

[REDACTED]

DRAFT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

RECORDED INTERVIEW BETWEEN

SPECIAL COUNSEL ROBERT HUR (SCO), DEPUTY SPECIAL COUNSEL
MARC KRICKBAUM (SCO), ASSISTANT SPECIAL COUNSEL [REDACTED] DOJ
[REDACTED] DOJ (SCO), SUPERVISORY SPECIAL AGENT [REDACTED] DOJ (FBI),
SPECIAL AGENT [REDACTED] DOJ (FBI), EDWARD SISKEL (WHC),
RICHARD SAUBER (WHC), RACHEL COTTON (WHC),
ROBERT BAUER (PC), DAVID LAUFMAN (PC)
and PRESIDENT JOSEPH R. BIDEN, JR.

Files: 231009_1212, 231009_1229, 231009_1245, 231009_1409

Date of Interview: October 9, 2023

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

[REDACTED]

R E C O R D I N G

1
2 SA [REDACTED] DOJ : The date is October 9, 2023. The
3 time is approximately 12:12 p.m., and this is the second day
4 of the interview with Joseph R. Biden.

5 MR. BAUER: Good morning, Rob, and Marc, and
6 company. Yesterday in the course of an exchange about types
7 of presentations of documents, some, you know, cover sheets,
8 bold, big lettering; others smaller print, there was some
9 question that the President would like to address about just
10 how he sees -- whether there were any meaningful differences
11 between these types of documents and the way that he handled
12 them. And so I'm just going to let the President speak to
13 that issue. Or he would like to speak to that issue.

14 PRESIDENT BIDEN: (Laughs) The idea -- I want to
15 make clear that I didn't keep anything that wasn't -- I
16 thought was classified. And so the fact that I said I gave
17 back all the stuff that had borders on it and the rest, I
18 found anything else that was classified, code word, you
19 know, the classification categories, I gave that back, too,
20 or I didn't see it. One of the two. That's all.

21 MR. BAUER: That's it.

22 PRESIDENT BIDEN: I guess --

23 MR. BAUER: (Indiscernible 0:01:19.6)

24 MR. KRICKBAUM: Thank you for clarifying that. I
25 don't have any follow-up questions on that specific point

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:01:26.8]

2 MR. KRICKBAUM: -- right now.

3 MR. HUR: I just had one follow-up clarifying
4 question on that clarification, Mr. President. And for the
5 record, I should say that everyone that was in the room
6 yesterday, is in the room today, I think.

7 So when you say you gave everything back in the
8 clarification you provided a minute ago, when -- like, what
9 time period are you (indiscernible 0:01:48.0) --

10 PRESIDENT BIDEN: Seven twenty-eight on such and
11 -- (indiscernible 0:01:48.3).

12 (Laughter)

13 MR. HUR: Well, sir, I'm asking whether
14 you --

15 PRESIDENT BIDEN: Whatever I ran across when I was
16 out of office.

17 MR. HUR: -- whether that was your practice when
18 you were Vice President?

19 PRESIDENT BIDEN: Yeah, when I was Vice President.

20 MR. KRICKBAUM: Or at the end of your Vice
21 Presidency?

22 PRESIDENT BIDEN: No, when I was Vice President I
23 gave back everything that I no longer had a need to look at,
24 and that was classified. (Indiscernible 0:02:08.1) Top
25 Secret or all those classifications. The question I --

1 [0:02:12.7]

2 PRESIDENT BIDEN: -- thought you were asking me
3 was when I was out of office, when I was at the Penn Biden
4 Center teaching, before I got elected President, after I was
5 out of office, what did I do with any document that I saw
6 that was classified, that met the classification Top Secret,
7 et cetera, code word, et cetera. Whenever that occurred I
8 just gave that back to the staff or left it on a desk to be
9 taken back, but I didn't keep any of those things.

10 MR. KRICKBAUM: And you said whenever that
11 occurred, when you found classified documents --

12 MR. BAUER: I'm sorry, just for the record, I
13 think he said if he had found.

14 MR. KRICKBAUM: If he had found.

15 MR. BAUER: He's not describing a regular practice
16 of returning documents that he found.

17 MR. KRICKBAUM: Were there occasions, Mr.
18 President, after you were Vice President, when you were
19 teaching at Penn, doing all the different things you were
20 doing after your Vice Presidency, were there any occasions
21 where you found documents with classification markings?

22 PRESIDENT BIDEN: Only ones I recall were the ones
23 that hadn't been written on. You know, I don't recall
24 having, having, in my possession, something that was code
25 word or highly classified that was in the small print --

1 [0:03:30.5]

2 PRESIDENT BIDEN: -- that occurs. I don't
3 remember that.

4 MR. KRICKBAUM: So it sounds like -- I want to
5 make sure I understand -- there were occasions where you
6 found, after the Vice -- after the Vice Presidency,
7 documents that had any classification markings at all.
8 That's really my question.

9 MR. BAUER: I'm sorry, could you repeat the
10 question?

11 MR. KRICKBAUM: Yes.

12 MR. BAUER: Because I didn't understand that.

13 MR. KRICKBAUM: Were -- was there ever a time,
14 after you were Vice President, before you were elected
15 President, that you found documents with any classification
16 markings on them at all?

17 PRESIDENT BIDEN: I think there was a notebook. I
18 don't remember if it had marked -- you know, that red marker
19 on it. Was that when I was Vice President or not Vice
20 President, that I returned? One of my staff guys, I -- I
21 don't recall ever keeping anything at all for my personal
22 use, as a professor at Penn, for any reason, that was marked
23 -- that had a government classification on it.

24 MR. KRICKBAUM: It sounds like there may have been
25 at least one occasion where you found something, I think --

1 [0:04:41.3]

2 MR. KRICKBAUM: -- you described it as maybe a
3 notebook --

4 PRESIDENT BIDEN: You guys described to me my
5 returning a notebook to one of my staff people that had
6 classification --

7 MR. BAUER: You mean documents like that that had
8 been inserted into a notebook?

9 PRESIDENT BIDEN: No, no. Didn't you guys tell me
10 that there was a, a series of papers stapled together that
11 had red border on them? And it said Top Secret or
12 Classified, that I gave to DOJ or somebody to
13 return.

14 MR. BAUER: In your post-Vice Presidential period?

15 PRESIDENT BIDEN: I don't remember what period it
16 was. Anyway --

17 MR. KRICKBAUM: Okay.

18 PRESIDENT BIDEN: But the point is I never kept
19 anything when I wasn't Vice President or President that, in
20 fact, was classified document to be used by me for any
21 reason.

22 MR. KRICKBAUM: So that's an important point and
23 we understand that point that you just made. What I'm
24 trying to understand is, even if you didn't keep it, did you
25 ever find it. And what I'm asking is did you ever find --

1 [0:05:45.5]

2 MR. KRICKBAUM: -- anything that had classified
3 markings after you were Vice President?

4 PRESIDENT BIDEN: I don't recall finding anything
5 after I was Vice President that had classified markings on
6 it.

7 MR. KRICKBAUM: Okay. You mentioned a minute ago,
8 there may have been an incident with [REDACTED] DOJ ?

9 PRESIDENT BIDEN: Didn't somebody tell me that
10 there was a notebook that had markings on it that had a
11 binder that I returned? Didn't [REDACTED] DOJ say that or
12 somebody say that on my staff?

13 MR. BAUER: It was, it was [REDACTED] DOJ .

14 PRESIDENT BIDEN: [REDACTED] DOJ , [REDACTED] DOJ , a
15 staff member. Was that when I was Vice President, or after?

16 MR. BAUER: After.

17 PRESIDENT BIDEN: It was after I was Vice
18 President. I found a book -- I found paper that had that
19 red marking on it. I gave it to this kid who was working
20 for me named [REDACTED] DOJ , and I said return it. That's
21 what I was referring to.

22 MR. KRICKBAUM: Do you remember that or you're
23 being told --

24 PRESIDENT BIDEN: No, I just remember being told
25 that.

1 [0:06:46.0]

2 MR. KRICKBAUM: Okay. So if you don't remember
3 it, I take it you don't, you don't remember when it happened
4 after your Vice Presidency, is that right?

5 PRESIDENT BIDEN: No, I guess you guys interviewed
6 this kid [REDACTED] DOJ . Ask him.

7 MR. KRICKBAUM: And do you remember -- I take it
8 also you don't remember anything about what was in the
9 classified document?

10 PRESIDENT BIDEN: No, I don't.

11 MR. KRICKBAUM: Do you remember anything about
12 where you were --

13 PRESIDENT BIDEN: No.

14 MR. KRICKBAUM: -- when you found it? Okay. I'm
15 just pausing to see if I have any other questions about that
16 subject. Were there -- are there any other occasions,
17 Mr. President, when you found classified -- documents with
18 classification markings after you were Vice President? I
19 just want to make sure that I'm covering --

20 MR. BAUER: Repeat the question, I'm sorry.

21 MR. KRICKBAUM: Yes. Were there any other
22 occasions after you were Vice President that you found
23 documents with classification markings on them?

24 PRESIDENT BIDEN: When I was no longer Vice
25 President; before I was President?

1 [0:07:38.9]

2 MR. KRICKBAUM: Yes, that's right.

3 PRESIDENT BIDEN: I don't recall any.

4 MR. KRICKBAUM: Okay.

5 MR. HUR: And just one follow-up. It seems to me
6 that part of what you were trying to get across in your
7 clarification statement this morning out of the gate was
8 you're trying to draw a distinction between on the one hand
9 cover sheets with big lettering --

10 PRESIDENT BIDEN: (Indiscernible 0:07:58.1)

11 MR. HUR: -- just let me finish my question, sir.
12 And red color borders, things like that, on the one hand.
13 And on the other hand, smaller letter classification
14 markings on documents. Was that the intent you were trying
15 to draw between those two types of classification markings?

16 PRESIDENT BIDEN: Yeah. Basically, yes.

17 MR. HUR: Okay. And so now that I understand that
18 clearly, is what you were trying to clarify that you may
19 have seen, after the end of your Vice Presidency, documents
20 with the first kind of classification markings, the big
21 letter ones with the color borders, but, but you don't
22 recall seeing documents with the classification markings of
23 the second kind that were small?

24 MR. BAUER: I'm sorry, I'm confused. I don't
25 think that was his answer.

1 [0:08:50.4]

2 MR. LAUFMAN: No, that's not it.

3 MR. BAUER: That was not his answer.

4 MR. HUR: Okay. Well, then what is --

5 MR. LAUFMAN: He said he didn't recall seeing
6 them, documents with any classification markings after he
7 left the Vice Presidency.

8 MR. HUR: Except --

9 MR. LAUFMAN: Whether they had cover sheets or
10 they were classified documents with smaller headers and
11 footers behind the cover sheet, he has no specific
12 recollection of seeing those documents after he left office.

13 MR. HUR: Okay. And the reason he's --

14 MR. LAUFMAN: Is that correct, Mr. President?

15 PRESIDENT BIDEN: Yes.

16 MR. HUR: And the reason he's mentioning the part
17 about the binder that he returned is because he was told
18 that, not because he has an independent recollection?

19 PRESIDENT BIDEN: I know that anything I found
20 that had -- when it was overwhelmingly clear that it was
21 classified, I returned. If you ask me how many times I did
22 that; I don't know. But I did not keep anything that was
23 marked -- that was clearly marked having been handed to me
24 when I was Vice President. That's the only point I was
25 trying to make.

1 [0:09:48.6]

2 MR. KRICKBAUM: Yeah, and I think, Mr. President,
3 you are making a distinction between something that was
4 clearly marked, that's what you just said -- it seems as if
5 you're saying it's possible that there was something perhaps
6 that was unclearly marked. And I think we're just trying to
7 understand that. So let me ask a specific question.

8 PRESIDENT BIDEN: Yes.

9 MR. KRICKBAUM: Were there any occasions when you
10 found documents that had classification markings in small
11 print after you were Vice President?

12 PRESIDENT BIDEN: No, but if I did I would have
13 returned them as well.

14 MR. KRICKBAUM: Okay, that's helpful. I just --
15 we wanted to make sure we weren't misunderstanding the big
16 letters versus small letters.

17 PRESIDENT BIDEN: No, no, I --

18 MR. KRICKBAUM: So thank you. Okay. Anything
19 else on that?

20 MR. HUR: No.

21 MR. KRICKBAUM: All right. So, Mr. President,
22 when we spoke yesterday, Mr. Hur showed you some photographs
23 and there was one document in particular that you seemed
24 curious about so I thought we would start with that one. So
25 if you grab binder 2, and flip to that -- just that very --

1 [0:10:51.8]

2 MR. KRICKBAUM: -- first blue tab. You see that
3 photo of a black notebook that
4 says --

5 PRESIDENT BIDEN: Yup.

6 MR. KRICKBAUM: -- Af/Pak 1 on it.

7 PRESIDENT BIDEN: Yeah.

8 MR. KRICKBAUM: And then flip ahead to the next
9 page, which is -- it ends in 0-0-2, that has a document that
10 we looked at yesterday, which is binder-clipped together in
11 the front of that notebook. And then in the, in the next
12 pages you'll see the document -- it's -- and actually before
13 I have you look at the document itself, Mr. President, is
14 this -- I think Mr. Hur covered this, but just to be clear,
15 this Af/Pak 1 notebook, was this a notebook that you used as
16 Vice President and took notes in as Vice President?

17 PRESIDENT BIDEN: The date is 4-20-09. Was I
18 still Vice President? I was, wasn't I? Yeah.

19 UNIDENTIFIED MALE: Yeah.

20 PRESIDENT BIDEN: Yeah.

21 MR. KRICKBAUM: Okay. And looking at this
22 document that's binder-clipped to the front of this, if you
23 look at the fourth page of this tab, it ends with 0-0-4.
24 Let me know when you're on that page.

25 PRESIDENT BIDEN: 1B66004?

1 [0:12:03.2]

2 MR. KRICKBAUM: Yes, sir.

3 PRESIDENT BIDEN: Mr. President -- yes, okay.

4 MR. KRICKBAUM: And first of all, did you -- have
5 you reviewed this document before our interview today in
6 preparation for the interview?

7 PRESIDENT BIDEN: I don't -- I was told about -- I
8 don't think I have.

9 MR. KRICKBAUM: Okay. I don't think we need to go
10 through this entire document.

11 MR. BAUER: Yeah. Marc, we will -- we'll clarify
12 or confirm that because it may be, as he sees it today, he
13 doesn't recognize it immediately, but it's possible that we
14 did review it with him.

