

Special counsel appointed to probe Biden handling of classified documents

Patrick Martin
12 January 2023

US Attorney General Merrick Garland announced Thursday that he was appointing a special counsel to investigate President Joe Biden's handling of classified documents during the period after he had ended his two terms as vice president in the Obama administration.

The appointment of Robert Hur, the US Attorney for Maryland, a career federal prosecutor promoted to his current position by President Donald Trump, has the potential to be a major blow to the Biden administration. Hur is charged with determining how a number of classified documents—at this point reported to be in the dozens—ended up in at least three unsecured locations where they were in Biden's nominal custody.

The locations were Biden's private office at a University of Pennsylvania facility in Washington D.C. where he was a visiting professor from 2017 to 2020; in the garage at his Wilmington, Delaware, home; and in one of the rooms of that residence.

Biden has claimed that he was unaware that the documents were at these locations and that he has no idea what the classified material is or how it got there. Aides, speaking anonymously to the press, have said the materials were transferred inadvertently as part of Biden's moving out of his vice-presidential offices in early 2017.

After the discovery of about a dozen classified documents at the Penn-Biden center in Washington, aides conducted a systematic search of Biden's home in Wilmington, his beach house in Rehoboth Beach, Delaware and other locations, and found an undisclosed number of documents in the garage, one document in a room in the adjacent home and nothing at any other location.

The timeline given by Attorney General Garland at a five-minute press briefing Thursday made it clear that the Department of Justice and the White House have been engaged in intense reviews and actions on this matter

since the discovery of the classified documents November 2 during the cleanup of Biden's former office at the Penn-Biden Center in D.C. The White House counsel's office was notified immediately and the documents were turned over to the National Archives the following day.

According to Garland, the National Archives informed the Justice Department on November 4, and on November 9—one day after the US midterm elections—the FBI began to assess whether classified information had been mishandled. This is a federal offense. It can be a misdemeanor if the mishandling is inadvertent or accidental, and a felony if it is intentional.

On November 14, Garland appointed John Lausch, the US attorney in Chicago and a Trump appointee, to make an initial investigation to “inform” Garland's decision on whether to appoint a special counsel.

On December 20, Biden's counsel informed Lausch that additional classified documents had been found in the garage of Biden's home in Wilmington, Delaware, dating from his vice-presidency. The FBI went there and secured the documents.

On January 5, 2023, Lausch advised Garland that additional investigation was warranted and a special counsel should be appointed. He had already made it clear that he would not want the position because he was leaving the department for the private sector. On January 12, Biden's counsel informed Lausch of another classified document found inside Biden's Wilmington residence.

The same day, Thursday, Garland named Robert Hur as special counsel and informed the congressional leaders of both parties. Hur is a career prosecutor and registered Republican who held positions in the central office of the Department of Justice in both the Obama and Trump administrations before Trump elevated him to his current position.

At the regular press briefing at the White House, Press

Secretary Karine Jean-Pierre was extraordinarily defensive, refusing to answer questions about the documents or deviate in any way from the language already used by Biden himself in responding to a few shouted questions from the press in previous days.

The appointment of the special counsel demonstrates the deepening crisis and instability of the entire US political structure, with both the current president and his predecessor now being investigated by special counsels appointed by the attorney general in a way that gives them considerable freedom of action.

Garland did not include in his timeline the appointment of Jack Smith as special prosecutor investigating Trump, both for the retention of hundreds of classified documents at his Mar-a-Lago estate and for his role in preparing and instigating the mob attack on Congress on January 6, 2021.

He appointed Smith last November 18 to investigate Trump, only four days after he had appointed Lausch to make a preliminary investigation into Biden and come back with a recommendation on whether a special prosecutor should be appointed in that case.

The appointment of Hur is certain to fuel the attacks on Biden by the fascistic right, which is the driving force in the new Republican majority in control of the House of Representatives. This group already demonstrated its power by blocking the election of Republican leader Kevin McCarthy as Speaker of the House for nearly a week in order to extract concessions on both the rules of the House and on going as far as possible in attacking federal social programs and cutting taxes on the wealthy.

On Tuesday, the House established a new subcommittee on the “Weaponization of the Federal Government” by a party-line vote. The subcommittee, to be led by arch-right-winger Jim Jordan, the new chairman of the House Judiciary Committee, will be used to attack any federal investigation into the crimes committed by Trump or by other Republicans acting on his behalf. This could include Jordan himself, as well as many of the 20 Republican representatives who participated in the blocking of McCarthy’s election.

It is not clear whether Jordan’s subcommittee will have the authority to investigate the activities of either the special counsel examining Trump’s actions or the newly appointed special counsel tasked with looking into Biden’s handling of classified documents. But the stage is set for a series of increasingly frenzied attacks by the very figures who two years ago helped politically direct the January 6 insurrection.

This is not a spectacle to inspire snickering, as it does in the petty-bourgeois pseudo-left press. It is a demonstration of the uncontrollable decay of bourgeois democracy in the United States, which is headed inexorably towards a violent explosion, far greater than what took place on January 6, 2021.

And if the conflicts between rival factions of the corporate and political elite can no longer be contained within the traditional norms of the capitalist two-party system, what of the far deeper and more substantial conflicts between the financial aristocracy as a whole and the working class?

The Biden administration and both parties in Congress joined forces last month to outlaw a railroad workers’ strike and impose contract terms on 115,000 workers that many of the workers had already rejected, shredding both their right to vote and their right to strike.

A similar bipartisan effort has plunged the United States into a proxy war against Russia in Ukraine, which threatens to escalate into a third world war fought with nuclear weapons, without ever consulting the American people. The war was not even an issue between the two parties in the midterm elections held in November—working people were presented with the “choice” of two pro-war parties, each backed by billions in spending on advertising and campaigning.

While this pretense of democracy was taking place, as Garland’s timeline indicates, the real differences within the US ruling elite—which relate to tactics and methods, not the fundamental direction of policy—were being fought out behind the scenes, through methods of backroom conspiracies, concocted provocations and sudden “revelations” duly taken up by the corporate media to stampede public opinion.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact