

# TRUMP/PENCE/ BIDEN – CLASSIFIED DOCUMENTS

Key Factors	Donald Trump	Joe Biden	Mike Pence
<i>Number of documents</i>	<b>Donald Trump Held On To More Than 300 Classified Documents.</b> “The Justice Department says Trump held onto more than 300 classified documents, including some at the top secret level.” [Associated Press, <a href="#">6/9/23</a> ] (The FBI discovered over 100 documents in their raid, CNBC, <a href="#">9/2/22</a> )	<b>President Biden Had Around 20 Classified Documents In Both His Office And Personal Home.</b> “In all, the source said, the total number of known documents marked classified is roughly 20, between the two locations.” [CBS, <a href="#">1/14/23</a> ]	<b>Mike Pence Had Around A Dozen Classified Documents In His Indiana Home.</b> “A lawyer for former Vice President Mike Pence discovered about a dozen documents marked as classified at Pence’s Indiana home last week.” [CNN, <a href="#">1/24/23</a> ]
<i>Type of classification</i>	<b>Trump Kept Top Secret Documents Including Nuclear Secrets.</b> “The classified documents TRUMP stored in his boxes,’ it read near the beginning, ‘included information regarding defense and weapons capabilities of both the United States and foreign countries; United States nuclear programs; potential vulnerabilities of the United States and its allies to military attack; and plans for possible retaliation in response to a foreign attack.” [Washington Post, <a href="#">6/9/23</a> ]	<b>A Source Familiar With The Investigation Alleges Biden Had Some Top Secret Documents In His D.C. Office, But None In Delaware.</b> “The approximately 10 documents marked classified and discovered at the Penn Biden Center included top-secret material, according to a federal law enforcement official familiar with the investigation [...] Fewer than 10 documents marked classified were found at the Biden residence in Wilmington, Del., and none were marked top secret.” [CBS, <a href="#">1/14/23</a> ]	<b>While The FBI Search Did Not Find Any Document That Was Secret Or Top Secret, It Is Unknown Whether The Initial Batch Included Higher Levels Of Classification.</b> “It is not yet clear what the documents are related to or their level of sensitivity or classification.” [CNN, <a href="#">1/24/23</a> ]  “Pence adviser Devin O’Malley said the Department of Justice completed ‘a thorough and unrestricted search of five hours’ and removed ‘one document with classified markings and six additional pages without such markings that were not discovered in the initial review by the vice president’s counsel.” [Associated Press, <a href="#">2/10/23</a> ]
<i>Primary party aware of documents location or missing status?</i>	<b>Yes, Trump Definitely Knew.</b> “That meeting, with people helping his former chief of staff with a book, has been previously reported but new details of Mr. Trump’s specific comments appear to demonstrate explicitly that he was aware that materials he had taken with him from the White House included classified information.” [New York Times, <a href="#">6/9/23</a> ]	<b>Joe Biden Was “Surprised” These Documents Were In His Office.</b> “During a news conference in Mexico City, Biden said he was ‘surprised’ government records were taken to his old think-tank office, and added he’s been cooperating fully with the National Archives and the Department of Justice.” [Axios, <a href="#">2/1/23</a> ]	<b>Pence Was Reportedly Unaware That These Documents Were In His Home.</b> “Vice President Pence was unaware of the existence of sensitive or classified documents at his personal residence,’ Jacob wrote. ‘Vice President Pence understands the high importance of protecting sensitive and classified information and stands ready and willing to cooperate fully with the National Archives and any appropriate inquiry.’” [CNN, <a href="#">1/24/23</a> ]