15 PRESIDENT BIDEN: Wait. Hang on a second.

16 MR. BAUER: Yeah, take your time, sir.

17 PRESIDENT BIDEN: This was the letter I wrote to
18 the President about why I disagreed with Holbrooke and
19 company about their assessment of the situation in
20 Afghanistan.

21 MR. KRICKBAUM: Okay.

22 PRESIDENT BIDEN: I do remember -- I didn't read
23 it all, but I do remember this being shown to me.

24 MR. KRICKBAUM: All right.

25 PRESIDENT BIDEN: And I remember the letter.

1 [0:13:07.8]

2 MR. KRICKBAUM: And --

3 PRESIDENT BIDEN: Because I stayed up Thanksgiving
4 writing it. Pardon me?

5 MR. BAUER: I just want to note, this document --
6 you're right, sir. This document has lines and the document
7 you reviewed, which was the same one, did not have lines.
8 So that may be the reason why it is not familiar to you.

9 MR. KRICKBAUM: Got it.

10 MR. BAUER: Okay, thank you.

11 MR. KRICKBAUM: Mr. President, this is the
12 handwritten memo that you wrote to --

13 PRESIDENT BIDEN: Yup.

14 MR. KRICKBAUM: -- President Obama over
15 Thanksgiving of 2009?

16 PRESIDENT BIDEN: Yeah.

17 MR. KRICKBAUM: Okay. Why did you write this memo
18 to the President?

19 MR. BAUER: I mean, is that -- Marc, is that an
20 appropriate question? I mean, I --

21 PRESIDENT BIDEN: I'll tell you why I wrote it.
22 But it's none of your business why I wrote it.

23 MR. BAUER: (Laughs).

24 PRESIDENT BIDEN: I wrote it because I was trying
25 to change the President's mind, and I wanted to let him --

1 [0:13:50.9]

2 PRESIDENT BIDEN: -- know I was ready to speak out
3 no matter unless he told me don't say a word, I'm ready to
4 speak out, and to really, quite frankly, save his ass on what
5 was going on. And uh, and uh, I laid out what it was that I
6 thought the situation was in Afghanistan at the time, where
7 he was being misled. Not -- not intentionally, but where the
8 judgments were off and why it would be so much problem for
9 him. And I spent a lot of time sitting down -- I think it was
10 Thanksgiving Day -- it was around Thanksgiving that I wrote
11 this, up in Nantucket.

12 MR. KRICKBAUM: If you look at page 22, the date
13 is --

14 MR. BAUER: I just want to -- again, just so in
15 the future as we move through this, you know that we've
16 raised the question before about unnecessarily or without
17 clear linkage to the question of the location of classified
18 documents, probing the President on highly confidential
19 information he provided to the former President 44 or to any
20 senior members of the administration. So we want to be
21 helpful and if you could just draw that connection, it's
22 going to be a lot easier for the President to feel
23 comfortable describing confidential advice that he provided.

24 MR. HUR: Well, the President seems eminently
25 comfortable --

1 [0:15:02.8]

2 MR. BAUER: Yeah, Rob, I understand that.

3 MR. HUR: If we want to talk about this, Bob, why
4 don't we go offline, because we have very limited time.

5 MR. BAUER: Rob, while I understand that --

6 MR. HUR: (Indiscernible 0:15:09.1)

7 [REDACTED] DOJ, can we go off the record?

8 PRESIDENT BIDEN: Page 22 is typewritten --

9 MR. BAUER: Okay. Rob, you wanted to say something?

10 MR. HUR: Yes. So we've had --

11 (Track 231009_1212 ends)

12 (Track 231009_1229 begins)

13 SA [REDACTED] DOJ: We're back on the record.

14 MR. HUR: Go ahead, Mr. President. Sorry about
15 that.

16 PRESIDENT BIDEN: I don't recall me producing
17 anything that was typed or in typed form, and this is,
18 Embassy Kabul, subject Helmand views U.S. Troops -- I did
19 not write that document. So I'm not sure why it was part of
20 a handwritten document I wrote to the President, other than
21 when I got to him, they dug up other information that was
22 similar to that, what I was recommending. But I don't
23 recall the -- I -- that wasn't from my hand. This
24 handwritten stuff was from my hand, giving him information I
25 thought no one else was giving him, I thought it was --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902
[REDACTED]

1 [0:01:15.9]

2 PRESIDENT BIDEN: -- critical that he get to
3 change his position on what he was likely to do based on the
4 advice he'd been given thus far.

5 MR. KRICKBAUM: Understood.

6 PRESIDENT BIDEN: So to me it was very
7 confidential, because I did not want to embarrass the
8 President. I also did not want to get into a -- and --

9 I'll just tell you one thing, it has nothing to do
10 with the investigation, you'll understand why this is
11 sensitive. The President thought that I knew a lot more
12 about Afghanistan than he did and other members of the
13 administration. He knew I had a real difference with the
14 key foreign policy types, particularly -- whether it was
15 Eikenberry or whether it was -- anyway.

16 And he was looking for me to make my case as strong
17 as I could, without him having to ask for it or being
18 associated with it, because his concern in this period was he
19 didn't have overwhelming foreign policy experience, and how
20 could he take on the most premier members of the foreign policy
21 establishment in his administration. Quite a few that said,
22 go, do this. So he was looking for me to make the strongest
23 case I could. So I'd be the guy that'd basically take the
24 heat, which I was prepared to do because I knew as much about
25 it as they did. That's the context in which --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

[REDACTED]

1 [0:03:14.1]

2 PRESIDENT BIDEN: -- this was happening. It's
3 like if you had a junior prosecutor that didn't want you to
4 be embarrassed, knew you'd never handled a particular
5 circumstance, he or she had done this extensively. You
6 don't want to take on the Attorney General on the issue.
7 But he or she knew a lot about it, so you'd look at him and
8 say what do you got, and make the strongest case possible
9 why the Attorney General was wrong, or your US Attorney,
10 whoever was your boss.

11 That was the context. And that's why I did not --
12 ordinarily if I did a memo this long, it would be
13 disseminated, go to him, go to his staff, go to -- this went
14 straight to him; nobody else.

15 MR. KRICKBAUM: Was it common for you to write a
16 20-page --

17 PRESIDENT BIDEN: No.

18 MR. KRICKBAUM: -- memo by hand?

19 PRESIDENT BIDEN: First time -- first and only
20 time I ever did it.

21 MR. KRICKBAUM: Okay.

22 PRESIDENT BIDEN: And by the way if I tried to
23 type it, it would take five times as long.

24 (Laughter)

25 MR. KRICKBAUM: I understand. Given the --

1 [0:04:13.1]

2 MR. KRICKBAUM: -- significance that the President
3 attached to your views, and the thought that you put into
4 this memo, Mr. President, obviously the decision the
5 President made was a very important one, and I'm just
6 curious whether after the fact you ever went back and
7 revisited this memo to see how your advice held up?

8 PRESIDENT BIDEN: No, I knew about the advice. I
9 knew the memo. I mean, at the time I probably could have
10 repeated verbatim, in that time period. I knew all the
11 points. One of the things that did come from this was we
12 got a commitment that there would be an absolute time limit
13 set to test the theories of the guys who wanted to go in and
14 do more and stay longer. And so it wasn't just, you know,
15 open-ended. We weren't going to put another 100,000 troops
16 and we weren't going to -- and so there was a timeframe put
17 on it, which was not what I wanted, but it was better than
18 the open-ended, you know, go-get-em guys.

19 MR. KRICKBAUM: Was this memo, Mr. President, was
20 this something that you consciously kept after your term as
21 Vice President? Is this something that you wanted to hold
22 onto?

23 PRESIDENT BIDEN: I don't recall whether I -- did
24 I have this? Was this in my possession, this memo?

25 MR. KRICKBAUM: Yes. To give you some context --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:05:39.9]

2 MR. KRICKBAUM: -- for this, Mr. President, it was
3 found in the front of this notebook that's on the first
4 page, and the notebook was found in the library at the lake
5 house, in one of the drawers in the cabinet.

6 PRESIDENT BIDEN: Okay.

7 MR. BAUER: But your answer is that you don't
8 know.

9 PRESIDENT BIDEN: I don't recall how it got back
10 -- I mean, I don't recall how it got back in the book,
11 because I sent it to the President and I gave it to the
12 President. And this looks like the original. I don't think
13 there's -- maybe there was a copy made, but I don't think
14 so.

15 MR. KRICKBAUM: It was faxed. Just to give you
16 some more context.

17 PRESIDENT BIDEN: Oh, okay, that's why.

18 MR. KRICKBAUM: Yeah, yeah.

19 PRESIDENT BIDEN: All right. Now I got it. I
20 wasn't sure how it got -- how I -- whether I gave -- handed
21 it to the President. It was faxed to the President, which I
22 have the copy.

23 MR. KRICKBAUM: Right.

24 PRESIDENT BIDEN: Okay.

25 MR. KRICKBAUM: You had the original.

1 [0:06:22.2]

2 PRESIDENT BIDEN: Yeah, I had the original and I
3 just put it in the book and that was it.

4 MR. KRICKBAUM: Okay. Did -- were you aware that
5 you had kept it after your term as Vice President? Did you
6 know that you had it?

7 PRESIDENT BIDEN: I, I, I, I don't know that I
8 knew, but it wouldn't have -- it wasn't something I would
9 have stopped to think about.

10 MR. KRICKBAUM: The reason I ask is it's been
11 written about. Bob Woodward wrote about it in one of his
12 books. Jules Witcover wrote about it in his biography of
13 you. So that's the reason I ask is if it was something that
14 you wanted to hang onto because it was going to be the
15 subject of reporting or history.

16 PRESIDENT BIDEN: I don't know if it was going to
17 be the subject of reporting, but I wanted to hang -- I guess
18 I wanted to hang onto it just for posterity's sake. I mean,
19 this was my position on Afghanistan. And it later became
20 discussed, unrelated to my discussion. It became discussed
21 inside the foreign policy establishment that I was
22 recommending and -- anyway.

23 MR. KRICKBAUM: I mentioned a couple of books.
24 Yesterday you mentioned that there was a book you were
25 thinking about writing before you decided to run for --

1 [0:07:35.0]

2 MR. KRICKBAUM: -- president. Did you ever
3 consider writing a book, a memoir or anything else, where
4 you discussed the Afghanistan debate in 2009 and your
5 position on it? Did you ever think about writing about
6 that?

7 PRESIDENT BIDEN: No, I give you my word, I never
8 thought about that.

9 MR. KRICKBAUM: Okay.

10 MR. BAUER: I'm sorry --

11 PRESIDENT BIDEN: When I was talking about writing
12 the book. I -- I've been of the view, from a historical
13 standpoint, that there are certain points in history, world
14 history, where fundamental things change, usually
15 technology. For example, without Gutenberg's printing
16 press, Europe would be a very different place. Literally a
17 different place, because the country would not have known
18 what was happening in other countries -- other parts of the
19 country. You know, think about a stupid idea, a notion.
20 Nixon probably would have been President where he used the
21 television (verbatim) where he's sweating -- I mean,
22 sincerely. He was sweating so profusely in that debate, a
23 lot of people thought he won the debate, but he lost the
24 debate because of his demeanor. The -- so there's a lot of
25 things that I think are fundamentally changing how --

1 [0:08:53.4]

2 PRESIDENT BIDEN: -- international societies function.
3 And they relate a lot to technology. And one of the things
4 that I was of the view, that a lot has changed in terms of
5 everything from the Internet to the way in which we communicate
6 with one another, to -- that has fundamentally altered the
7 ability -- I've had this discussion with the press --

8 MR. KRICKBAUM: Mr. President, I'm sorry to
9 interrupt you --

10 PRESIDENT BIDEN: No, I'm sorry. That's why I
11 wanted it.

12 MR. KRICKBAUM: I -- I agree with --

13 PRESIDENT BIDEN: It had nothing to do with
14 Afghanistan.

15 MR. KRICKBAUM: Okay. That answered my question.

16 MR. BAUER: And Marc, just really quickly, I
17 promise it'll be brief. I just really would like to avoid,
18 for the purpose of a clean record, getting into speculative
19 areas. When the President responded and said I don't recall
20 intending to keep this memo, you then said well, you know,
21 might you have thought it was important to keep it or
22 whatever and he said well I guess, I could have -- his
23 recollection as I understand it is, he does not recall
24 specifically intending to keep this memo after he left the
25 Vice Presidency and I want that to be -- I want these --

1 [0:09:57.3]

2 MR. BAUER: -- questions to be as clearly answered
3 and recorded on the transcript as possible.

4 MR. KRICKBAUM: I think we should take a break at
5 this point.

6 MR. LAUFMAN: Oh, come on. Come on.

7 (Track 231009_1229 ends)

8 (Track 231009_1245 begins)

9 MR. KRICKBAUM: We are back on the record.
10 Mr. President, the only other thing I wanted to ask you
11 about this document, is about the typewritten pages that are
12 at the back of it. So if you flip to -- on the bottom, the
13 Bates number, it ends in 0-0-2-3.

14 PRESIDENT BIDEN: Yup.

15 MR. KRICKBAUM: So this is a typewritten document.
16 It's got a confidential -- what appears to be a stamp at the
17 top. And the top of the document indicates it's from the
18 American -- AM Embassy Kabul. It's dated, what appears to
19 me to be, November '09. The only question I have for you
20 about this, Mr. President, is the confidential marking. Do
21 you recognize that to be a classification marking?

22 PRESIDENT BIDEN: No. I mean, confidential,
23 doesn't want to get around. It's not in a category, I don't
24 think, of code word, Top Secret, that kind of thing. But I
25 don't even know where it came from.

1 [0:01:04.6]

2 MR. KRICKBAUM: Are you familiar with
3 confidential as a level of classified information?

4 PRESIDENT BIDEN: Well, if I got a document that
5 said confidential it means -- it would mean that no one else
6 could see it but me and you give it -- or the people working
7 on this issue.

8 MR. KRICKBAUM: And are you aware that among
9 certain categories of classified information there is Top
10 Secret, Secret, and there's also a category of classified
11 information called Confidential. Is that something that you
12 are aware of, or not?

13 PRESIDENT BIDEN: I -- yes, I was aware of it. I
14 don't ever remember -- when I got any document that was
15 confidential, that was meant for me to read and/or discuss
16 with the people who sent me the memo. So...

17 MR. KRICKBAUM: Okay. We looked at this
18 handwritten memo that you wrote. Were there any other memos
19 or documents about Afghanistan from your time as Vice
20 President that you kept after you were Vice President?

21 PRESIDENT BIDEN: Not knowingly. I mean, it
22 wasn't anything I consciously -- there may have been
23 something that was kept in a notebook or something, but not
24 conscious.

