make a clear assessment, and to move from there. So I really regret all of this discussion, which is creating a conflict that need not be there. The administration is ready for this.

MR. WALLACE: Let me bring in Congressman King. Despite the comments of Senator Feinstein, do you think Tsarnaev should be treated as a criminal or an enemy combatant?

REPRESENTATIVE PETER KING (R-NY): I believe he should be treated as an enemy combatant for the purpose of interrogation. I put out a statement with Senator McCain, Senator Graham, Senator Ayotte. The reason for it is, there's so many questions unanswered. There are so many potential links to terrorism here. Also, the battlefield was now in the United States. So, I believe he is an enemy combatant. And he would not to be tried before a military. Ultimately, he will be tried in civilian court, and the statements taken from him cannot be used against him in that trial.

But, right now, he's really the only link we have as far as any Chechen involvement in al-Qaida movement, in the overall Islamist movement, and we don't know, are there other conspirators out there? Are there explosives out there? Where do they get the radicalization? Are there mosques, imams we should be looking at?

Who did his brother meet be when he was in Russia, in Chechnya? These are only questions that I believe can be obtained, through -- if he does not get his Miranda rights, because even though right now, there's the public safety exception. That's going to expire in about 48 hours. And after that, he can lawyer up and stay quiet. I'm not interested -- he's going to be convicted one way or the other in a civilian court. Right now, we should get intelligence. This is a unique opportunity --

MR. WALLACE: Let me --

REP. KING: -- to go into the treasure trove of intelligence only he has.

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SEN. FEINSTEIN: Well, we do not know specifics. However, we do know that there was very likely a call from Russia before he went back to Dagestan and Chechnya, asking about it. I think just conjecture would lead one to believe that this may have come from his running jihadist sites on his Web site. Anyway, he went home for six months. That's a lapse. We will find out what happened during those six months. I think there is likely going to be an assessment that this was somebody who did want to participate in a jihadist event.

There is ample evidence, fingerprinted, I understand, direct testimony from one of the people that had his legs blown off, that he recognized him. They admitted to the driver of the car that they hijacked that they were the bombers.

So I think there's going to be a great deal of evidence put together to be able to convict him, and it should likely be a death penalty case under federal law. I believe that the federal competence in doing this at this time is extraordinary. I believe that -- let me just finish -- that the HIG can interrogate him. They did this --

MR. WALLACE: High Value Interrogation Group.

SEN. FEINSTEIN: Yes -- with Abdulmutallab, they've done this with many, many others. And they've gotten many convictions.

MR. WALLACE: Let me bring in, Congressman, what do you --

REP. KING: I don't worry about conviction. I don't worry about a conviction. He's going to be convicted.

I want the intelligence so we can save American lives. And that can only be done I believe, effectively, if he's treated as an enemy combatant --

MR. WALLACE: OK.

REP. KING: -- and he's not have access to a lawyer.

MR. WALLACE: You've both made your point very ably. Let me ask you if I can, Congressman. What do you make of the fact, because of a Russian request, the FBI interrogated the older brother Tamerlan back in 2011 about his ties to radical Islam. They found out he was not a threat. And I guess two questions. First of all, what do you make of the interrogation? And what about the fact that when he returned after six months in Russia, he apparently was not on an FBI watch list?

REP. KING: Chris, I have great regard for the FBI and for Director Mueller, but this is the latest in a series of cases like this. Anwar Awlaki, Major Hasan, Carlos Bledsoe, Robert Hadley (ph), and now, this case with the older brother, where the FBI is given information about someone as being potential terrorists, they look at them, and then they don't take action. And they go out and carry out murders after this. So, again, I'm wondering, again, is there something deficient here? What was wrong?

Again, there was nothing they could find in 2011. He goes to Chechnya in 2012. He has statements up on his Web site. He's talking about radical imams. Why didn't the FBI go back and look at that? I don't want to run Monday morning quarterback. They did a great job of resolving the case. But as far as getting information in advance and not seeming to take proper action, this is the fifth case I'm aware of where the FBI has failed to stop someone who ultimately became a terrorist murderer.

MR. WALLACE: Congressman King, you said after the bombings -- and this is your quote -- we are letting our guard down. Do you believe that this attack should have been prevented? And you have also said, I gather, that political correctness be damned. We have to do more effective surveillance inside the Muslim community.

