

CBS Mornings

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7:20:26 a.m. [TEASE]

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[ON-SCREEN HEADLINE: Coming Up; Congressman Adam Schiff]

GAYLE KING: Coming right up, Congressman Adam Schiff has just arrived. He's here in the green room to talk about the January 6th findings coming out today — Hello, Congressman, hello —

TONY DOKOUPIL: There he is.

CONGRESSMAN ADAM SCHIFF (D-CA): Hello.

KING: — hello — and the recommendation that former President Trump should be charged with crimes.

(...)

7:30:26 a.m.

8 minutes and 22 seconds

[ON-SCREEN HEADLINE: Rep. Schiff Live; Congressman on Decision to Criminally Charge Trump in Jan. 6th Riot]

DOKOUPIL: Later today the House Select Committee investigating the January 6th assault on the Capitol plans to release its full report. It follows a vote on Monday, a big one really, historic vote, recommending that the Justice Department pursue possible criminal charges against former President Donald Trump. That kind of vote had never happened before. The four suggested charges include inciting an insurrection. The committee's investigation lasted nearly 18 months. It collected about 1,200 interviews and more than one million documents. And California Democrat Adam Schiff was a member of that committee, and the congressman joins us now. Congressman, thank you for being here.

SCHIFF: Great to be with you.

DOKOUPIL: I have heard you say you believe there is enough publicly available evidence to charge the former President. Given that being the case in your view, do you think he will be charged by the DOJ?

SCHIFF: That's a very good question. I think it depends on whether the Justice Department lives up to what the attorney general committed at the beginning of the investigation, and that is that Donald Trump would be treated like any other American. There was one standard of the rule of law and that the Justice Department would follow the evidence wherever it leads. Well, it's led to

Donald Trump.

DOKOUPIL: So, what — under what circumstances, then, what calculations would the DOJ, the special counsel, decide not to indict?

SCHIFF: Well, under circumstances in which the department departs from that policy and decides, you know, we need a higher burden of proof for a former president, and in this case, either we're not willing to take the risk —

NATE BURLESON: Mmm.

SCHIFF: — or we decide that it would be too divisive, look too political to prosecute the former president. The Justice Department took the position while he was in office that you can't indict a sitting president. Now, I think that's a flawed interpretation of the Constitution, but if you take that position and you later decide that even when a president leaves office you still can't prosecute them for crimes because it will be too controversial, then they're basically immune.

DOKOUPIL: They're immune. Well, so, how damaging, in your view, would it be to our effort to heal and restore a sense of normalcy in the aftermath of January 6th? How important is it they go through a normal set of circumstances with an indictment that you think is deserved?

SCHIFF: If the — if the Justice Department concludes that the evidence is there, that they can prove that he committed crimes beyond a reasonable doubt, he should be indicted. The — the Founding Fathers would have never accepted the idea that a President is somehow unprosecutable, that they can commit any crime and you can't hold them accountable. The precedent it would set, given the laundry list of likely offenses this president committed —

BURLESON: Yeah.

SCHIFF: — would be too dangerous because any subsequent president could decide I could do whatever I want.

BURLESON: Do you believe they're moving too slowly?

SCHIFF: I believe they have moved way too slowly. They moved quickly when it came to the foot soldiers, the people that broke into the Capitol, assaulted police officers. But for the higher ups and for other lines of efforts —

BURLESON: Yeah.

SCHIFF: — to overturn the election, they have taken way too long.

BURLESON: Isn't it good to be deliberate and even meticulous in how they approach this? Because of —

DOKOUPIL: Given the stakes.

BURLESON: — yeah.

SCHIFF: Absolutely. But — but we're almost two years from the events of that day.

BURLESON: That makes sense.

SCHIFF: That's a long time.

KING: How difficult a decision was this for you all to reach this conclusion? Listen, we saw all the evidence, we hear unprecedented and historic. I think it's important for the people to know the time and care that was put in this. Was this a difficult decision? Because Donald Trump says political witch hunt, there's no there there, it's all about politics.

SCHIFF: It was certainly a somber decision to make. Not one we made lightly. But at the end of the day, it was difficult in that there wasn't a difference of opinion among the members, there was a strong consensus that the evidence supports criminal referrals. We believe that, with respect to inciting an insurrection and conspiracy to defraud and obstruction of an official proceeding, conspiracy to lie, that Donald Trump committed all these offenses. And as the Congress itself was the victim of some of them, our democracy, all of them, that we had an obligation to report what we knew to the Justice Department.

