



Breaking: More Classified Documents Found at Biden's Delaware Home in DOJ Search (Update: FBI 'Consent Search')

Description

Six more classified documents were found at the Wilmington, Delaware home of Joe Biden on Friday during a nearly thirteen hour search of the home by the Department of Justice according to a statement released Saturday evening by Biden's private attorney Bob Bauer. This is the fifth batch of classified documents found in Biden's possession and the fourth to be found at the Wilmington home in searches stretching from December 20 to Friday. The first batch was found at the Penn Biden Center in Washington, D.C. on November 2nd. (Update at end.)

Bauer also said, "The DOJ also took for further review personally handwritten notes from the vice-presidential years," and that some of the items taken by investigators were from Biden's time as a senator as well as vice president.

Attorney General Merrick Garland appointed a special counsel, Robert Hur, to investigate Biden's handling of classified documents on January 12. Hur has not yet taken over the case from U.S. Attorney for Chicago John Lausch; the search was conducted by FBI agents under Lausch.



Here's the full statement from Bob Bauer, noting that DOJ "took possession of materials it deemed within the scope of its inquiry, including six items consisting of documents with classification markings and surrounding materials." pic.twitter.com/L47EWBNHyp

— Ed O'Keefe (@edokeefe) [January 21, 2023](#)

Follow-up statement by Biden's special White House counsel Richard Sauber:

Statement of Richard Sauber, Special Counsel to the President

President Biden directed his personal lawyers to be fully cooperative with the Justice Department as part of its ongoing investigation. That has been the case since a small number of materials were initially discovered at the Penn Biden Center. His team voluntarily and promptly disclosed the initial discovery to the Archives and subsequent discoveries to DOJ, as is the proper protocol. Since the beginning, the President has been committed to handling this responsibly because he takes this seriously.

As detailed in the statement released by the President's personal attorney, the President and his team are working swiftly to ensure DOJ and the Special Counsel have what they need to conduct a thorough review. On Friday, DOJ conducted a comprehensive search of the President's Wilmington residence, and it concluded late Friday night. The statement from the President's personal attorney details how that search was conducted, what materials were reviewed, and what was found. Neither the President nor the First Lady were present during the search.

The President's lawyers and White House Counsel's Office will continue to cooperate with DOJ and the Special Counsel to help ensure this process is conducted swiftly and efficiently.

Statement from White House Counsel's Office on ongoing cooperation with the Justice Department: [pic.twitter.com/LUUjgzuouL](https://twitter.com/LUUjgzuouL)

— Ian Sams (@IanSams46) [January 21, 2023](#)

And comment by White House counsel spokesman Ian Sams: "An important note from the statement released by the President's personal attorney:

POTUS's lawyers offered to provide DOJ prompt access to the Wilmington home, and gave DOJ full access to it, including personally handwritten notes, memorabilia, and papers going back decades."

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— Ian Sams (@IanSams46) [January 21, 2023](#)

Joe and Jill Biden are staying at their Rehoboth Beach, Delaware vacation home this weekend. AP reporter Darlene Superville had asked at Friday's press briefing if the stay at the beach house was because the Wilmington house was being searched. Karine Jean-Pierre deflected the question like she has others on the classified documents investigation.

A prescient reporter, [@dsupervilleap](#), asked if Biden's travel to Rehoboth, not Wilm, this wknd was related to the doc invest.

"As it relates to his travel, as you know, he often travels to Delaware on the weekends. I just don't have anything else to share," [@PressSec](#) said.

— Steven Portnoy (@stevenportnoy) [January 22, 2023](#)

Biden did not answer reporters' question when he went to church Saturday afternoon on Rehoboth Beach.

Asked when Ron Klain is leaving the White House, Biden didn't respond. Didn't take any press corps questions today. He attended afternoon mass at St Edmond's in Rehoboth [pic.twitter.com/5MbMi2dzD3](#)

— Jennifer Jacobs (@JenniferJJacobs) [January 21, 2023](#)

?@POTUS? leaving church in Rehoboth Beach, Delaware. Did not take questions on Klain/docs. [pic.twitter.com/cUfF3UKI3w](#)

— Nandita Bose (@nanditab1) [January 21, 2023](#)

There is no word on whether the White House residence has been searched.

UPDATE: The search of Biden's home was done a "consent search" by FBI agents.

"The FBI executed a planned, consensual search of the president's residence," says Assistant United States Attorney Joe Fitzpatrick.

— Steven Portnoy (@stevenportnoy) [January 22, 2023](#)

Trump-hating former FBI assistant director Frank Figliuzzi advocated for Biden to seek a consent search in an [MSNBC column earlier this week](#) to help the Trump investigation (excerpt):

If Biden wants to make an even stronger contrast between himself and Trump, there's yet another step to take: Consent to a search of his properties.

...It's time for Hur to ask for consent to search Biden's Wilmington, Delaware, home. In fact,

Biden should make the offer even if Hur doesn't first ask.

Hur and his assigned FBI agents should also seek consent to search the office and related storage space Biden used at the Penn Biden Center in Washington. That request could be trickier because it likely involves a landlord-tenant question of who could authorize the search, but it's not insurmountable. Lastly, the special counsel should also request — and Biden should consent to — a search of any other properties or storage spaces, including his home in Rehoboth Beach, Delaware, even though there are no reports of documents at other locations.

While MAGA sycophants such as Rep. Jim Jordan, R-Ohio, and Donald Trump Jr. are demanding that the FBI execute a search warrant on Biden properties — as they did at Mar a Lago — nothing in this case appears to justify a judge issuing a search warrant. A judge only issues a search warrant after an assertion that a crime has occurred. While “mishandling” classified documents could constitute a crime, that statute requires that someone “knowingly removes such documents or materials without authority and with the intent to retain such documents or materials at an unauthorized location.” There's no evidence, at least not yet, of criminal intent in the Biden matter. And without the belief that a crime was committed, the FBI would have no reason to seek a a warrant, and a judge would have no reason to approve one.

...It's possible that a consent search could turn up even more documents. But, wouldn't it be better if such a discovery occurred at Biden's request as opposed to following an order from a federal judge? And, if the FBI and DOJ are going to take a beating for the falsehood that they are wrongly treating Biden differently than Trump, wouldn't it be better for those institutions if they could explain that they conducted equally intrusive searches of both presidents?

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