REP. KING: Well, actually, as far as letting our guard down, I was being critical of those in Congress. Some of my own party wants to start cutting funding for homeland security because they think this war is over. It's not. As far as the other question, Chris?

MR. WALLACE: The surveillance inside the Muslim community.

"Fox News Sunday" Host: Chris Wallace Guests: Commissioner Ed Davis, Boston Police Department; Senator Dianne Feinstein (D-CA); Representative Peter King (R-NY); Commissioner Charles Ramsey, Philadelphia Police Department; Philip Mudd, Terrorism Expert Time: 9:00 a.m. EDT Date: Sunday, April 21, 2013 Please credit any quotes or excerpts from this FOX News program to "Fox News Sunday with Chris Wallace." Federal News Service April 21, 2013 Sunday REP. KING: Oh, yes. Listen, the threat is coming from within the Muslim community in these cases, in New York. That's why Commissioner Kelly has 1,000 police officers out in the community. Unfortunately, he gets smeared by The New York Times and The Associated Press. But the fact is we've stopped 16 plots in New York because we know that al-Qaida is shifting its tactics. It's not going to be attackers from overseas. We've been able to prevent that.

They are getting people in our country who are under the radar screen, who have clean records. We saw it with the Times Square bomber, the subway bomber in New York, and now we've seen it, it appears, in Massachusetts. And 99 percent of the Muslims are outstanding Americans. The fact is that's where the threat is coming from. When the **FBI** was after the Westies, they went to the Irish community. When they were after the mafia, they went to the Italian community. If you know a certain threat is coming from a certain community, that's where you have to look --

MR. WALLACE: Let me bring in Senator Feinstein. Your reaction to that?

SEN. FEINSTEIN: Well, that's exactly where they will look. I mean, I -- I don't think all of this is very helpful. I think the important thing is to get the facts. Let the investigation proceed. The **FBI** has very good interrogators. They know what they are doing. I believe that they will put a case together that will be very strong. With respect to whether we are doing enough in the Muslim community, I think we should take a look at that. But I don't think we need to go and develop some real disdain and hatred on television about it.

MR. WALLACE: I must say, I don't think that's what Congressman King was saying. He was saying, that's where the threat was coming from. We have to address that threat.

SEN. FEINSTEIN: Well, this came at this point from two individuals. That's what we really do know. We do not know what their connections are. So I think we ought to find out before we begin to charge them with all kinds of associations.

MR. WALLACE: All right. We have a couple of minutes left, and I want to ask you a question and Congressman King a question.

Senator, reaction to the Boston bombings has spilled into other issues, including gun control. There are some conservatives who say -- some conservatives who say that, when a million people in Boston were forced to stay in their homes, that a lot of those people -- particularly in Watertown where they were going door to door and there was a real concern that this fellow might be on the loose, might break into their house, might take hostages -- would people like to have guns?

SEN. FEINSTEIN: Oh, some may have, yes. But if where you're going is do they need an assault weapon? I don't think so. As the vice president said --

MR. WALLACE: Shouldn't they have the right to decide whatever weapon they feel they need to protect themselves?

SEN. FEINSTEIN: Well, how about a machine gun then? We did away with machine guns because of how they're used. I think we should do away with assault weapons because of how they're used.

MR. WALLACE: Semiautomatics, that's the most popular rifle in America.

SEN. FEINSTEIN: And you could use a 12-gauge shotgun and have a good defensive effect. And there's the element of surprise. Now, you've got police all over the place in Watertown, so I don't really think that this is applicable. I think there are people that want to make this argument, but 12-gauge shotgun, there are many weapons, 2,000-plus weapons that are available to people for choice without an assault weapon.

MR. WALLACE: We're running out of time. So I'm not going to give you a chance to answer that question, Congressman King. But I'm going to give you a chance to answer the other question. This has also spilled into the debate over immigration reform. Some conservatives like Charles Grassley, senator from Iowa, are saying, you know, before we reform the system, we ought to focus more on who we let into this country. Your response?

REP. KING: Well, first of all, I don't think it should have a severe impact on the immigration debate. I do think it should focus on whether or not it should be refined, and that if people are coming from a country which has terrorist background, if there's a strong terrorist element in that country, that there should be extra vetting for people from that country.

But, listen, I'm a grandson of immigrants. While I have some concerns with the security aspects of immigration reform, I don't think we should use that as an excuse to stop the debate. But I do believe that, again, if someone's coming from a country which has strong al-Qaida or any other type of terrorist element in it, that we should not be afraid to ask the extra questions or the extra research, do the extra vetting to make sure that people coming in here have no affiliation at all to those terrorist groups.

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SEN. FEINSTEIN: Thank you, Chris.

REP. KING: Thank you, Chris.

MR. WALLACE: Thank you.

REP. KING: Thank you, Senator.

SEN. FEINSTEIN: Thank you, sir.

MR. WALLACE: Up next, we'll get another perspective from the terror threat from two men who have been on the front line. How vulnerable is the country to another attack? (Commercial break.

)

CROWD: (From video.) USA! USA! USA!

MR. WALLACE: The manhunt in Boston is over, but what did we learn about the terror threat and how best to protect the homeland? We're joined now by two men who have been on the front lines here in Washington. Philip Mudd, who spent more than a quarter century at the CIA, the National Security Council, and the **FBI**. And Commissioner Charles Ramsey, head of the Philadelphia Police Department, joins us from there. Gentlemen, welcome to both of you.

Commissioner Ramsey, as head of the nation's fourth largest police department, what have you learned from Boston? Is there any way to stop what appears to have been a small domestic terror cell?

COMMISSIONER CHARLES RAMSEY: Well, certainly, it's a challenge. And I don't think anyone can say that we can totally stop these kinds of attacks from occurring, but we do learn, as these incidents take place, and we take steps that we can to protect our public.

MR. WALLACE: Mr. Mudd, we interviewed you seven years ago, it turns out, as a power player when you were the number two men in the **FBI's** national security branch. Was there -- and I'm not just talking about the **FBI**. Was there any kind of a breakdown here in our national security operation, and specifically with regard to the **FBI**? Are you troubled by the fact that they were alerted by the Russians to the older brother, they interviewed him, decided he was not a threat, he goes to Russia, he comes back, and they don't seem to have him on a watch list?

PHILIP MUDD: No, I'm not troubled by this for several reasons. First, people fail to consider the implications of false positives. You look at one guy we could have gotten, but you forget the other 10,000 that would have come into the net if we look at a person like this every day. So, I look at this and say, you know, these kinds of things happen, but I suspect it wasn't a dropped ball here.

MR. WALLACE: And, overall, do you see any way you could have prevented these two guys?

MR. MUDD: Well, I mean, we're going to have to see what kind of foreign connections they have, whether the travel to Russia last year actually meant something. But what I see so far says we've got two kids who are in a closed radical circle. Breaking that circle in a state like ours that is an open society is virtually impossible.

MR. WALLACE: What is your sense -- and I understand this is speculation, but informed speculation -- were they acting alone, part of a group, and do you see any al-Qaida fingerprints on this?

MR. MUDD: The only fingerprint I've seen might possibly have been ideology, but not operations. Every step of the way was pretty rudimentary. For example, if you look at some of those initial photos, you've got a kid with a hoodie and a cap. If he wants to obscure himself, the hoodie goes on, and the cap goes forward. If he had operational training, I want to know who did it because they were amateurs.

MR. WALLACE: Commissioner -- unfortunately, they were amateurs who hurt a lot of people.

MR. MUDD: That's correct.

MR. WALLACE: Commissioner, some law enforcement officials are criticizing authorities in Boston for locking down the entire metropolitan community, a million people, for about 12 hours. They say we don't do that when there is a serial

"Fox News Sunday" Host: Chris Wallace Guests: Commissioner Ed Davis, Boston Police Department; Senator Dianne Feinstein (D-CA); Representative Peter King (R-NY); Commissioner Charles Ramsey, Philadelphia Police Department; Philip Mudd, Terrorism Expert Time: 9:00 a.m. EDT Date: Sunday, April 21, 2013 Please credit any quotes or excerpts from this FOX News program to "Fox News Sunday with Chris Wallace." Federal News Service April 21, 2013 Sunday killer on the loose. They did do that for Tsarnaev, and they're saying it's an overreaction. Question, would you have done that? Was that a reasonable response?

COMM. RAMSEY: I don't know if we would have done it because I don't know if we would have thought of doing it, but certainly I think it was genius. I think it was absolutely the right thing for him to do. You have to remember the one brother, when he was killed, had some kind of device on his body. You don't know if the second person had a device on their body as well. He could easily get on a subway car, for example, suicide bomber, very, very dangerous to the public at large. I think they did absolutely the right thing. I don't know where the criticism is coming from.

