

CBS News Special Report

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1:22:33 p.m.

1 minute and 43 seconds

ADRIANA DIAZ: What really stood out to me, Norah, is on the fact that December 20th, documents were found in President Biden's garage of his Wilmington home. We were told this morning by the White House about those documents. However, earlier this year on Monday, when we broke this story, that's the first time we heard from the White House about this issue. And they only talked to us about it in a statement they released about the documents found — the initial documents found on November 2 at the Penn Biden center. By that point, documents had been found at the President's home in Wilmington. What was also interesting is that an additional document was found just this morning, in that same home in a room next to the garage, which President Biden said today on-camera was really one of his rooms where — you know, he called it his personal library.

NORAH O'DONNELL: Mhm.

DIAZ: So, what's interesting is the timeline and the lack — the fact that the White House did not tell us about the original docs — the — the documents found in the garage when they issued a statement about this on Monday.

O'DONNELL: What does it mean now, with the appointment of this special counsel to begin this investigation. What happens now?

DIAZ: Now a special counsel will be able to investigate this and really why it's important is because they can operate independently within the Justice Department. So, it is to ensure complete independence. Because, remember, Merrick Garland was appointed by President Biden. So, he wants to make sure that someone who was not appointed by President Biden is overseeing this investigation. So the investigation will move forward. It will have greater resources, presumably. And we're learning a lot about Robert Hur. He was formally, as you heard the Attorney General say, the U.S. Attorney from Maryland. And why this is interesting is because the National Security Agency is located in Maryland. So he should have plenty of experience investigating cases related to sensitive investigation.

(...)

1:24:23 p.m.

1 minute and 12 seconds

O'DONNELL: Scott, already we heard from the Speaker of the House for the first time about what he called a double standard.

SCOTT MACFARLANE: Yeah. And the congressional reaction is coming in fast and furious, as one would expect. I just spoke with the top Republican on the House Intelligence Committee,

Michael Turner of Ohio who says he's asking the Department of National Intelligence — the Director of National Intelligence to do an assessment — damage assessment of what might have been exposed by the records in Delaware, and the records here on capitol hill at the Penn Biden Center. The top Republican on the House Armed Services Committee wants the department of defense to do the same, an assessment of what might have been exposed, what damage might have been incurred. Democrats, including the Democrat leader in the U.S. House, Hakeem Jeffries, says there is a big difference here, though, still, but the Biden team seems to have voluntarily notified the Archives and handed over the records, whereas, in the Trump case, in the Mar-a-Lago case, requests for the records were allegedly ignored or disregarded. But then there is Kevin McCarthy, accusing Democrats of a double standard here. And, Norah, that leaves the capital where it is often most comfortable, with each side accusing the other of hypocrisy and each side accusing the other of a double standard.

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1:26:29 p.m.

3 minutes and 45 seconds

O'DONNELL: Ed, you notably yesterday were pressing the White House press secretary for more information. We're stonewalled at every single turn. The White House has been reluctant to provide really any information on this matter. When you listened to the attorney general this morning, what stands out to you? What additional questions do you have?

ED O'KEEFE: Where to begin, Norah? But the most notable now is that this discovery of a — a second batch of classified documents actually occurred on December 20th, before Christmas at his home in Wilmington, Delaware. Notably today, he was quite glib when asked to explain why he was storing these documents apparently in his garage. A reporter pointed out it's the same garage where he stores his Corvette. He grew somewhat defensive, saying, yes, and both the corvette and the documents were behind a locked garage. Either way, that would appear to be in violation of federal law. It says classified documents aren't supposed to be sitting in someone's garage. The White House counsel's office has issued two statements since CBS News first broke this story. They were vague, to some extent, now about the timeline, at least based on what the attorney general told us. While they may have been cooperating with the Justice Department, and while they are claiming they are being somewhat transparent now by telling us what they know, and the President saying he was surprised, he withheld information about that second batch. He also withheld details of the timeline. And that's going to raise a lot of questions, at least in the public and political space, about why a President who vowed to be so transparent from day one has decided to withhold this. Remember, there was nothing stopping the President of the United States from disclosing this when he first learned about it in November. Nothing that would have stopped him from saying before the justice department began, we found these, we weren't supposed to have them, we've turned them over, and get ahead of it. Instead, for whatever reason, among the questions we haven't been able to answer is why he has decided to withhold this information. And we'll see later today when the press secretary is scheduled to take questions again, whether or not more information is forthcoming or whether this announcement from the special counsel now means they have to withhold even more information.

O'DONNELL: Right.

O'KEEFE: But also important to point out: For somebody who campaigned on trying to bring professionalism and better management of federal government to Washington, he now joins his predecessors as the subject of an investigation by a special counsel.

O'DONNELL: That's right. It is worth noting that President Biden himself is not under investigation, but what happened to these documents is. Some of the outstanding questions: Why did it take two months for this to become public, as Ed has pointed out? And, actually, I think kind of one of the most important things: what's the content of these documents that were —

O'KEEFE: Exactly.

O'DONNELL: — marked classified? We do know that some were highly classified. Ed O'Keefe at the White House. Thank you. One more time I want to bring in Adriana Diaz. And about that question, I know you've questioned Republicans about this as well. Is there a comparison or is it a contrast with what happened with Donald Trump and his documents?

DIAZ: I think there are important distinctions here, Norah. The first is in size. We know that Donald Trump had more than 300 documents at Mar-a-Lago that the government, the Justice Department, and the National Archives were trying to seek for more than a year. In this case, we're told it is a small number in Delaware, and roughly 10 that were found at the Penn Biden center.

O'DONNELL: Ed, standby, Adriana, Ed, do you have something more? I see you motioning.

O'KEEFE: Thank you, Norah. Just — I have been inquiring here, and this is a question that we often ask of about whether the White House got advanced notice of the attorney general's announcement. A senior White House official, someone who would know, is telling me, no, they did not. That is standard practice, but important to point out they were not giving a heads-up by the attorney general he was appointing a special prosecutor.

O'DONNELL: There is usually some church and state there, if you will. They do try —

O'KEEFE: Yes.

O'DONNELL: — to remain independent, if you will.