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TO: Public

FROM: The Oversight Project

DATE: March 17, 2025

RE: Autopen And Biden's Mental Decline

INTRODUCTION

The United States Constitution vests numerous powers in one man and one man alone—the President of the United States. These powers include signing or vetoing bills,¹ signing or vetoing orders, resolutions, or certain legislative votes,² nominating and commissioning Officers,³ and granting reprieves and pardons.⁴ In all of these instances, the President's personal action is required, *i.e.*, *he* “shall” perform some action. These mandates are exclusive to the President.

¹ U.S. Const. art. I, § 7, cl. 2 (Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; *If he approve he shall sign it*, but if not he shall return it, with his Objections to that House in which it shall have originated” (emphasis added)).

² U.S. Const. art. I, § 7, cl. 3 (“Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, *shall be approved by him*, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives” (emphasis added)).

³ U.S. Const. art. II, § 2, cl. 2) (“He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; *and he shall nominate*, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for” (emphasis added)).

⁴ U.S. Const. art. II, § 2, cl. 1 (“The President . . . *shall have Power to grant* Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.” (emphasis added)).

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Therefore, it is well established that the President cannot delegate these decisions to anyone.⁵ The President affixing his wet signature not only signifies consent, but *is* the legally required act.⁶

But what happens when the President himself does not manually sign documents that exercise powers that belong only to him? What happens if he uses a proxy, or Administration staff uses a machine or technology to automatically affix the President's signature to documents that fulfill his constitutional duties of bicameralism and presentment or issue pardons? And most critically, how does that analysis change when the President lacks the mental and physical capacity to fulfill the duties of his Office or is under mental or physical impairment?

At its core, the longstanding historical practice that the President affix his wet signature to Acts of Congress and clemency warrants stems from the interconnected issues of authority and authenticity. The Constitution vests the execution of Executive powers, the signing of bills into law, and the awarding of pardons and clemency in one person—the President. He is “the only person who alone composes a branch of government.”⁷ He may solicit advice and information,

⁵ See, e.g., *Relation of the President to the Executive Department*, 7 Op. Att’y Gen. 453, 464–65 (1855) (“But, if the direction of the President to the executive departments be assumed generally, or at least, in the general statutes of organization, may there not still be cases of distinction in which, by the Constitution or by statute, specific things must be done by the President himself or by Heads of Departments? Such cases do undoubtedly exist, and any view of the subject which omits to consider them, must be partial, defective, imperfect. We begin with examples of acts performably by the President, as prescribed by the Constitution.”); *Presidential Succession and Delegation in Case of Disability*, 5 Op. O.L.C. 91, 94 (1981) (“As early as 1855, Attorney General Cushing articulated the general rule that the functions vested in the President by the Constitution are not delegable and must be performed by him.”); *id.* at 94–95 (listing non-delegable functions).

⁶ At the founding to affix one's actual signature to a document was termed to affix one's “sign manual.” See, e.g., *Marbury v. Madison*, 5 U.S. (1 Cranch) 160–61 (1803) (“But in all cases of letters patent, certain solemnities are required by law, which solemnities are the evidences of the validity of the instrument. A formal delivery to the person is not among them. In cases of commissions, the sign manual of the President, and the seal of the United States, are those solemnities.”). That is still the technical usage. This Memorandum uses the more modern usage of a “wet signature.” A wet signature can also be referred to as an “autograph signature.”

⁷ *Trump v. United States*, 144 S.Ct. 2312, 2329 (2024).

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but the final decision and responsibility rests solely on his shoulders. Since the founding of the United States, a key check to ensure that the acts of a unitary Executive are *actually* his, is the requirement that important official documents bear his wet signature. That is not a pure ministerial requirement—but a core safeguard against fraud and usurpation of authority.⁸ After all, when dealing with the President, one *wants* stringent safeguards against fraud and usurpation of authority (even if they add a little extra work) precisely *because* he is “the President of the United States, clothed with immense power.”⁹

The Oversight Project is conducting an on-going review of public documents discharging non-delegable Presidential powers containing former President Joseph R. Biden’s signature. In this Memorandum, we conclude that individuals in the Biden Administration other than the President appear to have used a device called an autopen to affix the President’s signature onto some of the most controversial clemency warrants of his Presidency.¹⁰ Our conclusion is based on an analysis of suspicious documentation. For example, we uncovered two identical autopen signatures that were affixed to multiple acts of clemency. We have identified them as Autopen A and Autopen B, the relevance of which is explained below.

The Biden Administration’s autopen use raises grave constitutional, legal, and pragmatic questions. How widespread was autopen use in the Biden White House? Given President Biden’s mental and physical decline while in Office, to what extent was he aware of the use of the autopen? Who in the Biden White House had access and authorization to use the autopen? These and other

⁸ The requirement of a wet signature to prevent fraud is well known to everyday Americans when they take out a mortgage or even open certain bank accounts.

⁹ Doris Keans Goodwin, *TEAM OF RIVALS* 687 (2005).

¹⁰ A clemency warrant is the legal mechanism by which the President issues a pardon or commutes a prison sentence. By affixing his signature to a warrant, the President exercises his constitutional duties to issue pardons or other acts of clemency. *See* U.S. Const. art. II, § 2, cl. 1.

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questions surrounding the use of the autopen in the Biden White House can help yield answers to the ultimate question: Who was actually running the Country for the past four years?

This Memorandum begins to answer some of these questions, and raises additional issues for further investigation. First, this Memorandum examines the Biden Administration's use of the autopen in the exercise of the non-delegable Presidential power to issue clemency in light of President Biden's deteriorating mental state throughout his Presidency. Second, we conduct a legal analysis to explain why *under any view of the law*, the use of the autopen to affix President Biden's signature raises profound legal questions because of his diminished mental capacity. Third, this Memorandum provides an action plan to fully investigate the Oversight Project's alarming initial findings that many of the most controversial actions of the Biden Presidency have autopenned signatures. Further stages in the Oversight Project's investigation include filing additional Freedom of Information Act requests, conducting a forensic examination, and continuing further legal, historical, and factual research.

I. METHODOLOGY AND CLEMENCY WARRANT AUTOPEN USE STATISTICS

On March 6, 2025, the Oversight Project announced our investigation into Biden Administration's use of the autopen.¹¹ We make several common-sense assumptions when conducting our analysis in this Memorandum. We assume that variations in the signatures across multiple documents are indicia of a wet signature. Hand signed documents will have variations in writing style, letter construction, pen pressure, angle of the signature, and location of the signature from document to document. Autopenned documents, on the other hand, will have uniform writing style, letter construction, pen pressure, and angle of signature. The only significant variable for an autopenned document is where the signature itself is affixed in the document—namely where the

¹¹ @OversightPR X (Mar. 6, 2025), <https://x.com/OversightPR/status/1897726502156091716>.