MR. WALLACE: Well, I guess -- and it's not really criticism. It's a question. How long do you hold a city hostage in a situation like that?

COMM. RAMSEY: It depends on the situation. Again, it was a bold step, and I'm not suggesting that you take it in every situation, but I'm not privy to all the information that they had at the time when they had to make that decision. So you have to assume that they knew a little bit more than the public at large. The first priority is to maintain the safety of the public and not allow any more people to be seriously killed or injured.

MR. WALLACE: Mr. Mudd, one thing a lot of us learned this week is how wired a big city is with all the surveillance cameras, all the electronic intercepts, all the weapons detectors. Give us a sense, if you will, of trade craft. How do you identify within a couple of days two individuals who apparently turned out to be the right people, two individuals out of thousands and thousands of spectators along the marathon route?

MR. MUDD: I think you're looking at the sort of explosion of video, smartphones, the video you get from places like ATMs, and how incredible that's turned out to be as an investigative tool. Even 10 years ago, I'm not certain we would have had those videos, those photos rapidly enough to identify those guys. So, you can put together whatever kind of intelligence picture you want, but that video was incredible.

MR. WALLACE: But when you have the video, give us a sense, take us inside that special operations center -- how do you identify these two guys?

MR. MUDD: What we did in this case is say, we're going to release it to the public because we don't have time to conduct a month-long investigation. If these guys do something tomorrow and we didn't release the video to identify them, that's a potential mistake.

MR. WALLACE: But how do you identify the guys so you can release the video?

MR. MUDD: One of the things you're going to do is say, hey, we have a tip line. If this guy's your neighbor, if he lives in your apartment, you've got to take the risk of taking 10,000 phone calls for the one that works.

MR. WALLACE: Commissioner Ramsey, New York has something called the ring of steel, 3,000 cameras just in Lower Manhattan. Do you come away from this experience thinking that you need even more cameras, even more electronic surveillance in downtown Philadelphia?

COMM. RAMSEY: Yes, I wish we had 3,000 cameras, to be honest with you. Listen, it's an invaluable investigative tool. It gives you a historical record, both before, during, and after an event takes place. If you look at the London bombings in 2005 or the Boston bombings in 2013, had it not been for cameras, these cases would be a lot more difficult to solve in a timely fashion.

Add social media onto that now, with people just taking photographs, videos, unrelated to the incident, but being able to have that footage to be able to go through and identify who might have done what in a given situation, it's just invaluable.

MR. WALLACE: And how do you identify them? Is it as simple as looking to see when -- locate where the bomb site was and look to see when the bag was placed there and then go backwards?

COMM. RAMSEY: Yes, if they can determine where the explosion may have originated from, then certainly you can go back and check footage. Who was in that area? How long had that package been there? Who may have dropped that package? Can you identify other people in the crowd that could be witnesses to this? It mean, it gives you a record that you would not normally have, and people across the street just taking photographs -- there were thousands, had to be thousands of photographs and video, footage they had to go through.

"Fox News Sunday" Host: Chris Wallace Guests: Commissioner Ed Davis, Boston Police Department; Senator Dianne Feinstein (D-CA); Representative Peter King (R-NY); Commissioner Charles Ramsey, Philadelphia Police Department; Philip Mudd, Terrorism Expert Time: 9:00 a.m. EDT Date: Sunday, April 21, 2013 Please credit any quotes or excerpts from this FOX News program to "Fox News Sunday with Chris Wallace." Federal News Service April 21, 2013 Sunday MR. WALLACE: Finally, Mr. Mudd, what do you see as the aftermath of Boston? Do you think we have to fear copycats? More of these small, domestic terror cells; and how does law enforcement need to respond more effectively -- not necessarily to capture, they did that pretty well - but to prevent it in the first place?

MR. MUDD: I think you'll see at least copycat threats. When I sat there every night with the threat matrix, after every event, that's the matrix U.S. government uses to track threats. Yes, every event, someone would call in and say, I want to do something like that. What I fear, though, is that people too quickly are going to categorize this as terrorism. This looks more to me like Columbine than it does like al-Qaida. Two kids who radicalized between themselves in a closed circle and go out and commit murder. I would charge these guys as murderers, not terrorists.

