

CBS Mornings

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[ON-SCREEN HEADLINE: Breaking Overnight; FBI Searches Trump's Mar-a-Lago Home; Search Related to Potential Mishandling of Classified Information]

GAYLE KING: But let's get to the breaking news that's coming from South Florida. You heard about this too overnight. Something that has not happened before in American history, so just take that in for just a second: The FBI executed a search warrant at former president Trump's Mar-a-Lago home. Agents spent much of the day at the club in Palm Beach and CBS News has learned that the search was in regard to missing White House records. After they left, dozens of demonstrators arrived showing their support for the former President. Senior investigative correspondent Catherine Herridge is at the FBI headquarters in Washington, DC right now. Catherine, good morning to you. And we know that that word "unprecedented" gets used a lot, but searching a former President's home really is an unprecedented move. Good morning to you.

CATHERINE HERRIDGE: Well, Gayle, good morning. Yes, absolutely unprecedented.

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HERRIDGE: Multiple sources told CBS news the search warrant for Mar-a-Lago was connected to missing White House records. Earlier this year, the National Archives asked the Justice Department to investigate Trump's handling of official documents. Under the Presidential Records Act, documents sent and received as President must be preserved. But in January, the National Archives said some records returned by Trump were ripped up or taped together. In addition, sources say classified material was among 15 boxes retrieved from his Florida estate. On Monday, a *New York Times* reporter posted these photos promoting an upcoming book, claiming they showed Trump trying to flush documents while he was President.

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HERRIDGE [TO LITMAN]: What does this tell you about the posture of the Justice Department in terms of their investigations of former President Trump?

HARRY LITMAN: This is a big-time move that in part is going to be stepping on a hornet's nest. It's not the same as saying they're charging him, but, man, they're treating him like any other criminal suspect and that's high drama.

HERRIDGE: Executing a search warrant on the private home of a former President would take several, high-level approvals, including the courts, the FBI, and the Justice Department. We simply don't know what was taken.

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[ON-SCREEN HEADLINE: FBI Searches Trump's Mar-a-Lago Home; Major Garrett on Political Fallout From DOJ Search Warrant]

TONY DOKOUPIL: How significant is this FBI search of the former President's home?

MAJOR GARRETT: It doesn't get any more significant than this. Not only is former President Trump someone who looms large in America's political conversation, he's actively talking about seeking the presidency again. So this would be something the Justice Department would have to approve at the highest levels as was said in Catherine's piece, and a grand jury and a judge would have to say there is probable cause to execute a search warrant because that search warrant is in pursuit of possible crime having been committed. All of that is true. But what we don't have is very much transparency from the Justice Department or the FBI. We have one statement from the former President using very florid language. "My home is under siege," "raided," "occupied." Essentially a search warrant was executed because the judicial authorities, with all the relevant facts, believe there's probable cause that a crime was committed, but in the larger political context, this is a dangerous and unstable moment in American history. This is now a conversation about weaponizing the Justice system at the federal level, and the Trump supporters hear that and it may be in a combustible way.

DOKOUPIL: Well, that — that's where I was going to go with that follow-up, Major. Christopher Wray, the FBI director — who presumably had to sign off on a raid of this significance — is a Trump appointee after the former President

GARRETT: Correct.

DOKOUPIL: — famously fired the last FBI director and also, the FBI is supposed to be a non-partisan agency of law enforcement. It's doing its work on tenured terms at the director level. Talk a bit more about the implications of the former President using those explosive words to describe this important arm of the government?

GARRETT: Well, it's not only the President's words. So many other Republicans almost instantaneously as if former President Trump was a ringmaster directing them rhetorically into this battle, described this as a prime example of judicial corruption. They described the Biden administration as a regime. They basically said that the FBI should be defunded, some Republicans did — rushing to the defense of President Trump, assuming that this has to be a nefarious and illegitimate and corrupt exercise of law enforcement prerogatives, when it may be

quite the opposite. We don't know what the underlying facts are. We haven't seen the affidavit. We haven't seen the search warrant. And, as I understand it, because of this sensitivity, there would be a conversation between former President Trump's lawyers on the scene about what was taken and why and a receipt given to the former President describing what federal authorities took and under what legal authorities. The President — the former President is in possession of that and could help explain to the public what happened. He could release that if he wanted to. So could the Justice Department. So could the FBI. What we lack here is real insight into the underlying justification for this search warrant, what it sought, and what the applicable laws that were possibly violated were. Until we know more about that, this feels deeply politicized, and the President is reveling in the atmosphere of victimhood, as he has many times before.

KING: You know, Major, I hear the critics of the President saying, “listen, there had better be a real there there” or this could further divide the country. His supporters say, “look, it's a witch hunt against the President.” You know, even using the word unprecedented, depending on your point of view.” Unprecedented, because this has never happened before — witch hunt for President Trump. Unprecedented if you're against the President because you think, “well, surely they have something.” How do you square those two?

GARRETT: So we hear this said all the time, Gayle. The rule of law in our country matters and no one is above the law. Merrick Garland — the attorney general — has said that repeatedly. He said it very emphatically to our colleague Jeff Pagues, who asked him that question specifically referencing former President Trump about possible prosecution. So, the country has this moment where it has to evaluate underlying evidence, and what the evidence is and what the possible crimes are, and without that, you have a very political atmosphere, one in which the former President currently has the upper hand.

KING: All right. Major Garrett, so much to unpack here. Thank you so much.