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operator of the autopen places the piece of paper under the pen held by the machine to allow the machine to write the signature on the document.¹²

We analyzed the 51 clemency warrants with President Biden's signature on them. In those warrants, the Biden Administration granted clemency to 4,245 people—the most of any President.¹³ We found that the Biden White House used two variations of his signature loaded into an autopen to sign *over half* of the clemency warrants issued during his Presidency. We identified the two autopen signatures as Autopen A and Autopen B in this Memorandum. We calculated that the Biden Administration signed 16 warrants with Autopen A, 16 warrants with Autopen B, and 19 warrants appear to be signed with a wet signature. The warrants we determined to be wet signatures contain significant variations between the signatures. Some warrants spell out the President's entire first name "Joseph." Others have only a diagonal line to indicate the letter "J." Other wet signed warrants have significant variations in the President's middle initial "R" and "B" in the last name "Biden." At the time of publication of this Memorandum, the variations of the wet signatures are so severe, that it is unclear whether the same person signed all of the warrants. We are continuing to investigate this issue.

We are reviewing additional official documents containing President Biden's signature. We reviewed Executive Orders and other documents in the Federal Register bearing President Biden's signature. We found the signatures on those records were identical and appear to be digital signatures of an autopen signature. In addition, we visited the National Archives to facilitate

¹² Minor variations can occur due to pen choice or minor variations in pressure.

¹³ John Gramlich, *Biden Granted More Acts of Clemency Than Any Prior President*, Pew Research (Feb. 7, 2025), <https://www.pewresearch.org/short-reads/2025/02/07/biden-granted-more-acts-of-clemency-than-any-prior-president/> (last visited March 17, 2025).

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review of enrolled copies of bills and Executive Orders President Biden signed into law. That review is on-going.¹⁴

II. HISTORICAL BACKGROUND OF WHITE HOUSE COVERUPS OF PRESIDENTIAL DECLINE

History is replete with examples of Presidents and those around them covering up medical conditions that prevented Presidents from discharging their duty.¹⁵ In the most egregious of these

¹⁴ Under the Presidential Records Act, Presidential records may be restricted from public access for up to five years after the end of an Administration, as outlined in 44 U.S.C. § 2204(a).

¹⁵ President James Garfield was shot on July 2, 1881 and “for the next eight days wavered between life and death” until his eventual demise on September 19, 1881. John D. Feerick, *The Twenty-Fifth Amendment* 8–9 (3d ed. 2014). President Garfield was bedridden and isolated by his doctors. *Id.* His only official act was “the signing of an extradition paper on August 10.” *Id.* at 9. As Attorney General Nicholas deB Katzenbach testified, “the country was left without leadership and decisions were made, to the extent that they were made at all, in a questionable manner.” *S. J. Res. 1 et al.: Hearing Before the Subcomm. On Const. Amends. of the S. Jud. Comm.*, 89 Cong. 9 (1965) (prepared statement of A.G. Katzenbach).

President Grover Cleveland underwent a secret surgery for a cancerous tumor in his mouth in July of 1893. The White House was so determined to cover up the fact of the operation, (fearing it would impact a Special Session of Congress called to implement a key campaign promise, repealing the Silver Purchase Act), that it risked conducting the operation on a private yacht in Long Island Sound. The President was incapacitated for five days. There was a subsequent press coverup, and when confronted with leaked information, outright lies and intimidation of the press. See Matthew Algeo, *The President Is a Sick Man: Wherein the Supposedly Virtuous Grover Cleveland Survives a Secret Surgery at Sea and Vilifies the Courageous Newspaperman Who Dared Expose the Truth* 53 (Chicago Review Press 2011).

Starting in 1944, President Franklin D. Roosevelt’s illness forced him to miss weeks at a time during his Presidency and re-election campaign unbeknownst to the American People. See Crispell, Kenneth R., & Carlos F. Gomez, *Hidden Illness in the White House* 75 (Duke Univ. Press 1988). In fact, a leak from an Army physician concerning President Roosevelt’s health during and after the 1944 Election was investigated by the Federal Bureau of Investigation even though there was no statutory basis to conduct a federal investigation. *Id.* at 111–13 The FDR Administration went to great lengths to hide the President’s illness, even eschewing federal law to do so, including the unexplained “disappearance of Roosevelt’s medical records from [a] Navy facility” *Id.* at 118. The terribly disconcerting fact is that President Roosevelt and his advisers knew he was dying and concealed that fact from the American People as he ran for, and was elected to, a fourth term.

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examples, that of President Woodrow Wilson, this practice allowed his wife, Edith Wilson, and senior Presidential advisors to govern the Country in his name.

In September and October of 1919, President Wilson suffered two massive strokes that left him incapacitated through the rest of his Presidency.¹⁶ During this period, the President's wife, Edith Wilson, and the President's physician, repeatedly lied about the President's condition to the press, the President's own Cabinet, foreign leaders, Congress, and even for a considerable period of time, the Vice President.¹⁷ During this period:

Mrs. Wilson made the remarkable decision that Woodrow Wilson would continue as president and that she would do all she could, as a doctor suggested, to keep the burden of government from hindering his recovery. Slowly she took over the reins of government and attempted to run things as best she could, her ultimate goal being not to take on the power of government, but to protect her husband.¹⁸

Many fundamental needs of government—from the signing of bills to the setting of policy—were thus ignored.¹⁹ For example, in the fall and winter of 2019 alone, 28 bills became law without the President's signature because of a lack of response.²⁰

When Edith Wilson and her enablers did act, it appears that in at least some instances Edith Wilson “did sign documents” for the President.²¹ Due to the isolation in which President Wilson

Among the many medical conditions President John F. Kennedy hid from the American People was his habitual consumption of narcotics that had side effects of irrational judgement and paranoia. See Robert Dallek, *An Unfinished Life: John F. Kennedy, 1917-1963* 576 (Little, Brown & Co. 2003)).

¹⁶ See Crispell, Kenneth R., & Carlos F. Gomez, *Hidden Illness in the White House* 67–68 (Duke Univ. Press 1988).

¹⁷ *Id.* at 69–74.

¹⁸ *Id.* at 71.

¹⁹ William Hazelgrove, *Madam President* 113–14 (Regenery History 2016) (recounting matters held for President's recovery) (“*Madam President*”).

²⁰ Rebecca Boggs Roberts, *Untold Power* 181 (Viking 2023) (“*Untold Power*”).

²¹ See *Madam President* at 109, 140. Even when President Wilson did sign, history paints an alarming picture. President Wilson's valet Ike Hoover recounted: “Finally, when it could no longer be delayed some matters of importance requiring his signature were read to him and with a

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was kept and the lack of records, historians will never know the extent of this usurpation of Presidential power.²² In an egregious instance, there is substantial evidence that Edith Wilson and the President's Secretary exercised President Wilson's non-delegable power to veto the Volstead Act without President Wilson's knowledge.²³

Perniciously, the President's physician told the Secretary of State he would "never certify that the President was disabled" and when President Wilson had a moment of lucidity and considered resigning, convinced the President to remain in Office.²⁴

Ultimately, while the damage from the end of President Wilson's Presidency was minimized by the fact that Edith Wilson and her co-conspirators sought to *downsize* the Presidency (*contra* those closest to President Biden seeking to *expand* it), there is no dispute the entire affair was a full-blown constitutional crisis. Attorney General Attorney Katzenbach's indictment is as chilling as it is damning: "the country was left without leadership and decisions were made, to the extent that they were made at all, in a questionable manner."²⁵

III. WHY IS THE BIDEN ADMINISTRATION APPARENT AUTOPEN USE A PROBLEM?

Our findings suggest widespread use of an autopen to sign clemency warrants throughout the Biden Presidency. This apparent use raises concerns about: whether President Biden personally authorized each official act; whether or which unelected staff controlled the autopen device; and whether they acted with his approval. These concerns are amplified by substantial

pencil, his hand steadied and pointed, he would sign where the hand had been placed. I saw many of these signatures and they were but mere scribbles compared to his normal signature." *Id.* (internal quotation and citation omitted).

