



Written by [R. Cort Kirkwood](#) on February 17, 2019

Graham: McCabe, Rosenstein Will Answer to Judiciary Committee

Senator Lindsey Graham (R-S.C.), chairman of the Senate Judiciary Committee, [says the committee](#) will investigate what retired Harvard law professor Alan Dershowitz called an attempted coup d'état to overthrow President Trump.

Tonight, *60 Minutes* will air an interview with the former deputy director of the FBI, Andrew McCabe who told the program's Scott Pelley that FBI officials and Deputy Attorney General Rod Rosenstein discussed removing the president by activating the [25th Amendment](#) to the federal Constitution. Parts of McCabe's interview aired on Thursday.



[Speaking this morning](#) on CBS's *Face the Nation* in anticipation of tonight's broadcast of the full interview, Graham said his committee would find out who said what, which will mean a probe of what Dershowitz also called an attempt to undermine the Constitution.

The Plot

[McCabe told Pelley](#) that he spoke to Trump after the president canned former FBI chieftain James Comey. McCabe was concerned Trump would fire him, too, and so worked quickly to push forward the probe of "collusion" with Russia to win the election.

But beyond that, McCabe admitted that he and other officials, including Rosenstein, discussed getting rid of Trump. Appearing on *CBS This Morning*, Pelley said "there were meetings at the Justice Department in which it was discussed whether the vice president and a majority of the cabinet could be brought together to remove the president of the United States under the 25th Amendment."

[The New York Times has disclosed](#) FBI memoranda that memorialized the discussions, including one of McCabe's that implicated Rosenstein:

"We discussed the president's capacity and the possibility he could be removed from office under the 25th Amendment," and the deputy attorney general indicated that he looked into the issue and determined he would need a "majority or eight of the 15 cabinet officials." Mr. McCabe added that Mr. Rosenstein suggested that he might have supporters in the attorney general and the secretary of homeland security.

Rosenstein denies any such thing.

Graham: They're Going Under Oath

[Speaking to](#) Margaret Brennan on *Face the Nation*, Graham promised "a hearing about who's telling the truth, what actually happened."



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"It's stunning to me," Graham said, "that one of the chief law enforcement officers of the land — the acting head of the FBI — would go on national television and say, oh by the way I remember a conversation with the deputy attorney general about trying to find if we could replace the president under the 25th Amendment."

[Graham said](#) he understood that Rosenstein denied McCabe's explosive claimed, "but we're going to get to the bottom of it."

And "if it happened," he said, "we need to clean it up. The FBI has gotten off track in the past."

Graham explained that the "Hoover days" were among the "dark periods" for the federal police agency, and that "no organization [is] beyond scrutiny.... What are people to think after they watch "60 Minutes" when they hear this accusation by the acting deputy FBI director that the deputy attorney general encouraged him to try to find ways to count votes to replace the president? That can't go unaddressed. And it will be addressed."

[Graham also said](#) the committee will subpoena McCabe and Rosenstein. "You know, I can imagine if the shoe were on the other foot," Graham continued. "If we were talking about getting rid of President Clinton, it'd be front page news all over the world. Well we're going to find out what happened here and the only way I know to find out is to call the people in under oath and find out, through questioning."

Dershowitz Explains 25th

Speaking on Fox talker Tucker Carlson's program, [Dershowitz explained](#) that any such discussion at the FBI amounted to a coup attempt because the [25th Amendment](#) has a narrow purpose: to replace a physically or mentally incapacitated president. The amendment is not meant to remove a president who committed a crime.

Said Dershowitz, "Any Justice Department official who even mentioned the 25th amendment in the context of President Trump has committed a grievous offense against the Constitution."

Dershowitz said "collusion" or any other impropriety "would not be a basis for invoking the 25th Amendment," and called the discussions "an attack on our system" and "an attack on our Constitution."

Photo of Sen. Lindsey Graham: AP Images



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