25 MR. KRICKBAUM: Okay. In other words, you're --

1 [0:02:45.5]

2 MR. KRICKBAUM: -- not aware of this memo being
3 part, at any point of a larger collection of documents that
4 you held onto on purpose --

5 PRESIDENT BIDEN: Correct.

6 MR. KRICKBAUM: -- after you were Vice President?

7 PRESIDENT BIDEN: Correct.

8 MR. KRICKBAUM: You're not aware of that? Okay,
9 thank you. So we talked yesterday about the house that you
10 rented on Chain Bridge Road.

11 PRESIDENT BIDEN: Yup.

12 MR. KRICKBAUM: I wanted to show you at least one
13 more photo from that house. So if you could -- sorry to
14 make you flip, but --

15 PRESIDENT BIDEN: No, that's all right.

16 MR. KRICKBAUM: -- if you could go back to binder
17 1. And once you're at that, if you could flip to tab 13.

18 PRESIDENT BIDEN: Sorry. Okay.

19 MR. KRICKBAUM: I don't think we looked at this
20 photo yesterday and I just wanted to see if you recognize
21 this room that's in tab 13.

22 PRESIDENT BIDEN: That's on the first floor, when
23 you walk in the main door, it's the first door to the right.

24 MR. KRICKBAUM: And what was this room used for?

25 PRESIDENT BIDEN: For meetings with people that --

1 [0:03:54.4]

2 PRESIDENT BIDEN: -- whether it was having to do
3 with something at school or -- at -- school being Penn -- or
4 meetings with staff as to what was going on in terms of what
5 I was teaching --

6 MR. KRICKBAUM: Okay.

7 PRESIDENT BIDEN: -- or speaking to.

8 MR. KRICKBAUM: Did anybody else, other than you,
9 use this room?

10 PRESIDENT BIDEN: I don't think -- you mean
11 formally used it? No. But there was staff in and out of
12 it.

13 MR. KRICKBAUM: Fair enough. I guess what I'm
14 trying to get at, was this a space that was primarily
15 something you were using or was Dr. Biden using it?

16 PRESIDENT BIDEN: No, no, Jill -- Jill didn't want
17 any part of anything having to do with the United States
18 Congress, Senate, or my teaching. She was teaching. She
19 set up a little office off the kitchen. You know, it was
20 just a round table and it was just -- there was a big
21 kitchen in this place and there was kind of an alcove in the
22 front.

23 MR. KRICKBAUM: Got it. Sounds like a woman of
24 good judgment to me.

25 (Laughter)

1 [0:05:04.0]

2 MR. KRICKBAUM: So when you, for example -- I
3 believe you had some meetings at Chain Bridge Road when you
4 were working with Mark Zwonitzer on the book *Promise Me,*
5 *Dad.* Would you meet with Mark in this room or somewhere
6 else?

7 PRESIDENT BIDEN: I'd probably meet with him in
8 this room or in the living room, you walk in and walk
9 straight, because there was a nice view out the back.

10 MR. KRICKBAUM: Is that also on the main --

11 PRESIDENT BIDEN: Main floor, yeah.

12 MR. KRICKBAUM: Okay. All right. So speaking of
13 *Promise Me, Dad,* I think we talked a little bit about that
14 book yesterday, but I had some more questions for you about
15 it.

16 PRESIDENT BIDEN: Sure.

17 MR. KRICKBAUM: So Mark -- as you probably know,
18 Mark recorded his conversations -- when you all met to talk
19 about the book, he made recordings of those conversations
20 and we have some of them. In some of the recordings you
21 spoke to him about wanting to gather some materials from
22 your time as Vice President that you could use as reference.
23 And you specifically talked about gathering notebooks that
24 you had written in. Do you recall trying to collect those
25 notebooks that you could use them when you were talking --

1 [0:06:16.3]

2 MR. KRICKBAUM: -- to Mark?

3 PRESIDENT BIDEN: Not, not specifically.

4 But look, what I was doing, I was writing a book
5 about how the family responded to a son we knew was dying.
6 And so if I were -- if Beau had just gotten a new diagnosis
7 on something, where was I? Was I in country, was I, you
8 know -- what was I, what was I doing at the time. And this
9 is when I was Vice President as well, because he was
10 diagnosed when that occurred. So that's the context in
11 which I was looking. I actually got the book, and I started
12 to look through it. I haven't seen it in a long time. And
13 there are connections to a certain diagnosis and where I
14 physically was, what I, what I -- and what my thinking at
15 the time was about what I should or shouldn't be doing
16 really. It wasn't about -- it was more like having a
17 calendar in front of you. You know, like, if your wife said
18 why don't you write a book about how we met and where we met
19 and what -- well, you'd want to know, well let me see, when
20 did we meet, you know. I remember the day that I met in
21 1962, but anyway. But my point is, you know, it was more to
22 give me context, writing about it. Because I have to -- you
23 won't be surprised, it was a very, very, very hard book to
24 write.

25 MR. KRICKBAUM: Yeah. We understand. Having --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:08:12.6]

2 MR. KRICKBAUM: -- read it, that makes sense.

3 PRESIDENT BIDEN: Well, you know, if you read it,
4 you know, there's some references to where I was, as opposed
5 to anything having to do with where I was. At least that's
6 what I think about.

7 MR. KRICKBAUM: Do you know where your notebooks
8 were in the time period immediately after your term as Vice
9 President?

10 PRESIDENT BIDEN: No, but I think that what they
11 did, they gathered up my notebooks and I think they were in
12 drawers in this room.

13 MR. KRICKBAUM: In this room, in tab 13, the
14 first-level office?

15 PRESIDENT BIDEN: Yeah. Well, I'm not sure if
16 they were all in one place, but I think that's where they
17 would mainly be because there was a -- there was a -- this
18 -- you walk in, there was a fireplace in the middle of this
19 room. If you went left you walked through a little hallway
20 and you went into what was a living room, a more formal
21 living room. But you passed a little alcove that had file
22 drawers -- I mean, had -- I think it had bookcases and, you
23 know, drawers beneath it. But my guess would be there or in
24 the bookshelves. I don't know. I don't remember.

25 MR. KRICKBAUM: Okay. I want to ask you --

1 [0:09:43.1]

2 MR. KRICKBAUM: -- Mr. President, about a meeting
3 you had with Mark in February of 2017. So you were meeting
4 to talk about things that you were working on in the course
5 of writing the book. So you had just ended your Vice
6 Presidency about a month earlier. And at least according to
7 your schedule, on February 16th of 2017 you were scheduled
8 to meet with Mark at Chain Bridge Road and he recorded the
9 meeting. And so based on his notes it appears that you
10 talked about a lot of -- you covered a lot of ground during
11 that conversation, including some very, you know, difficult,
12 emotional subjects, as you referenced. And then at one
13 point -- and I'm giving you this as context for the question
14 I'm about to ask -- at one point, you know, it appears from
15 the recording that you were speaking to him about meetings
16 you had as Vice President. There was a meeting about Iraq
17 that you spoke to him about. And in that meeting, according
18 to what you said to Mr. Zwonitzer, the question came up of
19 will we ever see a unified Iraq in our lifetime. And in
20 talking to that -- about that to Mark, you then made a
21 comparison to Afghanistan. And you told him the story of
22 the fact of -- the memo, the handwritten memo, that we just
23 looked at. And you said that you wrote the President the
24 memo, you told the President that the day we left
25 Afghanistan, it would be the same as the day before we --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:11:07.5]

2 MR. KRICKBAUM: -- arrived. And in the course of
3 explaining that memo about Afghanistan, you said to Mark, "I
4 just found all the classified stuff downstairs." And so you
5 can imagine we are curious what you meant when you said, "I
6 just found all the classified stuff downstairs."

7 PRESIDENT BIDEN: I don't remember. And I'm not
8 supposed to speculate, right?

9 MR. BAUER: Correct.

10 PRESIDENT BIDEN: So -- okay, well, I don't
11 remember and it may have been -- I just don't remember.

12 MR. KRICKBAUM: Okay. Do you remember telling
13 Mark about the handwritten memo that you had written to
14 President Obama?

15 PRESIDENT BIDEN: I probably did. I don't
16 remember specifically, but my guess is I may have done that.

17 MR. KRICKBAUM: Okay. Do you remember telling him,
18 "I just found all the marked classified stuff downstairs?"

19 PRESIDENT BIDEN: Marked?

20 MR. KRICKBAUM: Telling Mark? Do you remember
21 saying that to him?

22 PRESIDENT BIDEN: No.

23 MR. KRICKBAUM: Okay. Do you remember actually
24 finding any classified stuff downstairs?

25 PRESIDENT BIDEN: No. The only thing I can --

1 [0:12:37.6]

2 PRESIDENT BIDEN: -- remember is I wanted to be
3 clear to him that I didn't want what he just heard me say
4 about the memo to Barack, even though it wasn't a Top Secret
5 thing (indiscernible 0:12:39.5), I didn't, I didn't want any
6 of that mentioned, it was confidential. I didn't -- not
7 confidential in the classification sense, but don't, don't
8 write about that. That's off the record. That's not
9 something I want to be talking about in the book about Beau.

10 MR. KRICKBAUM: At this point in time, you know,
11 around a month or so after you left the Vice Presidency,
12 were you still in the process of going through your stuff at
13 CBR, to see what was packed where and where everything was?

14 PRESIDENT BIDEN: Well, I don't specifically
15 remember, but I can't imagine not. I mean, they just drop
16 all these boxes in the library and boxes in the, in that --
17 there's a hallway in the back of the garage. A lot of stuff
18 in the garage itself, boxes piled up. And my problem was,
19 where in the hell is all this stuff going. You know, I
20 mean, it was just taking up a lot of room. And -- but it
21 wasn't so much I was looking for anything. It was, like,
22 well, what do I clear out. You know, what do I get out of
23 the way, sitting near a hallway or it's in the garage or
24 it's in, you know, in this library. It was more in that
25 context I can recall thinking about what was in boxes.

1 [0:14:02.1]

2 MR. KRICKBAUM: Okay.

3 PRESIDENT BIDEN: Not like I'm looking for
4 something, like I'm trying to compile things. But just
5 what'd they pack up, what's here.

6 MR. KRICKBAUM: I want to see if there's anything
7 else -- any other things that you remember about this day.
8 And so the schedule shows that you had an appointment from
9 8:30 to 9 a.m. with DOJ. Do you know what that would be
10 referring to?

11 PRESIDENT BIDEN: Yeah, I had -- they had operated
12 on my shoulder and it was a workout schedule.

13 MR. KRICKBAUM: Okay. And then from 10 to 11 you
14 had a scheduling meeting at the house at CBR with Steve
15 Ricchetti, DOJ, DOJ, and DOJ
16 . Do you, do you recall anything, I'd expect
17 not, from that particular meeting?

18 PRESIDENT BIDEN: No, that wouldn't be unusual in
19 the sense that they were the day-to-day people. Like, you'd
20 see DOJ walking in, and DOJ, and DOJ. But that -- you
21 know, just what's goin' on kind of thing. What's the day
22 look like.

23 MR. KRICKBAUM: And then you had lunch at the Four
24 Seasons Hotel at Georgetown.

25 PRESIDENT BIDEN: I ate there all the time.

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:15:16.0]

2 PRESIDENT BIDEN: What'd I do there at the Four
3 Seasons? Who'd I have lunch with?

4 MR. KRICKBAUM: Actually, I'm not sure.

5 PRESIDENT BIDEN: I have no idea.

6 MR. KRICKBAUM: Still have to figure that out.

7 PRESIDENT BIDEN: I don't remember.

8 MR. KRICKBAUM: And is there anything that you
9 remember about what you were doing at the house before your
10 meeting with Mark that day, which would have been in the
11 afternoon? It started at 3:00, according to your schedule.
12 It could have changed based on events.

13 PRESIDENT BIDEN: Had I already decided who I was
14 taking to Penn with me? Had that all been settled by this
15 time? I don't remember.

16 MR. KRICKBAUM: You mean which people --

17 PRESIDENT BIDEN: Yeah.

18 MR. KRICKBAUM: -- were going to work with you at
19 Penn? I don't know the answer (indiscernible 0:15:57.0).

20 PRESIDENT BIDEN: I don't remember. Because there
21 were discussions that were going on, like, you know, do I
22 hire Tony to come on, do I hire so-and-so, will they provide
23 -- how much will they pay so-and-so to do -- you know, to be
24 a professor, that kind of thing. You know, the mechanics of
25 what would -- what I'd be doing at Penn and who I'd be --

1 [0:16:15.5]

2 PRESIDENT BIDEN: -- able to take with me. But I
3 don't know that. I mean, that was one of the things in this
4 time period I'm trying to work out. Is that right? Yeah.
5 Because I'm out of the Vice Presidency and I'm now going to
6 Penn, right? Had stuff been sent to Penn? This stuff's
7 from Penn. I don't remember (indiscernible 0:16:42.0) time
8 in.

9 MR. KRICKBAUM: Well --

10 PRESIDENT BIDEN: Anyway.

11 MR. KRICKBAUM: -- perhaps maybe I'll ask you
12 another question, Mr. President.

13 PRESIDENT BIDEN: Sure.

14 MR. KRICKBAUM: You said -- well, I think we
15 talked yesterday, in the basement of Chain Bridge Road you
16 had the office that you used there. Is that right?

17 PRESIDENT BIDEN: Yeah. It was more of a
18 combination family room, meeting room, television room, you
19 know, staff room. I mean, it wasn't -- you know, it just --
20 I'm a frustrated architect and I wanted to set it up so it
21 looked nice. And I was even talking about, do I spend the
22 money if they'd allow me and put in a swimming pool out
23 there kind of thing. Jill's going, what are you doing, what
24 are you talking about, stop. And but it was in the context
25 of making the place look nice and livable and feel like

1 [0:17:51.2]

2 PRESIDENT BIDEN: -- home.

3 MR. KRICKBAUM: Okay. And you said to
4 Mr. Zwonitzer, I had just found all the classified stuff
5 downstairs. What I want to try to understand, in February
6 of 2017, are there any other places, other than Chain Bridge
7 Road that you could have been talking about when you said
8 that?

9 PRESIDENT BIDEN: No.

10 MR. KRICKBAUM: And I guess --

11 PRESIDENT BIDEN: Trying to think. I had Chain
12 Bridge Road as a residence. I had pulled -- I'm out of the
13 Vice President's residence, right?

14 MR. KRICKBAUM: Yes. You had moved out more than
15 a month --

16 PRESIDENT BIDEN: And all of that stuff hadn't
17 been sent to my garage floor in Delaware, had it? Do we
18 know?

19 MR. KRICKBAUM: What we know, Mr. President, is
20 that the movers came to, to the Naval Observatory on January
21 7th and packed up your stuff and moved into Chain Bridge
22 Road that same day.