²² *Id.* at 108–109.

²³ See *Untold Power* at 181–182; *Madam President* at 108.

²⁴ *Id.* at 71, 72–73.

²⁵ *S. J. Res. 1 et al.: Hearing Before the Subcomm. On Const. Amends. Of the S. Jud. Comm.*, 89 Cong. 9 (1965) (prepared statement of A.G. Katzenbach).

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public evidence of President Biden's cognitive decline during his term. In a related vein, the apparent autopen use raises questions as to whether the autopen was used to hide evidence of decline that may be apparent in President Biden's handwriting.

A. President Biden's Cognitive Decline.

There are many examples of President Biden's decline *during* his Presidency that merit concern.

Start with perhaps the most significant. Special Counsel Robert K. Hur declined to recommend prosecution of President Biden for the mishandling of classified information even though he believed he had enough evidence to present the case to a jury to convict in large part because President Biden would "likely present himself to the jury, as he did during his interview with our office, as a sympathetic, well-meaning, elderly man with a poor memory" with "diminished faculties."²⁶ Special Counsel Hur reached these conclusions based on his own interviews of President Biden and a review of audio recordings of interviews President Biden conducted with his ghostwriter in 2017.²⁷

Turn to President Biden's debate performance, where the vast majority of the American people first saw the extent of President Biden's mental decline for themselves. No longer could the Biden Administration conceal his decline through management and vicious attacks on any that dared speak the reality.²⁸ After the debate, President Biden's public appearances and press

²⁶ *Report on the Investigation into Unauthorized Removal, Retention, and Disclosure of Classified Documents Discovered at Locations Including the Penn Biden Center and the Delaware Private Residence of President Joseph R. Biden Jr.*, at 219, 248. (Feb. 2024), <https://www.justice.gov/storage/report-from-special-counsel-robert-k-hur-february-2024.pdf>.

²⁷ *Id.* at 5.

²⁸ *See, e.g.*, Yasmeen Abutaleb, Tyler Pager, & Aaron Schaffer, *Debate Brings Scrutiny of Whether Aides Shielded Signs of Biden's Age*, Wash. Post (July 7, 2024) <https://www.washingtonpost.com/politics/2024/07/07/white-house-aides-biden-age/> (last visited Mar. 17, 2025)

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accounts suggested that he was suffering progressive mental and physical decline that was accelerating. Several articles chronicled the apparent (albeit contested by the White House and its allies) decline based on public reporting and interviews with insiders.²⁹ Several notable instances stand out in this and subsequent reporting.

- **June 13–15, 2024 G7 Summit.** Accounts reflect that foreign leaders and officials repeatedly raised major concerns with President Biden's conduct, may have acted to "shield" him from press scrutiny during his off-moments, and even that one "senior European official" said he could not "imagine" placing President Biden in a room with Russian President Vladimir Putin.³⁰
- **July 11, 2024 NATO Press Conference.** President Biden introduced Ukrainian President Volodymyr Zelenskyy as President Putin at a preceding event causing "loud gasps in the audience."³¹ During the press conference itself, President Biden referred to Vice President Harris as Vice President Trump and misstated a key jobs number.³² The video is as striking as it is sad.³³

²⁹ See, e.g., Peter Baker, David E. Sengar, Zoloan Kanno-Youngs, & Katie Rogers, *Biden's Lapses are Said to Be Increasingly Common and Worrisome*, N.Y. Times (July 22, 2024) <https://www.nytimes.com/2024/07/02/us/politics/biden-lapses.html> (last visited Mar. 17, 2025) ("*Biden's Lapses*"); Yasmeen Abutaleb, Josh Dawsey, Maria Sacchetti, John Hudson, Dan Diamond, *Biden's Aging is Seen as Accelerating; Lapses Described as More Common*, Wash. Post (July 5, 2024), <https://www.washingtonpost.com/politics/2024/07/05/biden-aging-recent-months> (last visited Mar. 17, 2025) ("*Biden's Aging*").

³⁰ See *Biden's Lapses*.

³¹ Anthony Zurcher, *Biden Stands Defiant on Critical Night-But Gaffes Mar Fightbacks*, BBC (July 11, 2024), <https://www.bbc.com/news/articles/cgl75kdm420o> (last visited Mar. 17, 2025).

³² Editorial Board, *Biden Remains in Denial. He Needs to Come to Grips with Reality*, Wash. Post (Oct. 16, 2024), <https://www.washingtonpost.com/opinions/2024/07/12/biden-win-intervention-democrats> (last visited Mar. 17, 2025).

³³ See *Biden Accidentally Introduces Ukraine's Zelensky as 'President Putin'*, WSJ News (2024), https://www.youtube.com/watch?v=jX_MPzkSEI0 (last visited Mar. 17, 2025); *Biden Refers to VP Harris as Trump in Press Conference*, Bloomberg Television (2024), <https://www.youtube.com/watch?v=fYmrtvsyDS0> (last visited Mar. 17, 2025).

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- **July 16, 2024 Las Vegas Speech.** President Biden flubbed a “basic feature” of his plan to fight rent increases.³⁴
- **September 21, 2024 Press Conference With the Indian Prime Minister.** “Biden was supposed to introduce Prime Minister Narendra Modi in Wilmington, Delaware. He instead became confused and appeared to think he was waiting for a question from reporters. An announcer then introduces Modi following an uncomfortable pause.”³⁵

More recently, the specter of government by autopen proxy became front page news when *The Wall Street Journal* released a piece discussing White House insiders detailing how the Presidency was run by everyone *but* President Biden.³⁶

IV. SIGNATURE ANALYSIS OF CLEMENCY WARRANTS AND OTHER DOCUMENTS

President Biden issued the most pardons and criminal commutations of any modern President, granting relief to 4,245 individuals. The Biden Administration granted clemency to these individuals through 51 separate warrants. We found that the Biden White House used two variations of his signature loaded into an autopen to sign 32 of the 51 warrants issued during his Presidency. We identified the two autopen signatures as Autopen A and Autopen B in this Memorandum. We calculated that the Biden Administration signed 16 warrants with Autopen A, 16 warrants with Autopen B, and 19 warrants appear to be signed with a wet signature.

³⁴ Daniel Marans, *Joe Biden Messed Up Key Policy Details in Las Vegas Speech*, HuffPost (July 17, 2024), (last visited Mar. 17, 2025).

³⁵ Anders Hagstrom, *Biden Loses Track of Event, Yells “Who’s Next?” at Press Conference with India PM*, Fox News, (Sept. 22, 2024), <https://www.foxnews.com/politics/biden-loses-track-event-yells-whos-next-press-conference-india-pm> (last visited Mar. 17, 2025).

³⁶ See Annie Linskey et al., *How the White House Functioned With a Diminished Biden in Charge*, WSJ (Dec. 19, 2024), <https://archive.is/DEsb4> (last visited Mar. 17, 2025).

