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White House in crisis after special counsel report on classified documents slams Biden's "limited" memory

Following a year-long investigation, Special Counsel Robert K. Hur released a more than 300-page report Thursday in which he recommended that President Joe Biden not be charged over his handling of classified documents. Hur was appointed by Attorney General Merrick Garland in January 2023 to investigate Biden's retention of classified documents at his home.

In his report, Hur, a former prosecutor in the Trump administration, repeatedly emphasized that part of his reasoning in not charging Biden was due to the president's "hazy" and "limited memory."



President Joe Biden pauses after speaking in the Diplomatic Reception Room of the White House, Thursday, Feb. 8, 2024, in Washington. [AP Photo/Evan Vucci]

Hur referred to Biden's diminished memory nine separate times. Citing interviews recorded by Mark Zwonitzer who was ghostwriting Biden's memoirs, Hur wrote that "Mr. Biden's memory was significantly limited, both during his recorded interviews with the ghostwriter in 2017, and in his interviews with our office in 2023."

Later on, Hur wrote that "Biden's memory also appeared to have significant limitation—both at the time he spoke to Zwonitzer in 2018, as evidenced by their recorded conversation, and today, as evidenced by his recorded interview with our office."

Hur described Biden's recorded conversations with his ghostwriter in 2017 as "often painfully slow, with Mr. Biden struggling to remember events and straining at times to read and relay his own notebook entries."

However, when Biden interviewed with Hur's office in 2023, "Mr. Biden's memory was worse," Hur wrote, adding that Biden "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?')."

Hur wrote that Biden "did not remember, even within several years, when his son Beau died. And his memory appeared hazy when describing the Afghanistan debate that was once so important to him. Among other things, he mistakenly said he 'had a real difference' of opinion with General Karl Eikenberry, when, in fact, Eikenberry was an ally whom Mr. Biden cited approvingly in his Thanksgiving memo to President Obama."

Underscoring Biden's cognitive decline, Hur added that for "jurors, Mr. Biden's apparent lapses and failure in February and April 2017 will likely appear consistent with the diminished faculties and faulty memory he showed in Zwonitzer's interview records and in our interview of him. Therefore, we conclude that the evidence does not establish that Mr. Biden willfully disclosed national defense information to Zwonitzer."

Hur concluded that if he brought charges against Biden, which could only occur after he is no longer president, it “would be difficult to convince a jury that they should convict him—by then a former president well into his eighties—of a serious felony that requires a mental state of willfulness.”

He added that Biden would likely present himself to a jury as a “sympathetic, well-meaning, elderly man with a poor memory.”

Republicans have seized on Hur’s report to demand that Biden step down. In a statement signed by the House Republican Leadership, including Speaker Mike Johnson (Louisiana), Majority Leader Steve Scalise (Louisiana), Majority Whip Tom Emmer (Minnesota) and Chairwoman Elise Stefanik (New York), the Republicans charged that a “man too incapable of being held accountable for mishandling classified information is certainly unfit for the Oval Office.”

There are also indications that sections of the Democratic Party may be concerned that Biden is not a viable candidate. Following the release of the report, the Democratic Party-aligned *New York Times* ran several prominent articles dedicated to Biden’s diminishing cognition.

The primary concern within sections of the Democratic Party is not over Biden’s cognitive state, however, but his deep unpopularity. Biden’s support has been in free-fall among large sections of the population due in large part to his unwavering military, political and economic support for the genocide in Gaza and war in Ukraine against Russia. Polls currently show that he would lose in a contest with Trump by significant margins.

In an attempt at damage control, Biden conducted a hasty and rare Thursday evening press conference following the release of the report in which he attacked Hur for impugning his memory.

“I know there’s some attention paid to some language in the report about my recollection of events,” Biden said. “There’s even a reference that I don’t remember when my son died. How in the hell dare he raise that?”

Despite his best attempts to refute Hur's charges, later on in the brief press conference Biden confused the countries of Mexico and Egypt and claimed that Egyptian President Abdel Fattah El-Sisi was the president of Mexico. He also falsely stated that all of the classified documents were "locked" up in filing cabinets, when some of them were found sitting in his garage in a box.

On Friday, Vice President Kamala Harris was deployed by the administration to reassure the US military-intelligence apparatus and US allies abroad that the Biden-Harris administration could still carry out the aims of global imperialism. Harris attacked Hur's comments as "gratuitous, inaccurate and inappropriate," before citing Biden's leading role in military operations in Israel and Gaza as a positive example of Biden's mental acuity.

On, "October 7th," Harris said, "we got the calls, the President and myself, in the hours after that occurred. ... And I was at almost every meeting with the president in the hours and days that followed.

"Countless hours, with the Secretary of Defense, the Secretary of State, the heads of our intelligence community. And the president was in front-of and on top of it all. ... He was in front of it all, coordinating, and directing leaders, who are in charge of America's national security, not to mention our allies around the globe. For days, and up until now, months."

That Harris felt compelled to make such a public declaration is a testament to the deep crisis within the Biden administration and ruling class more generally.

It is not out of the question that Biden could be replaced on the Democratic Party ticket. On March 31, 1968, incumbent Democratic President Lyndon B. Johnson announced he would not seek the nomination of the Democratic Party after previously vowing to run.

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