

# [***Takeaways from Robert Hur's testimony on Biden's mishandling of classified documents***](https://advance.lexis.com/api/document?collection=news&id=urn:contentItem:6BJ1-6241-DY7V-G056-00000-00&context=1516831)

CNN Wire

March 12, 2024 Tuesday 4:50 PM GMT

Copyright 2024 Cable News Network All Rights Reserved

**Length:** 1843 words

**Byline:** By Jeremy Herb and Marshall Cohen, CNN

**Dateline:** (CNN)

**Body**

Former special counsel Robert Hur appeared before Congress on Tuesday to explain his investigation into President Joe Biden's handling of classified documents - which led to no charges against the president but plenty of consternation among Democrats when Hur described Biden as a "well-meaning, elderly man with a poor memory" in his report.

While Hur came ready to defend his investigation, outlining a specific, legal case - or lack thereof - the members of the House Judiciary Committee were fighting a battle over the much more subjective political consequences to Hur's report just months before the 2024 presidential election.

Republicans attacked Biden as they pressed Hur on his decision not to prosecute the president, while Democrats criticized Hur for his comments about Biden's memory - while also focusing much of their attention on former President Donald Trump and the differences in the former president's classified documents case, which led to an indictment last year.

Here are takeaways from Tuesday's hearing:

Hur won't 'exonerate' Biden - but won't call him 'senile' either

Hur tried his best to stick to what was in his report, even as he was pushed to go further either to criticize Biden - or to declare his innocence.

Hur was clear on Tuesday that he did not want to play ball with Republicans on whether Biden is "senile," given the former special counsel's decision to describe Biden as an "elderly man with a poor memory" in his investigative report.

"Webster's Dictionary defines 'senile' as exhibiting a decline of cognitive ability, such as memory, associated with old age," Republican Rep. Scott Fitzgerald of Wisconsin said. "Mr. Hur, based on your report, did you find that the president was senile?"

"I did not. That conclusion does not appear in my report," Hur replied emphatically.

Rep. Pramila Jayapal, a Washington state Democrat, tussled with Hur over his conclusions, claiming Hur "exonerated" Biden. But Hur immediately took issue with the term during a tense exchange in which they both repeatedly cut each other off.

"This lengthy, expensive an independent investigation resulted in a complete exoneration of President Joe Biden for every document you discussed in your report, you found insufficient evidence that the president violated any laws about possession or retention of classified materials," Jayapal said.

"I need to go back and make sure that I take note of a word that you used, 'exoneration,'" Hur said. "That is not a word that is used in my report and that is not a part of my task as a prosecutor."

"You exonerated him," Jayapal retorted.

"I did not exonerate him," Hur said. "That word does not appear in the report."

Democrats' retorts are all about Trump

Hur played no role in the investigation into Trump's handling of classified documents - but that didn't stop Democrats from repeatedly asking Hur about the Trump classified documents indictment.

Republicans, too, pointed to Trump on Tuesday, to make their claim that the lack of charges against Biden shows a two-tiered system of justice.

In his report, Hur noted there were "several material distinctions" between the Biden and Trump cases. Rep. Madeleine Dean, a Pennsylvania Democrat, asked Hur to read that section of his report into the record to hit home the point.

Democrats teased the differences between the two cases by asking Hur whether the charges against Trump in his classified documents case also applied in Biden's case.

"Did you find that President Biden directed his lawyer to lie to the FBI?" asked Rep. Ted Lieu, a California Democrat.

"We identified no such evidence," Hur responded.

"Did you find that President Biden directed his personal assistant to move boxes of documents to hide them from the FBI?" Lieu later asked.

"No," Hur said.

Lieu took his questioning a step further, asking Hur whether Biden had been investigated for allegations related to Trump's other three indictments in connection with attempts to overturn the 2020 election and the reimbursement of hush-money payments.

2024 campaign overtones on both sides of the Hur hearing

Tuesday's oversight hearing gave lawmakers in both parties a high-profile opportunity to score political points against both Biden and Trump, the presumptive nominees in the 2024 presidential election.

Throughout the hearing, Democrats and Republicans frequently peppered Hur with questions about either Trump or Biden not intended to elicit a response but to criticize the other party's presumptive nominee, from asking whether Biden was senile to asking whether Biden, like Trump, had been charged with trying to overturn the 2020 election or making hush money payments.

House Judiciary Chairman Jim Jordan's opening statement included a full airing of a seven-minute press conference after Hur's report was released, where Biden faced questions about his memory and mixed up the leaders of Egypt and Mexico.

Rep. Jerry Nadler, the top Democrat on the Judiciary Committee, followed Jordan by playing his own video, a montage cut by his aides of Trump showing the former president misremembering key facts, including a clip of Trump from last year in which he [*incorrectly said*](https://www.cnn.com/videos/politics/2023/11/01/trump-gaffe-turkey-hungary-viktor-orban-early-start-vpx.cnn) Viktor Orban, the prime minister of Hungary, was the prime minister of Turkey.