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To reiterate the pardon power is exclusive to the President and the President only. The Constitution is clear: “The President . . . shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.”³⁷ As the Supreme Court has explained, “[t]o the executive alone is intrusted the power of pardon”³⁸ The Pardon power has long been held non-delegable.³⁹

A. Comparison of Autopen A and Autopen B

We reviewed the signatures of all 51 clemency warrants signed during the Biden Administration.⁴⁰ Thirty-two of them contained autopen signatures: 16 contained Autopen A signatures, and 16 contained Autopen B signatures. We identified key differences between the Autopen A and Autopen B signatures. For President Biden’s first name, Joseph, Autopen A contains a visible space between the “p” and “h” whereas in Autopen B, the pen does not come off the paper when writing the “p” and “h.” For President Biden’s middle initial, “R” the shape of the upper oval of the R is different between the two signatures, and the period next to the middle initial

³⁷ U.S. Const. art. II, § 2, cl. 1 (emphasis added).

³⁸ *United States v. Klein*, 80 U.S. (13 Wall.) 128, 147 (1871).

³⁹ *See, e.g., Relation of the President to the Executive Department*, 7 Op. Att’y Gen. at 464–65 (“Thus it may be presumed that he, the man discharging the presidential office, and he alone, grants reprieves and pardons for offences against the United States, not another man, the Attorney General or anybody else, by delegation of the President.”); *Presidential Succession and Delegation in Case of Disability*, 5 Op. O.L.C. at 94 (“A study prepared by this Office in the 1950s reaches the same conclusions. This study and our research suggest that the following are nondelegable functions of the President: . . . 4. The power to grant pardons. U.S. Const. Art. II, §2, cl. 1.”); *United States v. Batchelor*, 22 C.M.R. 144, 155 (Ct. Mil. App. 1956) (“It is the general rule that this pardon power is nondelegable and cannot be shared with another person or official when the power is granted in terms similar to those used in our Constitution.”).

⁴⁰ The Department of Justice, Office of the Pardon Attorney publishes the signed copies of clemency warrants online. They are housed on two websites, one containing pardons, and one containing commutations, available at <https://www.justice.gov/pardon/pardons-granted-president-joseph-biden-2021-present> and <https://www.justice.gov/pardon/commutations-granted-president-joseph-biden-2021-present>. We conducted our analysis based on the signatures of these warrants.

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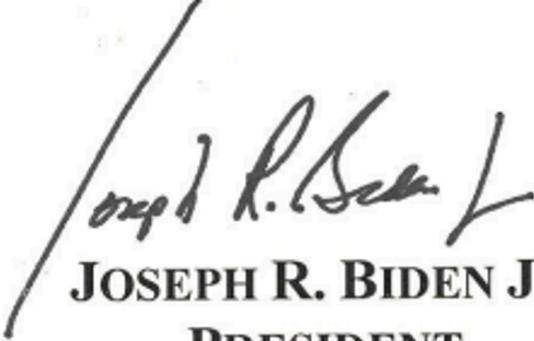
is in a different spot in the two signatures. For President Biden's last name, the "B" in Biden is shaped differently in the two signatures and the name is written out differently. Finally, the "Jr."

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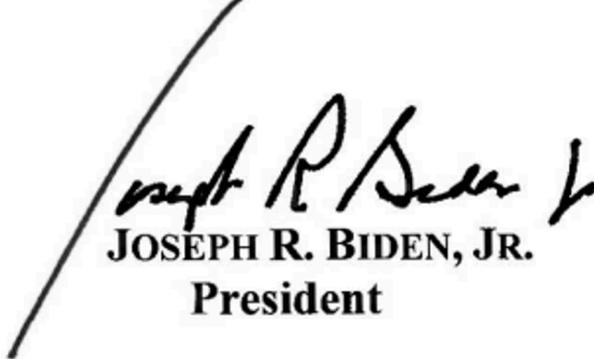
at the end of the signature is different in both of them, with the “Jr” being much larger in Autopen A than Autopen B.

AUTOPEN A



JOSEPH R. BIDEN JR.
PRESIDENT

AUTOPEN B



JOSEPH R. BIDEN, JR.
President

B. Autopen A

Our analysis found that the Biden Administration signed 16 of 51 clemency warrants with Autopen A. We determined that Autopen A appeared on the signatures of the following clemency warrants:

- **June 13, 2022:** Commutation for Brittany Krambeck⁴¹
- **December 30, 2022:** Pardon of Gary Parks Davis⁴²
- **December 30, 2022:** Pardon of Edward Lincoln De Coito III⁴³
- **December 30, 2022:** Pardon of Vicente Ray Flores⁴⁴
- **December 30, 2022:** Pardon of Beverly Ann Ibn-Tamas⁴⁵
- **December 30, 2022:** Pardon of Charlie Byrnes Jackson⁴⁶
- **December 30, 2022:** Pardon of John Dix Nock III⁴⁷
- **April 28, 2023:** Commutation for 31 individuals⁴⁸
- **September 14, 2023:** Pardon of Amin Hasanzadeh⁴⁹
- **September 14, 2023:** Pardon of Reza Sarhangpour Kafrani⁵⁰
- **September 14, 2023:** Pardon of Kaveh Lotfolah Afrasiabi⁵¹
- **September 14, 2023:** Commutation for Mehrdad Ansari⁵²
- **September 14, 2023:** Commutation for Kambiz Attar Kashani⁵³
- **December 22, 2023:** Commutation for 11 individuals⁵⁴
- **December 12, 2024:** Pardon of 39 individuals⁵⁵
- **December 12, 2024:** Commutation for 1,499 individuals⁵⁶

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⁴¹ Exec. Grant of Clemency, Brittany Krambeck, Off. of the Pardon Att’y, U.S. Dep’t of Just. (June 13, 2022), <https://www.justice.gov/pardon/page/file/1513756/dl?inline> (last visited Mar. 17, 2025).

⁴² Exec. Grant of Clemency, Gary Parks Davis, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 30, 2022), <https://www.justice.gov/pardon/page/file/1560146/dl?inline> (last visited Mar. 17, 2025)

⁴³ Exec. Grant of Clemency, Edward Lincoln De Coito III, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 30, 2022), <https://www.justice.gov/pardon/page/file/1560126/dl?inline> (last visited Mar. 17, 2025).

⁴⁴ Exec. Grant of Clemency, Vincente Ray Flores, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 30, 2022), <https://www.justice.gov/pardon/page/file/1560141/dl?inline> (last visited Mar. 17, 2025).

⁴⁵ Exec. Grant of Clemency, Beverly Ann Ibn-Tamas, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec 30, 2022), <https://www.justice.gov/pardon/page/file/1560096/dl?inline> (last visited Mar. 17, 2025).

⁴⁶ Exec. Grant of Clemency, Charlie Byrnes Jackson, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 30, 2022), <https://www.justice.gov/pardon/page/file/1560131/dl?inline> (last visited Mar. 17, 2025).

⁴⁷ Exec. Grant of Clemency, John Dix Nock III, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 30, 2022), <https://www.justice.gov/pardon/page/file/1560136/dl?inline> (last visited Mar. 17, 2025).

⁴⁸ Exec. Grant of Clemency, 31 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 28, 2023), <https://www.justice.gov/pardon/page/file/1581916/dl?inline> (last visited Mar. 17, 2025).

