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Op/Ed: Better protocols needed to keep classified documents out of the wrong house

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After classified documents were found in former Vice President Mike Pence's residence, President Joe Biden's personal office and residence, and former President Donald Trump's personal residence, there has been a serious concern over the handling of classified documents when an administration is leaving office.

The National Archives and Records Administration (NARA) has held a long relationship with presidential administrations guiding them when they come into office and when they leave office. However, there seems to be an issue when presidents and vice presidents leave office as they are leaving with classified documents that should be going directly to the NARA.

The NARA is responsible for the handling of documents. So why are so many of them ending up in private offices or residences of former vice presidents and presidents? Recently, the discussion over the handling of classified documents has been quiet as people are grouping the cases against Pence, Biden and Trump together.

There is a world of difference between the documents held by Mike Pence, Joe Biden and Donald Trump. Unfortunately, prosecutors appointed to Trump and Biden's cases are themselves making the situations sound the same perhaps to emphasize staying unbiased.

All parties have denied any wrongdoing in the handling of these documents. However, there is a clear difference between Trump, Pence and Biden's cases.

Former President Trump's residence and golf course, Mar-A-Lago in Florida, was searched by the FBI after documents were not turned over to the National Archives. Trump had more than 300 classified documents at his golf course where numerous people come and go — itself a national security threat.

Seized documents: Classified documents found in former Vice President Mike Pence's Carmel, Indiana home

According to the filing made by the DOJ, Trump “likely concealed and removed” documents from the White House and “efforts were likely taken to obstruct the government's investigation.”

After a video of Biden criticizing Trump in an interview over his handling of classified documents, Biden’s name was found in a similar headline.

It was then revealed that there were around 10 classified documents found at President Biden’s personal office at the University of Pennsylvania and more additional classified documents found at his home in Wilmington, Delaware.

Shortly after Biden’s documents, former Vice President Mike Pence was discovered to have classified documents in his residence as well.

There is serious concern over who had access to the documents found in Trump, Biden and Pence’s personal spaces.

Trump's lawyers knew he had over 300 documents at his Mar-A-Lago resort, but they notified the national archives and assured them that they had put them in a locked secure place. The National Archives put in numerous requests that the documents be given to them as they are no longer the former president’s property.

The moment President Biden’s lawyers found the documents they contacted the National Archives and turned over all documents. They cooperated immediately with the National Archives. The same can be said of Pence as his lawyers also cooperated with the National Archives and the Department of Justice.

This is the clear difference between Trump, Pence and Biden. While these documents never should have left the White House without a clear protocol, Pence and Biden told the appropriate people once the documents were found and turned them over.

With Trump, the National Archives had to repeatedly ask for classified documents. When documents were not given, the NARA referred the matter to the DOJ and FBI leading them to subpoena Trump for the materials. Trump’s attorneys told the Justice Department “all classified documents had been returned.” After discovering there were still missing documents, the FBI searched Mar-A-Lago in August 2022.

Trump, by illegally holding these documents at his personal residence, has brought on potential obstruction charges against himself. However, there have been no obstruction charges against Pence or Biden during the searches.

When a president, vice president or any elected official leaves there is meant to be a process surrounding the handling of documents to ensure nothing leaves with the elected officials that belong to the people's archives. Clearly, in all these cases proper protocol was not followed, as now there is a serious question as to who saw all the different documents when they were moved to these other locations.

The National Archives needs to adapt its protocols around the handling of all classified documents. When an administration is leaving office, there need to be multiple representatives from the NARA to oversee what is being packed to ensure that no classified documents are leaving the White House or Washington, D.C. If the NARA does not do so, this will not be the only document scandal to occur.

Robert Weiner was a spokesman for the House Government Operations Committee, senior staff for U.S. Reps. Claude Pepper, Ed Koch, John Conyers, Charles Rangel, Sen. Ted Kennedy, and the Clinton and George W. Bush White House administrations and Drug Policy Director McCaffrey. Lexi Meola is a policy analyst at Robert Weiner Associates and Solutions for Change.