

# CONGRESSIONAL INTEGRITY PROJECT

**To:** Interested Parties  
**From:** Kyle Herrig, Executive Director, Congressional Integrity Project  
**Re:** MAGA Republican Robert Hur Found No Crimes By Biden So He Resorted to Cheap Political Punches Instead  
**Date:** February 9, 2024

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Yesterday, Republican Special Counsel Robert Hur released a report determining no charges in President Biden's document case. Despite acknowledging no crime was committed and no charges would be filed, Hur couldn't miss the opportunity to take a gratuitous political swipe at President Biden. Hur went far outside of his job description to play politics on behalf of Donald Trump, who is using every play in his MAGA Playbook to help distract from Trump's two impeachments, 91 criminal indictments, and the insurrection he started, in order to harm President Biden. However, there are major differences between Trump's and Biden's documents cases – Trump refused to cooperate with the investigation while Biden participated in every step of the process, resulting in a criminal indictment for Donald Trump.

## **MAGA Republican Robert Hur Found No Crimes By Biden, So He Resorted to Cheap Political Punches Instead**

**1) Special Counsel Hur went far outside of his job description to throw [a gratuitous political punch](#) at Joe Biden.** Legal scholars and commentators agree that the report is editorialized and gratuitous. In the report, the digs made by Hur are not only in line with Department of Justice traditions but irrelevant cheap shots, thrown on behalf of Donald Trump.

- **Eric Holder (Former US Attorney General):** “Special Counsel Hur report on Biden classified documents issues contains way **too many gratuitous remarks and is flatly inconsistent with long standing DOJ traditions.** Had this report been subject to a normal DOJ review these remarks would undoubtedly have been excised.” [Eric Holder, X, [2/9/24](#)]
- **Norm Eisen (Former Ambassador and legal scholar):** “Joe Biden committed no crime That is what counts, & **Hur's digs about Biden's age & memory are gratuitous** I explained @CNN w @thelauracoates @harrylitman.” [Norm Eisen, X, [2/9/24](#)]
- **Harry Litman (Former US Attorney):** “I'm late to join this chorus but only because of the press of the Court argument yesterday. **But Hur's comments about age and**

memory, which are the predictable headlines today, were a cheap shot with a capital “C.” Barely disguised as relevant, they were a rank political gift to Trump.” [Harry Litman, X, [2/9/24](#)]

- **Andrew Weissman (Former FBI General Counsel):** “Entirely inappropriate. That's not the role of the Department of Justice... It's gratuitous. And **it is exactly what you're not supposed to do, which is putting your thumb on the scale that could have political repercussions.**” [MSNBC, X, [2/8/24](#)]
- **Neal Katyal (Former Principal Deputy Solicitor General):** “Totally gratuitous. After all, earlier in the report, it says Biden has all sorts of innocent explanations for his behavior...**It feels like a too clever move by half by the special counsel to try and take some swipes at a sitting president and it doesn't sit well with me at all** and I do think that it is very much in tension with the Justice Department guidelines on special counsels.” [MSNBC, X, [2/9/24](#)]
- **Jeffrey Toobin (CNN Chief Legal Analyst):** “**It was outrageous that Hur put in some of that stuff in this report. That had no place in it.** There is no reason this report had to be 300 pages. There is no reason why this fairly straightforward case had to be treated this way. I mean this is just like what James Comey did to Hillary Clinton...The job of prosecutors is to put up or shut up. If you have a case, bring your case. If you don't have a case, shut the hell up.” [CNN, X, [2/9/24](#)]

**2) In all of the interview transcripts of Donald Trump's multiple criminal investigations, he and his allies utter the phrases “I don't know” or “I can't recall” [hundreds of times](#).** In investigations like the one conducted by the House January 6th Select Committee into Trump's attempt to overturn the 2020 election, himself, his children, and his allies like Marjorie Taylor Greene, gave the bare minimum to investigators. Each claims to not remember simple details about their actions on those days.

