

Special Counsel Robert Hur confirms Biden DID give classified files to ghost writer of his \$8million book who then 'destroyed the evidence' in bombshell testimony contradicting Joe's claims

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- **In interviews with investigators, Biden became muddled about the dates he was vice president and could not even remember the year in which his son Beau died**
- **Hur left the Justice Department on Monday and will testify as a private citizen, a DOJ spokesperson confirmed to DailyMail.com**
- **READ MORE: [DOJ report says Biden has 'diminished faculties and faulty memory'](#)**

Former special counsel [Robert Hur](#) revealed in [Capitol](#) Hill testimony that

Biden had 'willfully' retained classified materials as a private citizen and given them to his ghost writer Mark Zwonitzer - who later tried to destroy them.

'We identified evidence that the President willfully retained classified materials after the end of his vice presidency, when he was a private citizen,' Hur said during a hearing.

'This evidence included an audio recorded conversation during which, during which Mr. Biden told his ghost writer that he had just found all the classified stuff downstairs,' Hur went on.

'When Mr. Biden said this, he was a private citizen speaking to his ghostwriter in his private rental home in [Virginia](#).'

Biden in a news conference on February 8 after Hur's bombshell report swore he had not shared classified documents.

'I did not share classified information,' Biden insisted. 'Guarantee you, I did not.' He added he wasn't aware how the boxes containing classified documents ended up in his garage.

Hur's description of the president as 'well-meaning,' 'elderly' and having a 'poor memory' drew condemnation from [Democrats](#) - who say he didn't need to muse on the president's age.

Hur explained his decision to make the assessment in the hearing: 'I knew that for my position to be credible. I could not simply announce that there would be no charges, I needed to explain why. I needed to show my work.'

Hur left the Justice Department on Monday and will testify as a private citizen, a DOJ spokesperson confirmed to [DailyMail.com](#).



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Hur recites the Pledge of Allegiance before testifying during a House Judiciary Committee hearing

The former special counsel said he could not make a decision on whether Biden's retaining of classified documents was 'willful' without considering his state of mind. 'My assessment relevant to the president's memory was necessary, accurate and fair.'

'I did not sanitize my assessment nor did I disparage the president unfairly,' said Hur.

'I had to explain why different facts require different outcomes,' he added, referring to Trump being charged for mishandling documents and Biden avoiding charges.

Hur's report had carefully explained how the criminal case accusing Trump of hoarding classified documents at his Mar-a-Lago resort presents far more serious allegations.

Judiciary Chair Jim Jordan noted Biden had an \$8 million for his book

deal and argued Biden knowingly handed over those documents to the writer.

'Pride and money is why he knowingly violated the rules,' Jordan said of Biden.

Biden said in his interview with Hur that he made more from the book sale than he ever made in his life.

'I ended up making more money on the sale of that book than I ever made in my whole life,' Biden said. 'I was able to give a million dollars away to charity. I've always wanted to do that.'



Joe Biden's ghostwriter Mark Zwonitzer tried to destroy evidence Biden had given him classified documents

After leaving the vice presidency, Biden and now-First Lady Jill signed a multibook deal with Flatiron Books valued at \$8 million, according to Publishers Weekly.

The first book, 'Promise Me, Dad,' a memoir that centers on when his son Beau died and he decided not to run for president in 2015, briefly topped the best sellers list.

Hur also admitted the ghost writer tried to hide evidence after he was named special counsel in the case.

'What did that ghostwriter do with the information Joe Biden shared with him on his laptop, what did he do after you were named special counsel?' Jordan asked.

'He slid those files into the recycle bin on his computer,' Hur said.

He 'tried to destroy the evidence, didn't he?' asked Jordan.

'Correct,' said Hur.

Both Republicans and Democrats put Hur in the hot seat. Republicans demanded to know why he chose not to prosecute the president. Democrats attacked him for calling into question Biden's memory.

Hur arrived on Capitol Hill to offer incite into his devastating classified documents report that painted [Biden](#) as 'elderly' and 'forgetful' and with 'diminished faculties.'

Hur was appointed special counsel by Attorney General [Merrick Garland](#) in January 2022 to investigate the president's handling of classified files based on a range of areas including [Afghanistan](#).