MR. WALLACE: But just real quickly, I mean, you have the report from Russia. They said they worried that he was involved with radical Islam. He goes and spends six months in Russia, in Chechnya, in that area, where there a lot of radicals, whether it's Chechen separatists or radical Islamists. How can you write off the idea that there was some outside influence there?

MR. MUDD: I'm not writing that off. What I'm saying is, we want to categorize this bin as quickly with a simple term. And in looking at the psychology of clusters like this, which I did for 20 years, the psychology is not that simple. It's two kids who decided for whatever ideology that they wanted to commit murder. And the murder piece is as significant as the terrorism piece.

MR. WALLACE: Philip Mudd, Commissioner Ramsey, I want to thank you both for coming in today. We all hope some lessons have been learned and now will be put into action. Thank you, gentlemen, thank you.

MR. MUDD: Thank you.

MR. WALLACE: (Sunday panel not transcribed.)

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Interview with Ed Davis; Interview with Senator Feinstein, Congressman Peter King

BYLINE: Chris Wallace

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CHRIS WALLACE, HOST: I'm Chris Wallace.

We'll get the latest on the terror attack in Boston when we talk live to Police Commissioner **Ed Davis,** next.

(BEGIN VIDEOTAPE)

COL. TIM ALBEN, MASSACHUSETTS STATE POLICE: We are eternally grateful for the outcome here tonight. We have a suspect in custody.

WALLACE: Massachusetts and the nation celebrate the takedown of the two brothers believed responsible for the marathon bombings. But what does the terror attack tell us about cracks in our national security?

We'll ask two congressional leaders on intelligence issues, Senator Dianne Feinstein and Congressman Pete King.

Then, trade craft. How do we find terrorists without giving up our freedom?

With cameras and images everywhere, is more big brother the answer? We'll sit down with Philadelphia Police Commissioner Charles Ramsey and terrorism expert Philip Mudd.

Plus, the bombings raise new questions about the drive for immigration reform and gun control.

We'll ask our Sunday panel how the attack will influence those debates.

And our power player of the week. The man who followed President Bush every step of the way.

All, right now, on FOX NEWS SUNDAY.

(END VIDEOTAPE)

WALLACE: And hello again from FOX News in Washington.

At the end of the week, that saw the first mass bombing in the U.S. since 9/11, we're going to focus today on one central question -- where do we stand now in the war on terror?

First, let's get the latest on the investigation from Boston Police Commissioner **Ed Davis.**

As we welcome you, Commissioner, I know I speak for people across the country when I say -- congratulations, sir. Job well-done.

DAVIS: Good morning, Chris. Thank you very much.

WALLACE: Let's start with the suspect, Dzhokhar Tsarnaev. What's his condition? Have police spoken to him yet?

DAVIS: The suspect is in serious but stable condition. The questioning is going to be done by a special team send in by the **FBI**. As far as I know, that has not happened yet.

WALLACE: Is he able to speak? Is he in condition to speak? Are they waiting for that?

DAVIS: He's in no condition to be interrogated at this point in time. He's progressing, though, and we're monitoring the situation carefully.

WALLACE: Is there any evidence at this point that there were other people involved in this plot, either foreign or domestic, and that they may be planning more attacks?

DAVIS: Chris, I can't get into too much of the investigation, but I can tell you that we're examining every possibility here. We've told the people of Boston we feel that they're safe at this point in time, and we continue to say that. There may be other components to this investigation that will lead to charges down the road. This is a very intensive and wide-ranging inquiry.

WALLACE: Did the two brothers, from any indication you have, plan more attacks? And again, I get to the public safety aspect of this. Is there a possibility that there are more explosives out there that are unaccounted for?

DAVIS: It's possible, but we have already searched any of the locations that we know are directly connected with the two brothers. They clearly had other explosives. They detonated those explosives at the scene of the arrest and shootout in Watertown.

We feel that they had plans to use those explosives, possibly on soft targets.

WALLACE: So you think there were plans for more attacks on the homeland?

DAVIS: That's my assessment based upon the fact there are a significant number of explosives found at the scene of the arrest.

WALLACE: So how confident can you be that they don't have more explosives still out there, sir?

DAVIS: We cannot be positive, but we're confident that these were the two actors, these were the two individuals that were carrying out this mission, and they are either dead or arrested at this point in time.

WALLACE: I understand that you're limited in what you can say, but I have to ask you, what was the motive? Do you have any sense of why these two young men who had lived for years in this country suddenly turned into terrorists?