<p><i>Alert process</i></p>	<p><b>Starting In May 2021, National Archives Requests Were Sent To Trump And Ignored.</b> “May 6: The Archives requests that Trump turn over missing records, and continues to ask for the documents until late December. [CBS News, <a href="#">6/9/23</a>]</p>	<p><b>White House and Personal Counsel Alerted The National Archives Immediately, And Then Informed U.S. Attorney For The Documents In Delaware Immediately.</b> “On the day of this discovery, Nov. 2, 2022, the White House Counsel’s Office notified the National Archives. The Archives took possession of the materials the following morning,’ the White House said in January.” [Axios, <a href="#">2/1/23</a>]</p> <p>“The Justice Department conducted a search Wednesday of President Biden’s vacation home in Rehoboth Beach, Del., as part of its ongoing investigation of his retention of classified documents, but did not find any documents with classified markings, the president’s personal attorney said.” [New York Times, 2/1/23]</p> <p>“Biden's personal lawyer informed [U.S. Attorney John] Lausch that additional documents with classified markings were identified at two locations, including his garage, inside the president's personal residence in Wilmington, Del.” [Axios, <a href="#">2/1/23</a>]</p>	<p><b>Pence’s Lawyer Notified The FBI After They Were Found.</b> “A lawyer for former Vice President Mike Pence discovered about a dozen documents marked as classified at Pence’s Indiana home last week, and he has turned those classified records over to the FBI.” [CNN, <a href="#">1/24/23</a>]</p>
<p><i>Cooperating with the DOJ and the National Archives?</i></p>	<p><b>No, The Archives Had To Repeatedly Ask For The Documents Back.</b> “May 6: The Archives requests that Trump turn over missing records, and continues to ask for the documents until late December. December: A Trump representative informs the Archives they located 12 boxes of material at Mar-a-Lago and the agency arranges for them to be securely brought back to Washington. Archives officials say they ‘did not visit or ‘raid’ the Mar-a-Lago property.” [CBS News, <a href="#">6/9/23</a>]</p>	<p><b>Yes, Biden Is Fully Cooperating.</b> “Mr. Biden’s lawyers reported the problem and the White House says it has fully cooperated, including by searching Mr. Biden’s Wilmington and Rehoboth Beach, Del., houses, ‘the other locations where files from his vice-presidential office might have been shipped in the course of the 2017 transition.’ [...] Mr. Biden’s team reported the problem to the National Archives on the same day it was discovered, and the agency retrieved the materials the next morning, the administration said. It emphasized that Mr. Biden’s team had since cooperated with the archives and the Justice Department, including by searching his two houses, ‘to ensure that any Obama-Biden</p>	<p><b>Greg Jacob, Mike Pence’s Representative To The National Archives Confirms He Is Fully Cooperating.</b> "In a letter to the National Archives obtained by CNN, Pence’s representative to the Archives, Greg Jacob, wrote that a ‘small number of documents bearing classified markings’ were inadvertently boxed and transported to the vice president’s home. ‘Vice President Pence was unaware of the existence of sensitive or classified documents at his personal residence,’ Jacob wrote. ‘Vice President Pence understands the high importance of protecting sensitive and classified information and stands ready and willing to cooperate fully with the National Archives and any</p>

