

“CLASSIFIED EVENING BRIEFING:” MISHANDLED AND STOLEN DOCUMENTS UPDATE

There has been a bunch of news in the various investigations into various constitutional officers who took documents home. Here’s my updated handy table.

	Trump	Biden	Pence
Total documents with classified markings	~325	~21 to 30	~13
Docs per year in service	81	0.625	0.92
Obstruction	Yes	None known	None known
Proof of personal knowledge	Yes	Unclear	Unclear
Trophy documents	Yes	Possible	Possible
Compiled documents	Yes	Possible	None known
Empty classified doc folders	47	None known	None known
Devices with potential classified info	2	No	No
Suspected outstanding documents	Yes	None known	None known
Percentage of homes and offices searched by FBI	<20%	50%	100%

Biden

On February 1, the FBI did a consensual search of President Biden’s Rehoboth home. No additional documents with classified marks were found, though the FBI did take some notes from Biden’s time as Vice President. Those kinds of notes are what I include among potential “trophy” documents, because they may reflect mementos.

NARA released information relating to Biden’s initial turnover of documents under FOIA. I assume they would have had to get DOJ’s permission to do so.

Pence

Mike Pence’s team announced that, after a consensual search of his Carmel, IN home, the FBI found one additional document with

classification markings and six additional pages.

The FBI discovered an additional classified document at former Vice President Mike Pence's Indiana home Friday during a voluntary five-hour search of the house, a Pence adviser said in a statement.

The adviser, Devin O'Malley, said "the Department of Justice completed a thorough and unrestricted search of five hours and removed one document with classified markings and six additional pages without such markings that were not discovered in the initial review by the vice president's counsel."

"The vice president has directed his legal team to continue its cooperation with appropriate authorities and to be fully transparent through the conclusion of this matter," O'Malley said. He also noted that Pence and his legal team had "agreed to a consensual search of his residence that took place today."

A source familiar with the search said DOJ was given unrestricted access to Pence's home, and a member of his legal team was present through its duration.

The scope of the search included looking for documents that DOJ believed might be considered original documents that should have been sent to the National Archives, the source said, which could explain the six pages of additional material that were taken.

Given those six pages, I've changed the table to reflect possible "trophy" documents, things taken as keepsakes.

Pence has another weekend home in IN that has not been searched.

Trump

Trump may have used the news of Pence's classified document as an opportunity to dump more news of his own. Multiple outlets reported that he had turned over:

- An empty folder marked "Classified Evening Briefing"
- Some additional classified files
- The laptop and thumb drive onto which digital versions of those files were copied

Here's how ABC described the new materials:

The folder with classification markings was discovered in a box with additional papers, the sources said. A copy of the box's contents was made electronically, raising the question about the existence of any additional electronic records that may be relevant to the special counsel's investigation.

ABC News has also learned that after the information was recovered, federal agents retrieved the laptop from the aide. The laptop was not retrieved on the Mar-a-Lago grounds, the sources said.

Given the position of the person reportedly involved – who works for Trump's PAC – it is possible that this person is the one who did a "compilation" of messages from a pollster, a faith leader, a book author, with two classified documents, one Secret and one Confidential.

Separately, there have been reports of at least three witnesses who have testified in the stolen document case:

- In the second week of January, Evan Corcoran appeared before the grand jury. He's the one who did the search that happened not to find the 100 documents Trump had hidden.
- Late last year DOJ reached out to Alina Habba (she is represented by the same lawyer who had represented Christina Bobb). Habba filed a declaration in a NYS case claiming to have done a diligent search of Trump's property for subpoenaed documents.
- On February 2, Tom Fitton appeared before the grand jury. Fitton, who is not a lawyer, gave Trump catastrophically stupid advice saying that a suit he filed against Bill Clinton that was unrelated meant Trump could just determine what documents he could keep.
- Robert O'Brien was subpoenaed in *both* the stolen documents and the attempted stolen election case and is asserting Executive Privilege over some matters. O'Brien would know the circumstances by which Trump was briefed, so

this could be a follow-up to
items more recently turned
over to DOJ.