23 PRESIDENT BIDEN: Gotcha. But nothing moved to
24 Wilmington? There's only one other residence I had, my
25 originally, the lake -- you refer --

1 [0:18:59.1]

2 MR. KRICKBAUM: Right.

3 PRESIDENT BIDEN: It's no lake. It's a pond, but
4 -- okay, no, I can't think of anything -- any other place.

5 MR. KRICKBAUM: And I guess looking at, you know,
6 the evidence taken together, one simple theory -- and I'm
7 just going to ask you if you have anything you want to add
8 when I explain this theory. If the answer is no, the answer
9 is no.

10 PRESIDENT BIDEN: Okay.

11 MR. KRICKBAUM: One simple theory would be that
12 when you told Mark Zwonitzer in February of 2017, and you
13 were talking about Afghanistan, that you just found all
14 classified stuff downstairs, what you meant was you just
15 found all the classified documents about Afghanistan that
16 were later found in your garage in the lake house. And so,
17 we're trying to understand if that's what you meant or not.
18 And I understand you've told us you don't remember, but our
19 question is really if there's anything else -- any other
20 memory or thought you have on this that you want to share
21 with us as we try to make sense of the evidence.

22 PRESIDENT BIDEN: Other than, only thing I can
23 think of is I was referring to him that I knew of the
24 President -- the memo I wrote to the President, I didn't
25 want that in use for any reason.

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:20:17.0]

2 MR. KRICKBAUM: Okay. And I think we covered this
3 at the beginning of our conversation today, but -- well,
4 actually we talked about the incident with Mr. [REDACTED] DOJ you
5 said you were told that you had given stuff to Mr. [REDACTED] DOJ,
6 but you didn't know -- you don't remember that and you
7 didn't know what those documents were?

8 PRESIDENT BIDEN: No. I just know anything that
9 was so clearly marked confidential I just took and said
10 return it, get it out of here. That's what I know. And I
11 was telling the team that that's what I would do with it. I
12 mean, again, they said, well, yeah, [REDACTED] DOJ was your body
13 guy for a while, he remembers you saying to him boom, return
14 this.

15 MR. KRICKBAUM: So in February of 2017, when you
16 had this conversation with Mark Zwonitzer, I believe that
17 Mr. [REDACTED] DOJ was still your body guy. I'm trying to get a
18 sense of, if you had found classified documents at that
19 time, what would you have done with them? Who would, who
20 would you have given them to?

21 PRESIDENT BIDEN: I would have given to him to
22 give back to the -- you know, to the agency.

23 MR. KRICKBAUM: Okay. Is there anyone else that
24 you can think of that you would have --

25 PRESIDENT BIDEN: Well, if I -- my former --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:21:25.7]

2 PRESIDENT BIDEN: -- chief of staff was sitting
3 talking to me, if my -- if, you know, I, I, I would hand it
4 to them. It usually was a staff responsibility to return
5 this stuff.

6 MR. KRICKBAUM: Okay.

7 PRESIDENT BIDEN: So it wasn't like it was, you
8 know, I'd call my chief of staff or the head of the foreign
9 relations committee or whatever.

10 MR. KRICKBAUM: Okay. I want to look at a few
11 more documents.

12 PRESIDENT BIDEN: Sure.

13 MR. KRICKBAUM: So if you could go --

14 PRESIDENT BIDEN: That's kind of a neat room,
15 though, isn't it?

16 MR. KRICKBAUM: It's a beautiful room.

17 PRESIDENT BIDEN: I like the sun in there, too.

18 MR. HUR: Marc, before you move onto in the
19 specific documents, can I just ask a couple follow ups?

20 MR. KRICKBAUM: Please.

21 MR. HUR: So I wanted to follow up on something
22 that you said a couple of minutes ago, Mr. President, where
23 you were recalling the -- I think you said they gathered up
24 the notebooks and put them someplace, referring to the Chain
25 Bridge Road residence. And I just wanted to ask, who --

1 [0:22:23.4]

2 MR. HUR: -- would be the "they"?

3 PRESIDENT BIDEN: No, that's not what I meant.

4 The notebooks would have come in in a box dropped somewhere.

5 So there was notebooks in the hallway, the living room, all
6 over. I mean, not notebooks, but boxes.

7 MR. HUR: Okay.

8 PRESIDENT BIDEN: So I'm going to be living there
9 so I said, clear this place out. So what I probably did was
10 go through and found, found book -- found boxes that had
11 notebooks in them. I gathered the notebooks up and I put
12 them in basically one place. And I think they were put in
13 the library in that indentation I referenced. And -- but
14 that's the best of my recollection.

15 MR. HUR: Okay, thank you.

16 MR. KRICKBAUM: You said that if you had found
17 classified documents at this point in February -- if -- you
18 would have given that to DOJ or another staff member?

19 PRESIDENT BIDEN: Yeah. I would have gotten rid
20 of them. I would have gotten them back to their source.

21 MR. KRICKBAUM: And why?

22 PRESIDENT BIDEN: Because what would I do? I
23 wasn't going to keep them for anything. I had no purpose
24 for them, and I think it would be inappropriate for me to
25 keep clearly classified documents. Now if I had written --

1 [0:23:31.4]

2 PRESIDENT BIDEN: -- notes in my book, they're my
3 notes and they're my property, but that document is not my
4 property.

5 MR. KRICKBAUM: And was it your understanding
6 after you left the Vice Presidency that at least for marked
7 classified documents that belonged to the government, that
8 you were not authorized to have those at your house after
9 you were Vice President? Was that your understanding?

10 PRESIDENT BIDEN: I didn't think of it that way.
11 I just thought of what would I need them for and I had no
12 authority to have them. I mean, why would I -- look, so I
13 mean, I -- just a continuation of an eight-year habit, of
14 returning classified information to its source. I mean, I
15 don't think it was conscious, like oh wait a minute, I got
16 to change my policy now here. I'm no longer Vice President.
17 Why would I keep them? And -- anyway.

18 MR. KRICKBAUM: Okay. But I think, I think it
19 would be helpful for us to understand -- I think with
20 respect to your notebooks, that you wrote by hand, you view
21 those as yours --

22 PRESIDENT BIDEN: They are mine.

23 MR. KRICKBAUM: -- and you were authorized to have
24 them?

25 PRESIDENT BIDEN: And every President before me --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:24:36.1]

2 PRESIDENT BIDEN: -- has done the same exact
3 thing.

4 MR. KRICKBAUM: And I'm not arguing with you about
5 that right now, Mr. President.

6 PRESIDENT BIDEN: I just want to make sure we're
7 on the same page.

8 MR. KRICKBAUM: Well, I'm not meaning to address
9 that topic right now. I just want to make sure that you're
10 not making the same claim about a marked classified document
11 that was created by the United States Government. You're
12 not saying that was mine, I could have that if I wanted it.

13 PRESIDENT BIDEN: I never made that argument. I
14 don't know if that argument is legitimate, but I never made
15 that argument and I never responded that way intentionally.

16 MR. KRICKBAUM: Okay. That helps me understand
17 where the line is for you. So let's look at the documents
18 that I referenced earlier. If you could take -- go back to
19 binder 2.

20 PRESIDENT BIDEN: Right here.

21 MR. KRICKBAUM: And if you turn to the second tab
22 there, it says "Facts First" on that tab.

23 PRESIDENT BIDEN: Okay. You guys been workin'
24 like hell. That's a compliment. I don't mean that in a bad
25 way. It's a lot to put this together.

1 [0:25:33.7]

2 MR. KRICKBAUM: Understood. I'll wait for
3 everybody to get there. I think we're mostly there. So
4 this is what appears to be a red folder with handwriting on
5 it. And by the way, Mr. President, the next few documents
6 I'm going to go through with you were found in your garage
7 at the lake house. I'm telling you that for context.

8 PRESIDENT BIDEN: Okay.

9 MR. KRICKBAUM: Do you recognize this folder?

10 PRESIDENT BIDEN: No.

11 MR. KRICKBAUM: How about the handwriting? Is
12 that your handwriting?

13 PRESIDENT BIDEN: It looks like, it looks like my
14 handwriting.

15 MR. KRICKBAUM: And the phrase "Facts First," does
16 that have any significance to you?

17 PRESIDENT BIDEN: No, I was trying to remember --
18 I mean, when I saw that today I didn't know whether that
19 related to something or it was just me who was saying -- I
20 don't know. Was there a document "Facts First," I don't
21 know.

22 MR. KRICKBAUM: As I said a minute ago, this
23 folder had several documents related to Afghanistan from
24 2009 in it.

25 PRESIDENT BIDEN: Okay.

1 [0:26:26.3]

2 MR. KRICKBAUM: Do you have -- do you know
3 anything about how this folder and those documents got into
4 your garage?

5 PRESIDENT BIDEN: No, other than they must have
6 been taken when I was Vice President from the Vice
7 President's residence or the Vice President's office, to the
8 -- where was I -- did I have the Penn office yet. I think
9 either to the Penn office or to the residence in Wilmington.
10 I mean, that's the only thing I can think of.

11 MR. KRICKBAUM: There were also documents from the
12 Naval Observatory, or materials from the Naval Observatory,
13 that were moved to Chain Bridge Road. Is that --

14 PRESIDENT BIDEN: Okay.

15 MR. KRICKBAUM: -- is that your -- I'm asking
16 actually. That's a question. Do you know that?

17 PRESIDENT BIDEN: Well, I'm sure, I'm sure there
18 were. I don't know -- my problem was I never knew where any
19 of the documents or boxes were specifically coming from or
20 who packed them. Just did I get them delivered to me. And
21 so this is -- I'm, at this stage, in 2009, am I still Vice
22 President?

23 (Indiscernible whispering 0:27:42.3).

24 PRESIDENT BIDEN: Yeah, okay.

25 MR. KRICKBAUM: So it looks like you're --

1 [0:27:47.3]

2 MR. KRICKBAUM: .-- flipping ahead, which is great
3 because I'm --

4 PRESIDENT BIDEN: I'm sorry, I thought that you
5 wanted --

6 MR. KRICKBAUM: No, no, you're fine, Mr.
7 President. If you could flip to tab B7. I'm actually not
8 going to go through all of these with you today.

9 PRESIDENT BIDEN: Okay.

10 MR. KRICKBAUM: But B7, the first page there just
11 says tab 1 and then second page, which is -- it ends at
12 Bates number 18. I want to make sure we're all looking at
13 the same document. The subject is --

14 PRESIDENT BIDEN: First one is --

15 MR. KRICKBAUM: -- the title --

16 PRESIDENT BIDEN: -- Top Secret, HUMINT, COMINT it
17 says Office of the Director of National Intelligence, "Al
18 Qaeda allies pose a global threat to U.S. interests."

19 MR. KRICKBAUM: We're looking at the same one.
20 Mr. President, there's some lines underlined in the first
21 paragraph and there's a handwritten note in the margin. Is
22 that your handwriting?

23 PRESIDENT BIDEN: U.S. question mark?

24 MR. KRICKBAUM: Yes.

25 PRESIDENT BIDEN: In the margin?

1 [0:28:39.8]

2 MR. KRICKBAUM: Yeah.

3 PRESIDENT BIDEN: I underline documents and that
4 could be my writing. I can't swear to it.

5 MR. KRICKBAUM: Okay. When -- to give you some
6 context, this document was attached. There's a memo from
7 the National Security Advisor to the President in advance of
8 a National Security Council meeting. And this was an
9 attachment to that memo. And so my question is, at least
10 when you had copies of materials like that, that were your
11 copies, did anyone else take notes on your copies of memos
12 that you had as briefing material?

13 PRESIDENT BIDEN: Not simultaneously, but I -- if
14 I turned it over to my National Security Advisor to hand
15 him, he could have put notes on it, but not likely.

16 MR. KRICKBAUM: Okay. You mentioned the markings
17 at the top. Do you -- it says Top Secret. Any of the other
18 markings, do you recognize those or know what they refer to?

19 MR. BAUER: I'm sorry, what page are you on, Marc?

20 MR. KRICKBAUM: I'm sorry, I'm the very -- it's
21 Bated number 18. It's the first page of this document.

22 MR. BAUER: So the margin, meaning the underlining
23 in that first --

24 MR. KRICKBAUM: The -- it says at the top --

25 MR. BAUER: Oh, I see.

1 [0:29:48.9]

2 MR. KRICKBAUM: -- Top Secret --

3 MR. BAUER: I see.

4 MR. KRICKBAUM: -- HUMINT, COMINT, that one. Do
5 you recognize any of those particular --

6 PRESIDENT BIDEN: All I had to do was see Top
7 Secret. I don't remember -- HUMINT means human
8 intelligence, COMINT, FISA -- no, I mean, other than -- all
9 I had to see was Top Secret.

10 MR. KRICKBAUM: Okay. You recognize those as
11 classification markings, I assume?

12 PRESIDENT BIDEN: Yes.

13 MR. KRICKBAUM: Yeah. And you have referred a few
14 times today to things that are clearly marked classified and
15 I want to make sure I know how you're using that. As far as
16 you are concerned, is this document clearly marked as a
17 classified document?

18 PRESIDENT BIDEN: Yes.

19 MR. KRICKBAUM: Okay. If you then flip to
20 document B13 dash -- I'm sorry, tab B13-2.

21 PRESIDENT BIDEN: B13-2. Okay.

22 MR. KRICKBAUM: This is a couple paragraphs typed
23 up and at the top it says notes from a meeting on
24 September 29th, 2009, and it has a time. It indicates that
25 it's about Afghanistan/Pakistan. For context for you --

1 [0:31:12.1]

2 MR. KRICKBAUM: -- Mr. President, there was a
3 Principal's Committee meeting about Afghanistan/Pakistan on
4 this day. And I can see that you're reading what's typed up
5 there. Do you recognize this, sort of, vignette that's
6 typed up as something that you recall happening during a
7 meeting related to Afghanistan back in 2009?

8 PRESIDENT BIDEN: Generically, I do. Look, the
9 debate was -- let me move this -- the debate was, with
10 McChrystal and company, that if somehow we defeated Al Qaeda
11 and killed Bin Laden in Pakistan, we still have the same
12 level of commitment McChrystal was asking for to defeat the
13 Taliban in Afghanistan. The answer, the answer, the answer
14 Intelligence, State, and Defense was yes. Okay. I don't
15 know -- that's a question Panetta asked. So what was the
16 question?

