



Written by [C. Mitchell Shaw](#) on January 28, 2016

DeLay: FBI Ready To Indict Hillary

Following the (heavily redacted) release of  more than 80 percent of the e-mails from her private server and a letter the intelligence community inspector sent to high ranking lawmakers on Capitol Hill, Hillary Clinton may soon face criminal charges, according to former U.S. House Majority leader Tom DeLay.

After months of dodges and denials — with claims of “I never sent or received any e-mail that was deemed classified, that was marked classified” — Clinton’s veneer is wearing thin. As *The New American* [reported](#) earlier this week, the e-mails which have already been released show that she sent or received at least 1,340 messages containing classified information. Some of that information was Top Secret and above. As this writer said then:

While Clinton and her server have been the focus of investigations and hearings, she has so far avoided any legal charges as a result of her actions. That may change now. According to Fox News, the Intelligence Community Inspector General I. Charles McCullough III sent a letter dated January 14 to the chairmen of the Senate Intelligence and Foreign Relations Committees, as well as to the heads of the Office of the Director of National Intelligence and the State Department’s inspector general in which he says, “To date, I have received two sworn declarations from one [intelligence community] element. These declarations cover several dozen emails containing classified information determined by the IC element to be at the confidential, secret, and top secret/sap levels.”

Information at the SAP (Special Access Program) level deals with intelligence matters involving some of the nation’s most closely held secrets — including the names of those who collected the intelligence. Disclosing SAP information could put “human assets” at real risk. SAP is a higher level than Top Secret. For Clinton to have sent or received e-mails containing SAP data is not only an extremely serious crime, but also a grave breach of trust. Her claim that she “never sent or received any e-mail that was deemed classified, that was marked classified” would require that she was so inept that she simply did not recognize the data as SAP. Fox News quotes a former official “with decades of experience investigating violations of SAP procedures” as saying, “There is absolutely no way that one could not recognize SAP material. It is the most sensitive of the sensitive.”

Since then, Tom DeLay has appeared on Newsmax TV’s *The Steve Malzberg Show* to [say](#) “I have friends that are in the FBI and they tell me they’re ready to indict,” adding, “They’re ready to recommend an indictment and they also say that if the attorney general does not indict, they’re going public.” DeLay also said that “she’s going to have to face these charges” whether in a court of law or the court of public opinion. “One way or another either she’s going to be indicted and that process begins, or we try her in the public eye with her campaign. One way or another she’s going to have to face these charges.”

DeLay’s revelation that his “friends ... in the FBI” are ready to recommend criminal charges against Clinton fit in very well with what some prominent voices in the Republican party have been saying.



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Senator John Cornyn (R-Texas) said last week that if it were up to him, she would be indicted for her mishandling of classified intelligence. Appearing as a guest on the January 20 broadcast of the *Hugh Hewitt Show*, Cornyn was asked if he thought Clinton was “in danger of being indicted.” He answered:

Well, if it were you or me, Hugh, she would be, but as you know the Clintons have always seemed to get by with not having the rules apply to them. As you know, the attorney general is a political appointee, serves at the pleasure of the president, I find it hard that she would indict [former] Secretary Clinton during this time, but it’s clear the FBI views this as a very serious matter as they should.

Republican presidential candidate Jeb Bush expressed doubts that Clinton would be indicted, but said, “If she did break the law, of course, she should be prosecuted.” He then backpedaled by adding, “I don’t know if she’s broken the law.” His remarks were made on the January 19 broadcast of *Newsmax Prime*.

Former New York City Mayor and U.S. Attorney Rudy Giuliani was far more forthcoming in his assessment. He told Fox News that there are “13 violations of federal law that she arguably committed,” adding, “This is about as clear as it gets. It is a crime to negligently handle top secret material.” He also said that based on his experience as a prosecutor, the fact that Clinton “destroyed 34,000 emails” is “evidence of a guilty knowledge.”

Clinton and her campaign have tried to dismiss the IG’s letter and the chorus of voices calling for her to be indicted as an act of collusion between Republicans involved in a conspiracy against her. The truth, though, is that her decision as secretary of state to use her unsecured personal e-mail server and private e-mail address put national security at risk.

Former Secretary of Defense Robert Gates told Hugh Hewitt on January 21 that he agreed with former CIA Deputy Director Mike Morell’s assertion that it is almost certain that hackers working for the governments of Russia, China, and Iran had penetrated the meager defenses of Clinton’s private e-mail server. “Well, given the fact that the Pentagon acknowledges that they get attacked about 100,000 times a day, I think the odds are pretty high,” he said.

The possible charges against Clinton could be quite serious. 18 USC Sec. 1924 deals with the unauthorized removal and storage of classified information and carries a possible sentence of imprisonment for up to one year. 18 USC Sec. 793 deals with national defense information being misused in a way that benefits a foreign power. If she is charged and convicted of violating that law, she could face up to 10 years in a federal prison.

Even if she manages to don her husband’s old Teflon suit and dodge prison, the scandal has already cost her much of her lead against self-avowed socialist Bernie Sanders. And he is closing that lead. It appears the likelihood that Clinton will end up in the White House is less than the likelihood of her ending up in the big house.

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