		administration records are appropriately in the possession of the archives.’ Mr. Biden said on Tuesday that his lawyers had acted appropriately: They immediately called the archives to turn over the materials. ‘We’re cooperating fully — cooperating fully — with the review, which I hope will be completed soon,’ he said.” [New York Times, <a href="#">1/10/23</a> ]	appropriate inquiry.”[CNN, <a href="#">1/24/23</a> ]
<i>Document retrieval</i>	<b>The FBI Had To Conduct An Involuntary Search Of Mar-A-Lago To Retrieve All Of The Documents Trump Took.</b> “The FBI executed a search warrant Monday at Donald Trump’s Mar-a-Lago resort in Palm Beach, Florida, as part of an investigation into the handling of presidential documents, including classified documents, that may have been brought there.” [CNN, <a href="#">8/9/22</a> ]	<b>Biden’s Personal Lawyer And White House Counsel Handed Over The Documents Voluntarily, And A Consensual FBI Search Discovered Additional Documents.</b> “A spokesman for the U.S. attorney in Chicago, who is overseeing the investigation of the documents until special counsel Robert Hur is in place, confirmed the search, saying that the FBI had ‘executed a planned, consensual search’ of Biden’s home.” [NPR, <a href="#">1/22/23</a> ]  “Mr. Biden’s team reported the problem to the National Archives on the same day it was discovered, and the agency retrieved the materials the next morning, the administration said. It emphasized that Mr. Biden’s team had since cooperated with the archives and the Justice Department, including by searching his two houses, ‘to ensure that any Obama-Biden administration records are appropriately in the possession of the archives.’” [New York Times, <a href="#">1/10/23</a> ]	<b>Pence’s Team Voluntarily Gave Up The Documents, And More Were Found By An FBI Search Which He Accepted.</b> “Pence adviser Devin O’Malley said the Department of Justice completed ‘a thorough and unrestricted search of five hours’ and removed ‘one document with classified markings and six additional pages without such markings that were not discovered in the initial review by the vice president’s counsel.’ The search, described as consensual after negotiations between Pence’s representatives and the Justice Department.” [Associated Press, <a href="#">2/10/23</a> ]
<i>Type of residence</i>	<b>The Documents Were Kept All Over Mar-A-Lago.</b> “Former President Donald J. Trump stored classified documents not only in a storage room, but also in a shower, an office, a bedroom and a ballroom, according to the indictment unsealed on Friday.” [New York Times, <a href="#">6/9/23</a> ]	<b>The Documents Were In A Locked Personal Office, As Well As His Personal Home.</b> “The documents were found while Biden’s personal attorneys were packing files that were stored in a locked closet at the think-tank, the White House said.[...] Biden’s personal lawyer informed Lausch that additional documents with classified markings were identified at two locations, including his garage, inside the	<b>The Documents Were In Pence’s Indiana Home.</b> “The classified documents were discovered at the former vice president’s new home in Carmel, Indiana.” [CNN, <a href="#">1/24/23</a> ]

		<p>president's personal residence in Wilmington, Del.” [Axios, <a href="#">2/1/23</a>]</p>	
<p><i>Investigation stage</i></p>	<p><b>Federal Indictment Of 37 Counts On 7 Separate Charges , Including, Conspiracy To Obstruct Justice, And Willful Retention Of National Defense Information.</b> “Trump is accused of violating seven federal laws but faces 37 separate charges. That is because each classified document he is accused of holding on to illegally is charged in a separate count, and his alleged efforts to hide classified information from federal investigators is charged in several ways.” [Washington Post, <a href="#">6/9/23</a>]</p>	<p><b>The Investigation Is Going In A Special Counsel’s Office.</b> "Attorney General Merrick Garland appointed special counsel Robert Hur to investigate the appearance of classified documents at Biden's home and former D.C. office on January 12. Little is known about the state of Hur's investigation, nor the circumstances which resulted in Biden still being in possession of the classified materials. According to CNN, Hur does not appear to be using a grand jury to hear evidence as part of his probe and has so far only sought the testimony of one person, Biden's former executive assistant Kathy Chung. NBC News, citing unnamed sources, recently reported that the investigation into Biden's handling of classified materials is far from its conclusion, and that the president himself has yet to even speak to prosecutors." [Newsweek, <a href="#">6/11/23</a>]</p>	<p><b>The Pence Investigation Closed With No Charges</b> “On Thursday, the Justice Department's national security division informed Pence’s attorney that it had closed its investigation and that based on the ‘results’ of that probe, no charges will be filed against the former vice president.” [NBC, <a href="#">6/2/23</a>]</p>
<p><i>Previously requested by the National Archives?</i></p>	<p><b>Yes, On May 6th, 2021, The National Archives Requested The Documents.</b> “May 6: The Archives requests that Trump turn over missing records, and continues to ask for the documents until late December.” [CBS News, <a href="#">6/9/23</a>]</p>	<p><b>No, Biden’s Lawyers Turned Over The Files Immediately, And No Previous Request For Them Existed.</b> “In the case of Mr. Biden, the White House has said that his lawyers discovered the files on Nov. 2 when they were packing up to vacate the office at the Penn Biden Center. “The documents were not the subject of any previous request or inquiry by the archives,’ it said. [New York Times, <a href="#">1/10/23</a>]</p>	<p><b>No, Pence’s Lawyer Found The Documents And Immediately Turned Them Over.</b> “A lawyer for former Vice President Mike Pence discovered about a dozen documents marked as classified at Pence’s Indiana home last week, and he has turned those classified records over to the FBI.” [CNN, <a href="#">1/24/23</a>]</p>
<p><i>Documents still uncounted for?</i></p>	<p><b>Yes, The National Archives Has Said Trump Has Not Turned Over All Of His Presidential Records.</b> “The National Archives informed Congress on Friday that members of the Trump White House still had not turned over all presidential records and signaled there could be legal consequences</p>	<p><b>No, Biden’s Homes And Offices Were Searched By The FBI.</b> “Biden has consented to FBI searches of his two Delaware homes, the Washington office and the University of Delaware.” [CNN, <a href="#">6/9/23</a>]</p>	<p><b>No, On Top Of The Documents Turned Over By Pence’s Lawyer, The FBI Completed A Search Of Pence’s Home.</b> “The F.B.I. found one classified document after searching the Indiana home of former Vice President Mike</p>