DAVIS: I think that question will be answered over the course of the investigation. We have great investigators from the Boston police, **FBI**, and state police working on this. But, right now, I can't say precisely what the motive was.

WALLACE: You can't say because you don't know, or you can't say because you can't say?

DAVIS: I can't say because I can't say.

WALLACE: Understood.

Do you have reason to believe the older brother, Tamerlan, was the leader in this and that Dzhokhar may have been the follower?

Can you hear me, Commissioner?

OK. We have lost the commissioner temporarily. While we try to re- establish that connection, we're going to continue our conversation, and with so many questions still unanswered, we'll come back to the commissioner when we can.

So many questions still unanswered about the terror plot and how to protect our homeland, we've invited two congressional leaders on national security to discuss what happens now. Dianne Feinstein is chair of the Senate Intelligence Committee. Congressman Pete King is chair of the House Subcommittee on Counterterrorism, and he joins us from New York.

I'm sorry. I've got him in my ear.

All right. Senator, Congressman, hold on. We're going to go back to the police commissioner.

Do you have a sense whether the older brother Tamerlan was the leader in this, and Dzhokhar somehow followed him into the conspiracy?

DAVIS: Any information along those lines is based upon conjecture at this point in time. I don't know definitively who was the motivator here. There's clearly evidence that's been published publicly that would indicate that the older brother traveled overseas and may have been involved in extremist views, but, again, that's not part of the investigation at this point in time.

WALLACE: Let me just ask you one other question in that respect. Do you know anything about who Tamerlan met with, his involvement with extremists when he was in Russia for those six months last year?

DAVIS: I do not.

WALLACE: What set the brothers off on their final rampage on Thursday night? Had you identified them 10:00 Thursday night? Were you closing in on them, or were they just trying to go out in a final burst of violence?

DAVIS: We were not closing in on them at that particular time. I think that they decided to go active after their pictures were disclosed publicly. Tragically, Officer Collier from the MIT police was murdered by these individuals as they started their rampage.

WALLACE: But that's where I'm -- I guess I'm getting at --

DAVIS: I just want to say --

WALLACE: Go ahead, sir.

DAVIS: I just want to say, on Officer Collier, I believe that he was attacked, and his murder led to our apprehension of these individuals. Tragically, he paid with his life, but these individuals were out to kill other people, and I think that we forced their hand by putting the pictures out there. I think that's what started the rampage.

But Officer Collier is a hero.

WALLACE: And -- well, absolutely. And in that sense, were they planning or trying to escape, or were they trying to kill as many people as they could and they figured this was going to end with their death?

DAVIS: I only know what transpired in the hours after the release of the photos, and I think everybody can draw their own conclusions as to what their motivation was. I can't say from the investigative process exactly what we've determined at this point in time because of the federal investigation.

WALLACE: Commissioner Davis, we want to thank you. Thanks for talking -- taking the time to talk with us today, and again we congratulate you on all the first responders for your great work.

DAVIS: Thank you, Chris. I appreciate that.

WALLACE: Well, we've already introduced Senator Feinstein and Congressman King.

So, let's talk to them about some of the policies.

To Senator Feinstein -- one of the big issues that's come up now, should Tsarnaev be treated as a criminal, questioned under the public safety exemption to the Miranda rule, but then read his Miranda rights and have his right to a lawyer? Or should he be treated as an enemy combatant with no such protections?

FEINSTEIN: I believe very strongly the former. I believe that's the only legal way to proceed. I do not believe, under the military commission law, that he is eligible for that. It would be unconstitutional to do that.

Let me say this, Chris. One of the great things about America is that we come together at times of trial. I very much regret the fact that there are those that want to precipitate a debate over whether he's an enemy combatant or whether he is a terrorist, a murderer, et cetera.

Federal law, we've had 435 terrorist convictions under federal law. We've had 100-plus arrests. There have been maybe half a dozen under the military commission.

It is really very clear to me that the course that can be taken -- you've got the high value interrogation group. They're skilled. They know how to do this. The Miranda right can be read at a later time.

He's reportedly been shot through the throat. He's intubated. He can't talk now.

So there is time to do the investigation, to make a clear assessment, and to move from there. So I really regret all of this discussion, which is creating a conflict that need not be there. The administration is ready for this.

WALLACE: Let me bring in Congressman King.

Despite the comments of Senator Feinstein, do you think Tsarnaev should be treated as a criminal or an enemy combatant?

