

CBS Mornings

01/10/23

7:01:02 a.m. [TEASE]

10 seconds

[ON-SCREEN HEADLINE: Classified Documents]

NATE BURLESON: Documents marked classified are found in an office used by President Biden before he was elected.

CONGRESSMAN JIM COMER (R-KY): What's the difference in what President Trump did to what we now know President Biden did?

(...)

7:04:03 a.m.

13 seconds

[ON-SCREEN HEADLINE: Classified Docs Found at Penn Biden Center; Feds Reviewing Classified Docs Found in Biden's Former Office Space]

VLADIMIR DUTHIERS: And this morning, we're also following a story first reported by CBS News. Documents marked classified were found inside an office used by Joe Biden before he was President of the United States. We'll have our original reporting on that in just a minute.

(...)

7:08:34 a.m.

4 minutes and 31 seconds

[ON-SCREEN HEADLINE: Classified Documents Review]

BURLESON: As Vlad mentioned earlier, we have a developing story concerning the possible mishandling of classified information first reported by CBS News. The Justice Department is overseeing a review of roughly ten documents marked classified. They were found in office space that President Biden used before he was elected. The documents come from Mr. Biden's time as Vice President, and there's that nature and level of classification is unclear. Adriana Diaz was the first to report this story. Adriana, good morning.

ADRIANA DIAZ: Good morning. Three sources confirmed this story to our CBS News team. Now, a preliminary inquiry by the Justice Department is nearing its conclusion, but as soon as we broke this news, it set off a political firestorm with Republicans who are now control the House of Representatives, and they are asking for answers. CBS News learned roughly ten classified documents found inside this former office of President Biden right across from the U.S. Capitol. Sources told CBS News the Justice Department launched a review into the matter after the

President's personal lawyer found a small number of documents with classified markings in a locked closet, according to a White House lawyer. The documents were discovered in early November while the attorneys were packing up the office at the Penn Biden Center, a foreign policy research institute that the White House said Mr. Biden used as an office periodically from 2017 until the start of the 2020 campaign. The White House Counsel's office says the documents were not the subject of any previous request by the Archives and that it immediately reported the discovery to the National Archives, which took possession of them the following day. Then Attorney General Merrick Garland asked the U.S. Attorney in Chicago, John Lausch, a Trump appointee, to review the matter and report back. The FBI is also involved in the preliminary inquiry. According to a source, the documents did not contain nuclear secrets, but their exact nature and classification level are unclear. The new Republican speaker of the House called the discovery —

SPEAKER OF THE HOUSE KEVIN MCCARTHY (R-CA): Very concerned.

DIAZ: — as other GOP lawmakers demanded answers.

CONGRESSMAN JIM JORDAN (R-OH): Maybe the American people should have a right to know about it as well. So — but we'll see what these ten documents are.

DIAZ: It is illegal to keep classified material in an unsecured location, but sources say it's not clear if any crime occurred or if anyone will face charges.

JAVED ALI: If there was some other nefarious purpose or criminal intent behind that, that remains to be seen, but this could just be a case of sloppy record-keeping.

DIAZ: The classified documents in Biden's former office were discovered November 2nd, about three months after the FBI issued a search warrant at former President Trump's Florida home and office. That's after he refused to comply with repeated requests to return the materials. FBI agents laid out on the floor some of the more 100 seized documents marked classified. Mr. Biden was critical when he spoke to Scott Pelley in September for *60 Minutes*.

PRESIDENT JOE BIDEN [on CBS's *60 Minutes*, 09/18/22]: How that could possibly happen? How anyone could be that irresponsible?

DIAZ: Former federal prosecutor Scott Frederickson says there are key differences between the Biden inquiry and that involving former President Trump. [TO FREDERICKSON] How significant is that they were self-reported, voluntarily turned over?

SCOTT FREDERICKSON: I think the self-reporting is the single most important part of the situation. It indicates a lack of intentional conduct. It's completely different from the Mar-a-Lago case, which tends, based on reporting, to indicate there was an intentionally activity to take those documents.

DIAZ: But on Monday night in a post, Trump asked, "when is the FBI going to raid the many

homes of Joe Biden, perhaps even the White House?”

DIAZ: A source familiar with the review tells CBS News the documents are currently located in a secure facility known as a SCIF here in Washington. Once the attorney general reviews the inquiry, he will then decide whether there should be a criminal investigation by the FBI or even a special counsel. Gayle?

KING: Oh boy, Adriana. I'm still wondering if anything is marked classified how it leaves the White House to begin with, but that's a whole other story, I'm sure. But as you just pointed out, there is a difference between the former President's situation and this one, but are there any pieces that we're still missing?

DIAZ: There are, Gayle. We still don't know what the information was in those documents, how sensitive are they, what is their level of classification, and also how they got to the Penn Biden Center. Whether or not it was intentional will be key in determining any potential criminality.

KING: All right. More to come on this for sure. Adriana, thank you.

(...)

8:01:19 a.m.

13 seconds

[ON-SCREEN HEADLINE: Documents Discovered]

BURLESON: CBS News learns the Justice Department is overseeing a review on classified documents found in an office formerly used by President Biden.

DIAZ: As soon as we broke this news, it set off a political firestorm with Republicans.