17 MR. KRICKBAUM: Do you remember this exchange that
18 is documented here?

19 PRESIDENT BIDEN: Not per se, but it was a generic
20 exchange I remember. The debate related to whether or not
21 Pakistanis were -- if we got rid of Bin Laden in Pakistan,
22 and -- Panetta asked the question of Secretary of
23 Defense and others. So he's asking what's his name from
24 Texas, who was the Secretary of Defense? Gates.

25 UNIDENTIFIED MALE SPEAKERS: Gates.

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:32:59.7]

2 UNIDENTIFIED FEMALE SPEAKER: Gates.

3 PRESIDENT BIDEN: Defeated Al Qaeda, kill Bin
4 Laden in Pakistan, will we still have the same level of
5 commitment McChrystal was asking for to defeat Taliban in
6 Afghanistan. Oh, okay. The answer Intelligence, State, and
7 Defense gave was yes. In other words, this was if, in fact,
8 Al Qaeda is defeated, Bin Laden is gone, would we still be
9 making a major investment in Afghanistan? And apparently
10 the State Department and the Defense Department both said
11 yes, would have the same level.

12 MR. KRICKBAUM: Okay. Let's move onto B14 --

13 PRESIDENT BIDEN: Now, were these, these notes
14 written like they're typed like this?

15 MR. KRICKBAUM: They were typed like this in the
16 folder that was found in the garage.

17 PRESIDENT BIDEN: Okay.

18 MR. KRICKBAUM: Do you remember anything about
19 how, how this document was created?

20 PRESIDENT BIDEN: No.

21 MR. KRICKBAUM: Okay.

22 PRESIDENT BIDEN: Because I didn't type anything.

23 MR. KRICKBAUM: Fair enough.

24 PRESIDENT BIDEN: No, I'm not being -- I know, I'm
25 a little embarrassed, but it wasn't anything I typed so --

1 [0:34:04.4]

2 PRESIDENT BIDEN: -- it may very well be that
3 whoever my National Security Advisor in that meeting, the
4 small group meeting, was asked that question, since he or
5 she recorded that.

6 MR. KRICKBAUM: B14-1.

7 PRESIDENT BIDEN: Yup.

8 MR. KRICKBAUM: So this is another typed document.
9 The title of it is Counterinsurgency Coin versus
10 Counterterrorism --

11 PRESIDENT BIDEN: Yup.

12 MR. KRICKBAUM: -- CT strategies. I just -- if
13 you could -- I'm not going to ask you about the substance of
14 this document, Mr. President, I wonder if you would -- if
15 you would look at the notes in the margins on page 2, the
16 next page, it's the Bates number 40 -- Bates number 41,
17 Bates number 42, and just tell me whether that's your
18 handwriting or if you recognize it.

19 PRESIDENT BIDEN: It looks like my handwriting.

20 MR. KRICKBAUM: Okay. And then I think that's the
21 last document I wanted to ask you about in this folder,
22 Mr. President. If you could turn to the next tab, which the
23 big blue tab is -- it says Afghanistan folder. So the first
24 page of that folder is a -- it's a scan of a manila folder.
25 It's got handwriting on it that says Afghanistan 2009.

1 [0:35:30.0]

2 MR. KRICKBAUM: Do you recognize that folder?

3 PRESIDENT BIDEN: It looks like my writing.

4 MR. KRICKBAUM: Okay.

5 PRESIDENT BIDEN: I couldn't swear to it.

6 MR. KRICKBAUM: Okay. If you go to tab B25, this
7 is a -- it's a typed document, it has handwriting on it.
8 It's, it's dated November 25, 2009, and it says memorandum
9 for the President from the Vice President. Is that your
10 handwriting on this document as well?

11 PRESIDENT BIDEN: It looks like it, yeah.

12 MR. KRICKBAUM: All right. This says that it is a
13 memo from -- for the President from you, and I will, I will
14 give you for context, Mr. President, that parts of this
15 typewritten document that you're looking at, are
16 incorporated into the handwritten memo that you wrote to
17 President Obama, the long one that we looked at earlier. So
18 there are some parts --

19 PRESIDENT BIDEN: Which came first?

20 MR. KRICKBAUM: This one is dated three days
21 earlier, the typewritten one is dated three days earlier.
22 And so my question is just whether you recall using this
23 memo or anything else as a resource or source material when
24 you were writing the handwritten memo?

25 PRESIDENT BIDEN: I'd have to take a look.

1 [0:36:54.8]

2 PRESIDENT BIDEN: Give me a second to look.

3 MR. KRICKBAUM: Of course, please take your time.

4 (Whispering)

5 PRESIDENT BIDEN: (Reading) Now what was the
6 question you asked me?

7 MR. KRICKBAUM: I was asking whether you used the
8 typewritten memo in B25 as a resource or a source material
9 when you wrote the handwritten memo to President Obama?

10 PRESIDENT BIDEN: Possible. My guess is not,
11 because this was -- if I got this -- if I wrote this on the
12 25th, I would have already been well into writing the
13 handwritten deal with Obama, which was Thanksgiving. What
14 date did it get to him?

15 MR. KRICKBAUM: You sent it on November 28th.

16 PRESIDENT BIDEN: 28th?

17 MR. KRICKBAUM: Yeah.

18 PRESIDENT BIDEN: I guess it's theoretically
19 possible, but I don't, I don't remember it that way.

20 MR. KRICKBAUM: Okay, that's fine.

21 PRESIDENT BIDEN: But this is -- okay. (Reading)

22 MR. KRICKBAUM: And Mr. President, if the answer
23 is that you don't remember --

24 PRESIDENT BIDEN: I, I don't remember the sequence
25 of the handwritten versus this, but -- and I'm reluctant --

1 [0:39:39.5]

2 PRESIDENT BIDEN: -- to speculate, but if this was
3 -- I received this before I wrote the other, it was added
4 argument why he should listen to my argument. I'm talking
5 about -- you know, "I had a long conversation with Eikenberry,
6 yes, I urge you to call him before you make a decision. Karl
7 can speak for himself and he has eloquently in some of his
8 cables, let me relay just a few things. Adding troops will
9 not speed up the ability to train Afghans because..." et
10 cetera. So these are criticisms of the proposal that was
11 being made to the President by, by others in the administration
12 wanting him to double down in Afghanistan.

13 MR. KRICKBAUM: Understood.

14 PRESIDENT BIDEN: So my guess is it probably was a
15 partial source to what I ended up sending as well on the
16 28th, or whatever date it was.

17 MR. KRICKBAUM: Okay. There is only one other
18 document I wanted to ask you about in this folder. It's
19 B37, which is toward the back.

20 MR. BAUER: Did you say 37 or 27?

21 MR. KRICKBAUM: Thirty-seven.

22 MR. BAUER: Okay, thank you.

23 MR. KRICKBAUM: This is another typewritten
24 document, Mr. President, it says "memorandum for principals"
25 at the top. I'm not going to ask you about the content --

1 [0:41:12.8]

2 MR. KRICKBAUM: -- of it, but I wanted you to just
3 look at the -- there's some handwritten notes in the margins
4 on the second page. And if you just flip through you'll see
5 notes in the margins on several pages. And I wanted to ask
6 if that appears to be your handwriting?

7 PRESIDENT BIDEN: It's hard to tell whether that
8 -- it could be. I mean, I make stars like that, you know,
9 asterisks like that.

10 MR. KRICKBAUM: Okay.

11 PRESIDENT BIDEN: But I don't -- I can't swear to
12 that, no.

13 MR. KRICKBAUM: Okay.

14 PRESIDENT BIDEN: (Reading) The issue of transfer
15 of Afghan responsibilities, critical.

16 MR. KRICKBAUM: And --

17 PRESIDENT BIDEN: This was -- I'm sorry. I'm
18 trying to figure out what this was.

19 MR. KRICKBAUM: I believe this was one of the
20 several memos that the National Security Advisor sent out to
21 the Principals Committee asking for views about various
22 proposals about troop levels. You know, the debate was
23 about how many and what was going to be the strategy. As
24 you know much better than I do, but I actually didn't have
25 any questions for you about the content.

1 [0:42:33.4]

2 PRESIDENT BIDEN: I'm just wondering the context
3 myself.

4 MR. KRICKBAUM: Yeah, yeah, understood. I --
5 Mr. President, if we could -- and I can recognize the desire
6 to read those documents again.

7 PRESIDENT BIDEN: I was just trying to see what
8 the context was.

9 MR. KRICKBAUM: Sure. We have fairly limited time
10 so --

11 PRESIDENT BIDEN: I'm sorry.

12 MR. KRICKBAUM: -- if I could --

13 MR. BAUER: By the way, just real quick question
14 on that. What is our time situation?

15 MS. COTTON: We're 1 hour and 10 minutes into the
16 interview for today.

17 MR. BAUER: One hour and what?

18 MS. COTTON: One hour and 10 minutes in.

19 MR. BAUER: Got it.

20 MR. KRICKBAUM: So I really do need to move on,
21 Mr. President.

22 PRESIDENT BIDEN: Okay, go ahead, I'm sorry.

23 MR. KRICKBAUM: I just had one other handwriting
24 question for you, which is back to binder 1. And it's tab
25 9. Bates number 0-0-4. I'm sorry, DSC_004.

1 [0:43:36.8]

2 PRESIDENT BIDEN: ERT you say?

3 MR. KRICKBAUM: DSC_004.

4 PRESIDENT BIDEN: I have ERT.

5 MR. KRICKBAUM: I think there's a DSC.

6 PRESIDENT BIDEN: Here you go, I got it.

7 MR. KRICKBAUM: You got it? This is a photo of
8 several folders in a box.

9 PRESIDENT BIDEN: Yeah.

10 MR. KRICKBAUM: And the one I wanted to ask you
11 about is it says Washington Speakers Bureau. You see that
12 one?

13 PRESIDENT BIDEN: Is that the one --

14 MR. KRICKBAUM: It's a manila --

15 PRESIDENT BIDEN: -- next to Beau or--

16 MR. KRICKBAUM: It's a manila folder. It is --

17 UNIDENTIFIED MALE SPEAKER: Further towards you.

18 UNIDENTIFIED MALE SPEAKER: Thanks.

19 PRESIDENT BIDEN: Okay, yeah.

20 MR. KRICKBAUM: Do you recognize that handwriting,
21 Mr. President? Is that yours?

22 PRESIDENT BIDEN: I think it's mine.

23 MR. KRICKBAUM: Okay. One second. A different
24 topic, and this is something that came up yesterday when
25 Mr. Hur was showing you photographs of the garage at the --

1 [0:44:38.3]

2 MR. KRICKBAUM: -- lake house. You made reference
3 to -- at some point, some materials ended up at the lake
4 house and you referred to that as tranche 2. And we're --
5 we wanted to follow up and understand what you meant -- what
6 you were referring to by tranche 2.

7 PRESIDENT BIDEN: Tranche 2. Give me one -- I
8 don't know. You're talking about when stuff got delivered
9 to the garage?

10 MR. KRICKBAUM: I believe so.

11 MR. HUR: And the photo that -- in which that,
12 that exchange occurred was --

13 PRESIDENT BIDEN: Right.

14 MR. HUR: -- behind tab 7 in binder 1.

15 PRESIDENT BIDEN: Yeah, okay, I see.

16 MR. HUR: Yes, sir. So if I recall, when you saw
17 that pile of boxes to the right of the treadmill there, I
18 think one of the things you said --

19 PRESIDENT BIDEN: This was stuff that came after
20 other stuff had already been delivered to the, to the
21 garage. Because some of this stuff relates to construction
22 stuff. All those fans were taken down, taken down from the

23 [REDACTED] USSS --

24 MR. HUR: Yes, sir.

25 PRESIDENT BIDEN: -- where we had -- where we --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:45:53.2]

2 PRESIDENT BIDEN: -- do the interviews and things.
3 So my recollection is that there were two times that boxes
4 relating to my office, the job I held, were delivered to the
5 -- my garage. And most of this stuff, I think a lot of it's
6 still sitting there, is stuff that had to do with
7 construction and/or bringing other material from, I guess,
8 Chain Bridge Road, whether it was furniture. This is 2021?

9 MR. HUR: Um-hum.

10 MS. COTTON: No, it's 2022.

11 MR. HUR: This photo was taken in 2022.

12 PRESIDENT BIDEN: Yeah, this is stuff after
13 whatever was delivered from Chain Bridge Road had well been
14 delivered. Right? I moved out of Chain Bridge Road back --

15 MR. HUR: Yes.

16 PRESIDENT BIDEN: -- back in 2019 or 2020, right?

17 MR. HUR: Yes.

18 PRESIDENT BIDEN: So what I was referring to in
19 tranche 2, there were other, there were other things and the
20 other garage door were opened on the left there. There were
21 boxes there, too. I remember moving boxes, literally
22 physically moving them, with help, one side to the other so
23 I could get the Corvette in that garage on the left. But so
24 when I was talking about tranche, maybe I didn't follow --
25 there was a second time things were piled up in the garage.

1 [0:47:37.0]

2 PRESIDENT BIDEN: This was not the first time and
3 the first time was, I think, back when I moved out of either
4 my Vice President's office, or when I moved out of the Vice
5 President's residence, or I moved out of the Penn Biden
6 Center, moved stuff out of the Penn Biden Center. But there
7 was different stuff in there on both sides, I think. That's
8 what I meant. In other words, a lot of this stuff has
9 nothing to do with, with my being Vice President or with
10 anything. We were just doing work on the house.

11 MR. HUR: Okay. That's very helpful. And can
12 you, can you tell that by looking at these pictures from the
13 size --

14 PRESIDENT BIDEN: Well, I can tell that by the
15 fans to start with. Okay?

16 MR. HUR: Ah, okay. And how about --

17 PRESIDENT BIDEN: And I think, I think that one of
18 these things is marked "careful mirror" or something on the
19 other side.

20 MR. HUR: I see.

21 PRESIDENT BIDEN: I'm not mistaken. But that
22 thing going across, that's no file or anything. That's
23 something to do with, either a mirror or some -- something
24 that is furniture related, I think. But I'm not certain.

25 MR. HUR: Understood. Okay.

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:49:07.1]

2 PRESIDENT BIDEN: I think it's still there. I
3 haven't been home in so long. They told me I'd be out of
4 the house [REDACTED] USSS ; it'll be [REDACTED] USSS .

5 (Laughter)

6 MR. HUR: It's often like that. So that's very
7 helpful, Mr. President, thank you. In thinking about the
8 first tranche of stuff that you mentioned a second ago. And
9 the second tranche of stuff --

10 PRESIDENT BIDEN: I'm assuming there were two.

11 MR. HUR: Okay.

12 PRESIDENT BIDEN: That's my assumption. I just --
13 I don't know when the first time --

14 MR. HUR: Is?

15 PRESIDENT BIDEN: -- I walked into the garage and
16 all of a sudden there were all these boxes all over the
17 floor. I don't remember if that was way back when I left
18 the Vice Presidency.