⁴⁹ Exec. Grant of Clemency, Amin Hasanzadeh, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 14, 2023), <https://www.justice.gov/pardon/media/1314921/dl?inline> (last visited Mar. 17, 2025).

⁵⁰ Exec. Grant of Clemency, Reza Sarhangpour Kafrani, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 14, 2023), <https://www.justice.gov/pardon/media/1314916/dl?inline> (last visited Mar. 17, 2025).

⁵¹ Exec. Grant of Clemency, Kaveh Lotfolah Afrasiabi, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 14, 2023), <https://www.justice.gov/pardon/media/1314911/dl?inline> (last visited Mar. 17, 2025).

⁵² Exec. Grant of Clemency, Mehrdad Ansari, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 14, 2023), <https://www.justice.gov/pardon/media/1314931/dl?inline> (last visited Mar. 17, 2025).

⁵³ Exec. Grant of Clemency, Kambiz Attar Kashani, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 14, 2023), <https://www.justice.gov/pardon/media/1314936/dl?inline> (last visited Mar. 17, 2025).

⁵⁴ Exec. Grant of Clemency, 11 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 11, 2023), <https://www.justice.gov/pardon/media/1330171/dl?inline> (last visited Mar. 17, 2025).

⁵⁵ Exec. Grant of Clemency, 39 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 12, 2024), <https://www.justice.gov/pardon/media/1380206/dl?inline> (last visited Mar. 17, 2025).

⁵⁶ Exec. Grant of Clemency, 1,499 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 12, 2024), <https://www.justice.gov/pardon/media/1380216/dl?inline> (last visited Mar. 17, 2025).

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We uncovered additional inaccuracies with the clemency awards issued with Autopen A. Every clemency document contains the same affirmations: “In testimony whereof, I have hereunto *signed* my name and *caused* the seal of the Department of Justice to be affixed.”⁵⁷ They read further “done at the City of Washington this [Day] of [Month] in the year of our Lord Two thousand and Twenty-[year] and of the Independence of the United States the Two hundred and Forty-[year].” This statement is doubly inaccurate for all autopenned clemency warrants—the President did not sign. Rather, at best, he caused his signature—like the Department’s seal—to be affixed. This statement is inaccurate for the pardons issued on December 30, 2022. President Biden was on vacation in the United States Virgin Islands from December 27 through December 31, 2022. On the 30th, the day he “signed” the pardons, President Biden was golfing with his grandson on the island of St. Croix.⁵⁸

⁵⁷ *Supra*, nn. 41–56 (emphasis added).

⁵⁸ Darlene Superville, *Biden makes 1st public appearances during St. Croix vacation*, KSAT (Dec. 30, 2022), <https://www.ksat.com/news/politics/2022/12/30/1st-golf-outing-for-biden-during-us-virgin-islands-vacation/> (last visited Mar 17, 2025).

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C. Autopen B

Our analysis found that the Biden Administration signed 16 of 51 clemency warrants with Autopen B. We determined that Autopen B appeared on the signatures of the following clemency warrants:

- **April 24, 2024:** Pardons of 11 individuals⁵⁹
- **April 24, 2024:** Commutations for 5 individuals⁶⁰
- **December 23, 2024:** Commutations for 37 out of 40 individuals on federal death row⁶¹
- **January 17, 2025:** Commutations for 2,490 individuals across three warrants
 - **Warrant 1**⁶²
 - **Warrant 2**⁶³
 - **Warrant 3**⁶⁴
- **January 19, 2025 Pardons**
 - **Warrant 1:** Members of Congress who served on the Select Subcommittee to Investigate the January 6th Attack on the United States Capitol (“Select Committee”); the staff of the Select Committee, as provided by House Resolution 503 (117th Congress); and the police officers from the D.C. Metropolitan

⁵⁹ Exec. Grant of Clemency, 11 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 24, 2024), <https://www.justice.gov/pardon/media/1349401/dl?inline> (last visited Mar. 17, 2025).

⁶⁰ Exec. Grant of Clemency, 5 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 24, 2024), <https://www.justice.gov/pardon/media/1349391/dl?inline> (last visited Mar. 17, 2025).

⁶¹ Exec. Grant of Clemency, 37 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 23, 2024), <https://www.justice.gov/pardon/media/1382291/dl?inline> (last visited Mar. 17, 2025).

⁶² Exec. Grant of Clemency, 24 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Jan. 17, 2024), <https://www.justice.gov/pardon/media/1385596/dl?inline>, (last visited Mar. 17, 2025).

⁶³ Exec. Grant of Clemency, 533 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Jan. 17, 2024), <https://www.justice.gov/pardon/media/1385591/dl?inline> (last visited Mar. 17, 2025).

⁶⁴ Exec. Grant of Clemency, 1,790 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Jan. 17, 2024), <https://www.justice.gov/pardon/media/1385601/dl?inline> (last visited Mar. 17, 2025).

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Police Department of the U.S. Capitol Police who testified before the Select Committee⁶⁵

- **Warrant 2:** Dr. Anthony Fauci⁶⁶
- **Warrant 3:** General Mark Milley⁶⁷
- **Warrant 4:** James Biden, Sara Jones Biden, Valerie Biden Owens, John T. Owens, and Francis W. Biden⁶⁸
- **Warrant 5:** Gerald G. Lundergan⁶⁹
- **Warrant 6:** Ernest William Cromartie⁷⁰
- **Warrant 7:** Darryl Chambers, Marcus Mosiah Garvey (posthumous), Ravidath Ragbir, Don Leonard Scott, Jr, and Kemba Smith Pradia⁷¹
- **January 19, 2025 Commutations**
 - Leonard Peltier⁷²
 - Robin Peoples and Michelle West⁷³
 - Kimberly Robinson, Shawndale Saunders, Keith Seigle, and Shaddy Whitaker⁷⁴

D. Wet Signed Documents

During our review, we analyzed signatures on the other clemency warrants, and other documents bearing President Biden's signature. We based our determination that these documents

⁶⁵ Exec. Grant of Clemency, Jan. 6th Select Committee Member and Staff et al., Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025),

<https://www.justice.gov/pardon/media/1385751/dl?inline> (last visited Mar. 17, 2025).

⁶⁶ Exec. Grant of Clemency, Dr. Anthony S. Fauci, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385746/dl?inline> (last visited Mar. 17, 2025).

⁶⁷ Exec. Grant of Clemency, General Mark A. Milley, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385741/dl?inline> (last visited Mar. 17, 2025).

⁶⁸ Exec. Grant of Clemency, James Biden, Sara Jones Biden, Valerie Biden Owens, John T. Owens, and Francis W. Biden, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385756/dl?inline> (last visited Mar. 17, 2025).

⁶⁹ Exec. Grant of Clemency, Gerald G. Lundergan, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385761/dl?inline> (last visited Mar. 17, 2025).

⁷⁰ Exec. Grant of Clemency, Ernest William Cromartie, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385766/dl?inline> (last visited Mar. 17, 2025).