- **[The Washington Post: Trump Claims In Deposition He Can't Recall Affair With Marla Maples.](#)** “But **Trump's ostensible fuzziness about that Maples era of his life apparently extended to elsewhere in the deposition**, a transcript and video of which was released Friday. At one point, Carroll's attorney asked Trump a basic factual question: 'Isn't it true that you were seeing Ms. Maples before you were divorced from Ivana Trump?' **Trump responded, amazingly, 'I don't know,' in the sworn deposition. 'It was towards the end of the marriage. So I don't know, really. It could be a lapover, but I don't really know.'**” [The Washington Post, [5/6/23](#)]
- **[Politico: 27 Times Trump Can't Remember.](#)** “Following the release of the redacted Mueller report, President Donald Trump's lawyers provided the full transcript of Trump's written answers to questions Mueller posed to the president during his investigation. **More than two dozen times, Trump's answers included phrases like 'I can't remember' or 'I do not recall.'**” [Politico, [4/18/19](#)]

- **[The Guardian](#): ‘I Don’t Recall’: Ivanka Trump Testifies In Father’s New York Fraud Trial.** “**I don’t recall,**’ Ivanka Trump repeatedly told a New York court on Wednesday as she took the witness stand at her father’s \$250m fraud trial and was quizzed about deals prosecutors claim prove the Trump Organization knowingly misled lenders... **‘I don’t recall,’ Ivanka Trump repeatedly told a New York court** on Wednesday as she took the witness stand at her father’s \$250m fraud trial and was quizzed about deals prosecutors claim prove the Trump Organization knowingly misled lenders.” [The Guardian, [11/8/23](#)]
- **[Vanity Fair](#): Marjorie Taylor Greene Apparently Can’t “Recall” Anything That Happened in the Last Three Years.** “For instance, asked if she spoke to anyone about January 6 demonstrations prior to being sworn into Congress or after, if she spoke to anyone in the government about the planned protests, if she spoke to Arizona reps. Andy Biggs or Paul Gosar about them, if she spoke to anyone at the White House about them, or if she had been told by anyone that there might be violence in Washington on January 6, **Greene responded, ‘I don’t remember’—to every single question.** If she, like others, advocated for Donald Trump to use martial law to stop Joe Biden from becoming president? Naturally, Greene could not remember. Videos that might make her look bad being conveniently removed from Facebook? Obviously, the congresswoman couldn’t ‘recall’ how that happened.” [Vanity Fair, [4/22/22](#)]

**3) While President Biden and former President Trump have both been investigated regarding handling classified documents, comparing the two cases is like [comparing apples to arsenic](#).** In Hur’s report, even he acknowledged Biden did nothing but cooperate and Trump did nothing but obstruct efforts to retrieve sensitive documents to the point the Department of Justice had to obtain and execute a search warrant. Hur looked back over President Biden’s 40 years of public service and when he couldn’t find any evidence of wrongdoing. Comparing the two cases is just another play in the MAGA Playbook, seeking to hurt President Biden and distract from Trump’s two impeachments, 91 criminal indictments, and the insurrection he started.

- **[The Facts](#): While President Biden Cooperated With Investigators, Trump Obstructed Justice At Every Step of the Way.** When President Biden’s personal lawyers found a handful of documents, they immediately contacted the National Archives and have been cooperating with both the Archives and the Department of Justice to rectify the situation, even voluntarily providing access to the DOJ to search every inch of President Biden’s private residence. Whereas with Mar-a-Lago, the Department of Justice was forced to execute a search warrant after former President Trump and his [lawyers refused to turn over numerous documents](#) after months of requests. [According to NPR](#), Trump staffers “likely concealed and removed” documents as part of an effort to obstruct the federal investigation into the discovery of the government records.” Even Trump’s lawyer refused to state that all of the documents had been returned, [according to The Washington Post](#). While Biden’s lawyers handed over a

handful of classified documents, according to [CNN](#), “Federal investigators have recovered at least 325 classified documents from Trump as part of their inquiry.”