[ON-SCREEN HEADLINE: Full January 6th Report Out Today; Rep. Schiff on Why Capitol Riot Panel Voted to Criminally Charge Trump]

DOKOUPIL: What are we going to learn from this full report scheduled to be released later today that we don't already know?

SCHIFF: A lot. Now, it's a lot that fills in some of the missing pieces. And with the report we're going to begin rolling out transcripts, so you'll see why we don't find Tony Ornato, the deputy chief of staff, very credible when he says essentially he wasn't aware of the propensity for violence that day. You'll hear a lot more of Cassidy Hutchinson's testimony and other key witnesses. And I guarantee there will be some very interesting, new information in the report and — and even more so in the transcripts that we release.

DOKOUPIL: Could you show us a bit of it now? Give us a little bit of a tease more?

SCHIFF: Ah, well, you'll see why we're concerned that witnesses may have been interfered with or an attempt to influence them.

BURLESON: Mmhmm.

SCHIFF: And — and I think you'll hear, you know, much more very interesting but granular detail about these multiple lines of effort to overturn the election.

KING: Can we talk about President Zelenskyy coming in today to make his case in front of Congress and the American people? There seems to be some concern about Ukraine fatigue now, about spending the money that is being sent to Ukraine. Where do you stand on that? Do you think — at what point does the U.S. say, sorry, there's nothing more we can do, or do you think we need to stay in for the long haul and — and it's been a long haul — for however long it takes?

[ON-SCREEN HEADLINE: Rep. Schiff on Zelenskyy's U.S. Visit; Ukraine Leader Set to meet with Biden & Congress Today]

SCHIFF: I — I think we need to support Ukraine for however long it takes.

KING: K.

SCHIFF: If the Ukrainian people can fight and not fatigue, then we should be able remain steadfast with them. They're fighting for their own democracy, their own sovereignty. But they're fighting for the principle that powerful nations shouldn't be able to simply redraw the map using military force and I think democracy more broadly is really at risk in this conflict.

KING: And what do you say to people who say, yeah, but we have problems in this country that aren't being addressed that could use some financial help?

SCHIFF: Well that —

KING: What do you say to that?

SCHIFF: — that is absolutely true. There are dramatic unmet needs at home, and we ought to meet them. But at the same time, if we allow Russia to invade an ally, it's going to invite more nations, maybe it invites China to invade Taiwan, it's going to be destabilizing —

BURLESON: Yeah.

SCHIFF: — and dangerous and that will ultimately be a danger to the United States, and we could spend a lot more trying to defend ourselves if this precedent is set.

DOKOUPIL: Congressman, I want to talk about you for a moment here. The Republicans, as they take control in 2023, are widely expected to remove you from your committee position on the Intel Committee. Dianne Feinstein also — questions about whether she'll run in 2024. That would open up a historic seat there in the state of California for Senate. Do you plan to run for Senate for that seat?

SCHIFF: Well, you know, first let me address the committee issue. This is something that Kevin McCarthy is threatening to do to try to get the votes of the Marjorie Taylor Greenes of the world. And while I have particular interest in whether I remain chair or ranking member of Intel, the bigger concern, for me frankly, is if McCarthy becomes speaker and the next presidential election is close and they lose, he'll overturn the results. And, to me, that's far more serious an issue than

what happens to my committees. In terms of Senate, if the Senator, Senator Feinstein, who I admire greatly, decides to retire, I'm giving it very serious consideration, getting a lot of encouragement back home.

BURLESON: Yeah.

KING: Do you think he's going to become Speaker, Kevin McCarthy?

SCHIFF: I think, if I had to guess, that he becomes speaker, but he doesn't remain speaker.

BURLESON: Yeah.

KING: Why?

SCHIFF: The easy decision is the first one. The hard decision is when you actually have to decide policy, and there —

[ON-SCREEN HEADLINE: Should Kevin McCarthy Be House Speaker?; Rep. Schiff Calling for an Ethics Probe into McCarthy]

KING: Why wouldn't he remain speaker?

SCHIFF: — I think one of the kind of hidden stories of the midterms is that a lot of these Q-Anon, right-wing, crazy Republicans won primaries in deeply red districts. We didn't hear about them too much because they weren't in competitive general elections. They're coming. The crazy caucus in the Republican Party of Congress is going to grow. At the same time, there are a few moderates, and they're going to be clashing. First decision Kevin McCarthy makes is going to alienate some of them.

BURLESON: Yeah.

SCHIFF: And he's — let me just say this — they have the same, narrow majority we did —

KING: Mmhmm.

SCHIFF: — and he's no Nancy Pelosi.

BURLESON: Congressman Schiff, thank you so much. We appreciate you.

SCHIFF: Thank you.