⁷¹ Exec. Grant of Clemency, Darryl Chambers, Marcus Mosiah Garvey (posthumous), Ravidath Ragbir, Don Leonard Scott, Jr, and Kemba Smith Pradia, Off. of the Pardon Att'y, U.S. Dep't of

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were wet signed based on the wide variance in signature from document to document. They are nothing alike. Some signatures are underlined, others are not. In some documents, President Biden's first name Joseph is spelled out completely, others have just a diagonal line to signify J. Some documents contain no middle initial and the ones that do have wide variations in the shape of the "R" for President Biden's middle initial. Some signatures have periods near the middle initial, others not. The shape of the "B" in Biden varies from document to document. The only thing these signatures have in common is that the reader can discern that they are a written form of "Joseph R. Biden" because they are written in ink below the former President's name on a letter or clemency warrant.

1. President Biden's Letter Dropping out of the 2024 Presidential Election.

On July 21, 2024, President Biden released on X a letter announcing his withdrawal from the 2024 Presidential Election.⁷⁵ The signature on the letter bears distinct differences from other signatures we reviewed. For example, the signature does not write out the President's first name, "Joseph," but rather has a slanted line to serve as the first name. In addition, the "B" in Biden is not connected at the top of the stem of the letter. Finally, the signature is underlined. This signature bears marked differences from President Biden's signatures on other official documents

Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385771/dl?inline> (last visited Mar. 17, 2025).

⁷² Exec. Grant of Clemency, Leonard Peltier, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385776/dl?inline> (last visited Mar. 11, 2025).

⁷³ Exec. Grant of Clemency, Robin Peoples & Michelle West, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385781/dl?inline> (last visited Mar. 17, 2025).

⁷⁴ Exec. Grant of Clemency, Kimberly Robinson, Shawndale Saunders, Keith Seigle & Shaddy Whitaker, Off. of the Pardon Att'y, U.S. Dep't of Just. (Jan. 19, 2025), <https://www.justice.gov/pardon/media/1385786/dl?inline> (last visited Mar. 17, 2025).

⁷⁵ Joe Biden (@JoeBiden), X (July 21, 2024), <https://x.com/JoeBiden/status/1815080881981190320>.

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and the signatures in Autopen A and Autopen B. These differences have led us to conclude that President Biden likely hand signed his withdrawal letter.

Signature Announcing President Biden's Dropping out of the 2024 Presidential Election

I believe today what I always have: that there is nothing America can't do – when we do it together. We just have to remember we are the United States of America.

A handwritten signature in black ink, appearing to read "Joe Biden". The signature is written at an angle, slanted upwards from left to right. The word "Biden" is underlined.

2. The Pardon of Robert Hunter Biden.

President Biden pardoned his son Hunter on December 1, 2024 for a decades-long crime spree after repeatedly assuring the American People he would not do so. The signature on that pardon is unique from Autopen A and B. The signature fully spells out the name “Joseph” in a manner inconsistent with Autopen A and B. The pen appears to have run out of ink, or otherwise did not operate correctly due to human operation when writing the letter “B” in Biden. The signature includes the word “Jr.” at the end and is partially underlined. Finally, the handwriting is at an angle to the paper. Given the differences between this signature and the signature on the letter announcing President Biden dropped out of the 2024 Presidential Election, we conclude this pardon was likely hand signed.

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Signature on Hunter Biden Pardon

Done at the City of Washington this 1st day of December in the year of our Lord Two Thousand and Twenty-four and of the Independence of the United States the Two Hundred and Forty-ninth.




JOSEPH R. BIDEN, JR.
President

3. Other Wet Signed Clemency Warrants

In total, we assessed that 19 clemency warrants appear to bear a wet signature. The variations between these signatures are so significant that we cannot conclude with absolute confidence that they were even signed by the same person. We are continuing to investigate that key fact. We have concluded that the following clemency warrants were wet signed, in addition to the Hunter Biden pardon:

- **April 25, 2022:** Commutation for Konstantin Yaroshenko⁷⁶
- **April 26, 2022:** Pardon of Abraham W. Bolden Sr.⁷⁷
- **April 26, 2022:** Pardon of Betty Jo Bogans⁷⁸
- **April 26, 2022:** Pardon of Dexter Eugene Jackson⁷⁹
- **April 26, 2022:** Commutation for 75 Individuals⁸⁰

⁷⁶ Exec. Grant of Clemency, Konstantin Yaroshenko, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 25, 2022), <https://www.justice.gov/pardon/page/file/1497681/dl?inline> (last visited Mar. 17, 2025).

⁷⁷ Exec. Grant of Clemency, Abraham W. Bolden Sr., Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 26, 2022), <https://www.justice.gov/pardon/page/file/1497676/dl?inline> (last visited Mar. 17, 2025).

⁷⁸ Exec. Grant of Clemency, Betty Jo Bogans, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 26, 2022), <https://www.justice.gov/pardon/page/file/1497666/dl?inline> (last visited Mar. 17, 2025).

⁷⁹ Exec. Grant of Clemency, Dexter Eugene Jackson, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 26, 2022), <https://www.justice.gov/pardon/page/file/1497671/dl?inline> (Mar. 17, 2025).

⁸⁰ Exec. Grant of Clemency, 75 Individuals, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Apr. 26, 2022), <https://www.justice.gov/pardon/page/file/1497661/dl?inline> (Mar. 17, 2025).

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- **June 22, 2022:** Commutation for Bashir Noorzai *aka* Basheer Ahmad *aka* Haji Bashir Noorzai⁸¹
- **September 30, 2022:** Commutation for Efrain Antonio Campos Flores⁸²
- **September 30, 2022:** Commutation for Franqui Francisco Flores de Freitas⁸³
- **December 12, 2022:** Commutation for Viktor Bout⁸⁴
- **December 20, 2023:** Pardon of Alex Nain Saab Moran⁸⁵
- **July 26, 2024:** Pardon of Vadim Konoshchenok⁸⁶
- **July 26, 2024:** Commutation for Roman Seleznev⁸⁷
- **July 26, 2024:** Commutation for Vladislav Klyushin⁸⁸
- **September 12, 2024:** Commutation for Xiaolei Wu, *aka* Xiaole Wu⁸⁹
- **November 22, 2024:** Commutation for Yanjun Xu⁹⁰
- **November 22, 2024:** Commutation for Shanlin Jin⁹¹
- **November 22, 2024:** Commutation for Ji Chaoqun,⁹² and

⁸¹ Exec. Grant of Clemency, Bashir Noorzai *aka* Basheer Ahmad *aka* Haji Bashir Noorzai, Off. of the Pardon Att’y, U.S. Dep’t of Just. (June 22, 2022),

<https://www.justice.gov/pardon/media/1249681/dl?inline> (Mar. 17, 2025).

⁸² Exec. Grant of Clemency, Efrain Antonio Campos Flores, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 30, 2022), <https://www.justice.gov/pardon/media/1249671/dl?inline> (last visited Mar. 17, 2025).

⁸³ Exec. Grant of Clemency, Franqui Francisco Flores de Freitas, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 30, 2022), <https://www.justice.gov/pardon/media/1249666/dl?inline> (last visited Mar. 17, 2025).

⁸⁴ Exec. Grant of Clemency, Viktor Bout, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 12, 2022), <https://www.justice.gov/pardon/media/1264076/dl?inline> (last visited Mar. 17, 2025).