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Chairman of the House Judiciary Committee Rep. Jim Jordan (R-OH) (L) and Ranking Member Rep. Jerry Nadler (D-NY) deliver opening statements. Nadler is flanked by Trump's classified documents

On his way into the hearing, top Judiciary Democrat Rep. Jerry Nadler of New York called Hur a 'Republican hit man.'

'The one thing I do not understand is why there's a 100 percent pattern of Democratic attorneys general hiring Republican special counsels and Republican attorneys general hiring Republican special counsels.'

And during the hearing, Nadler went on the offense, contrasting former President Donald Trump's handling of classified documents with that of Trump's.

The New York Democrat said Trump proved 'fundamentally incapable of taking advantage of even one of the many, many chances to avoid this outcome' by refusing to hand over documents.

He then played clips of Trump confusing world leaders' names, just as

Biden often does.

He showed Trump confusing Viktor Orban with the president of Turkey, confusing Speaker Nancy Pelosi with Ambassador Nikki Haley and more.

'This is a man who should think twice before accusing someone else of cognitive decline,' Nadler said.

Rep. Tom McClintock, R-Calif., claimed Hur had established a 'new doctrine' for handling classified documents, and should have let a jury decide if Biden was too elderly and well-meaning to be convicted.

He warned Hur's decision makes a 'sick mockery' of the rule of law.

'Justice is depicted as blindfolded for this very reason. It doesn't matter who comes before all are treated equally, is destroy this foundation. And the rule of law becomes a sick mockery, becomes a weapon to wield against political rivals and a tool of despotism. And I am desperately afraid that this decision of the Department of Justice is now crossed a very bright line.'

After a year of silence he released the explosive report that drew questions about his decision not to prosecute the president, Biden's cognitive fitness for office and how the commander-in-chief 'willfully' retained the documents. Despite that, Hur chose not to bring charges against Biden because he would be perceived by a jury as a 'well-meaning elderly man with a poor memory.'

In interviews with investigators, Biden became muddled about the dates he was vice president and could not even remember the year in which his son Beau died, according to the transcript reviewed by DailyMail.com.

Biden forgot the year Beau died, when Trump was elected and said 'I don't recall', 'I don't remember' and 'I have no goddam idea' more than 100 times while cracking jokes with the investigators.

And it said his cavalier attitude to classified documents, such as his habit of reading sensitive files to a ghostwriter, posed a significant national security risk.

One of the reasons they decided not to press charges was because 'at trial, Mr. Biden would likely present himself to a jury, as he did during our interview of him, as a sympathetic, well-meaning, elderly man with a poor memory'.

Now the Judiciary Committee will try to get clarity on his 338-page report, and Hur is set to double down on his criticism of Biden's memory, according to the opening statement obtained by DailyMail.com.

According to transcripts of Hur's interviews with Biden on October 8 and October 9, 2023, Biden's lawyer had to tell him what year his son Beau died of brain [cancer](#) and the president joked about the special counsel finding pictures of his wife in a swimsuit.



Former special counsel Robert Hur has arrived on Capitol Hill to deliver high-stakes testimony



