



FBI and DOJ Personnel Dismayed by Decision Not to Charge Clinton for Mishandling E-mails

A large number of FBI agents and Department of Justice attorneys who had worked on the investigation of Hillary Clinton for her handling of e-mails containing classified information while she was secretary of state were dismayed by the announcement on July 5 by FBI Director James Comey (shown) that the bureau would not charge Clinton with a crime.



This strong disagreement among FBI and DOJ personnel with a decision that was obviously made at the highest departmental levels for political purposes was revealed by FBI officials personally involved in the case. One such source spoke to FoxNews.com on the condition of anonymity, and Fox News broke this story in an October 13 online article.

The report noted that more than 100 FBI agents and analysts had worked diligently for many hours with six attorneys from the DOJ's National Security Division, Counter Espionage Section, to investigate the case. Naturally, these agents and attorneys were frustrated that all their hard work had come to naught, thanks to the higher ups' decision not to seek charges against Clinton.

"No trial level attorney agreed, no agent working the case agreed, with the decision not to prosecute — it was a top-down decision," the source told FoxNews.com, which verified his identity and role in the case.

A high-ranking FBI official told Fox News that while it might not have been a unanimous decision among agents that Clinton should be prosecuted, "It was unanimous that we all wanted her [Clinton's] security clearance yanked."

"It is safe to say the vast majority felt she should be prosecuted," said the official. "We were floored while listening to the FBI briefing because Comey laid it all out, and then said 'but we are doing nothing,' which made no sense to us."

An October 6 report in the *New York Post* cited statements from veteran FBI agents, including retired agent Dennis V. Hughes, who was the first chief of the bureau's computer investigations unit, who have charged that Comey has permanently damaged the FBI's reputation for conducting uncompromising investigations because of his "cowardly" whitewash of Clinton's mishandling of classified information using an unauthorized private e-mail server. "In my 25 years with the bureau, I never had any ground rules in my interviews," said Hughes.

The ground rules to which Hughes referred stemmed from Comey's concessions to lawyers for Clinton



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and her aides, agreeing to their demands that limited FBI agents in their investigation.

The *Post* reported that instead of going to prosecutors and insisting on using grand jury powers to compel testimony and seize evidence, Comey allowed immunity for several key witnesses, including potential targets of the investigation.

The immunity agreements came with outrageous side deals, complained the agents, which included preventing them from searching for any documents on a Dell laptop owned by former Clinton chief of staff Cheryl Mills that were generated after January 31, 2015, the date on which she communicated with the server administrator who destroyed subpoenaed e-mails.

The *Post* report cited several examples of Comey's indulgence of Clinton and her team, including the FBI director's agreement to have Mills' laptop destroyed after the restricted search, which prevented Congress from examining it, effectively making the FBI an accomplice to the destruction of evidence.

Furthermore, Comey approved a deal to grant Clinton a "voluntary" witness interview on a major holiday, and even let her ex-chief of staff sit in on the interview as a lawyer, even though she, too, was under investigation.

Clinton's interview, even though it represented the culmination of a year-long investigation, lasted just three hours. And even though Clinton had 40 bouts of "amnesia" during the interview, she wasn't called back for more questioning. Three days later, Comey cleared her of criminal wrongdoing.

The *Post* also quoted retired FBI agent Michael M. Biasello, who said: "Comey has singlehandedly ruined the reputation of the organization."

Basiello continued:

Each month for 27 years, I received oral and computer admonishments concerning the proper protocol for handling top secret and other classified material, and was informed of the harsh penalties, to include prosecution and incarceration [for mishandling such material]. Had [I] or my colleagues engaged in behavior of the magnitude of Hillary Clinton, as described by Comey, we would be serving time in Leavenworth.

The FBI's own present and retired personnel are not the only ones who disapprove of the bureau's decision not to charge Clinton, however. As [we noted in our article back in July](#), an ABC News/*Washington Post* poll that was conducted from July 6-7, indicated that a majority of those polled disapproved of the FBI's decision in the case.

Among those polled, 56 percent disapproved of Comey's recommendation not to charge Clinton, while only 35 percent approved. In response to another question, 57 percent replied that the e-mail incident makes them worried about how Clinton might act as president if she were elected. Only 39 percent of those polled think the issue isn't related to Clinton's potential performance as president.

As was noted in an [article posted by The New American](#) on July 5, FBI Director Comey said in a July 5 press briefing that the FBI was unable to find any evidence that Clinton *intended* to break the law and that "no reasonable prosecutor would bring" charges in this case.

The article quoted Comey's statement at that briefing that the investigation looked at "whether there is evidence classified information was improperly stored or transmitted on that personal system, in violation of a federal statute making it a felony to mishandle classified information either intentionally or in a grossly negligent way" and "a second statute making it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities."



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As the writer of the July 5 article, C. Mitchell Shaw, observed about that statement, “Comey admitted that — contrary to Clinton’s claims to both the public and investigators — that she did, absolutely, without doubt, *send* and *receive* e-mails containing information that was classified *when it was sent and received*.” [Italics in original.]

Shaw reminded the reader that Secretary Clinton had signed two non-disclosure agreements (NDAs) when she accepted her Cabinet position. The NDAs read, in part: “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.”

As we observed in July, it is important to consider another criteria for determining culpability that Comey mentioned in his July 5 statement:

Our investigation looked at whether there is evidence classified information was improperly stored or transmitted on that personal system, in violation of a federal statute making it a felony to mishandle classified information *either intentionally or in a grossly negligent way*, or a second statute making it a misdemeanor to knowingly remove classified information from appropriate systems or storage facilities. [Emphasis added.]

Later on in his statement Comey said:

Although we did not find clear evidence that Secretary Clinton or her colleagues intended to violate laws governing the handling of classified information, there is evidence that they were *extremely careless* in their handling of very sensitive, highly classified information.

If there is a difference between being “grossly negligent” and “extremely careless,” it is a fine one, indeed.

Clinton’s actions in mishandling the classified e-mails, whether intentional or due to extreme carelessness, certainly warranted further investigation and action by the FBI. As we have seen, many members of the FBI and a majority of the American public disapprove of Comey’s failure to bring charges against Clinton and (in the words of one retired agent) “singlehandedly ruined the reputation of the organization.”

The most surprising question to be asked as a result of all of these revelations is why this whitewash has not become front-page news and a major issue in this year’s presidential campaign. Is it possible that our major media is shilling for Hillary Clinton?

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