⁸⁵ Exec. Grant of Clemency, Alex Nain Saab Moran, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Dec. 20, 2022), <https://www.justice.gov/pardon/media/1330116/dl?inline> (last visited Mar. 17, 2025).

⁸⁶ Exec. Grant of Clemency, Vadim Konoshchenok, Off. of the Pardon Att’y, U.S. Dep’t of Just. (July 26, 2024), <https://www.justice.gov/pardon/media/1362926/dl?inline> (last visited Mar. 17, 2025).

⁸⁷ Exec. Grant of Clemency, Roman Seleznev, Off. of the Pardon Att’y, U.S. Dep’t of Just. (July 26, 2024) <https://www.justice.gov/pardon/media/1362931/dl?inline> (last visited Mar. 17, 2025).

⁸⁸ Exec. Grant of Clemency, Vladislav Klyushin, Off. of the Pardon Att’y, U.S. Dep’t of Just. (July 26, 2024) <https://www.justice.gov/pardon/media/1362936/dl?inline> (last visited Mar. 17, 2025).

⁸⁹ Exec. Grant of Clemency, Xiaolei Wu, *aka* Xiaole Wu, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Sept. 12, 2024), https://www.justice.gov/d9/2024-09/wu_clemency_warrant.pdf (last visited Mar. 17, 2025).

⁹⁰ Exec. Grant of Clemency, Yanjun Xu, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Nov. 22, 2024), <https://www.justice.gov/pardon/media/1378491/dl?inline> (last visited Mar. 17, 2025).

⁹¹ Exec. Grant of Clemency, Shanlin Jin, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Nov. 22, 2024), <https://www.justice.gov/pardon/media/1378496/dl?inline> (last visited Mar. 17, 2024).

⁹² Exec. Grant of Clemency, Ji Chaoqun, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Nov. 22, 2024), <https://www.justice.gov/pardon/media/1378501/dl?inline> (last visited Mar. 17, 2024).

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- **January 16, 2025:** Commutation for of Kahn Mohammed.⁹³

Below, we compare five random clemency warrants we determined to be wet signed. We reproduce below the commutations for 57 individuals on April 26, 2022, the commutation for Efrain Antonio Campos Flores on September 30, 2022, the pardon of Alex Nain Saab Moran on December 20, 2023, the pardon of Vadim Konoshchenok on July 26, 2024, and the commutation for Kahn Mohammed on January 16, 2025. We selected these signatures because they run the duration of the Biden Administration and because they are so different from each other. For example, in some documents, the signature does not write out the name “Joseph” (*e.g.*, the April 26, 2022 and Moran warrants) whereas in others (like the Flores and Konoshchenok warrants) the signature does. In addition, note the subtle differences in the letter “B” in Biden between these documents. They are different from each other, and further different than the uniform letter characteristics of the other documents reviewed in this memo. Finally, the date of the pardons is handwritten in with the same pen and writing style as the signatures for those with a handwritten date.

April 26, 2022 Commutations for 75 Individuals

Flores Commutation

⁹³ Exec. Grant of Clemency, Kahn Mohammed, Off. of the Pardon Att’y, U.S. Dep’t of Just. (Jan. 16, 2025), <https://www.justice.gov/pardon/media/1386021/dl?inline> (last visited Mar. 17, 2025).

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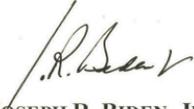
It's Your Government!

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused the Commutation to be recorded with the Department of Justice.

IN TESTIMONY WHEREOF I have hereunto signed my name and caused the seal of the Department of Justice to be affixed.



Done at the City of Washington this 26th day of April in the year of our Lord Two Thousand and Twenty-two and of the Independence of the United States the Two Hundred and Forty-sixth.


JOSEPH R. BIDEN, JR.
President



Done at the City of Washington this ~~thirtieth~~ day of ~~September~~ in the year of our Lord Two Thousand and Twenty-Two and of the Independence of the United States the Two Hundred and Forty-Seventh.

JOSEPH R. BIDEN, JR.
PRESIDENT

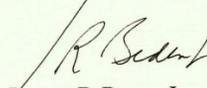


Moran Pardon

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused the seal of the Department of Justice to be affixed.



Done at the City of Washington this 15th day of December in the year of our Lord Two thousand and Twenty-three and of the Independence of the United States the Two hundred and Forty-eighth.

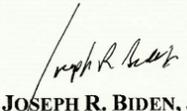

JOSEPH R. BIDEN, JR.
PRESIDENT

Konoshchenok Pardon

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused the Pardon to be recorded with the Department of Justice.



Done at the City of Washington this 26th day of July in the year of our Lord Two thousand and Twenty-four and of the Independence of the United States the Two hundred and Forty-ninth.

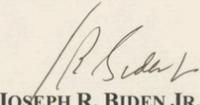

JOSEPH R. BIDEN, JR.
PRESIDENT

Mohammed Commutation

IN TESTIMONY WHEREOF, I have hereunto signed my name and caused the Commutation to be recorded with the Department of Justice.



Done at the City of Washington this 11th day of January in the year of our Lord Two Thousand and Twenty-five and of the Independence of the United States the Two Hundred and Forty-ninth.


JOSEPH R. BIDEN JR.
PRESIDENT

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V. Legal Analysis of Autopen Use

If President Biden's non-delegable official actions were not his own, then they are invalid.

Start with the Constitution. Multiple Constitutional provisions, like the pardon power, vest those powers *solely* in the President. In those cases, the President affixing his signature is his execution of the acts as President.

The Founding Fathers contemplated these issues when writing the Constitution. For example, Article I, Section 7, Clause 2 of the Constitution lays out the role of the President to sign or veto legislation. Early debates at the Constitutional Convention concerning this provision made it clear that regardless of the structure of the Executive Branch, the *President* would maintain a necessary affirmative approbation of legislation presented to him.⁹⁴ The act of the President affixing his signature manually to a bill *is* his consent and is the very act that causes a bill to become law; it is in no way ministerial.⁹⁵ Until he signs, there *is* no law.⁹⁶

The use of the autopen to affix the President's signature has been justified by the modern Administrative State through tortured Constitutional interpretation, asking the wrong core questions, and deliberately ignoring contrary authority. Thus, the Department of Justice's Office of Legal Counsel ("OLC") in 2005 reversed their longstanding interpretation that had seen bills flown around the world for the President's wet signature and has opined that the President may

⁹⁴ NOTES ON DEBATES IN THE FEDERAL CONVENTION OF 1787 REPORTED BY JAMES MADISON 46 (1987).

⁹⁵ See, e.g., *La Abra Silver Min. Co. v. United States*, 175 U.S. 423, 454 (1899) ("But the essential thing to be done in order that a bill may become a law by the approval of the President is that it be signed within the prescribed time after being presented to him."); *The President and the Autopen: It is Unconstitutional for Someone of Something to Sign a Bill Outside of the President's Presence*, 17 J. Tech. L. & Pol'y 83, 92–93 (2012) (arguing in light of the text of the Constitution and *La Abra* that [b]ecause it is the President's signature and not his mere approval, that gives a bill force of law" that signature cannot be a ministerial act).

⁹⁶ See, e.g., *La Abra*, 175 U.S. at 454 ("a bill when so signed becomes from that moment law").

