

NBC's *Today*

01/13/23

7:00:27 a.m. [TEASE]

5 seconds

HODA KOTB: A big move in Washington.

SAVANNAH GUTHRIE: Yeah, President Biden and those classified documents at the center of it.

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7:00:37 a.m. [TEASE]

19 seconds

[ON-SCREEN HEADLINE: Under Investigation]

GUTHRIE: Under investigation. A special counsel appointed to look into classified files discovered at the President's former office and inside the garage of his Delaware home.

JOE BIDEN: My Corvette's in a locked garage, okay? So it's not like you're sitting out in the street.

GUTHRIE: This morning, new details how sensitive those documents were and where the case goes from here.

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7:02:57 a.m.

5 minutes and 11 seconds

[ON-SCREEN HEADLINE: Special Counsel to Investigate Biden Docs]

GUTHRIE: Gotta get to our top story — starts in Washington. The President now facing a special counsel investigation over his handling of classified documents. That decision coming amid new revelations about the discovery of additional materials from the Obama administration at the President's home in Delaware. We've got two reports this morning. We'll start with NBC's chief White House correspondent Peter Alexander. Peter, good morning.

PETER ALEXANDER: Savannah, good morning. Republicans this week have been pressuring the attorney general to appoint a special counsel after he named one to investigate Mr. Trump's handling of classified documents and after revelations that more documents tied to Vice President's — Vice President Biden's time — serving as Vice President has been discovered, one as recently as Wednesday, Garland did just that. The White House saying that it is confident a thorough review will show these documents were inadvertently misplaced. This morning,

President Biden's handling of classified documents is under scrutiny after Merrick Garland announced he appointed a special counsel to investigate.

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

ALEXANDER: Garland naming Robert Hur, former U.S. Attorney in Maryland appointed by then-President Trump to head up the inquiry. Garland also detailing the expanding timeline of discoveries. On November 2, President Biden's personal attorneys found fewer than dozen classified documents at a former office in Washington, just six days before the midterm elections. And then, on December 20, they found another batch inside the garage of Mr. Biden's Wilmington, Delaware home, a location we got a glimpse of in this campaign video where the President keeps his Corvette.

BIDEN: My Corvette's in a locked garage, okay? So, it's not like they're not sitting on the street. [SCREEN WIPE] People know I take classified documents and classified materials seriously.

ALEXANDER: It wasn't until two months later on January 9 that the discovery of the first batch of documents became public following media reports. And just two days ago, another classified document was found at a room adjacent to the garage. Garland revealing that the Justice Department was notified of that yesterday. Overnight, NBC News learning one of the documents found at Mr. Biden's former office was marked with the highest classification in government, what's called Top Secret/SCI, according to a senior U.S. official and another person familiar with the matter. Last fall, President Biden slammed Mr. Trump for storing hundreds of classified documents at his Mar-a-Lago estate.

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

ALEXANDER: Mr. Trump last night again claiming that he had the right as a former President to retain classified documents even though there's no evidence any of them had been properly declassified.

DONALD TRUMP [on *The Mark Levin Show*, 01/12/23]: You know, when Biden is admonishing me for documents that I'm allowed to have — as President, allowed to have. We were allowed to take this — many Presidents took things with them.

ALEXANDER: NBC News has also learned that federal law enforcement officials have now interviewed multiple aides who worked for then-Vice President Biden in the final days of the Obama administration, that's according to two people familiar with the matter and among those aides former executive assistant, a woman by the name of Kathy Chung, who helped pack up Mr. Biden's vice presidential office in January of 2017. Chung is now a senior aide to the Defense Secretary. The Pentagon referred our questions to the Justice Department and, Savannah, the White House is not commenting.

GUTHRIE: Alright, Peter, thank you. We want to get more perspective from NBC senior Washington correspondent Hallie Jackson. Hallie, as ever there are legal implications —

HALLIE JACKSON: That's right.

GUTHRIE: — there are political implications. Let's start with the law, the legal case, and how this might proceed.

JACKSON: The key part of that, Savannah, in the legal case, is going to be intent. That's the most important thing according to legal experts I've spoken with. And that is what the President's attorneys are really trying to emphasize, that this wasn't intentional. It was an accident. You keep seeing the word inadvertent in these statements. They're also emphasizing that they immediately reported it and cooperated with investigators. This seems like a clear signal to those who are investigating it that they did not have the intent to do anything wrong here. That's crucial.

GUTHRIE: Let's talk about the politics because, needless to say, former President Trump —

JACKSON: Right.

GUTHRIE: — faces his own special counsel investigation with regard to the classified documents that were discovered at Mar-a-Lago. And there's a lot of whataboutism, equivalencies being set up between these two cases and it's a classic where-you-stand-depends-on-where-you-sit moment in Washington. How is that playing out?

JACKSON: So, on Capitol Hill, look at it from the GOP side first, Savannah, they want investigations, they want a damage assessment, for example, to see what happened here. As we head into 2024, I imagine they're going to try to use this, to your point, Savannah, to neutralize criticism of former President Trump. On the Democratic side, I'm already hearing this from members of Democratic leadership, that one of these things is not exactly like the other — right — that there are key distinctions when it comes to things like what we know right now, volume, for example, questions about cooperation, et cetera. That is something that Democrats are emphasizing and will likely continue to do so as long as this special counsel investigation remains open.

GUTHRIE: Alright. Well, we will continue to watch it. Hallie, thank you.

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8:03:52 a.m.

29 seconds

[ON-SCREEN HEADLINE: Special Counsel to Investigate Biden Docs]

CRAIG MELVIN: Attorney General Merrick Garland has appointed a special counsel to investigate President Biden's handling of classified documents from his time as Vice President.

The move came after the White House acknowledged that documents had been found in a former Biden office in Washington and at his home and garage in Delaware. President Biden said yesterday that his garage is locked, so, "it's not like they're sitting out in the street." The President added he takes classified documents and materials seriously.