

1. Mark your confusion.
2. Show evidence of a close reading.
3. Write a 1+ page reflection.

### **More Classified Documents Found at Biden's Wilmington Home, White House says**

Source: Tyler Pager, Carol Leonnig, and Devlin Barrett, *Washington Post*, January 14, 2023

President Biden's lawyers found additional classified documents at his home in Wilmington, Del., this week, the White House disclosed Saturday, the latest in a string of revelations about the discovery of top-secret government material that is now the subject of a Justice Department special counsel investigation.

Biden's personal lawyers initially found one document with a classified marking on Wednesday in a room adjacent to the garage and stopped searching the property because they do not have security clearance. A White House lawyer with a clearance, Richard Sauber, then arrived at the Wilmington residence Thursday and found five additional documents with classified markings, Sauber said in a statement.

"Because I have a security clearance, I went to Wilmington Thursday evening to facilitate providing the document the President's personal counsel found on Wednesday to the Justice Department," Sauber said. "While I was transferring it to the DOJ officials who accompanied me, five additional pages with classification markings were discovered among the material with it, for a total of six pages. The DOJ officials with me immediately took possession of them."

Also on Saturday, Bob Bauer, the president's personal attorney, released a public timeline of events regarding the discovery of classified documents at Biden's personal office and his Wilmington home in an effort to demonstrate cooperation with the Justice Department's investigation. The statement outlines the various steps Biden's lawyers have taken since last November, when they discovered what the White House described as a "small number" of classified documents at the Penn Biden Center for Diplomacy and Global Engagement, an institute in Washington where Biden kept an office after serving as vice president.

The statements from Sauber and Bauer follow days of criticism directed at the White House for not being more transparent about the various discoveries of classified materials. Bauer defended the Biden team for not being more forthcoming.

"The President's personal attorneys have attempted to balance the importance of public transparency where appropriate with the established norms and limitations necessary to protect the investigation's integrity," Bauer said in his statement. "These considerations require avoiding the public release of detail relevant to the investigation while it is ongoing."

Bauer also acknowledged that Biden's legal team is unsure that all relevant documents have been found. "Adhering to this process means that any disclosure regarding documents cannot be conclusive until the government has conducted its inquiry," he said. The Justice Department declined to comment on the Saturday statements.

The White House has not identified the lawyer who first discovered the classified documents, but a person familiar with the matter said it was Pat Moore, a longtime Biden attorney who served as deputy general counsel on Biden's 2020 presidential campaign. Moore continued to represent Biden outside the White House after the campaign, but he is slated to join the Massachusetts attorney general's office next week as first assistant attorney general. Moore declined to comment.

Moore and another lawyer, who has not been identified, arrived at the Biden Penn Center office on Nov. 2 to help empty out Biden's personal office. While looking through folders, Moore found a cover sheet that had classified markings on it and called the White House Counsel's Office, according to the person familiar with the matter, who spoke on the condition of anonymity to discuss sensitive details. The White House Counsel's Office informed the National Archives and Records Administration (NARA), and then the Justice Department became involved, the person said.

Biden aides were initially hesitant to release information related to the Justice Department's investigation because they did not want to interfere with the probe and hoped it would be completed quickly, according to a Biden adviser who spoke on the condition of anonymity to detail private discussions. Aides also were worried about releasing information without having a complete understanding of the total number and sensitivity of classified information at the Biden Penn Center or at one of the president's two residences in Delaware, the adviser said.

This adviser and a second Biden adviser said they think the president has no criminal exposure in the case and that the improper handling and storage of the records was the result of sloppiness by aides rushing to pack up Biden's vice-presidential office. Biden, aides said, has expressed deep frustration with aides for what he sees as clumsiness and is frustrated that Republicans will, in his belief, falsely equate his actions with those of former president Donald Trump.

Some of the classified material found in the Biden Penn Center office was marked top secret, according to people familiar with the matter, who spoke on the condition of anonymity to describe an ongoing investigation.

