

ABC's *Good Morning America*

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11 seconds

[ON-SCREEN HEADLINE: Full Scale Criminal Investigation; Special Counsel Appointed]

CECILIA VEGA: Full scale criminal investigation. The Justice Department appointing a special counsel after more classified documents were found in President Biden's home. Many in his garage. What the White House is saying this morning.

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7:09:44 a.m.

6 minutes and 19 seconds

[ON-SCREEN HEADLINE: Developing Story; Special Counsel Named in Biden Documents Investigation]

GEORGE STEPHANOPOULOS: Now to the fallout from the discovery of another batch of government documents from President Biden's time as Vice President. Attorney General Merrick Garland has appointed a special counsel to review the matter and chief Justice correspondent Pierre Thomas is tracking the latest developments Good morning, Pierre.

PIERRE THOMAS: George, good morning. The AG has always maintained he would run the Justice Department independently. Now, in a dramatic step, he's made the most independent move he could possibly make: He's authorized a serious investigation into his boss, the President of the United States. This morning, President Biden's handling of classified documents, the subject of a full-scale criminal investigation, by his own Justice Department.

ATTORNEY GENERAL MERRICK GARLAND: The extraordinary circumstances here require the appointment of a special counsel for this matter.

THOMAS: Those extraordinary circumstances? A chain of events that began on November 2 when Biden's personal attorneys discovered at least ten top secret documents about a number of foreign countries at the Penn Biden Center, a Washington think tank. Those lawyers contacted the National Archives, which quickly reached out to the Justice Department. Attorney General Garland, in response, directed the U.S. Attorney in Chicago John Lausch, a Trump appointee to pursue a preliminary investigation. While that probe was underway, another bombshell. More classified documents discovered 48 days later at Biden's home. Many of them in his garage.

GARLAND: The FBI went to the location and secured those documents.

THOMAS: As the evidence mounted, on January 5, Lausch made a dramatic recommendation to his boss: appoint a special counsel. And this morning, yet another revelation, DOJ told on

Thursday that another classified document was found in a room adjacent to that garage at President Biden's Wilmington home. The new special counsel appointed to determine what took place? Veteran prosecutor Robert Hur, former the U.S. Attorney for the state of Maryland, also appointed by former President Donald Trump.

GARLAND: This appointment underscores for the public the department's commitment to both independence and accountability.

THOMAS: President Biden on defense.

PETER DOOCY [TO BIDEN]: Classified material, next to your Corvette? What were you thinking?

PRESIDENT JOE BIDEN: Let me — I will get a chance to speak on all this, God willing soon. But as I said earlier this week, people — and by the way, my Corvette is in a locked garage, okay? So, it's not like they're sitting out on the street. [SCREEN WIPE] People know I take classified documents and classified materials seriously. I also said we're cooperating fully.

THOMAS: And the White House counsel's office saying the documents were inadvertently misplaced and that the Biden's team quickly responded to, "the mistake." Biden's supporters were also quick to point out the special counsel's investigation into Donald Trump's mishandling of documents is dramatically different. They say Trump took hundreds and fought efforts to retrieve them and that Biden's team immediately reached out to the appropriate officials once they found he also had classified documents. President Biden and some of his aides now facing the potential of grand juries, subpoenas, and the potential that the special counsel might want to question the President himself, George.

STEPHANOPOULOS: Okay, Pierre Thomas, thanks very much. Let's bring in our senior White House correspondent Mary Brute [sic] — Bruce, chief legal analyst Dan Abrams. Mary, let me begin with you. This interrupts what had been a good run for the White House.

MARY BRUCE: It had and there's no question that this is now dominating everything here with this administration. They know that this is politically explosive for them and being very careful and cautious in how they comment on this. They are not wanting to go beyond those very carefully worded statements from the President and his legal team and, of course, they are very quick to point out that the real differences between how Biden handled these documents immediately turning them over to authorities and how President Trump acted, spending months resisting requests for the hundreds of classified documents stored at Mar-a-Lago. But there is no question this puts this White House in a really awkward position, having dueling special counsels with the former and current President at the center of them, just as we know these two could very well be running against each other in the next presidential race, George.

STEPHANOPOULOS: And, Dan, the key word the White House counsel is using inadvertent.

DAN ABRAMS: Yeah, I mean, look, that is a defense, right? I mean, the reality is to charge just

for possession of documents like this — typically, you need someone who is hiding, stealing, selling.

STEPHANOPOULOS: Obstructing the investigation.

ABRAMS: — yeah, doc — well that separate — that's even a separate crime — right — is the potential of obstruction. But you typically need something more. Now, is there an argument to be made that you could be charged even if it was inadvertent? Sure. There's a potential argument. Very unlikely. And, then, of course, remember that as we learned in the Trump administration, the current policy of the Department of Justice is that you cannot indict a sitting President. So, you know, you have to separate out the legal from the political.

STEPHANOPOULOS: And one of the political points here, Mary, is the White House knew about this a long time ago.

BRUCE: Yeah, and they don't have a clear explanation right now, George, especially for why they didn't disclose that second batch of classified information sooner. They knew about this when they acknowledged the first batch earlier this week that was discovered at the President's private office here down the street. We have pressed the White House repeatedly on this. The press secretary was really hammered yesterday about this and they just insist that there was an ongoing review. Now, of course, that review was ongoing when they acknowledged the first batch and they insist they are doing this by the book. They want to avoid any sense that they may be trying to get ahead of this investigation or interfering with it, but it does raise real questions. You know, while they may have been transparent with the Justice Department, are they being as transparent with the American people here?

STEPHANOPOULOS: And, Dan, walk through what the special counsel's going to do right now.

ABRAMS: So, the special counsel is now going to hire a team of — of lawyers who are going to sift through exactly what they have and the first question is going to be, alright, what do we need to know? What questions do we have? And this is why Mary's point is a good point — is about: If — are there going to be subpoenas now? Are they going to ask to speak to President Biden? And how much does what's happening with President Trump impact this? It shouldn't have any impact, but boy —

STEPHANOPOULOS: But Merrick Garland is overseeing both special counsels.

ABRAMS: — yeah. For example, are they going to subpoena the Biden team. The Biden team will say, look, we're giving them everything that we have. You don't need to subpoena us. Do they subpoena them anyway just to show that they are using the same legal tools that were used in the case of Donald Trump.

STEPHANOPOULOS: Dan Abrams, Mary Bruce, thanks very much.