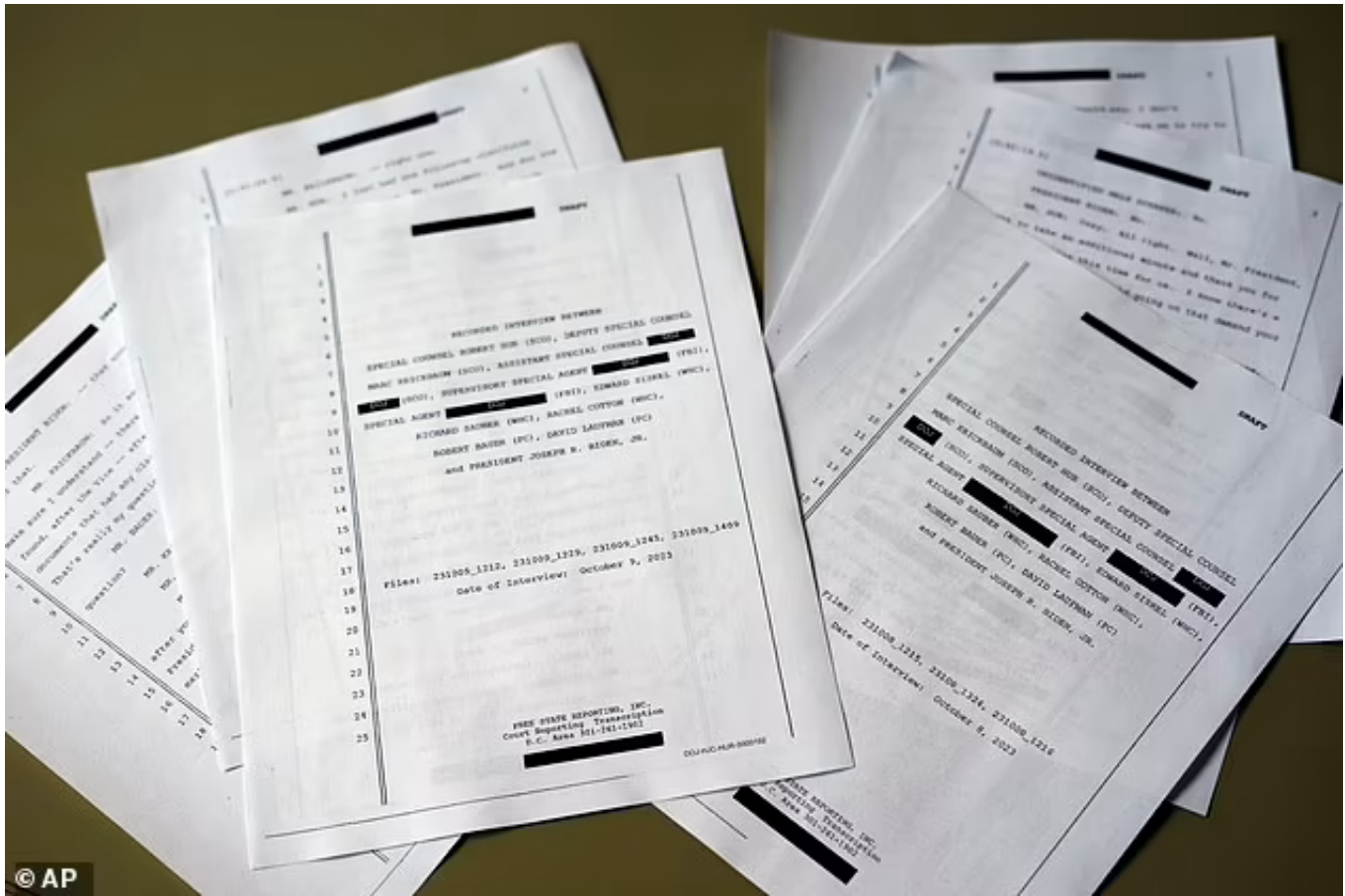
Code Pink protesters demanding a ceasefire in Gaza with vests saying 'AIPAC supports genocide' interrupt hearing



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An image from the Biden classified documents report showing a damaged box where classified documents were found in the garage of President Biden in 2022



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'What month did Beau die?' Biden mused at one point, adding, 'Oh God, May 30th.'

A [White House](#) lawyer then chimed in with the year, 2015.

'Was it 2015 he died?' Biden asked.

He will argue: 'I understood that my explanation about this case had to include rigorous, detailed, and thorough analysis.

'In other words, I needed to show my work,' he will say. 'I knew that for my decision to be credible, I could not simply announce that I recommended no criminal charges and leave it at that. I needed to

explain why.'

Hur will add that he had to call Biden's memory into question and could not make a charging decision without assessing the 'President's state of mind'.

'For that reason, I had to consider the President's memory and overall mental state, and how a jury likely would perceive his memory and mental state in a criminal trial,' he'll say.

'Because these issues were important to my ultimate decision, I had to include a discussion of them in my report.



Hur is set to double down on his criticism of Biden's memory, according to the opening statement obtained by DailyMail.com

'I did not sanitize my explanation. Nor did I disparage the President unfairly.

'I explained to the Attorney General my decision and the reasons for it. That's what I was required to do'.