19 MR. HUR: Yes.

20 PRESIDENT BIDEN: Or whether it was just before --
21 in this timeframe.

22 MR. HUR: Okay.

23 PRESIDENT BIDEN: I just don't remember.

24 MR. HUR: Okay.

25 PRESIDENT BIDEN: And I don't remember how the --

1 [0:49:53.4]

2 PRESIDENT BIDEN: -- hell it got there.

3 MR. HUR: Okay. So here's a different question
4 that doesn't focus on timing or how things got there.
5 Sometimes, in my own experience around the house, you know,
6 I get a particular -- a place gets messy and then I clean it
7 up and it looks spic and span, and then it gets messy again.
8 So is that what happened here, where the first tranche came,
9 stuff got dumped in your garage and you organized it, you
10 moved it all, unpacked the boxes and it was spic and span,
11 and then this stuff landed. Or was it not quite that stark.
12 Was it more like well, I did some unpacking of the first
13 batch. It wasn't all the way --

14 PRESIDENT BIDEN: I don't remember unpacking
15 anything. The thing I remember moving is just --

16 MR. HUR: Ah, moving.

17 PRESIDENT BIDEN: -- moving the boxes.

18 MR. HUR: Okay.

19 PRESIDENT BIDEN: And by the way there's -- in
20 there, there's two things. There's a bookcase. An old --
21 had nothing to do with anything. A bookcase that is against
22 one of those -- if you look at that picture, you'll see on
23 the [REDACTED] USSS [REDACTED] to
24 -- there's a [REDACTED] USSS going up.

25 MR. HUR: Yes.

1 [0:51:08.8]

2 PRESIDENT BIDEN: And I think you could see it
3 looks like there is a -- something leaning against that
4 **USSS** .

5 MR. HUR: Yes.

6 PRESIDENT BIDEN: I think that is a bookcase,
7 unrelated to anything having to do with the Vice Presidency,
8 where some of the books that were sitting around, books came
9 back in boxes. You just took them out and stuck them there
10 to get rid of the box. You follow me? Does that make any
11 sense?

12 MR. HUR: Yes.

13 MR. KRICKBAUM: Yes, sir.

14 PRESIDENT BIDEN: And so things like that. I
15 don't, I don't know what -- and in the meantime -- I can't
16 remember when I had these cabinets put in, on both sides of
17 the garage, the gray cabinets.

18 MR. HUR: Yes, sir.

19 PRESIDENT BIDEN: They're for storage and they had
20 storage of things for paint and tools and golf clubs and
21 things like that. And a lot of on the **USSS** side --
22 **USSS** side of the garage, there was a lot of my wife's
23 crockery and vases and crystal pitchers, you know, for
24 drinks, drink kind of thing. And we -- I needed them to
25 store, you know, to get out of the way so they didn't get --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:52:31.1]

2 PRESIDENT BIDEN: -- broken. There was no other
3 place to put them. And that was stuff coming from
4 Chain Bridge Road and/or, originally, I guess, from the Vice
5 President's residence, Chain Bridge, you know, those kinds
6 of things.

7 And then there on the other side, there's a little
8 workbench on the other -- between -- that last, on the right
9 -- what you're looking at here, because you can see one,
10 two, three cabinet doors up and down. And then there's an
11 opening and there's a workbench there with a -- I think
12 there's a vice there, and a, you know, and stuff just piled
13 up there.

14 And, so, you know, and, and it may be -- I don't
15 know this -- I don't want to speculate. Anyway. But it
16 wasn't like the boxes were empty and taken away. It was
17 like --

18 MR. HUR: They were moved.

19 PRESIDENT BIDEN: They were moved to make room for
20 the Corvette. And initially what I had in there, I had the
21 Corvette -- because in one picture, you have it on this side
22 of the garage.

23 MR. HUR: Yes.

24 PRESIDENT BIDEN: And on the other side was a
25 tractor, a small tractor that could operate as a --

1 [0:53:48.8]

2 PRESIDENT BIDEN: -- tractor and/or as a lawn
3 mower. And it had a wagon, you know, a wagon you could hook
4 up to it. What I ended up doing is buying from one of these
5 garage places, you know, you go -- that could buy -- pass
6 gas stations that are selling wood sheds and, you know,
7 things like that. I bought a storage facility where I can
8 drive a tractor in there and store it, and a lot of garden
9 stuff and including -- I had in there -- what else did I put
10 in there? Tools, shovels, all that kind of stuff. Oh, and
11 the hard top for my Corvette is in there. And there's two
12 doors that close. And it's really more storage. So that's
13 why we ended up -- because we needed the space on the **USSS**
14 **USSS** of the garage.

15 MR. HUR: And that, that you were just talking
16 about, moving things around, the big stuff for the space for
17 the Corvette on **USSS** of the garage, was that before or
18 after your move out of Chain Bridge Road?

19 PRESIDENT BIDEN: I don't know, I can't remember.
20 I'm trying to think. If I can remember when the first
21 tranche of boxes got sent to me. I have no -- no, I can't.
22 Maybe I should have asked some of the former staff when the
23 hell that stuff came up and how it came up. I don't know.
24 But I honest to God don't remember.

25 MR. HUR: Okay.

1 [0:55:31.5]

2 PRESIDENT BIDEN: It may have been -- and by the
3 way, to complicate things. In the meantime, my Corvette was
4 being worked on because I had to do that show with --

5 MR. KRICKBAUM: Jay Leno.

6 PRESIDENT BIDEN: Jay Leno. Didn't have to, I
7 wanted to do that show with Jay Leno.

8 (Laughter)

9 PRESIDENT BIDEN: And there was a kid who used to
10 help me take care of my Corvette. Didn't work for me, but
11 -- and -- I can get his name. And he pulled it in and out
12 to, you know, work on the carburetor, you know, whatever,
13 get it up to the Chevrolet dealer (indiscernible 0:56:06.1),
14 whatever. So there was a lot of stuff going in and out, but
15 I don't remember when the boxes came or where they came
16 from.

17 MR. KRICKBAUM: Do you remember whether it was
18 when the Corvette was coming back after the Jay Leno show?
19 So, in other words, it goes out for Jay Leno, eventually it
20 comes back.

21 PRESIDENT BIDEN: Oh, no, it was, it was in and
22 out for a bunch of reasons.

23 MR. KRICKBAUM: Okay.

24 PRESIDENT BIDEN: Because it drove me crazy; I
25 wanted to drive it.

1 [0:56:32.4]

2 MR. KRICKBAUM: Got it. That makes sense; a
3 beautiful car.

4 PRESIDENT BIDEN: And the worst part was, they
5 said I couldn't drive it outside the driveway. It's a long
6 driveway. So I'd get it to the bottom of the driveway, tack
7 it up to about four grand (indiscernible 0:56:44.0) (makes
8 car sound) (indiscernible 0:56:47.0).

9 (Laughter)

10 PRESIDENT BIDEN: You think I'm kidding; I'm not.

11 MR. KRICKBAUM: We believe you.

12 MR. HUR: I believe you. Yes.

13 PRESIDENT BIDEN: Probably one of the best parts
14 to being Vice President and President, I get to drive all
15 these, you know, electric vehicles. I have. Damn, they're
16 quick.

17 (Laughter)

18 PRESIDENT BIDEN: You know, think about this. You
19 had one of those big 4 x 4s, the -- I think it's a Ford
20 Bronco, whatever it is. Zero to sixty in 4 6.

21 MR. HUR: Yes.

22 MR. KRICKBAUM: Instant torque.

23 MR. HUR: That's fast.

24 PRESIDENT BIDEN: Yeah. By the way, you know how
25 it works?

1 [0:57:19.3]

2 (Laughter)

3 PRESIDENT BIDEN: It's really cool.

4 MR. HUR: Sir, I'd love -- I would love, love to
5 hear much more about this, but I do have a few more
6 questions to get through.

7 PRESIDENT BIDEN: You can take 30 seconds, but you
8 put your foot on the brake, you hit, you hit a button that's
9 in the -- and it says "launch."

10 (Laughter)

11 PRESIDENT BIDEN: You step your foot on the
12 accelerator all the way down --

13 MR. HUR: Woah.

14 PRESIDENT BIDEN: -- until it gets to about 6, 7
15 grand. Then all of a sudden, it will say "launch." All you
16 do is take your foot off the brake. (Makes car sound)

17 (Laughter)

18 MR. HUR: It's on my bucket list.

19 All right. So let's -- with that, let's launch
20 into the next subject which relates to the Penn Biden
21 Center. So, I want to show you what's behind Tab 23.

22 MR. SAUBER: Which notebook?

23 MR. HUR: I'm sorry, Binder 1, the original binder.

24 So there's a number of photos there. The first
25 Bates is 20221201_WFO_0021. And then 22, and then 23.

1 [0:58:30.3]

2 MR. HUR: And it jumps to 102, 103, 104 and 114.

3 MS. COTTON: I'm sorry, Rob, which tab?

4 MR. HUR: Tab 23.

5 MS. COTTON: Twenty-three.

6 MR. HUR: So the first several photos ending at
7 Bates 21, 22 and 23, are one box. And then the remainder
8 behind that tab are of another box.

9 PRESIDENT BIDEN: 21, 22 and 23 are one box?

10 MR. HUR: Yes, sir.

11 PRESIDENT BIDEN: Okay.

12 MR. HUR: Okay. And then 102 onward are another
13 box.

14 PRESIDENT BIDEN: Okay.

15 MR. HUR: So these were boxes that were recovered
16 from the Penn Biden Center.

17 PRESIDENT BIDEN: Gotcha.

18 MR. HUR: And I'd like you just to take a quick look
19 at those photographs and tell me if you recognize these files,
20 if any of them jump out to you as ones that you recall.

21 MR. BAUER: Are you on a specific page, Rob, just
22 to be clear?

23 MR. HUR: Not right now.

24 MR. BAUER: Okay.

25 MR. HUR: He can look through all six or seven --

1 [0:59:31.8]

2 MR. HUR: -- of those photos.

3 PRESIDENT BIDEN: The one on, on 0103, cancer --
4 I've done a lot of work on cancer research. This was a more
5 current one, Leader Kevin McCarthy. It must have been
6 something I was, I guess, it had to do with the deal to
7 prevent the government shutdown. Not the shutdown, renegeing
8 on the debt, the national debt, the deal we made. DOJ --
9 it probably had to do with her, stuff she's doing for abused
10 women. Genealogy -- I got a lot of genealogy stuff all
11 around. Private Biden, 6 (indiscernible 1:00:13.6) 16 and
12 15, I don't know what that is.

13 DOJ -- DOJ? I think it's DOJ.

14 (Indiscernible 1:00:23.3) could have been a guy that worked
15 for me for many -- when I was senator. I may have to call
16 him to ask him for some information and recollection. I
17 really can't read some of the others. Can you read it for
18 me (indiscernible 1:00:43.9)?

19 MR. HUR: Well, I think, for the second box, the
20 very last photograph in the tab section, is probably the
21 sharpest -- closest in.

22 MR. BAUER: Could you give me the number?

23 MR. HUR: I'm sorry. Bates 114.

24 MR. BAUER: Got it.

25 PRESIDENT BIDEN: 114.

1 [1:01:04.5]

2 MR. HUR: I think that's the clearest focus of the
3 -- and the closest in of those photographs.

4 MR. BAUER: May I ask, Rob, again, for the clarity
5 of record.

6 MR. HUR: Yes.

7 MR. BAUER: Is the question whether he recognizes
8 the topics, or whether he recognizes these specific
9 documents?

10 MR. HUR: These specific documents.

11 MR. BAUER: Not so much the topics, but the
12 documents.

13 PRESIDENT BIDEN: I don't remember --

14 MR. HUR: Or, rather, I'm sorry, these specific
15 files.

16 MR. BAUER: Oh, these specific files, okay.

17 MR. HUR: Yes. From the labels on the file
18 folders.

19 PRESIDENT BIDEN: Well, I remember -- you know, I
20 -- the Papal visit in 2015. I remember the -- Senator
21 Warren's stuff on Black Lives Matter. I was probably
22 categorizing that. VP speech on manufacturing,
23 manufacturers on 6/10. DOJ (phonetic), that
24 (indiscernible 1:02:06.3) two staff (indiscernible
25 1:02:07.2) to work for me. DOJ --

1 [1:02:09.1]

2 PRESIDENT BIDEN: -- DOJ had another one.

3 MR. HUR: So jumping off of the question --

4 PRESIDENT BIDEN: (Indiscernible 1:02:13.9).

5 MR. HUR: -- that Bob just asked, which is -- let
6 me ask a slightly different question, which is given, given
7 it sounds like you're familiar with the topics that were
8 addressed in some of these file folder labels, do you recall
9 these as being files that DOJ kept for you at the
10 Penn Biden Center?

11 PRESIDENT BIDEN: I don't recall whether they
12 were. But they're all stuff that I've worked -- I worked a
13 hell of a lot on law enforcement, I worked on marriage
14 equality. I'm the guy that got that changed. I worked on
15 Papal visits. I can't read that one. Oh, and something
16 about restoring the middle class. These are all subjects
17 that related to -- most of them -- the moonshot with DOJ
18 . The Moon Shot was cancer, and DOJ was one of my
19 docs who operated on me --

20 MR. HUR: Yes, sir.

21 PRESIDENT BIDEN: -- at Walter Reed.

22 MR. HUR: Do you recall asking DOJ to pull any
23 of these files for you when you were -- when you and DOJ
24 were at the Penn Biden Center?

25 PRESIDENT BIDEN: No, I -- well -- what dates --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [1:03:31.6]

2 PRESIDENT BIDEN: -- was I there? I don't
3 remember. The Penn Biden Center.

4 MR. SISSEL: After your vice presidency.

5 PRESIDENT BIDEN: I know, what are the dates?

6 MR. BAUER: Precise dates.

7 PRESIDENT BIDEN: Anyway, some of it I may have
8 had her pull DOJ from -- because I was working on
9 cancer initiatives on my own. I mean, not for Penn, but --

10 MR. HUR: Yes.

11 PRESIDENT BIDEN: But I did work with Penn,
12 because they had a helluva cancer center there. You know,
13 McConnell, 7-13-15, I don't know what's going on there. But
14 I'm -- it may very well -- if they've been at the Penn --
15 these look like stuff that that may have been in DOJ
16 file drawers or -- I don't know. (Indiscernible 1:04:22.1)
17 But not squirreled away. I mean, they look like they could
18 be current things I would be working on or around. But I
19 don't know.

