



Written by [Staff](#) on December 5, 2016

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## Correction, Please

### Comey Didn't Persecute Clinton

**Item:** Writing for the New York Times for July 5, 2016, under the headline "F.B.I. Director James Comey Recommends No Charges for Hillary Clinton on Email," Mark Landler and Eric Lichtblau reported that Comey's decision not to recommend indictment was a foregone conclusion, saying, "For weeks, F.B.I. agents expected the investigation would not yield charges. They shared Mr. Comey's conclusion that Mrs. Clinton had showed poor judgment but that she had not committed a crime."

**Item:** In a July 7, 2016 Los Angeles Times "political commentary" piece entitled "Hillary Clinton pays a price for 'extreme carelessness' with emails," David Horsey makes the case that Clinton has been sufficiently punished for her "carelessness" by both the censure she received from Comey and the negative reporting on her illicit use of the private server which "put top-secret information at risk." He wrote:

Hillary Clinton is relieved that the Justice Department is not going to indict her for using private email servers that put top-secret information at risk. That is a bit like a bull rider at a rodeo feeling happy the raging animal broke two of his legs, smashed six ribs and crushed his skull but didn't kill him. Sure, the worst didn't happen, but neither Hillary nor the bull rider is walking away unscathed.

**Item:** When Comey reopened the investigation into the Clinton e-mail scandal after thousands of classified Clinton e-mails were found on the laptop belonging to disgraced former congressman Anthony Weiner, the Los Angeles Times ran an article entitled "FBI says emails found in Anthony Weiner's sexting scandal may have links to Clinton inquiry." The article, written by Del Quentin Wilber and Evan Halper and dated October 29, 2016, said:

Just as Hillary Clinton appeared to be cruising to election day with the wind at her back, the FBI rattled the presidential race Friday by announcing it is again probing emails that might be related to her private server, rekindling a politically damaging controversy for Clinton and reinvigorating Republicans scrambling to hold on to congressional seats.

Besides ridiculing Donald Trump for calling the scandal "bigger than Watergate," the article also went further in insinuating that the renewed investigation was politically motivated by quoting Senator Dianne Feinstein (D-Calif.) as saying, "The FBI has a history of extreme caution near election day so as not to influence the results. Today's break from that tradition is appalling."

**Item:** When Comey closed the renewed investigation only nine days after reopening it, the Los Angeles Times ran an article under the headline "FBI clears Clinton after round-the-clock review of new emails, Comey says." The article continued the trend of insinuating that the investigation was little more than a right-wing witch-hunt designed to throw the election into a tizzy and deny Clinton her fair chance to win the White House. Written by David Lauter and Del Quentin Wilber and dated November 6, the article presents the accusations of "many prominent Democrats" as the established truth, saying:

But the news from the FBI seems unlikely to calm the anger of many Democrats who have called for Comey to resign. His announcement that the emails had been discovered had violated Justice Department rules designed to prevent investigative actions from influencing elections, many prominent Democrats have said.



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*Lauter and Wilber continue in that same vein by writing, “The fact that Comey is a Republican, however, coupled with a seeming deluge of leaks damaging to Clinton from current or former FBI agents in recent days, has caused concern among many Democrats.” Echoing the message of other liberal media, they assert that the lack of recommendation to indict was a foregone conclusion, since there is nothing to indict, writing, “The substance of Comey’s announcement was not surprising — although the timing was.”*

*Carrying that idea even further, they describe Comey’s second announcement not to recommend indictment by writing, “Nine days after rocking the presidential race with word that a new trove of emails had been discovered, Comey sent a brief letter to Capitol Hill that, in effect, put an end to the renewed controversy,” and quote the Clinton campaign’s communications director, Jennifer Palmieri, as saying, “We are glad this matter is resolved.”*

**Correction:** The oft-repeated claim of media that there was never any real chance that Clinton would, should, or even *could* be indicted is based on dishonesty and wishful thinking. The two reasons usually given are that Clinton did nothing criminal because she never *intended* anything criminal and that the FBI agents who investigated the case believed Clinton was careless, but not criminal.

Lichtblau’s piece in the *New York Times* is typical of this approach. His claims that “F.B.I. agents expected the investigation would not yield charges” and that “they shared Mr. Comey’s conclusion that Mrs. Clinton had showed poor judgment but that she had not committed a crime” is out of step with reality. It is also demonstrably false. During a radio interview with John Catsimatidis, former assistant FBI director James Kallstrom said that the Clintons are a “crime family” and that Hillary is a “pathological liar.” He also said that the investigation — which twice failed to produce a recommendation for indictment — was hindered by the leadership of the FBI, not the agents who investigated the case. Those agents, he said, “are furious with what’s going on, I know that for a fact.”

His claim is backed up by some strong evidence. Though part of the plea deal with Clinton associates in testifying about the scandal included an agreement that the laptop computers they turned over would be destroyed, it has been reported that the agents who were ordered to carry out that destruction refused to do so. If the agents who conducted the investigation expected no charges and agreed that Clinton had done nothing criminal, why would they refuse a direct order to destroy what they would view as evidence of criminal wrongdoing? In a case of the left hand not knowing what the other left hand is doing, Lauter and Wilber wrote in the *Los Angeles Times* that “current or former FBI agents” were responsible for “a seeming deluge of leaks” which were “damaging to Clinton.” Are these the same agents who “shared Mr. Comey’s conclusion” that Clinton “had not committed a crime”?

