

Biden's own DOJ said he has 'diminished faculties and a faulty memory': Classified docs probe reveals he left Afghan files next to dog bed in garage, forgot when his son Beau died AND couldn't remember when he was vice president

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- **Long-awaited report reveals an 81-year-old president suffering memory lapses**
- **'He did not remember, even within several years, when his son Beau died,' it said**
- **Biden said he had cooperated fully and that the matter was now closed**

The Department of Justice released its long-awaited investigation into

[Joe Biden](#)'s mishandling of classified documents Thursday, delivering a damning assessment of the president's 'diminished faculties' and limited memory.

Although the report did not recommend bringing charges against the 81-year-old, it provides a cascade of damaging findings about files found in Biden's garage as well as the president's fitness for office.

In interviews with investigators, Biden became muddled about the dates he was vice president and could not even remember the year in which his son Beau died.

And it said his cavalier attitude to classified documents, such as his habit of reading sensitive files to a ghostwriter, posed a significant national security risk.

One of the reasons they decided not to press charges was because 'at trial, Mr. Biden would likely present himself to a jury, as he did during our interview of him, as a sympathetic, well-meaning, elderly man with a poor memory'.



President Joe Biden will not be criminally charged with stashing classified documents in his garage and private office



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Department of Justice photographs reveal boxes and boxes of files stored in unsecure locations, such as the garage of his home.

2020: President Joe Biden takes off in old school Corvette Sting Ray



His 'diminished faculties in advancing age' would likely make him a sympathetic figure to jurors, the report says.

Biden found himself in the spotlight after his predecessor Donald Trump was charged with illegally keeping classified documents at his Mar-a-Lago home.

Special Counsel Robert Hur spent a year investigating. His report will likely undermine the Biden campaign's attempts to use the charges against Trump in the 2024 election.

Instead there is plentiful ammunition for Trump, with a series of revelations about Biden's mental sharpness.

It describes his failure to remember key dates in his career and his personal life when he was interviewed by investigators.

'He did not remember when he was vice president, forgetting on the first day of the interview when his term ended ("if it was 2013 - when did I stop being Vice President?"), and forgetting on the second day of the interview when his term began ("in 2009, am I still Vice President?"),' he

reportedly said.

'He did not remember, even within several years, when his son Beau died.'

He was also apparently hazy on the debate around withdrawing troops from Afghanistan, which was such a key part of the first months of his presidency.

'We also expect many jurors to be struck by the place where the Afghanistan documents were ultimately found in Mr. Biden's Delaware home: in a badly damaged box in the garage, near a collapsed dog crate, a dog bed, a Zappos box, an empty bucket, a broken lamp wrapped with duct tape, potting soil, and synthetic firewood,' the report concludes.



The long-awaited report will provide ammunition for critics who say that Biden is too old to be president. It describes frequent memory lapses



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The report is crammed with pictures of documents recovered from Biden's home or an office he used when he was vice president



Garage box containing
© US Department of Justice

The box circled in the foreground contained documents about Afghanistan. The picture was taken in December 2022 in Biden's garage, with other household items

for eight years as vice president, including regularly in his home, finding classified documents at home less than a month after leaving office could have been an unremarkable and forgettable event. Notably, the classified Afghanistan documents did not come up again in Mr. Biden's dozens of hours of recorded conversations with the ghostwriter, or in his book. And the place where the Afghanistan documents were eventually found in Mr. Biden's Delaware garage—in a badly damaged box surrounded by household detritus—suggests the documents might have been forgotten.

In addition, Mr. Biden's memory was significantly limited, both during his recorded interviews with the ghostwriter in 2017, and in his interview with our office in 2023. And his cooperation with our investigation, including by reporting to the government that the Afghanistan documents were in his Delaware garage, will likely convince some jurors that he made an innocent mistake, rather than acting willfully—that is, with intent to break the law—as the statute requires.

Another viable defense is that Mr. Biden might not have retained the classified Afghanistan documents in his Virginia home at all. They could have been stored, by mistake and without his knowledge, at his Delaware home since the time he was vice president, as were other classified documents recovered during our investigation. This would rebut charges that he willfully retained the documents in Virginia.

Given Mr. Biden's limited precision and recall during his interviews with his ghostwriter and with our office, jurors may hesitate to place too much evidentiary weight on a single eight-word utterance to his ghostwriter about finding classified

The report details lapses in Biden's memory, both in conversations with his ghostwriter and with investigators. The conclusion is that jurors may have though he made an innocent mistake

Photographs in the report include some of the classified Afghanistan documents, showing how they were apparently stored with other household items, including a ladder and a wicker basket.

The material included notebooks with handwritten entries 'implicating sensitive intelligence sources and methods' taken from White House briefings.

The investigation said there was plenty of evidence to suggest that Biden was aware that he was not allowed to keep such classified notes after leaving office, pointing out that his long Washington career meant he was familiar 'with the measures taken to safeguard classified information and the need for those measures to prevent harm to national security.'

Even so, notebooks crammed with classified information were stored in unlocked drawers at his home.

And it was not simply the case that the notebooks were misplaced and forgotten.

'He consulted the notebooks liberally during hours of discussions with his ghostwriter and viewed them as highly private and valued possessions with which he was unwilling to part,' writes Hur.

The ghostwriter helped him with his 2017 memoir, titled 'Promise Me, Dad.'

Biden said he was pleased that no charges would be brought and declared the matter closed.



Special Counsel Robert Hur spent a year investigating files found at President Joe Biden's home and former office. He said Biden's status as president meant he could not be prosecuted



'I cooperated completely, threw up no roadblocks, and sought no delays,'

he said.

'In fact, I was so determined to give the special counsel what they needed that I went forward with five hours of in-person interviews over two days on October 8th and 9th of last year, even though Israel had just been attacked on October 7th and I was in the middle of handling an international crisis.'

White House spokesman Ian Sams said the report offered a misleading account of the president's memory.

'The inappropriate criticisms of the president's memory are inaccurate, gratuitous, and wrong,' he said. 'We told the Special Counsel this.'

For his part, Trump said the findings showed he had been unfairly targeted for prosecution in a two-tiered system.

'The Biden Documents Case is 100 times different and more severe than mine,' he said in an emailed statement. I did nothing wrong, and I cooperated far more.

'What Biden did is outrageously criminal - He had 50 years of documents, 50 times more than I had, and "WILLFULLY RETAINED" them.'

Hur's investigation was separate from Special Counsel Jack Smith's probe into Trump after he left the White House. Smith alleges Trump illegally retained secret documents at his home and then obstructed efforts to recover them.

Trump denies any wrongdoing.

In Biden's case, officials contacted the National Archives to return documents when they had been found at his former office. The FBI was notified and an investigation opened.

Hur said Biden could not be prosecuted as a sitting president.

'We would reach the same conclusion even if Department of Justice policy did not foreclose criminal charges against a sitting president,' his report said.

Critics of Biden pointed out how the Department of Justice homed in on the idea that jurors would give Biden leeway as a forgetful old man.

'If you're too senile to stand trial, then you're too senile to be president,' said Alex Pfeiffer, of the Trump-supporting political action committee Make America Great Again. 'Joe Biden is unfit to lead this nation.'