On Thursday, Attorney General Merrick Garland appointed a special counsel to investigate the handling of classified documents found at Biden's former office and his Wilmington residence. Garland tapped Robert K. Hur, a senior

official at the Justice Department during the Trump administration, to lead the investigation. Hur's appointment comes after Garland in November named a special counsel, Jack Smith, to lead a separate probe into the retention of classified documents at Trump's Florida residence.

Garland's decision to appoint Hur in the Biden case followed an initial investigation led by John Lausch, the U.S. attorney in Chicago and a Trump administration holdover. Initially, the investigation centered on the discovery of the classified documents — about 10 in total, according to the people familiar with the matter — at the Penn Biden Center.

But on Dec. 20, a lawyer for Biden notified Lausch that additional classified documents were found in the garage at Biden's Wilmington home. Then, on Thursday morning, Biden's attorney alerted authorities that an additional classified document was found at Biden's Wilmington residence in a room adjacent to the garage.

After Garland announced the appointment of a special counsel, Sauber said in a statement, "We are confident that a thorough review will show that these documents were inadvertently misplaced, and the President and his lawyers acted promptly upon discovery of this mistake."

After news broke of the Justice Department's review, Biden told reporters he was "surprised" by the discovery of classified documents. He said he had no idea what was in the documents and said his lawyers were fully cooperating in the matter. Multiple aides who worked with Biden have been interviewed by federal law enforcement officials as part of the investigation, people familiar with the matter said.

Biden stopped using his office at the Penn Biden Center when he launched his campaign for president, but aides decided not to vacate the space because they thought he could return to the office if he did not win the presidency, according to the person familiar with the matter. Once Biden won the presidential election, the person said, the ongoing pandemic and other more pressing matters took precedence. Moore and the other lawyer eventually moved to vacate the space late last year, the person said.

The classified materials were found among Biden's personal documents, including files related to the planning of Beau Biden's funeral. Beau Biden, the president's eldest son, died of cancer in 2015.

A spokesperson for the University of Pennsylvania said that the Penn Biden Center is still functioning "with a limited staff" and that the university did not ask Biden's lawyers to vacate the office space. When asked whether any individuals associated with the university were interviewed as part of the federal investigation, the spokesperson referred comment to the Justice Department.

At this stage, the Trump and Biden classified documents cases appear to differ in significant ways. In Trump's case, the FBI conducted a court-approved search last August of the former president's Mar-a-Lago Club and residence after months of demands for the return of all secret government documents.

According to government court findings, the FBI recovered more than 300 classified documents and thousands of nonclassified government materials from Mar-a-Lago. Agents found many of those documents after Trump's team had assured federal investigators that they had turned over everything they could find.

By contrast, Biden's team says it voluntarily notified authorities upon discovery of classified documents and appears to have returned all materials to the government, according to his lawyers and other people familiar with the situation, who spoke on the condition of anonymity to discuss it candidly.

Legal experts say that it is not uncommon for some people who have security clearances to mishandle classified documents, or to inadvertently keep material that is restricted after leaving government service. The criteria for prosecuting people who mishandle classified documents include proving that the person intentionally flouted rules for how to secure the materials.

The Biden case also emerges just as Republicans have taken control of the House of Representatives and have begun to launch aggressive oversight investigations. The House Oversight Committee and House Judiciary Committee both sent letters to the White House and Justice Department, respectively, demanding documents related to the discovery of classified material at Biden's office and home.

Rep. Michael R. Turner of Ohio, the top Republican on the House Intelligence Committee, requested this week that the Office of the Director of National Intelligence conduct a review of the classified materials and a damage assessment to determine whether any intelligence sources and methods may have been jeopardized.

Such reviews are common when classified information is found to have been improperly handled or stored, and the intelligence director also is conducting a damage assessment of the documents discovered at Trump's Florida estate.

It is unclear whether a similar review of the Biden documents was being conducted.

A spokesperson for the intelligence director's office declined to comment.

### **Possible Response Questions**

- What are your thoughts about this news story? Explain.
- Did something in the article surprise you? Discuss.
- Pick a word/line/passage from the article and respond to it.
- Discuss a "move" made by the writer in this piece that you think is good/interesting. Explain.