	<p>for those who do not comply[...]Debra Steidel Wall, the acting U.S. archivist, said the archives was working to retrieve electronic messages from certain unnamed White House officials who had used personal email and messaging accounts to conduct official business.” [New York Times, <a href="#">10/1/22</a>]</p>		<p>Pence for five hours on Friday, an adviser to Mr. Pence said. Mr. Pence and his aides had agreed to the search after they discovered a small number of classified documents there last month. The search, which the adviser described as “thorough and unrestricted,” also yielded six additional pages without such markings.” [New York Times, <a href="#">2/10/23</a>]</p>
<p><i>Claims documents were kept for “scrapbooking”?</i></p>	<p><b>Lara Trump, Daughter In Law Of Donald Trump, Claims He Kept The Documents To Make One Of His Famous Scrapbooks.</b> “But it was arguably Lara Trump, Eric’s wife, who provided the biggest unintentional comedic relief of the night, as she essentially claimed that the former president took documents from the White House because he was going to include them in one of his famous scrapbooks.” [Vanity Fair, <a href="#">8/9/22</a>]</p>	No	No
<p><i>Claims the FBI planted evidence?</i></p>	<p><b>Yes, Donald Trump “Truthed” A Debunked Theory That The FBI Planted Evidence At Mar-A-Lago.</b> “Mr. Trump — who has not released the search warrant provided by the agents to his lawyers or the manifest his team was given of the materials the agents gathered and removed — baselessly suggested that the F.B.I. might have acted inappropriately. ;Everyone was asked to leave the premises, they wanted to be alone,’ he wrote, ‘without any witnesses to see what they were doing, taking or, hopefully not, ‘planting.’” [New York Times, <a href="#">8/10/22</a>]</p>	No	No
<p><i>Downplays the importance of classified document storage/ claims intentionally taking classified documents is a regular occurrence?</i></p>	<p><b>Yes, Donald Trump Has Falsely Claimed That Multiple Presidents Have Taken Classified Documents.</b> “Trump declared that Obama had taken millions of presidential documents to Chicago. The National Archives and Records Administration quickly debunked his assertion, explaining it was NARA itself, not Obama, that took the documents to a NARA-</p>	No	No

	<p>managed facility in the Chicago area. Then, at rallies in Nevada and Arizona this weekend, Trump not only repeated the false claim about Obama but added near-identical dishonesty about previous presidents George H.W. Bush, George W. Bush and Bill Clinton.” [CNN, <a href="#">10/11/22</a>]</p> <p>"But while Donald Trump is not the only former president to have been found with classified documents improperly in his possession, the Instagram post mischaracterizes how frequently this occurs. There are no credible news reports about several of the former presidents mentioned in the post, including Obama, George W. Bush, Clinton and George H.W. Bush, taking classified documents with them after leaving the White House." [USA Today, Fact Check, <a href="#">6/9/23</a>]</p>		
<p><i>Falsely claims to be cooperating with government authorities?</i></p>	<p><b>Yes, Trump Claimed He Had Been Cooperating.</b> “My attorneys and representatives were cooperating fully, and very good relationships had been established,” Mr. Trump said in a statement posted on his Truth Social platform. “The government could have had whatever they wanted, if we had it. They asked us to put an additional lock on a certain — DONE!” [Washington Times, <a href="#">8/11/22</a>]</p> <p><b>Federal Prosecutors Alleged Trump Had His Attorneys Falsely Sign An Affidavit To Say All Documents Were Returned.</b> "Trump allegedly ordered Nauta, his attorneys and other staff members to move boxes of government documents, some of which included nuclear information and information regarding other nations, to his Mar-a-Lago estate after leaving office, according to the federal indictment. The boxes were allegedly kept in disarray in unsecured locations including a ballroom and bathroom, according to investigators. After he was subpoenaed, Trump allegedly had his attorneys falsely sign an</p>	<p>No</p>	<p>No</p>

