

Memory

Mr. Biden will likely present himself to the jury, as he did during his interview with our office, as a sympathetic, wellmeaning, elderly man with a poor memory.

While he is and must be accountable for his actions — he is, after all, the President of the United States — based on our direct observations of him, Mr. Biden is someone for whom many jurors will want to search for reasonable doubt. It would be difficult to convince a jury they should convict him — by then a former president who will be at least well into his eighties — of a serious felony that requires a mental state of willfulness.

Report from Special Counsel Robert K. Hur, February 5, 2024, which also found no evidence that Biden willfully retained classified docs