Another tactic of the liberal media is to paint a sympathetic picture of Clinton as the victim of a political witch-hunt who has already paid more than enough for her “carelessness.” This is what Horsey attempts in his *Los Angeles Times* article. The picture that ran with that article is a cartoon showing Clinton as a poor woman oppressed by a puritanical society. In the cartoon, Clinton is branded with a scarlet letter “E” for e-mail. By comparing Clinton — who was still in the race and stood a good chance of winning the White House, according to the polls at the time — to a maimed bull rider, Horsey is going for the sympathy vote. Never mind that Clinton broke multiple federal laws, risked national security, and lied — to the American people and Congress — about it. She didn’t really *mean* to do anything wrong, and — *gosh!* — she has already paid so dearly.



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After Comey closed the investigation the first time and refused to recommend indictment, the liberal media acted as if that were proof positive that she had done nothing wrong. Once thousands of Clinton e-mails — including classified e-mails — were found on Weiner's laptop and Comey was forced to reopen the investigation, the liberal media ramped up its defense of their anointed candidate by attacking Comey as a political hack. After all, wasn't this already settled? The slant of Wilber and Halper in their *Los Angeles Times* piece is more than a little over the top. It at once assumes that Clinton was "cruising to election day with the wind at her back" and that Comey's renewed investigation would be responsible if that wind should shift. After all, "the FBI rattled the presidential race" by paying attention to new evidence and daring to reopen the investigation. In reality, the FBI would have been derelict had it simply ignored the newly discovered evidence simply because it was politically inconvenient. Of course, the FBI's very job is to investigate crimes, whether or not there are political elements involved. One can imagine the outrage from both the liberal media and liberal politicians if the FBI refused to investigate a crime involving a prominent Republican just because he was running for the White House.

In his piece with Lauter, Wilber reworked the phrase "rattled the presidential race" to read, "rocking the presidential race." The idea is the same: How dare the FBI investigate Clinton when she is so close to winning?

And while the liberal media attempted to brush aside as ridiculous Trump's assertion that this scandal is "bigger than Watergate," the truth is that Nixon was forced to resign for that scandal. He had the DNC offices bugged; she shared classified information with multiple parties who lacked security clearances. He erased a few minutes of tape; she deleted more than 30,000 e-mails and wiped her server with the powerful open-source *BleachBit* software after receiving a subpoena for those e-mails and that server. Nixon disgraced his office over partisan politics; Clinton risked national security over what continues to look more and more like her attempt to hide some very serious crimes. William F. Jasper's article on page 17 covers just some of those crimes she may have been attempting to hide. Bigger than Watergate? Only in the way that a bowling ball is bigger than a marble.

Lauter and Wilber cite unnamed "prominent Democrats" as complaining that Comey "had violated Justice Department rules designed to prevent investigative actions from influencing elections," without listing any evidence that Comey attempted to influence the election.

After spending months stumping for Clinton to win both the democratic nomination and the election, the liberal mainstream media, including the *New York Times* and the *Los Angeles Times*, pretended — almost from the beginning — that there was nothing criminal about her mishandling of classified information via her unsecured, private e-mail server and account. While taking her to task for "carelessness," the liberal mainstream media pulled up short of calling her actions what they were: criminal. That Clinton broke the law is not a matter of opinion; the law is clear.

Running through all of the reporting by the liberal media is the idea that at every step of the way, the entire case was considered closed. Clinton was claimed to be exonerated. Declared innocent. The issue was settled. The reporting is peppered with phrases such as "put an end to the renewed controversy" and "this matter is resolved." In reality, though, the issue is not settled. Comey's twice-refusal to recommend indictment does not set aside the fact the Clinton broke the law. While Clinton's defenders in the liberal media — supported by Comey — pretend that intent to break the law is necessary for guilt, they all admit she acted with negligence, but the law doesn't make a distinction between negligence



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and violating the law, regardless of intent.

18 U.S. Code 793, which is part of the Espionage Act, allows conviction and up to 10 years imprisonment for anyone who “through gross negligence permits” classified intelligence “to be removed from its proper place of custody or delivered to anyone” without proper clearance. Clinton permitted — in fact *caused* — classified intelligence “to be removed from its proper place of custody” every time she sent or received classified intelligence over her unsecured, private server.

Nor was Clinton ignorant of her responsibility. Her signature appears on two different non-disclosure agreements (NDAs) which spell out — in unambiguous language — how she was to treat the classified information to which she would be privy as secretary of state. One part of one NDA reads, “I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of SCI [Sensitive Compartmented Information] by me could cause irreparable injury to the United States or be used to advantage by a foreign nation.” The NDA goes on to address how Secretary Clinton could be sure she was abiding by the letter and the spirit of the agreement. “I understand that it is my responsibility to consult with appropriate management authorities in the Department ... in order to ensure that I know whether information or material within my knowledge or control ... might be SCI,” the NDA says.

Hillary Clinton is not innocent. She knew what she was doing and that it was illegal. She is not the victim of a witch-hunt. She is a criminal who needs to be called to answer for her crimes. She is not the victim of a politically motivated investigation. If she gets away with her crimes, the American people — whose security she risked — will be the victims.

— C. Mitchell Shaw



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