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even autopen bills.⁹⁷ This opinion is wrong. But even that erroneous opinion was clear that “[w]e emphasize that we are not suggesting that the President may delegate the decision to approve and sign a bill, only that, having made this decision, he may direct a subordinate to affix the President’s signature to the bill.”⁹⁸ Thus, the Biden Administration’s use of the autopen may well have been contrary even to the most permissive interpretation of the law. In this light, the key issues associated with any auto-penned document involving a non-delegable decision that only the President can make under the Constitution are two-fold: (1) whether or not President Biden made the decision; and (2) whether or not President Biden, having made the decision, then directed a subordinate to affix his signature to the document at issue. Again, this is a concept well known to everyday Americans. Even though in some instances the law permits ministerial acts to be delegated, one must be competent to act, and that requirement protects all against fraud (including the individual in question).⁹⁹

⁹⁷ See *Whether the President May Sign a Bill by Directing That His Signature Be Affixed to It*, 29 O.L.C. 97 (2005); *id.* at 123 (discussing bills being flown “halfway around the world”).

⁹⁸ *Id.* at 97; see also *id.* at 155 (“We do not suggest that the President may delegate the decision whether to “approve[]” and “sign” a bill. U.S. Const. art. I, § 7, cl. 2. It has long been the view of the Executive Branch that the President may not delegate this decision.”); *id.* (collecting authorities). Even in *Rosemond v. Hudgins*, where the Fourth Circuit stated in a historical *dicta* that a pardon need not be reduced to writing, the Fourth Circuit cited as established law that the pardon power was exclusive and personal to the President and could only be exercised by him. *Rosemond v. Hudgins*, 92 F.4th 518, 525–27 (4th Cir. 2024). Even further afield is the Memorandum for the Attorney General, from Alfred A. Wheat, Office of the Solicitor General, *Re: Signature of the President Upon Commissions of Presidential Postmasters* at 2–3 (Dec. 9, 1926), which opined without any analysis whatsoever that the President need not wet sign a pardon warrant, but did *not* call into question in anyway the fact that the decision must be made personally by the President or the history of the President executing clemency under his wet signature.

⁹⁹ Mental capacity is a critical factor in the enforceability of contracts under U.S. law, as individuals lacking sufficient capacity—due to conditions like cognitive decline or mental illness—may void or rescind agreements to protect them from exploitation, as outlined in contract law treatises. The doctrine of contractual incapacity, rooted in common law and codified in various jurisdictions, holds that a contract is unenforceable if a party lacks the mental capacity to understand its nature and consequences. See, e.g., *Farnsworth on Contracts* by E. Allan

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Put differently, the Biden Administration's apparent rampant use of the autopen reveals the very reason that OLC's 2005 Opinion is erroneous at its core. Once the requirement for a wet signature is dispensed with, an important safeguard against fraud is removed, and an historically lawless Administration combined with a cognitively impaired President leads to the exact situation we are in—no one can be sure what actions President Biden *actually* authorized. That flaw is precisely why Donald J. Trump recently made clear he always wet signed bills and pardons—the risks of introducing the autopen at all are too much to bear with minimal return. Flying bills around the world works and will continue to work.¹⁰⁰

The Oversight Project's investigation and litigation efforts have brought the issues of President Biden's mental decline into the national spotlight. For example, we have explained in several pending cases before the District Court for the District of Columbia, that key readily available evidence of President Biden's decline is the audio of Special Counsel Robert K. Hur's interview of President Biden for criminal violations of classified records retention.¹⁰¹ These cases raise serious questions about competence, the type of which we would never get into in a sane or prudent Administration.

Farnsworth, § 4.6, at 295–300 (4th ed. 2019). Incapacity renders contracts voidable, a protection against fraud or undue influence, particularly for those under guardianship or with severe cognitive impairments. *See e.g.*, Williston on Contracts by Samuel Williston & Richard A. Lord, § 10:1, at 486–492 (4th ed. 2020).

¹⁰⁰ *White House Remains Mum on Use of Autopen to Sign Legislation*, Fox News (June 26, 2011), <https://www.foxnews.com/politics/white-house-remains-mum-on-use-of-autopen-to-sign-legislation> (last visited Mar 17, 2025) (“George W. Bush thought about a test case—using the autopen to sign a minor bill into law—‘but in the end Bush just kept signing the parchment himself’ said Ari Fleischer, the former White House press secretary.”).

¹⁰¹ *See, e.g., The Heritage Foundation et al. v. U.S. Dep’t of Just.*, 24-cv-0700 (TJK) (D.D.C.); *The Heritage Foundation et al. v. U.S. Dep’t of Just.*, 24-cv-645 (DLF) (D.D.C.).

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VI. FURTHER ANALYSIS AND CONCLUSION

The Biden Administration's use of an autopen to apply his signature to acts of clemency raises profound legal questions. On March 14, the *New York Post* published an article raising the fundamental question of whether President Biden authorized use of the autopen to sign acts of clemency. The article stated:

The Biden aide, who did not respond to requests for comment, would frequently make mention of what “the boss” wanted, the source said, but compatriots would have “no idea” if it was true because the internal culture was to not ask questions.

“I feared no one as much as I feared that [staffer]. To me, [the staffer] basically was the president,” the person said. “No one ever questioned [the staffer]. Period.”

“Everyone” was suspicious of this individual exceeding their authority when claiming to speak for the president, the source said. “But no one would actually say it.”

“I think [the aide] was using the autopen as standard and past protocol,” The Post's informant said.

“There is no clarity on who actually approved what — POTUS or [the aide].”¹⁰²

President Trump raised this issue at a March 14, 2024 press conference, saying Presidential use of the autopen to sign documents exercising powers solely held by the President is “disrespectful to

¹⁰² Steven Nelson, *Biden Sources Suspect Key Aide May Have Used Autopen*, N. Y. Post (Mar. 14, 2025), <https://nypost.com/2025/03/14/us-news/trump-establishes-far-more-restrictive-autopen-rules-as-biden-aides-murmur-about-possible-misuse/> (last visited Mar. 17, 2025).

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the office” and “maybe it’s not even valid.”¹⁰³ This investigation is vital. We propose several action items to further this investigation:

- Follow-up on existing FOIA requests for the underlying OLC and DOJ opinions on autopen signatures, and for any records related to autopen usage during the Biden Administration and file additional FOIA requests as needed.
- Cross reference every document signed by President Biden and his location when he ostensibly executed that document. This information could then be presented to the public in an easily digestible electronic format. This process is underway.
- Conduct a factual analysis of whether there is any evidence that President Biden in fact putatively “direct[ed] a subordinate to affix the President’s signature” to autopen documents.¹⁰⁴
- Consider contracting forensic signature experts to provide professional analysis for every legally significant signature during President Biden’s term.
- Research on the legal consequences of President Biden’s diminished mental capacity on the laws and orders he putatively signed with an eye towards possible legal challenges to any actions determined to be invalid. This research should include a comprehensive historical review of applicable precedents. The necessary research is being planned and is underway.

¹⁰³ Charlie Kirk (@charliekirk11), X (Mar. 14, 2025), <https://x.com/charliekirk11/status/1900643941390995851>.

¹⁰⁴ *Whether the President May Sign a Bill by Directing That His Signature Be Affixed to It*, 29 O.L.C. at 97.