"That is a man who is incapable of avoiding criminal liability. A man who is wholly unfit for office and a man who, at the very least, ought to think twice before accusing others of cognitive decline," Nadler said after the video wrapped.

Trump's memory, of course, had nothing to do with Tuesday's hearing. Except it had everything to do with the hearing - because the hearing was as much about the 2024 campaign and the coming clash between Biden and Trump as it was about taking testimony from a special counsel who declined to charge Biden for his mishandling of classified information.

Hur tries to play it straight

In his opening statement, Hur defended his report. which found evidence Biden willfully retained classified materials but that the evidence did not rise to the level of proof beyond a reasonable doubt.

And he took on criticism directly over his inclusion of the state of Biden's memory.

"My assessment in the report about the relevance of the President's memory was necessary and accurate and fair," Hur said. "Most importantly, what I wrote is what I believe the evidence shows, and what I expect jurors would perceive and believe. I did not sanitize my explanation. Nor did I disparage the President unfairly. I explained to the attorney general my decision and the reasons for it. That's what I was required to do."

The last time a special counsel testified about his probe of the sitting president was Robert Mueller in 2019, describing his Trump-Russia findings. Hur is roughly 30 years younger than Mueller, and delivered a more fluent performance - but he adhered to the spirit of Mueller.

Hur followed Mueller's style of strictly commenting on material contained in the report, which frustrated both parties. Hur dodged GOP attempts to bash Biden's age, beyond the analysis in his report. He also declined to answer when Rep. Eric Swalwell of California, a Democratic firebrand, asked him to pledge not to seek a role in a potential second Trump administration. ("You don't want to be associated with that guy again, do you?" Swalwell quipped.)

Hur attacked from both sides

Lawmakers in both parties found plenty of reasons to take issue with Hur's report.

Several Democrats went after Hur for his comments on Biden's memory lapses, calling them gratuitous and implying he was trying to help Trump's reelection bid by wounding the Democratic president.

"And you're doing everything you can do to get President Trump reelected so that you can get appointed as a federal judge or perhaps to another position in the Department of Justice, isn't that correct?" said Rep. Hank Johnson, a Georgia Democrat.

Hur laughed at the suggestion. "Congressman, I have no such aspirations, I can assure you. And I can tell you that partisan ***politics*** had no place whatsoever in my work."

Rep. Adam Schiff, a California Democrat running for a US Senate seat, then pressed Hur about the "political firestorm" he must have known his report would create.

"You understood that you made a choice," Schiff said. "That was a political choice. It was the wrong choice."

"What you are suggesting is that I shape, sanitize, omit portions of my reasoning and explanation to the attorney general for political reasons," Hur said.

On the Republican side, lawmakers pressed Hur on why he didn't charge Biden despite the evidence of classified documents in Biden's possession.

"All I have to do when I'm caught taking home classified materials to say, 'I'm sorry, Mr. Hur, but I'm getting old. My memories not so great?'" asked Rep. Tom McClintock, a California Republican. "This is the doctrine that you've established in our laws now and it's frightening."

"Congressman, my intent is certainly not to establish any sort of doctrine," Hur responded. "I had a particular task, I have a particular set of evidence to consider, and make a judgment with respect to one particular set of evidence and that is what I did."

Both Judiciary chair and ranking member overstate the special counsel's conclusions

In their opening statements, both the top Republican and Democrat on the House Judiciary Committee overstated some of Hur's conclusions from his investigation into Joe Biden.

Jordan, an Ohio Republican, claimed that Hur determined that Biden "broke the law" and "unlawfully" held onto classified materials after the Obama administration ended.

"Joe Biden broke the law but because he's forgetful old man, who would appear sympathetic to a jury, Mr. Hur chose not to bring charges," Jordan said.

Nadler, meanwhile, claimed Hur fully exonerated Biden's conduct. "In short, to borrow a phrase from the last administration, the Hur report represents the complete and total exoneration of President Biden," Nadler said.

It's clear from Hur's sweeping 388-page report that he did not completely exonerate the president, as Nadler claimed Tuesday. But the conclusions weren't as damning and far-reaching as Jordan asserted.

Most importantly, Hur never said explicitly that Biden committed crimes, which Jordan suggested.

Hur found some evidence that Biden willfully retained classified materials after he left the Obama White House. He also uncovered some examples of Biden sharing classified information with his book author.

However, Hur also said his team found plenty of exculpatory evidence that led him to conclude that Biden's actions weren't illegal, and ultimately concluded that criminal charges weren't warranted.

There were enough facts favorable to Biden that would "create reasonable doubt" for a potential jury, and "innocent explanations for the documents that we cannot refute," Hur wrote in his report.

CNN's Devan Cole, Hannah Rabinowitz, Holmes Lybrand and Evan Perez contributed to this report.

By Jeremy Herb and Marshall Cohen, CNN

TM & © 2024 Cable News Network, Inc., a Time Warner Company. All rights reserved.

**Load-Date:** April 11, 2024

**End of Document**