

HOW ROBERT HUR GHOSTED JOE BIDEN'S GHOST WRITER

As I've shown, Robert Hur only seriously considered charging two sets of documents with classified information found at Joe Biden's home.

First, classified entries in "diaries" that Hur persistently called "notebooks" to obscure the fact that the Presidential Records Act affirmatively excludes diaries from the statute and, presumably, to provide himself license to read through them all.

(3) The term "personal records" means all documentary materials, or any reasonably segregable portion thereof, of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term includes—

(A) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business;

Hur couldn't charge those documents because DOJ didn't charge Ronald Reagan for the classified entries in *his* diaries, which Hur always called diaries.

Then, two folders of documents pertaining to Afghanistan found in a ratty box in Biden's garage. There was no direct evidence that Biden wilfully retained these documents, only to store them in a mostly-destroyed box collecting dust. Hur's imagined motive for why Biden would – vindication that he was right about Afghanistan

– is nonsensical, given that Biden had better vindication inside a desk drawer in his house, the 40-page memo Biden sent President Obama warning him it'd be a mistake to surge troops in Afghanistan.

To make the claim Biden did willfully retain them, Hur isolated a 66-word exchange Biden had with his ghostwriter in early 2017, Dan Zwonitzer, in which Biden mentioned “classified stuff.”

So this was – I, early on, in '09-I just found all the classified stuff downstairs-I wrote the President a handwritten 40-page memorandum arguing against deploying additional troops to Iraq-I mean, to Afghanistan-on the grounds that it wouldn't matter, that the day we left would be like the day before we arrived. And I made the same argument ... I wrote that piece 11 or 12 years ago. [my emphasis]

Then he (by his own confession) *read into* eight words stripped from the context of the explicit reference to that 40-page memorandum that better vindicated Biden's judgement, repeating that “8-word utterance” over and over and over. Hur even invented an attorney-client privileged conversation that Biden's attorneys insist didn't happen to imagine that Biden knew the box was there.

But to even get to the place where Hur was reading into eight words of a 66-word utterance, he first had to get to Biden's ghost writer, Zwonitzer.

Nowhere in his 388-page report does Hur describe how – or just as importantly, *when* – that happened. Zwonitzer is not mentioned in the section that purports to provide an overview of the investigation. With the exception of a description of the five month search (though June 2023) of Biden's Speech and Debate protected records at University of Delaware, the

last date included in that overview is January 20, 2023, eight days after Merrick Garland appointed Hur. Aside from the search of those Senate documents, that section provides few details of how Hur spent over \$3 million in investigative expenses or what he did during the 384 days between January 20, 2023 and when he released the report: just the numbers of interviews he did and documents he obtained, not when those things happened. Worse still, Hur deviated from the practice set by Robert Mueller and John Durham by only providing dates for witness interviews if a given witness sat for more than one interview, which obscures his investigation still further.

Hur *doesn't* provide an overview of the investigation, he provides an overview of the discovery of classified documents, followed by a description of the classification review of them.

And in spite of the fact that Hur engaged in an 11-page declination discussion regarding Zwonitzer's attempted deletion of the audio recordings of his interviews with Joe Biden (which he did in part because he was afraid of being hacked), Hur didn't provide any dates there, except in footnotes.

FBI agents contacted Zwonitzer to request an interview and to seek records related to his work ghostwriting two of Mr. Biden's memoirs, *Promise Me, Dad* and *Promises to Keep*. Zwonitzer provided investigators records that included near-verbatim transcripts and some audio recordings. When reviewing these materials, investigators noticed that there were some transcripts for which there was no corresponding audio recording. They then learned from Zwonitzer's attorneys that, before the FBI contacted Zwonitzer, he deleted the recordings of his conversations with Mr. Biden. Zwonitzer then provided all electronic devices that contained or

were used to create the recordings and transcripts related to *Promise Me, Dad*.

[snip]

Zwonitzer gave two consensual interviews during which he provided relevant information without seeking immunity or any protections or assurances (such as a proffer agreement). Zwonitzer was forthright that he had deleted recordings. 1353 In his words, "I simply took the audio files subfolder from both the G drive and my laptop and slid them into the trash. I saved all the transcripts ..."1354 Zwonitzer believed he did this at some point during the period between the end of January 2023 and the end of February 2023. 1355 He took this action before the FBI contacted him about the investigation and requested that he produce evidence. 1356 Zwonitzer explained that at the time he did so, he was "aware" of the Department of Justice investigation of Mr. Biden's potential mishandling of classified materials. 1357

Hur describes that Zwonitzer didn't expect he'd get sucked into the investigation and when the FBI contacted him, they had no idea he had had recordings.

Zwonitzer also explained that at the time he deleted the recordings, he did not expect the investigation to involve him.1369 and he did not think the audio recordings contained information relevant to classified information.1370

[snip]

[W]hen FBI agents contacted Zwonitzer, they were unaware that audio recordings existed or where Zwonitzer's electronic devices were located.

The date Hur reached out to Zwonitzer is important. Hur had no basis to even consider that Biden willfully retained those Afghanistan documents until he read through Zwonitzer's transcripts. He describes that Zwonitzer's "cooperation was uniquely valuable as the evidence that he provided was highly probative and not otherwise obtainable." But he doesn't explicitly describe when or why that happened.

Hur interviewed Zwonitzer on July 31, 2023 and again on January 4, 2024.

The biggest hint of when he decided to call up Joe Biden's ghost writer comes in the appendix, where he reveals that he first obtained Zwonitzer's laptop and hard drive on June 29, 2023.

1B78 ³⁹	6/29/23	Zwonitzer	Silver Laptop (with power charging cord included)
1B79 ⁴⁰	6/29/23	Zwonitzer	Silver G Drive (with USB connection cord and device case included)
1B80 ⁴¹	7/5/23	Zwonitzer	Derivative Evidence – Digital copy that contains audio files and documents from 1B78 and 1B79
1B81 ⁴²	7/6/23	Zwonitzer	One (1) DVD containing digital copies of full length carved audio files from 1B79.

The evidence Hur obtained from Zwonitzer was *the last but one* piece of evidence Hur describes collecting. The last? The ratty box, which by description sat in the President's house for a year because it wasn't deemed all that important until Hur decided to do some unconvincing photo analysis to claim the box was moved to Biden's office from the house in Virginia in 2019.

1B87 ⁴³	1/22/24	Wilmington Residence	Empty, ripped cardboard box. One top flap labeled "Desk File" and the opposite flap labeled "Cabinet".
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There's no evidence that Robert Hur reached out to Zwonitzer (who by that point couldn't remember whether he attempted to delete the recordings in January or February) until after Jack Smith had already charged Trump for stolen documents on June 8, 2023, an indictment Hur cites repeatedly (and inaccurately) in his own

report.

Perhaps just as telling, Robert Hur didn't interview Zwonitzer until after CNN first reported about the role of Mark Meadows' ghost writer in that investigation on May 31, 2023.

To be clear, Hur might have decided to find Zwonitzer independently. There's a folder with materials relating to the ghost writer in that tatty box, that may explain that investigative decision. There are Vice Presidential records that mention him and even consider making him an official historian. Hur chased a theory that he could match the marked classified records found in Biden's home with passages in Biden's two books, a theory that totally failed with regards to the book Zwonitzer and Biden worked on in 2017.

But on the record Hur chooses to provide in his 388-page report, it's not clear whether he reached out to Biden's ghost writer because obvious investigative leads led there or because Jack Smith indicted Donald Trump so Hur decided to redouble his efforts to try to find a similar crime he could pin on Biden.