



Written by [C. Mitchell Shaw](#) on July 6, 2016

Ignoring Overwhelming Evidence, FBI Opposes Clinton Indictment

The FBI will not recommend that former Secretary of State Hillary Clinton be indicted for her use of a private e-mail server — regardless of the fact that she certainly violated the law and risked national security. FBI Director James Comey said on Tuesday 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. However, incredibly, in his same statement he actually acknowledged that Clinton did break the law.



Comey’s [statement](#) was — in his own words — “an unusual statement in at least a couple ways.” He listed those ways as:

- The amount of information about the investigation itself — “First, I am going to include more detail about our process than I ordinarily would, because I think the American people deserve those details in a case of intense public interest.”
- The fact that everyone, inside and outside of the government, was hearing, for the first time, the FBI recommendation — “Second, I have not coordinated or reviewed this statement in any way with the Department of Justice or any other part of the government. They do not know what I am about to say.”

Comey then detailed “three things: what we did; what we found; and what we are recommending to the Department of Justice.”

Comey said the investigation looked at both “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.” He then spent the bulk of his statement excusing Clinton by focusing on the FBI’s failure to prove that she had acted with any “intent” to break the law.

Let’s just pause right here for a moment and unpack that. 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*:

[One hundred and ten] e-mails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was Top Secret at the time they were sent; 36 chains contained Secret information at the time; and eight contained Confidential information, which is the lowest level of classification. Separate from those, about 2,000 additional e-mails were “up-classified” to make them Confidential; the information in those had not been classified at the time the e-mails were



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sent.

Now, let's back up just a little and play that back more slowly while we remember something. Secretary Clinton [signed two non-disclosure agreements](#) (NDAs) as part of her appointment to that position. As this writer said when those NDAs came to light:

The NDA signed by Mrs. Clinton on her second day as secretary of state spells out — in language so clear that the meaning of the word “is” is quite unambiguous — her responsibility in handling the sensitive information to which she would have access in her new job. One part 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 agreement 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.

Set aside for a moment the insipid focus on whether Clinton “intended” to break the laws (since Comey says in the same statement that “to mishandle classified information either intentionally or in a grossly negligent way” is a “violation of a federal statute” and “a felony”). Since it is *clear* that Clinton *did* “mishandle classified information,” it is a foregone conclusion that she was in “violation of a federal statute” and committed “a felony” whether it was done out of malice or mere stupidity. But — just to put in the for-what-it's-worth column — Clinton *did* know the law and her responsibility under it. Her signature on the bottom of those two NDAs proves that.

So, when in one breath Comey admits that Clinton sent, received, and stored classified information in a way that violated the law, and then in the next breath says that the FBI is not recommending indictment because there is no evidence that she “intended” to break the law, he is clearly working under political motivation. After all, for everyday citizens, as the expression goes, “ignorance of the law is no excuse.”

When former President Bill Clinton [went out of his way to approach Attorney General Loretta Lynch last week and engage her in conversation and she willingly allowed that interaction](#), it was an obvious breach of protocol and signaled that — White House Press Secretary Josh Earnest's claims to the contrary duly noted — this case is all about politics.

When Hillary Clinton's crimes are detailed in the very statement in which Comey says there is no grounds for an indictment and that “no reasonable prosecutor” would charge her for her obvious crimes, it is clear that the fix is in at the top. Comey's statement was “unusual” in at least one way he did not mention: It missed the point entirely. Or perhaps that is not all that “unusual” after all.

As Judicial Watch President Tom Filton said in a statement regarding the FBI's decision:

FBI Director James Comey detailed Hillary Clinton's massive destruction of government records and grossly negligent handling of classified information. Frankly, there's a disconnect between Comey's devastating findings and his weak recommendation not to prosecute Hillary Clinton. Federal prosecutors, independent of politics, need to consider whether to pursue the potential violations of law confirmed by the FBI.

Having gained the nomination and avoided criminal charges, Hillary is poised for the very real possibility of a Clinton 2.0 presidency. One need exercise little imagination to tremble at the thought of what a woman who handled state secrets with such casual disregard might do to damage national



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security once she is sitting in the Oval Office.

Considering the magnitude of her crimes and the fact that she has come away virtually unblemished, she may well be made of the same Teflon as her husband. And America may find itself the recipient of that (probably apocryphal) ancient Chinese curse, "May you live in interesting times." The next few years may prove "interesting" indeed.

Photo of Hillary Clinton: AP Images



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