20 MR. HUR: Okay. And when you say "current,"
21 you --

22 PRESIDENT BIDEN: I mean contemporaneous.

23 MR. HUR: At the Penn Biden Center?

24 PRESIDENT BIDEN: At the Penn Biden Center.

25 MR. HUR: Okay. All right.

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [1:04:39.2]

2 PRESIDENT BIDEN: But I don't know that for a
3 fact.

4 MR. HUR: Understood.

5 MR. BAUER: So just to be clear, Rob. I'm really
6 sorry. I'm trying to be good. I just want to make sure I
7 understand. The question that you're asking -- I want you
8 to ask the question, because you don't want me to ask the
9 question. Is it, again, the -- recalling these specific
10 files, or is the question recalling working on topics like
11 this?

12 MR. HUR: The question was -- and I believe the
13 President answered it quite clearly -- given his familiarity
14 with the topics that are referenced on these file folder
15 labels, does he recall whether these folders were ones that
16 he had [REDACTED] DOJ keep, and that he referenced at the Penn
17 Biden Center after the end of his vice presidency?

18 PRESIDENT BIDEN: The subject matter, yes, like
19 cancer, [REDACTED] DOJ, Violence Against Women, the genealogy. I
20 mean, there are things that were things that continued. And
21 I still communicate with the Pope, you know what I mean.
22 But is it constant? No. Anyway.

23 MR. HUR: Okay.

24 PRESIDENT BIDEN: He's my ticket.

25 (Laughter)

1 [1:05:52.1]

2 PRESIDENT BIDEN: That was a joke.

3 (Laughter)

4 MR. KRICKBAUM: I was thinking you both have --

5 MR. HUR: That's why we laughed.

6 MR. KRICKBAUM: -- you have full day jobs, so it's
7 probably not regular, regular communication.

8 MR. HUR: Okay. So keeping in mind the second box
9 that's shown in the photos towards the back half of this tab
10 section, from 102 onward. So within that box at the Penn
11 Biden Center was recovered --

12 PRESIDENT BIDEN: (Indiscernible 1:06:24.5) the
13 last things I have on that tab.

14 MR. SISSEL: Oh, which, which picture do you want
15 him to be looking at?

16 MR. HUR: We were just looking at 114.

17 MR. SISSEL: Do you want him still on that?

18 MR. HUR: We're about to move on.

19 MR. BAUER: To 102.

20 MR. HUR: But I just want him to have that in his
21 mind.

22 PRESIDENT BIDEN: All right.

23 MR. HUR: So we're about to move on to Tab 24.

24 PRESIDENT BIDEN: Oh. Okay.

25 MR. HUR: The first document at Tab 24, it's --

1 [1:06:54.1]

2 MR. HUR: -- got Bates ending WFO_0006. And I
3 will represent to you that this envelope that has on it
4 "Eyes Only" at the top and the bottom, and "VPOTUS" in the
5 middle was recovered within the box that's shown in 114,
6 which was the prior tab. Yes.

7 PRESIDENT BIDEN: Okay.

8 MR. HUR: Okay? So -- now flipping back --

9 PRESIDENT BIDEN: Someone went and pulled that out
10 of 114?

11 MR. HUR: Yes.

12 PRESIDENT BIDEN: Okay.

13 MR. HUR: That's where it was found.

14 PRESIDENT BIDEN: But I didn't -- but it wasn't
15 out like this?

16 MR. HUR: No, sir.

17 PRESIDENT BIDEN: Somebody pulled it out?

18 MR. HUR: Correct.

19 PRESIDENT BIDEN: Okay, good. I just wondered
20 what you're saying, that's all.

21 MR. HUR: Correct. Correct.

22 PRESIDENT BIDEN: Okay.

23 MR. HUR: So, now, we understand that the -- well,
24 let me ask you some questions first about the envelope
25 that's on 0006.

1 [1:07:46.1]

2 PRESIDENT BIDEN: Yup.

3 MR. HUR: So, in addition to the "Eyes Only" print
4 at the top and the bottom, and then "VPOTUS" in the middle
5 in black, there's some writing there that says, Iran 1/30,
6 and then some other numbers after that. Do you recognize
7 the handwriting?

8 PRESIDENT BIDEN: No. I mean, it could be mine,
9 but I don't know.

10 MR. HUR: Okay. So now I want to jump over to
11 Binder 3, so a whole separate binder. And towards --

12 PRESIDENT BIDEN: (Indiscernible 1:08:22.1). Get
13 out of my stuff.

14 (Laughter)

15 (Asides)

16 MR. KRICKBAUM: And we're done with two, Rachel,
17 so --

18 MS. COTTON: Okay, great.

19 MR. KRICKBAUM: -- to get it out of the way.

20 PRESIDENT BIDEN: All right.

21 MR. HUR: Okay? So behind the first blue tab,
22 which is labeled "Eyes Only" folder, the first thing you
23 should see is a document that's Bates labeled
24 20221201_WFO_0006, which is what we were just looking at,
25 the outside of the envelope.

1 [1:08:56.3]

2 PRESIDENT BIDEN: Oh, that.

3 MR. HUR: Yes, sir. ..

4 PRESIDENT BIDEN: Yeah, I got that.

5 MR. HUR: But now we're at Binder 3.

6 PRESIDENT BIDEN: Yup.

7 MR. HUR: And so I want to take you to some of the
8 contents of this document.

9 PRESIDENT BIDEN: Of the document itself?

10 MR. HUR: I'm sorry, sir, the contents of the
11 envelope.

12 PRESIDENT BIDEN: Okay.

13 MR. HUR: So let's go first to Tab A7. And you'll
14 see there a number of pages. The first Bates label is
15 1B49A70001 followed by 2, 3, 4, 5, 6, 7 through 10. What
16 you're seeing there are a number of lined pages -- mostly,
17 some of them aren't -- but with handwriting on them. If
18 you'll just take a moment to look through those pages. Once
19 you're done, I'll ask you if you -- if this is your
20 handwriting on these pages?

21 PRESIDENT BIDEN: It looks like my handwriting.

22 MR. HUR: Okay. We'll come back to these in a
23 moment, but I want to have you take a look at the other
24 contents of this envelope.

25 MR. SISSEL: Rob, just -- can you -- because --

1 [1:10:41.7]

2 MR. SISSEL: -- there's a bunch of different
3 pages, can you ask about specific pages?

4 MR. HUR: Sure.

5 MR. SISSEL: Just because I want to make sure it's
6 clear.

7 MR. HUR: Sure. Fair point. Okay. Let's start
8 with 1.

9 PRESIDENT BIDEN: Page 1 of -- that we were just
10 looking at?

11 MR. HUR: Yes, sir, behind Tab A7.

12 PRESIDENT BIDEN: Yup. Okay.

13 MR. HUR: So it looks like the first handwritten
14 words at the top are, hold sanctions regain. Does this page
15 have your handwriting on it?

16 PRESIDENT BIDEN: Yeah.

17 MR. HUR: How about the next page, which is, I get
18 portrait and landscape mixed up. I think this is landscape.
19 Horizontal.

20 PRESIDENT BIDEN: This may not be my handwriting.

21 MR. HUR: Okay. How about the next page, bearing
22 3?

23 PRESIDENT BIDEN: It looks like my handwriting.

24 MR. HUR: How about 4?

25 MR. BAUER: . Excuse me. The page before the one --

1 [1:11:41.0]

2 MR. BAUER: -- that is dated -- just to be
3 clear --

4 MR. HUR: One, in the caption of the --

5 MR. BAUER: Yeah. Number 0002 is that he said the
6 answer was not? I didn't hear that clearly.

7 PRESIDENT BIDEN: The answer is I'm not sure.

8 MR. HUR: I heard it clearly.

9 MR. BAUER: Yeah, correct. Okay. So now we're on
10 003?

11 MR. HUR: Three he said is his.

12 MR. BAUER: Okay.

13 MR. HUR: Now we're on 4, actually.

14 MR. BAUER: Okay.

15 PRESIDENT BIDEN: Breakfast is mine.

16 MR. HUR: Okay. How about 5, dated 1-28-15?

17 PRESIDENT BIDEN: I don't know.

18 MR. HUR: Okay. How about 6?

19 PRESIDENT BIDEN: It could be though. Sorry.

20 Same as 5.

21 MR. HUR: Six is the same as five?

22 PRESIDENT BIDEN: Yeah. In other words, I think
23 it is, but I'm not sure.

24 MR. HUR: Okay.

25 PRESIDENT BIDEN: The same with 7.

1 [1:12:45.3]

2 MR. HUR: Okay. How about 8?

3 PRESIDENT BIDEN: They all look the same to me.

4 MR. HUR: Nine and ten covered by that too?

5 PRESIDENT BIDEN: Let me see here. Yeah, --

6 PRESIDENT BIDEN: -- it's possible.

7 MR. HUR: Okay. Ed, was that in reference to 10?

8 MR. SISSEL: He was looking at 009.

9 MR. HUR: Nine.

10 PRESIDENT BIDEN: It's possible they're in my
11 writing. I'm looking at the spelling. If it's spelled
12 right, it's probably not.

13 (Laughter)

14 PRESIDENT BIDEN: You think I'm kidding, I'm not.
15 Anyway, okay.

16 MR. HUR: Okay. All right. So now I'd like to
17 direct your attention to some of the other documents that
18 were in that envelope.

19 PRESIDENT BIDEN: Okay.

20 MR. HUR: So let's start with tab A3.

21 PRESIDENT BIDEN: What? I'm sorry.

22 MR. HUR: Tab A3. Still in that same section, that
23 first blue flap. So A3 is Bates labeled -- actually, mine is
24 not Bates labeled. But it says at the top, "in response to a
25 question

State, NSC

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [1:14:32.7]

2 MR. HUR: [REDACTED] State, NSC The document
3 behind Tab A4 has language on it. There's no Bates, but it's
4 Iran's nuclear negotiating positions as of early January 2015.

5 PRESIDENT BIDEN: Where, where did you see that?

6 MS. COTTON: Here.

7 MR. HUR: It's behind Tab A4.

8 MR. LAUFMAN: Sorry, Rob, which binder are you in
9 again?

10 MR. HUR: Binder 3.

11 MR. LAUFMAN: Okay.

12 PRESIDENT BIDEN: Oh, okay. Gotcha, yeah, I'm
13 sorry.

14 MR. LAUFMAN: Binder 3.

15 MR. HUR: Okay. And then behind Tab A5, there's
16 another document that was in that same envelope. No Bates,
17 but titled "Iran: [REDACTED] State, NSC

18 [REDACTED]
19 PRESIDENT BIDEN: Yup.

20 MR. HUR: And then finally, Tab A6, again, no
21 Bates, but it's titled "Iran: [REDACTED] State, NSC

22 [REDACTED]
23 PRESIDENT BIDEN: Okay.

24 MR. HUR: So, I don't want to ask you detailed
25 questions about the substance of these documents, but --

1 [1:15:35.4]

2 MR. HUR: -- having had the opportunity to take a
3 look at them, do you recall being provided these documents?
4 Because our understanding is that these were provided to you
5 during your vice presidency.

6 PRESIDENT BIDEN: The answer is, I don't recall
7 being provided them, but it doesn't surprise me I would be
8 provided them.

9 MR. HUR: I'm sorry, I didn't hear the last --

10 PRESIDENT BIDEN: I do not recall specifically
11 being provided them. But it would not be unusual for me to
12 be provided them.

13 MR. HUR: Okay. All right. So, let's look at
14 some other documents that may refresh --

15 PRESIDENT BIDEN: These are all in 2014?

16 MR. HUR: They're dated 2013 -- this one's dated
17 2013, behind Tab A6.

18 PRESIDENT BIDEN: The one behind A5 is 2014?

19 MR. HUR: Is dated 2014, yes.

20 PRESIDENT BIDEN: Okay. Got it.

21 MR. HUR: So, let's look at some other documents.
22 We're going to go back to Binder 1; that may refresh your
23 recollection on these. So, our understanding, sir, is that,
24 at this time, the Obama administration was addressing the
25 subject of a potential nuclear deal with Iran. There --

1 [1:16:42.5]

2 MR. HUR: -- were some members of Congress who were
3 considering their own views about such a deal with Iran, and
4 whether Congress should impose additional sanctions, which the
5 Administration determined would have interfered with the
6 Administration's negotiations about the nuclear deal.

7 So we understand that you, sir, were enlisted as
8 part of the Obama administration's effort to speak with
9 members of Congress about the Iran deal, and to encourage
10 them not to impose, as Congress, additional, or new
11 sanctions on Iran. So that's our understanding as to what
12 was going on at the time.

13 So, let me show you some photographs behind Tab
14 24. And these will be a series of photographs. It starts
15 with the second one behind that -- second one in that
16 section. The first Bates is 1B001_01223070_0001.

17 PRESIDENT BIDEN: Okay.

18 MR. HUR: There's some other photos here, 1223174,
19 1223084.

20 PRESIDENT BIDEN: You can tell it's old. I have
21 my arm around Lindsey Graham.

22 MR. HUR: 1225128. So let's look --

23 MR. SISSEL: Rob, just one thing to clarify for
24 the record, just because this tab has the envelope, a
25 picture of the envelope.

1 [1:18:07.3]

2 MR. HUR: Yes.

3 MR. SISSEL: These photos were not in the envelope?

4 MR. HUR: They were not. They were not in the
5 envelope.

6 PRESIDENT BIDEN: Okay.

7 MR. HUR: Good clarification.

8 So, if we look at the photos, they all end in 001,
9 but 3070 is the -- are the last four digits of the middle
10 set of digits. 3174, 3084. These are photographs of a
11 breakfast --

12 PRESIDENT BIDEN: Yup.

13 MR. HUR: -- that you had with a group of senators
14 at the Naval Observatory.

15 PRESIDENT BIDEN: Yup.

16 MR. HUR: And if you flip a little bit further,
17 getting to what at the top says, private schedule for Vice
18 President Joe Biden. Bates 14766_0001.

19 PRESIDENT BIDEN: Hang on a second. Is this it,
20 Private Schedule?

21 MR. HUR: Yes, sir. And if -- you'll see at the
22 bottom of the page, it says, 8 a.m. to 9:30 a.m., breakfast
23 with senators.

