

ABC's *Good Morning America*

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19 seconds

[ON-SCREEN HEADLINE: Classified Documents Investigation; Growing Questions for President Biden]

MICHAEL STRAHAN: President Biden keeping quiet about the classified document investigation after more pages were found at his Delaware home last week as the White House fires back at House Republicans as they ramp up their investigations, accusing them of playing politics. Our chief legal analyst, Dan Abrams, breaks it down.

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4 minutes and 13 seconds

[ON-SCREEN HEADLINE: Biden Classified Documents Investigation; Questions Grow After News of More Material Found at President's Home]

GEORGE STEPHANOPOULOS: We're going to go to the White House now where President Biden is facing questions about his handling of classified documents. New pressure from Congress. Senior White House correspondent Mary Bruce has the latest. Good morning, Mary.

MARY BRUCE: Good morning, George. Yeah, the pressure on President Biden is only growing after more classified documents were found over the weekend at his Delaware home and now this morning the White House is firing back accusing Republicans on the Hill of hypocrisy.

PETER DOOCY: Mr. President, are you sure there are no more classified documents?

BRUCE: President Biden isn't talking as questions grow over his handling of classified information.

UNIDENTIFIED REPORTER: Mr. President, how do you think that the classified documents got into your boxes?

BRUCE: A White House lawyer confirming that five more pages of classified documents were found at Biden's Delaware home last Thursday. Classified material was first found in November in Biden's former private office in Washington. But sources say it was the discovery in December of documents in the garage of his Wilmington home that was the tipping point prompting the attorney general to appoint a special counsel to investigate. Republicans in Congress have launched two investigations of their own.

HOUSE SPEAKER KEVIN MCCARTHY (R-CA): I think there's a lot of questions that

continue to raise and we want to get all the information possible.

BRUCE: But the White House this morning is firing back at Republicans' demands, noting they've shown little interest in investigating Donald Trump's refusal to turn in over a hundred pages of classified documents stored at Mar-a-Lago, saying, "House Republicans are playing politics in a shamelessly hypocritical attempt to attack President Biden." But while Trump refused to turn them over for a year prompting a subpoena and eventually an FBI search warrant, Biden's lawyers say they are cooperating fully but they've been tight-lipped publicly.

FORMER DHS OFFICIAL JOHN COHEN: Typically when a security investigation is being conducted, the details of that investigation are not disclosed. This is to protect national security.

BRUCE: Now, critics say this approach, though, raises real questions about transparency with the White House still refusing to answer even some basic questions about all of this and while they insist they are being fully cooperative with the special counsel, George, they are still declining to say whether they will comply with these Republican-led investigations on the Hill.

STEPHANOPOULOS: Okay, Mary, thanks. Let's bring in our chief legal analyst Dan Abrams. So, let's talk about the next steps in the investigation. No search warrant yet. Will that come?

[ON-SCREEN HEADLINE: Live on *GMA*; Biden Classified Documents Investigation; Why Haven't Investigators Applied for a Search Warrant?]

DAN ABRAMS: I don't think so. I mean, so far, you do have cooperation. Remember, we're not talking about subpoenas or search warrants coming from Congress, right? We're talking about from the Department of Justice. I don't expect them to go for a search warrant. Why? Look at what happened in the Trump case. You start with the National Archives. The National Archives reaches out and says we want these documents and negotiate and feel like they can't get them. They hand it over to the FBI. The FBI issues a subpoena. The FBI says here are the documents that we want to get. The Trump team assures them you have all the documents. They get a tip that says that's not true. That's when the search warrant comes into play in the Trump case. So, even in the Trump case they weren't going for a search warrant at anywhere near the outset of the investigation.

STEPHANOPOULOS: So the same likely to hold for subpoenas?

[ON-SCREEN HEADLINE: Live on *GMA*; Biden Classified Documents Investigation; Should Investigators Subpoena the President?]

ABRAMS: Subpoena a little different. Is it possible they'll issue a preponderance? Sure. To simply say, look, we want to ensure that we have all the documents. You know, in a lot of cases, a grand jury will subpoena information, documents, et cetera, just to figure out where things are. In that case, you might have people saying, well, what did they do that deserved the subpoena? You may just see an effort to say, we want to just cover all our bases.

STEPHANOPOULOS: So both the Trump and the Biden cases deal with classified documents in the wrong place.

ABRAMS: Yeah.

STEPHANOPOULOS: That's where the similarities end but will the fact that these documents have now been discovered impact the possible prosecution of President Trump?

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ABRAMS: It shouldn't. The two cases should remain totally separate but as a practical matter, you have to think that at least some of it is coming into play with regard to Attorney General Garland. Remember, each special counsel is supposed to do his own thing and I think they are, but when it comes to decision-making about what do we do with all this —

STEPHANOPOULOS: It still rests with the attorney general.

ABRAMS: — exactly. In the end, both these special counsels are still reporting to the — to Attorney General Garland.

STEPHANOPOULOS: Dan Abrams, thanks very much.