A source familiar with the planned questioning told DailyMail.com it will likely be '80/20 focused on the merits of the decision not to charge' the president for mishandling documents.

House Republicans had demanded the Department of Justice (DOJ) turn over all transcripts and audio [related to an interview Hur did with the president in his probe of Biden's handling of classified documents](#), but so far they've been unsatisfied with what the department has handed over.

Hur's report, summarizing his probe of Biden's mishandling of classified documents, contains a multitude of examples of Biden's 'hazy' memory, [including one point where Biden appeared to forget](#) when his son Beau died.

Hur [insisted that Biden was not fit for prosecution over his mishandling of documents because he was a 'well-meaning, elderly man with a poor memory.'](#)

The special counsel noted Biden had '[diminished faculties](#)' and at points ['did not remember](#) when he was vice president.'



The box circled in the foreground contained documents about Afghanistan. The picture was taken in December 2022 in Biden's garage, with other household items



President Joe Biden will not be criminally charged with stashing classified documents in his garage and private office

Republicans jumped on the material, saying it proves Biden isn't fit to run the country.

One particularly damaging passage that Hur included said: 'In his interview with our office, Mr. Biden's memory was worse. He did not remember when he was vice president, forgetting on the first day of the interview when his term ended ('if it was 2013 - when did I stop being Vice President?'), and forgetting on the second day of the interview when his term began ('in 2009, am I still Vice President?'),' according to the report.

'He did not remember, even within several years, when his son Beau died. And his memory appeared hazy when describing the Afghanistan debate that was once so important to him.'

Biden erupted at that passage in a defiant press conference where he said his memory is 'fine.'



The report is crammed with pictures of documents recovered from Biden's home or an office he used when he was vice president

for eight years as vice president, including regularly in his home, finding classified documents at home less than a month after leaving office could have been an unremarkable and forgettable event. Notably, the classified Afghanistan documents did not come up again in Mr. Biden's dozens of hours of recorded conversations with the ghostwriter, or in his book. And the place where the Afghanistan documents were eventually found in Mr. Biden's Delaware garage—in a badly damaged box surrounded by household detritus—suggests the documents might have been forgotten.

In addition, Mr. Biden's memory was significantly limited, both during his recorded interviews with the ghostwriter in 2017, and in his interview with our office in 2023. And his cooperation with our investigation, including by reporting to the government that the Afghanistan documents were in his Delaware garage, will likely convince some jurors that he made an innocent mistake, rather than acting willfully—that is, with intent to break the law—as the statute requires.

Another viable defense is that Mr. Biden might not have retained the classified Afghanistan documents in his Virginia home at all. They could have been stored, by mistake and without his knowledge, at his Delaware home since the time he was vice president, as were other classified documents recovered during our investigation. This would rebut charges that he willfully retained the documents in Virginia.

Given Mr. Biden's limited precision and recall during his interviews with his ghostwriter and with our office, jurors may hesitate to place too much evidentiary weight on a single eight-word utterance to his ghostwriter about finding classified

The report details lapses in Biden's memory, both in conversations with his ghostwriter and with investigators. The conclusion is that jurors may have thought he made an innocent mistake

'There's even reference that I don't remember when my son died. How in

the hell dare he raise that? I don't need anyone, I don't need anyone, to remind me of when he passed away,' the president told reporters.

'Frankly, when I was asked the question, I thought to myself, wasn't any of their damned business.'

He also said reports about his 'willful' retention of documents were 'misleading.'

At one point he yelled: 'I did not share classified information! I did not!'

Biden then [took a question about the humanitarian situation in Gaza](#).

In doing so he botched the identification of a world leader, calling Egypt's Abdel Fattah El-Sisi the President of Mexico, Andrés Manuel López Obrador.

He said: 'I think as you know initially, the president of Mexico, El-Sisi, did not want to open up the gate to humanitarian material to get in. I talked to him. I convinced him to open the gate.'

The president went on to blame his staff for sensitive documents from his time as vice president being found at his home, garage and office.

He blamed subordinates for some of the decisions that got him in trouble and precipitated the year-long probe that is already providing fodder for President Donald Trump's campaign.

'I take responsibility for not having seen exactly what my staff was doing,' he said.