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Interviewer 00:00:00

The breaking news that we're following, "Classified Government Documents Found Inside One of President Biden's Private Offices." The records dating from Biden's time as Vice President during the Obama administration. CNN Senior Justice Correspondent Evan Perez has been working the story for us, he's got the new information. Update our viewers on exactly what is going on.

Interviewee 1 00:00:21

Well, Wolf, this is a reporting from our colleague Jamie Gangel and our team. We're told that the President's legal team discovered these documents. They say it's fewer than a dozen classified documents that were discovered in an office that the President had when he was setting up an office with the University of Pennsylvania—the Penn Biden Center—here in Washington, DC. They were cleaning out this office, trying to close it out, and that's when they discovered these documents. According to the White House, there are fewer than a dozen documents. They have now turned those documents over to the National Archives, which has in turn asked the Justice Department to investigate it.

Interviewee 1 00:01:03

Now, we're told that the US Attorney in Chicago, John Lausch—who is an appointee of former President Donald Trump—is now handling a review of these documents to determine what next to do, of course, the FBI is also involved in reviewing this. And, Wolf, it's important for us to understand also that according to the White House, they say that this was obviously something that they turned over to the National Archives. I'll read you just a part of what they say, according to their statement they say, "The White House is cooperating with the National Archives and the Justice Department regarding the discovery of what appeared to be Obama-Biden administration records, including a small number of documents with classified markings." These are documents from the previous Obama-Biden administration, that it appears then Vice President Biden took with him when he was setting up this think tank with the University of Pennsylvania.

Interviewer 00:01:59

Well, do we know that Biden personally took these classified documents to that private office?

Interviewee 1 00:02:04

We do not know. We do not know who packed these documents up. You would have to assume that this is something that the Justice Department is going to be reviewing as part of this ongoing investigation right now that they're doing, because we don't know exactly how they got to this location. Of course, one of the things they're going to be investigating, Wolf, is the circumstance in which these documents were being kept at the Penn Biden Center here in Washington.

Interviewer 00:02:31

Stand by, Evan. Jamie Gangel is here. Jamie, you've been doing a lot of reporting, you got the initial report for us here on CNN, tell us some more.

Interviewee 2 00:02:38

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Well, I think just to give some context, I mean, Evan has really laid out what happened, but my sources tell me that what they believe happened was that documents that people did not realize were there— but this will come out in the investigation—went to this office along with a lot of personal documents. And when the lawyers came to clean out the offices, these were supposedly being kept in a locked closet that they found a lot of personal documents there, a lot of other research documents, and then they found a small number of documents that should have been turned over to the Archives under the Presidential Records Act, but there was a subset and those were the classified documents. I'm told there were fewer than a dozen documents, but they were classified, they were of a certain level--

Interviewer 00:03:38

Were they top secret?

Interviewee 2 00:03:40

They are under a category called SCI.

Interviewer 00:03:44

That's higher than top secret.

Interviewee 2 00:03:46

We don't know the significance, we don't know the content. They don't know what they pertain to, but absolutely, that--

Interviewer 00:03:59

SCI (Sensitive Compartmented Information), which is one of the highest classified levels of classification.

Interviewee 2 00:04:03

--that Biden's lawyers, as soon as they saw the documents, they immediately called the National Archives and said, "We found these, we want to get them to you."

Interviewee 1 00:04:13

And part of the process here, Wolf, and Jamie knows this well from our coverage of the Trump Mar-a-Lago documents, and that drama is a damage assessment that is done by the FBI to determine whether any sensitive information, any classified information—especially at the SCI level—any sources and methods, anything like that could have been damaged or exposed as a result of having these documents in a location that is from what we can tell would not have been a place that you house classified documents. And that's part of what has been the problem for former President Donald Trump, right? The idea that you have these documents, there are requirements of to how you handle them, where you put them in locked compartments, certainly to make sure that sources and methods are not exposed. That is what the US Attorney in Chicago is now doing a review of to make sure that there's no damage or what damage could have been done as a result of this.

Interviewee 2 00:05:15

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There's no question that this is in a political context following the Trump documents, but I spoke to a source who is very familiar with the documents, what happened? This is not a partisan source, this is someone who is a professional and what the person said to me is that there were two key differences in this case—one, cooperation. The Biden lawyers immediately, as soon as they found them, called them and turned them over. And the other thing they pointed out was these were a relatively small number of documents in comparison to the hundreds of documents that were found at Mar-a-Lago, but out of an abundance of caution because of the Trump documents that the Archives felt they had to refer this to the Justice Department.

Interviewer 00:06:04

Just to be precise, whoever brought those classified documents to this private Biden location committed potentially a crime.

Interviewee 2 00:06:13

So, one of the things that has happened, this is not the first time something like this has happened. Evan knows about this, you go back to past presidents, to past vice presidents, top officials, the packing is not always perfect. And I'm not saying that there isn't some responsibility here or wrongdoing, but a source of mine who's very familiar with the National Archives told me that there are dozens of these incidents over the years. A widow is going through a closet and finds documents that shouldn't be there. There is a difference in the National Archives' experience between someone making an honest mistake or bad packing and someone withholding on purpose knowing what they're taking.

Interviewee 1 00:07:05

But that said, right, I mean, I think the context that I'm certain you're going to hear in the coming hours, certainly from former President Trump's team is that you can see how he ended up where he ended up, right? That how can you prosecute—which is something obviously that is being considered by the Justice Department right now, there's actually a special counsel looking into whether to bring criminal charges in this case—how can you consider bringing charges against Donald Trump when something like this could have happened to Joe Biden? I think we have sound of current President Biden addressing the handling of classified documents and the care in which he believes they should be handled and we should listen to that. I think we have this...

Interviewee 1 00:07:55

Footage plays

Interviewer 2 00:07:55

When you saw the photograph of the top secret documents laid out on the floor at Mar-a-Lago, what did you think to yourself, looking at that image?

Interviewee 3 00:08:05

How that could possibly happen? How anyone could be that irresponsible? And I thought, what data was in there that may compromise sources and methods? By that, I mean, names of people who helped or et cetera. And it's just totally irresponsible.

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Interviewee 1 00:08:25

Totally irresponsible, and --

Interviewer 00:08:28

I just want to be precise, that was released on CBS 60 Minutes on September 18, 2022, maybe two months before they found similar documents at the Biden private office.

Interviewee 1 00:08:42

Right, exactly. The President obviously—was not according to the statement that we received from the White House—was not at the point aware of the discovery of these items, but what it will call into question is, just as the President made this mistake or someone made this mistake and transported these documents to the Penn Biden Center, just as easily someone could have done this in the case of former President Donald Trump. And the question to the Justice Department is, are you treating them differently? Obviously, the Trump investigation we know has taken a much different turn, right? You have months and months between where the Archives was asking for these documents to be returned. We know that the former President basically thought that these documents belonged to him, he considered them personal because-- [crosstalk]

Interviewer 00:09:36

And he said he could declassify just by thinking about it.

Interviewee 1 00:09:38

Right, we've heard of various explanations for why this entire process happened the way it did. So, we'll see whether the Justice Department views this case to be something that requires further investigation, whether this will become a full criminal investigation or whether they will resolve it the way they have, which is by having a review done by the Chicago US Attorney, John Lausch.