24 PRESIDENT BIDEN: Gotcha.

25 MR. HUR: Location, Naval Observatory, and then --

1 [1:19:12.1]

2 MR. HUR: -- it lists a number of members of
3 Congress.

4 PRESIDENT BIDEN: Okay.

5 MR. HUR: So, what do you recall about that
6 breakfast with the senators?

7 PRESIDENT BIDEN: Nothing.

8 (Laughter)

9 PRESIDENT BIDEN: No, I'm not being facetious. I
10 don't recall any --

11 MR. HUR: Okay.

12 PRESIDENT BIDEN: I would often have breakfasts like
13 this on a whole range of issues. I'd bring senators down.

14 The bad joke is, with President Obama, I would
15 always say to him, Mr. President, all politics is personal.
16 For example, even my staff wondered why the hell I'm calling
17 Cory Booker to make sure he's safe. Why are you calling
18 him? Because (indiscernible 1:19:56.4) because I called
19 when they were in, in -- Jesus -- in Israel. I called him
20 when they got home because I wanted him to know I cared
21 about him. It matters. So what I would do lots of times is
22 bring senators to the house to discuss whether they were
23 with me on a proposal, even though I knew what I wanted to
24 do, and say, what do you think? What kind of input --
25 because to get them bought into, whatever.

1 [1:20:23.9]

2 PRESIDENT BIDEN: And it may be -- I don't remember
3 the purpose of the meeting, but lots of times that I meet and
4 say, well, what do you guys think, you know, rather than just
5 selling something. And say, why do you think that would work,
6 et cetera. So I don't know what the topic was.

7 MR. HUR: Understood.

8 PRESIDENT BIDEN: And -- but it's not unusual to
9 have those meetings.

10 MR. HUR: Understood. Okay.

11 MR. BAUER: I just wanted to mention, I think
12 we're at 5 hours.

13 MR. HUR: Is that right?

14 MR. BAUER: It's 2 -- in fact, we're at 5 hours and
15 1 minute. Not that I -- not that we're keeping time on this.

16 MR. HUR: If you wouldn't mind, if you could
17 indulge us to just finish this line of questioning.

18 MR. BAUER: How much more time do you think you
19 would need?

20 MR. HUR: I really don't think I'll need more than
21 10 or 15 minutes on this.

22 MR. BAUER: I couldn't hear.

23 PRESIDENT BIDEN: 10 or 15 minutes.

24 MR. HUR: Yes, sir.

25 MR. HUR: And I'll do my best to make it closer --

1 [1:21:14.5]

2 MR. HUR: -- to 10.

3 MR. SAUBER: This line is what, Rob --

4 MR. HUR: About these particular documents that
5 were found at Penn Biden Center.

6 MR. SAUBER: Oh. Well --

7 MR. SISSEL: I mean, are you talking about the
8 ones in that envelope?

9 MR. HUR: Yes.

10 MR. SISSEL: And that's it?

11 MR. HUR: If that's, if that's the end of stoppage
12 time --

13 MR. SISSEL: Well, we're already at our stoppage
14 time.

15 MR. BAUER: We do have a stoppage time, and we're
16 at it. Ed, you want to shut it off for a minute?

17 MR. SISSEL: Sure.

18 MR. BAUER: Mr. President, just take 2 seconds.

19 MS. COTTON: No, I subtracted breaks.

20 MR. KRICKBAUM: Can I say one word to you guys?

21 MR. BAUER: Of course. Why don't we step out in
22 the hall?

23 MR. KRICKBAUM: Sure. It'll be, It'll be very
24 quick.

25 MR. BAUER: We'll be very quick, Mr. President --

1 [1:21:52.1]

2 MR. BAUER: -- I apologize.

3 (Track 231009_1245 ends)

4 (Track 231009_1409 begins)

5 MR. HUR: We're back from a brief break. If we
6 could -- I have a few questions again about these
7 photographs here. There's one with you with your arm around
8 Lindsey -- Senator Lindsey Graham.

9 PRESIDENT BIDEN: They're the old days.

10 (Laughter)

11 MR. HUR: Just for Bates number -- Bates number
12 purposes, 3174. So there, you're holding a clutch of
13 documents in your left hand that appears to include a manila
14 envelope. And then the prior page that shows you seated
15 around the breakfast table, Bates 3070, has some documents
16 next to you, on the floor next to your chair.

17 PRESIDENT BIDEN: Yup.

18 MR. HUR: So I'm pretty sure I know what the
19 answer to this is going to be, but the manila envelope that
20 we saw a moment ago in another photograph that said "VP Eyes
21 Only" at the top and bottom, that was recovered from Penn
22 Biden Center, did you have that envelope, and the documents
23 in it, with you during that breakfast?

24 PRESIDENT BIDEN: I have no idea.

25 MR. HUR: Okay. So another question about the --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:01:15.8]

2 MR. HUR: -- handwritten documents that we were
3 looking at a moment ago, you appeared to recognize some
4 of --

5 PRESIDENT BIDEN: Yeah.

6 MR. HUR: -- your handwriting --

7 PRESIDENT BIDEN: Yeah.

8 MR. HUR: -- on some of the pages.

9 PRESIDENT BIDEN: Yeah.

10 MR. HUR: Was the purpose of those notes to help
11 prepare for your breakfast meeting with the senators about
12 the Iran nuclear deal?

13 PRESIDENT BIDEN: I don't know, I didn't read the
14 substance of them, but it could have been notes after the
15 meeting too.

16 MR. HUR: Okay.

17 PRESIDENT BIDEN: If they're -- if it's my
18 handwriting. But I don't know.

19 MR. HUR: Okay. So let me ask you another
20 question that may refresh your recollection. So I
21 apologize, we're going to have to, again, do some
22 comparisons between things in Binder 1 and Binder 3.

23 MR. BAUER: Which one are you going to?

24 MR. HUR: Let's look at the photograph of you in
25 Binder 1. It's the one that has 5128 in the Bates.

1 [0:02:08.7]

2 MR. HUR: It's got you speaking with Mr. McDonogh.

3 MS. COTTON: Sorry, we lost the tab. Which tab
4 was it?

5 MR. HUR: I'm sorry, Tab 24. It's this one.

6 PRESIDENT BIDEN: That's in my office?

7 MR. HUR: Yes, sir.

8 MR. SISSEL: To clarify the record, your office as
9 Vice President?

10 MR. HUR: As Vice President.

11 PRESIDENT BIDEN: As Vice President, yeah.

12 MR. SISSEL: Okay.

13 MR. HUR: And so, I'd like to focus you -- well, I'd
14 like to focus you on the piece of paper that Mr. McDonogh is
15 holding in his left hand, along with a coffee cup.

16 PRESIDENT BIDEN: Yup.

17 MR. HUR: And then, if you compare it with the
18 document that's behind Tab A7 in Binder 3.

19 (Asides)

20 MR. HUR: Is this --

21 MR. BAUER: Just one second to get this stuff
22 lined up.

23 PRESIDENT BIDEN: A7.

24 MR. HUR: Yes, sir. So the second document in --

25 MR. SISSEL: The second page?

1 [0:03:06.0]

2 MR. HUR: .The second page, yes. And it's got
3 Bates 0002.

4 MR. BAUER: Could you bear with us one second,
5 because I'm trying to follow it too.

6 MR. HUR: Yes.

7 PRESIDENT BIDEN: Okay.

8 MR. HUR: So, if you take a look at the document
9 there at Bates 0002 that we pulled from Binder 3, and you look
10 real close at the photograph of the -- that Mr. McDonogh is
11 holding with you in your West Wing office, that there appears
12 to be some resemblance between those documents.

13 PRESIDENT BIDEN: I don't think there's any
14 resemblance. He has a whole section up there in the corner.
15 He has one, two, three across. Take a look at that picture
16 he's holding in his hand.

17 MR. HUR: Okay.

18 PRESIDENT BIDEN: There's no, there's no such --
19 in other words, it goes all the way to the far right corner
20 of the document. It may -- I don't know what relevance it
21 is, but it doesn't look like the same document to me.

22 MR. HUR: And how about with respect to the
23 remainder? But putting the stuff in the far right upper
24 corner to the side, with respect to the other parts of that
25 handwritten page. My only question is, does this --

1 [0:04:19.8]

2 MR. HUR: -- refresh your recollection as to the
3 purpose of these handwritten notes relating to the Iran
4 nuclear deal, or your breakfast meeting with the senators
5 the following day?

6 MR. BAUER: Rob, just to be clear.

7 PRESIDENT BIDEN: No.

8 MR. BAUER: I'm a little confused, because if
9 they're not the same documents --

10 MR. HUR: Yes.

11 MR. BAUER: -- what would be the basis of
12 refreshing his recollection?

13 MR. HUR: Well, if his response is that they do.

14 MR. BAUER: Okay.

15 MR. HUR: It doesn't refresh his recollection --

16 MR. BAUER: Okay.

17 PRESIDENT BIDEN: No, this doesn't refresh my
18 recollection. But I'm sure the purpose of the meeting was to
19 find out what the members of Congress thought about the Iran
20 deal. I mean, that's why I'd been meeting with them about it.
21 I assume that's why I was meeting with them about. I don't
22 know what else -- it's contemporaneous, and I'm sitting down,
23 and I'm having these discussions. And it says the people I'm
24 meeting with are the people who would have interest. You
25 know, Angus King and -- with the democrats. And --

1 [0:05:24.6]

2 PRESIDENT BIDEN: -- Bob Corker, Colin Kahl.

3 MR. HUR: . So after this breakfast, do you recall
4 having other conversations in the following days with other
5 members of Congress?

6 PRESIDENT BIDEN: I don't remember anything in
7 terms of the chronology, who I met, when and where. The
8 situation with regard to whether or not to make any deal
9 with Iran, I mean, with -- yeah, with Iran or not, has been
10 an ongoing, up and down discussion for a long time, even to
11 yesterday, before the Israeli thing. So it would not
12 surprise me if the meetings -- if someone at that meeting --
13 you showed me a picture -- Corker, one of these guys said,
14 well, what we're talking about with Afghanistan -- I mean,
15 what we're talking about with Iraq --

16 MR. SISSEL: Iran.

17 PRESIDENT BIDEN: Iran, because it's an ongoing
18 discussion. And we were negotiating also at the same time,
19 remember, with all our NATO allies on what we do, vis-à-vis,
20 Iran, and whether or not they were on or not. So there was a
21 lot of discussion. And it was not one of the subjects that I
22 knew a lot about, but I wasn't -- I did not have a
23 definitive view, I wasn't in making the case like I did in
24 Iraq and other places.

25 MR. HUR: And after the end of your vice --

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:06:59.0]

2 MR. HUR: -- presidency, did you consult these
3 materials relating to the Iran nuclear deal at any point?
4 Did you know that they were at the Penn Biden Center?

5 PRESIDENT BIDEN: No. And I, I don't recall
6 consulting anything having to do with any material with
7 regard to Iran.

8 [REDACTED] NSC, State, DOD
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]

15 MR. SISSEL: And, sir, just to clarify, that's
16 during your --

17 PRESIDENT BIDEN: Oh, that's just --

18 MR. SISSEL: That's (indiscernible 0:07:57.5) your
19 presidency, which they're not interested in.

20 MR. HUR: Right.

21 PRESIDENT BIDEN: No, I know, but I want to give
22 you context in my, my -- the depth of my engagement. And,
23 anyway.

24 MR. HUR: Okay. So let me ask a slightly
25 different question, but riffing off one I asked you before.

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

1 [0:08:20.9]

2 MR. HUR: Did you consult these materials during
3 your work on *Promise Me, Dad* with Mr. Zwonitzer?

4 PRESIDENT BIDEN: I don't recall consulting any
5 material per se, that was in a folder or anything, for
6 *Promise Me, Dad*.

7 MR. HUR: Mr. President, do you have any idea how
8 these documents relating to the Iran nuclear deal ended up in
9 these files that were recovered from the Penn Biden Center?

10 PRESIDENT BIDEN: Other than when they were sent
11 to the Penn Biden Center, they followed on my vice
12 presidency, and it was one of the many subjects that were
13 talked about in my vice presidency. So whatever materials
14 taken from the vice presidency over to the -- over to Penn
15 Biden Center, that's what -- I mean, there's a lot of things
16 I'm sure that got to the Penn Biden Center that are no
17 longer being actively discussed.

18 MR. HUR: Anything else on this? Okay. I think I
19 came in under 10.

20 MR. BAUER: You did.

21 MR. HUR: Okay.

22 MR. BAUER: You did.

23 MS. COTTON: One minute under.

24 UNIDENTIFIED MALE SPEAKER: One minute under
25 budget.

1 [0:09:27.4]

2 UNIDENTIFIED MALE SPEAKER: Under budget.

3 MR. KRICKBAUM: Actually over budget.

4 MR. HUR: Thank you.

5 PRESIDENT BIDEN: By the way, my budgets exceed
6 \$1.7 trillion.

7 MR. KRICKBAUM: There you go.

8 (Laughter)

9 MR. HUR: Thank you, again, for your time
10 Mr. President. We're very grateful.

11 PRESIDENT BIDEN: Okay, well --

12 MR. HUR: We appreciate it very much.

13 PRESIDENT BIDEN: All right. I know it's a lot of
14 work for you -- putting a lot together. I may now write a
15 book, you have all this (indiscernible 0:09:51.2).

16 (Laughter)

17 MR. KRICKBAUM: We'll turn off the recorder.

18 MR. HUR: Yes, let's stop the recorder.

19 PRESIDENT BIDEN: That was a joke.

20 UNIDENTIFIED MALE SPEAKER: Yes.

21 MS. [REDACTED] DOJ : The time is 2:19. This concludes
22 the interview.

23 (End of recording)

24

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, [REDACTED] DOJ certify that the foregoing pages (1 through 63) are a true and correct transcript, to the best of my ability, of the above pages, of the RECORDED INTERVIEW provided to me by the Special Counsel's Office.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this recording was taken, and further that I am not financially nor otherwise interested in the outcome of the action.

October 16, 2023
Date

[REDACTED] DOJ
[REDACTED]
Transcriber

Within this transcript of proceedings, some of the names and/or technical terms are spelled phonetically, inasmuch as exhibits, files and supporting documentation were not made available to us for reference.

FREE STATE REPORTING, INC.
Court Reporting Transcription
D.C. Area 301-261-1902

[REDACTED]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, [REDACTED] DOJ certify that the foregoing pages (64 through 97) are a true and correct transcript, to the best of my ability, of the above pages, of the RECORDED INTERVIEW provided to me by the Special Counsel's Office.

I further certify that I am neither counsel for, related to, nor employed by any of the parties to the action in which this recording was taken, and further that I am not financially nor otherwise interested in the outcome of the action.

October 17, 2023
Date

[REDACTED] DOJ
Transcriber

Within this transcript of proceedings, some of the names and/or technical terms are spelled phonetically, inasmuch as exhibits, files and supporting documentation were not made available to us for reference.