

MORE calls for Biden to be removed from office under the 25th Amendment after bombshell report detailed his 'diminished faculties' due to old age: Top Republican demands Attorney General Merrick Garland make the first move to oust the president

By Jon Michael Raasch For Dailymail.Com 10:45 EST 09 Feb 2024 , updated 12:28 EST 09 Feb 2024



- **Rep. Claudia Tenney, R-NY, sent a letter to Attorney General asking him to 'begin proceedings' to remove the president using the 25th Amendment**
- **Department of Justice investigator wrote Biden has a 'poor memory' in report**
- The 25th Amendment enables top federal officials to remove the president
- READ MORE: [Biden's own DOJ says he is an 'elderly man with a poor memory'](#)

New York Republican Rep. Claudia Tenney sent a letter to Attorney General [Merrick Garland](#) demanding that he 'begin proceedings' to remove President Joe Biden under the 25th Amendment after a bombshell report highlighted Biden's mental challenges.

[The Department of Justice released its long-awaited investigation](#) into [Joe Biden](#)'s mishandling of classified documents Thursday, delivering a damning assessment of the president's 'diminished faculties' and limited memory.

Special Counsel Robert Hur described him as 'a sympathetic, well-meaning, elderly man with a poor memory,' and that 'it would be difficult to convince a jury that they should convict him' for retaining classified documents.

He ultimately recommended no charges be brought against Biden, sparking outrage from [conservatives](#) for a 'double standard' as [Donald Trump](#) faces 40 criminal counts for his own mishandling of classified materials.

Tenney wrote a letter to Attorney General Merrick Garland Thursday stating that the 'alarming' findings in the report signal that Biden should be 'charged' unless he's not 'mentally competent to stand trial.'

Garland should 'begin proceedings to remove the President pursuant to the 25th Amendment of the United States Constitution,' Tenney said in the letter obtained by DailyMail.com.

The 25th Amendment, which outlines presidential succession, gives the vice president and Cabinet power to remove the commander in chief from office via a majority vote in the event it's determined he or she is no longer fit for office.

Congresswoman Tenney calls for Biden's removal under 25th

Amendment



Rep. Claudia Tenney sent a letter to Attorney General Merrick Garland saying he should begin proceedings to remove the president from office under the 25th Amendment



President Joe Biden held a chaotic press conference Thursday night to dispel doubts about his 'poor memory' and 'diminished faculties'

It has never been invoked in U.S. history.

'Being unable to remember what position he held, and when, is exceptionally concerning,' she went on referring to Hur's recount that Biden couldn't recall when he served as vice president.

'Being unable to remember when one's child died - even within a time frame of several years - is perhaps more frightening.'

Biden struggled to remember when his son Beau died in an interview as part of the investigation, according to Hur.

Tenney's letter, however, is just one strike in a salvo of Republican demands that Biden be removed by the 25th following Hur's report.

'That [report] does not describe someone who should be the

Commander in Chief of our armed forces and the defender of American freedoms,' Sen. Rick Scott, R-Fla., [wrote on X](#) in reaction to the report. 'It's time for his cabinet to invoke the 25th Amendment.'

Scott was the first top elected official to call for using the Constitution to oust the president Thursday.

Rep. [Marjorie Taylor Greene](#), R-Ga., also piled on his call to use the 25th Amendment to remove Biden.



Some of Biden's classified documents were stored the floor of his garage



Hur wrote Biden is unlikely to get convicted by a jury because he appears as 'a sympathetic, well-meaning, elderly man with a poor memory'



In addition to the classified documents discovered at Biden's Wilmington home, investigators also discovered classified documents stored at his Washington, D.C. office

Congress of the United States
House of Representatives
Washington, DC 20515

February 8th, 2024

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530-0001

Dear Attorney General Garland:

I write to you today with grave concerns regarding the confidential report provided to you by Special Counsel Robert K. Hur. After concluding that President Biden knowingly and willfully removed, mishandled, and disclosed classified documents repeatedly over a period of decades, Mr. Hur nevertheless recommended that charges not be brought against him.

Special Counsel's reasoning was alarming. He recited numerous instances in which President Biden exhibited dramatically compromised mental faculties and concluded that a jury would be likely to perceive President Biden as a sympathetic and forgetful old man.