KING: I believe he should be treated as an enemy combatant for the purpose of interrogation. I put out a statement with Senator McCain, Senator Graham, Senator Ayotte.

The reason for it is, there's so many questions unanswered. There are so many potential links to terrorism here. Also, the battlefield was now in the United States. So, I believe he is an enemy combatant.

And he would not to be tried before a military. Ultimately, he will be tried in civilian court, and the statements taken from him cannot be used against him in that trial.

But, right now, he's really the only link we have as far as any Chechen involvement in al Qaeda movement, in the overall Islamist movement, and we don't know, are there other conspirators out there? Are there explosives out there?

Where do they get the radicalization? Are there mosques, imams we should be looking at? Who did his brother meet be when he was in Russia, in Chechnya?

These are only questions that I believe can be obtained, through -- if he does not get his Miranda rights, because even though right now, there's the public safety exception. That's going to expire in about 48 hours. And after that, he can lawyer up and stay quiet.

I'm not interested -- he's going to be convicted one way or the other in a civilian court. Right now, we should get intelligence. This is a unique opportunity --

WALLACE: Let me --

KING: -- to go into the treasure trove of intelligence only he has.

WALLACE: Let me -- excuse me, Congressman. But I do want to get to the intelligence because I know you both have been briefed by the administration this week.

Senator Feinstein, what can you tell us about the plot at this point? Was there any foreign involvement, and especially, what do you know, if anything, about the older brother, Tamerlan's trip to Russia last year?

FEINSTEIN: Well, we do not know specifics. However, we do know that there was very likely a call from Russia before he went back to Dagestan and Chechnya, asking about it. I think just conjecture would lead one to believe that this may have come from his running jihadist sites on his Web site.

Anyway, he went home for six months. That's a lapse. We will find out what happened during those six months. I think there is likely going to be an assessment that this was somebody who did want to participate in a jihadist event.

There is ample evidence, fingerprinted, I understand, direct testimony from one of the people that had his legs blown off, that he recognized him. They admitted to the driver of the car that they hijacked that they were the bombers.

So I think there's going to be a great deal of evidence put together to be able to convict him, and it should likely be a death penalty case under federal law. I believe that the federal competence in doing this at this time is extraordinary. I believe that -- let me just finish -- that the HIG can interrogate him. They did this --

WALLACE: High Value Interrogation Group.

FEINSTEIN: Yes -- with Abdulmutallab, they've done this with many, many others. And they've gotten many convictions.

WALLACE: Let me bring in, Congressman, what do you --

KING: I don't worry about conviction. I don't worry about a conviction. He's going to be convicted.

I want the intelligence so we can save American lives. And that can only be done I believe, effectively, if he's treated as an enemy combatant --

WALLACE: OK.

KING: -- and he's not have access to a lawyer.

WALLACE: You've both made your point very ably.

Let me ask you if I can, Congressman. What do you make of the fact, because of a Russian request, the FBI interrogated the older brother Tamerlan back in 2011 about his ties to radical Islam. They found out he was not a threat.

And I guess two questions. First of all, what do you make of the interrogation? And what about the fact that when he returned after six months in Russia, he apparently was not on an FBI watch list?

KING: Chris, I have great regard for the FBI and for Director Mueller, but this is the latest in a series of cases like this. Anwar Awlaki, Major Hasan, Carlos Bledsoe, Robert Headley (sic), and now, this case with the older brother, where the FBI is given information about someone as being potential terrorists, they look at them, and then they don't take action. And they go out and carry out murders after this. So, again, I'm wondering, again, is there something deficient here? What was wrong?

Again, there was nothing they could find in 2011. He goes to Chechnya in 2012. He has statements up on his Web site. He's talking about radical imams. Why didn't the FBI go back and look at that?

I don't want to run Monday morning quarterback. They did a great job of resolving the case. But as far as getting information in advance and not seeming to take proper action, this is the fifth case I'm aware of where the FBI has failed to stop someone who ultimately became a terrorist murderer.

WALLACE: Congressman King, you said after the bombings -- and this is your quote -- we are letting our guard down. Do you believe that this attack should have been prevented?

And you have also said, I gather, that political correctness be damned. We have to do more effective surveillance inside the Muslim community.

KING: Well, actually, as far as letting our guard down, I was being critical of those in Congress. Some of my own party want to start cutting funding for homeland security because they think this war is over. It's not.