	affidavit that all of the documents were returned, according to federal prosecutors." [ABC News, <a href="#">6/10/23</a> ]		
<i>Attempts to mislead the FBI by handing over only some of the documents?</i>	<b>Yes, The Recently Unsealed Indictment Alleges Trump Did Not Turn Over Everything.</b> "The 37-count indictment unsealed Friday alleges that Trump's legal team falsely certified to the Justice Department that all classified documents Trump had taken had been turned over in response to a subpoena." [Axios, <a href="#">6/12/22</a> ]	No	No
<i>Claims to have a standing order to declassify any document?</i>	<b>Yes, And 18 Trump Administration Officials Denied This.</b> His recent claim that there was a 'standing order' to declassify documents as soon as they were removed from the White House was challenged by 18 top Trump administration officials, according to a CNN report." [Business Insider, <a href="#">8/18/22</a> ]  <b>Trump Admitted He Kept Things That Were Secret That He Could Not Longer Declassify Because He Was No Longer President.</b> "Former President Donald Trump acknowledged on tape in a 2021 meeting that he had retained 'secret' military information that he had not declassified, according to a transcript of the audio recording obtained by CNN. 'As president, I could have declassified, but now I can't,' Trump says, according to the transcript." [CNN, <a href="#">6/9/23</a> ]	No	No
<i>Claims documents taken are protected by attorney-client and executive privileges?</i>	<b>Yes, Trump Claimed On Truth Social That The Boxes Were Protected By Attorney-Client Privilege.</b> "Oh great! Trump wrote on Truth Social. 'It has just been learned that the FBI, in its now famous raid of Mar-a-Lago, took boxes of privileged 'attorney-client' material, and also 'executive' privileged material, which they knowingly should not have taken.'" [The Hill, <a href="#">8/14/22</a> ]	No	No

<p><i>Claims the documents are personal, simply because he wants them to be?</i></p>	<p><b>Yes, Lawyers For Donald Trump Have Made This Claim.</b> “Lawyers for former President Donald Trump are arguing that hundreds of documents that the FBI seized from his Florida residence are ‘personal’ because he said so.” [CNBC, <a href="#">11/14/22</a>]</p>	<p>No</p>	<p>No</p>
<p><i>Claims a president can declassify documents just by thinking about them?</i></p>	<p><b>Yes, He Claimed This In An Interview With Sean Hannity.</b> “There doesn’t have to be a process, as I understand it,” Trump said. “You’re the president of the United States, you can declassify just by saying it’s declassified, even by thinking about it.” [Politico, <a href="#">9/21/22</a>]</p> <p><b>Trump Knew What The Proper Declassification Process Was.</b> "Speaking to CNN on condition of anonymity, the former official said he told federal prosecutors that Trump knew the proper process for declassifying documents and followed it correctly at times while in office." [CNN, <a href="#">6/8/23</a>]</p>	<p>No</p>	<p>No</p>
<p><i>Suing to stop the review of the documents?</i></p>	<p><b>Yes, Trump Sued For A Special Watchdog To Review The Documents And To Stop The Department Of Justice From Reviewing Them.</b> “Former President Donald Trump filed a lawsuit asking a federal judge to appoint a special watchdog to review documents seized from his Florida home by the FBI as part of a criminal investigation of records removed from the White House. Trump’s lawsuit also asks the judge to block the Department of Justice from ‘further review of seized materials’ from his Mar-a-Lago residence until the so-called special master is appointed to review those documents.” [CNBC, <a href="#">8/22/22</a>]</p>	<p>No</p>	<p>No</p>