I need not tell you that selective prosecution is morally, ethically, and legally prohibited. We don't prosecute or decline to prosecute people based on their personalities, or on the public's anticipated perception of them. If Special Counsel finds that the evidence forms a reasonable basis to bring charges, he must do so. The Department of Justice cannot ethically bring charges against former president Trump because he has mental acuity and a forceful personality and decline to bring charges against President Biden because of his cognitive decline. President Biden needs to be charged.

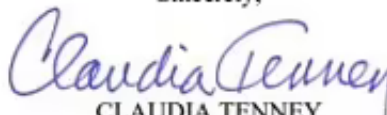
Unless he is not mentally competent to stand trial.

Candidly, the Special Counsel's report makes a reasonable case that he is not. Being unable to remember what position he held, and when, is exceptionally concerning. Being unable to remember when one's child died - even within a time frame of several years - is perhaps more frightening. He may not be competent to stand trial.

And he most assuredly lacks the ability to execute his presidential responsibilities. Accordingly, it is incumbent upon you to begin proceedings to remove the President pursuant to the 25th Amendment of the United States Constitution.

President Biden needs to be charged, or he needs to be removed. There is no middle ground.

Sincerely,


CLAUDIA TENNEY
Member of Congress

'The Special Counsel's report exposing that Joe Biden's mental decline is

so severe that he can not stand trial means he is unfit for office,' she wrote on X.

'We must demand either the 25th amendment be invoked or impeachment,' the GOP firebrand continued.

Another House Republican, Rep. Mary Miller of Illinois, similarly called for Biden's Cabinet to take action.

'For the safety of our nation, Joe Biden must resign. He could not remember basic facts about his life,' she [posted on X](#). 'He is not competent to remain as Commander-in-Chief & every day that he remains, he puts America at risk.'

'If he won't resign, the Cabinet must invoke the 25th Amendment.'

Missouri Republican Sen. Josh Hawley also chimed in, [writing on X](#) that it's 'time for the 25th Amendment.'

Following the report, Biden decided to do a hasty press conference to strike down the claims about his mental state Thursday night.

'I know what the hell I'm doing! My memory has not gotten worse. My memory is fine. Take a look at what I have done since becoming president,' he said indignantly.

'No one thought I could pass any of the things I got passed. How did that happen? I guess I just forgot what was going on...'

The president later took a question about the humanitarian situation in Gaza.

Biden botched the answer, and the identification of a world leader, calling Egypt's Abdel Fattah El-Sisi the President of Mexico.

Former President Trump, meanwhile, is facing a 40-count indictment of

his handling of classified documents at his [Florida](#) home, Mar-a-Lago. Trump pleaded not guilty to all charges in June.

Trump is facing decades in prison if he is found guilty, and Special Counsel Jack Smith - the lead prosecutor in the case - recently [interviewed additional witnesses](#) to bolster his case against the former president.

The Republican-led House Judiciary Committee [posted on X](#) that the decision was a 'double standard.'

'Special Counsel Robert Hur recommends no criminal charges against President Biden in classified documents case. Despite the fact that Hur acknowledges Biden willfully retained and disclosed classified materials after his vice presidency when he was a private citizen,' the committee wrote.

House Intelligence Committee Chairman Mike Turner, R-Ohio, also bashed Hur's recommendation.

'There is clearly a two-tiered system of justice in Attorney General Merrick Garland's Department of Justice,' he wrote.

'President Biden willfully hoarded classified information from his decades in the Senate and time as Vice President, yet Special Counsel Robert Hur has decided not to recommend charges against him.'



Florida Republican Sen. Rick Scott said that it is time to invoke the 25th Amendment against president Joe Biden



Special Counsel Robert Hur recommended that President Biden not be charged for his illegal mishandling of classified documents at his Delaware home and Washington, D.C. office

Republican Missouri Sen. Markwayne Mullin posted on X: 'The special counsel report confirms that Biden 'willfully retained and disclosed classified materials' for years before he entered the White House.'

'Meanwhile, Trump's Mar-a-Lago home was raided by the FBI and he's facing a weaponized DOJ. A clear two-tiered system of justice.'

The House Judiciary Chairman Rep. Jim Jordan, R-Ohio, wrote 'Today's report from Robert Hur tells us two things: There's a double standard of justice in this country. And Joe Biden isn't fit for office.'

Even Trump's political rival, Nikki Haley, said the double standard between Biden's and Trump's cases was 'glaring.'

'Both Joe Biden and Donald Trump were reckless with classified documents,' the presidential hopeful wrote.

'If Biden's defense is old age and forgetfulness, Trump can easily make the same claim. Trump should quickly hire Biden's lawyers.'