As far as the other question, Chris?

WALLACE: The surveillance inside the Muslim community.

KING: Oh, yes. Listen, the threat is coming from within the Muslim community in these cases, in New York. That's why Commissioner Kelly has 1,000 police officers out in the community. Unfortunately, he gets smeared by "The New York Times" and "The Associated Press".

But the fact is we've stopped 16 plots in New York because we know that al Qaeda is shifting its tactics. It's not going to be attackers from overseas. We've been able to prevent that.

They are getting people in our country who are under the radar screen, who have clean records. We saw it with the Times Square bomber, the subway bomber in New York, and now we've seen it, it appears, in Massachusetts.

And 99 percent of the Muslims are outstanding Americans. The fact is that's where the threat is coming from. When the FBI was after the Westies, they went to the Irish community. When they were after the mafia, they went to the Italian community.

If you know a certain threat is coming from a certain community, that's where you have to look --

(CROSSTALK)

WALLACE: Let me bring in Senator Feinstein. Your reaction to that? FEINSTEIN: Well, that's exactly where they will look. I mean, I -- I don't think all of this is very helpful. I think the important thing is to get the facts. Let the investigation proceed.

The FBI has very good interrogators. They know what they are doing. I believe that they will put a case together that will be very strong.

With respect to whether we are doing enough in the Muslim community, I think we should take a look at that. But I don't think we need to go and develop some real disdain and hatred on television about it.

WALLACE: I must say, I don't think that's what Congressman King was saying. He was saying, that's where the threat was coming from. We have to address that threat.

FEINSTEIN: Well, this came at this point from two individuals. That's what we really do know. We do not know what their connections are.

So I think we ought to find out before we begin to charge them with all kinds of associations.

WALLACE: All right. We have a couple of minutes left, and I want to ask you a question and Congressman King a question.

Senator, reaction to the Boston bombings has spilled into other issues, including gun control. There are some conservatives who say -- some conservatives who say that, when a million people in Boston were forced to stay in their homes, that a lot of those people -- particularly in Watertown where they were going door to door and there was a real concern that this fellow might be on the loose, might break into their house, might take hostages -- would people like to have guns?

FEINSTEIN: Oh, some may have, yes. But if where you're going is do they need an assault weapon? I don't think so. As the vice president said --

WALLACE: Shouldn't they have the right to decide whatever weapon they feel they need to protect themselves?

FEINSTEIN: Well, how about a machine gun then? We did away with machine guns because of how they're used. I think we should do away with assault weapons because of how they're used.

WALLACE: Semiautomatics, that's the most popular rifle in America.

FEINSTEIN: And you could use a 12-gauge shotgun and have a good defensive effect. And there's the element of surprise.

Now, you've got police all over the place in Watertown, so I don't really think that this is applicable. I think there are people that want to make this argument, but 12-gauge shotgun, there are many weapons, 2,000- plus weapons that are available to people for choice without an assault weapon.

WALLACE: We're running out of time. So I'm not going to give you a chance to answer that question, Congressman King.

But I'm going to give you a chance to answer the other question. This has also spilled into the debate over immigration reform. Some conservatives like Charles Grassley, senator from Iowa, are saying, you know, before we reform the system, we ought to focus more on who we let into this country.

Your response?

KING: Well, first of all, I don't think it should have a severe impact on the immigration debate. I do think it should focus on whether or not it should be refined, and that if people are coming from a country which has terrorist background, if there's a strong terrorist element in that country, that there should be extra vetting for people from that country.

But, listen, I'm a grandson of immigrants. While I have some concerns with the security aspects of immigration reform, I don't think we should use that as an excuse to stop the debate. But I do believe that, again, if someone's coming from a country which has strong al Qaeda or any other type of terrorist element in it, that we should not be afraid to ask the extra questions or the extra research, do the extra vetting to make sure that people coming in here have no affiliation at all to those terrorist groups.

WALLACE: Senator Feinstein, Congressman King, we want to thank you both for a spirited discussion. Thank you for coming in today. We will stay on top of all of these developments.

FEINSTEIN: Thank you, Chris.

KING: Thank you, Chris.

WALLACE: Thank you.

KING: Thank you, Senator.

FEINSTEIN: Thank you, sir.

WALLACE: Up next, we'll get another perspective from the terror threat from two men who have been on the front line. How vulnerable is the country to another attack?

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