

# **Biden Expected to Face Harsh Criticism in Classified-Document Probe**

*Special counsel isn't likely to bring a criminal case over handling of records from Biden's time as vice president and in the Senate*

**By Aruna Viswanatha and Sadie Gurman**

The prosecutor investigating why classified documents ended up at President Biden's home and former office is preparing a report that is expected to be sharply critical of how he and his longtime aides handled the material, but the probe isn't likely to result in a criminal case, according to people familiar with the matter.

[Since his appointment in January](#), Special Counsel Robert Hur has interviewed roughly 100 of Biden's aides, colleagues and family members, including his son, Hunter, culminating in a two-day [interview with the president](#) last month.

The documents in question date to Biden's time as vice president during the Obama administration as well as his days in the U.S. Senate. The number of interviews Hur's team has conducted indicates it cast a wide net in trying to answer questions about how the material was packed and handled and wound up at [an office Biden used](#) at the Penn Biden Center for Diplomacy and Global Engagement, a Washington-based think tank, and in the garage of his home in Wilmington, Del., alongside his vintage Corvette.

Among those Hur spoke to were Secretary of State Antony Blinken, who was an aide to Biden in the Senate and his national security adviser when he was vice president; current White House national security adviser Jake Sullivan; top White House political aide Steve Ricchetti and Biden's former chief of staff Ron Klain.

The investigation has focused on who handled the documents and what procedures they followed in doing so, the people said. Hur is expected to release a lengthy report in the next couple of months, potentially before the end of this year.

Representatives for Hur, the White House, Hunter Biden and President Biden's legal team declined to comment or didn't respond to requests for comment.

Hur has assembled a small team of prosecutors, including some from the Maryland U.S. attorney's office he used to lead, and a former top federal prosecutor in Iowa. That team has worked largely under the radar, proceeding as a [separate special](#)

[counsel](#), Jack Smith, is prosecuting former President [Donald Trump](#) for his retention of such material after he left the White House. The two teams have been working out of the same nondescript office complex several miles from the Justice Department's headquarters, sometimes crossing each other in the halls.

Trump's supporters have accused the Justice Department of a double standard in treatment. Biden's supporters have pointed to the president's legal team's cooperation and swift moves to inform the National Archives of the documents' discovery as a key difference.

The Federal Bureau of Investigation obtained [a warrant to search Trump's Mar-a-Lago home](#) in Palm Beach, Fla., in August 2022 after more than a year of negotiations between Trump's lawyers, the National Archives and later the Justice Department, and after Trump's lawyers said all documents had been returned. Trump has been charged with improperly withholding classified documents and obstructing justice by allegedly trying to have surveillance footage deleted that revealed how some of the documents were being handled. He [has pleaded not guilty](#).

From the outset of Hur's investigation, it appeared criminal charges against Biden or his aides would be unlikely.

With the cooperation of Biden's personal legal team, the FBI [searched the Penn Biden Center](#) shortly after Nov. 2 of last year, when Biden aides [found classified material](#) there and surrendered it to the National Archives. Agents later also searched Biden's homes in Rehoboth Beach, Del., and Wilmington, Del., where they [turned up further classified documents](#). Some of the items found contained handwritten notes that investigators were scrutinizing.

Attorney General Merrick Garland's [January appointment of Hur](#), who had been named by Trump as a U.S. attorney, heightened political pressure on the White House and the Justice Department. The department now finds itself in an unprecedented scenario in which three different special counsels are investigating the president, his son and Trump, who is likely the president's chief rival for the 2024 campaign.

In August, Garland named Delaware U.S. Attorney David Weiss as a special counsel to continue his prosecution of Hunter Biden, the president's son, after plea talks broke down. Weiss [filed felony gun charges](#) against Hunter Biden, who [pleaded not guilty](#) last month. The earlier plea deal, which Weiss and the younger Biden had agreed to before it fell apart, had faced Republican criticism.

Hur appears to have been meticulous in talking to anyone who would have been close to the classified material, in part because of his awareness that his report will be heavily scrutinized across the political spectrum.

“Everyone will tear it apart for their own purposes. You don’t want to backtrack later. So you have to go through it sentence by sentence,” said Andrew Lelling, who was the U.S. attorney in Boston during the Trump administration while Hur held the same post in Maryland.

After Biden’s interview, the House Oversight Committee called for Hur to provide information about the president’s handling of classified documents. The committee, which has scrutinized the Biden family’s foreign business dealings, questioned whether any of the documents found at the president’s home and office related to any countries or individuals that had financial interests with his relatives.

“Of the many classified documents he reviewed over his lengthy career, why did President Biden keep these specific documents in his home and office?” wrote the committee’s Republican chairman, Rep. James Comer, in [a letter to Hur](#) last month. On Monday, the panel sought interviews with several White House employees on the topic and subpoenaed former White House counsel Dana Remus.

“Instead of doing their jobs to fund the government and avoid yet another extreme and dangerous government shutdown of their own making, House Republicans are focused on a baseless fishing expedition just to try to smear the president for political purposes,” White House spokesman Ian Sams said about the House inquiry.

The Justice Department will likely make Hur available to answer questions from Congress after his report has been released.

*C. Ryan Barber contributed to this article.*