



Written by [C. Mitchell Shaw](#) on February 5, 2016

Issa: FBI “Has No Choice”; Must Indict Clinton

The FBI “really has no choice” but to recommend an indictment against former Secretary of State Hillary Clinton, according to former House Oversight Committee Chairman Darrell Issa (R-Calif., shown). His statement echoes Tom DeLay’s claim last week that the FBI is “ready to indict.”



Clinton has spent the last several months attempting to dodge the fallout from the scandal surrounding her use of a private, unsecured e-mail server during the six years she spent as secretary of state. Her dodges have run the gamut from denial (“I never sent or received any e-mail that was deemed classified, that was marked classified”) to flippancy (claiming that the classified information that she *did* send and receive wasn’t *really* classified because there’s “a difference of opinion” between intelligence agencies that has “nothing to do with” her) to a recent counterattack (accusing the State Department and others of withholding for political reasons those e-mails that reportedly contain highly classified information).

As her denials, flippancy, and counterattacks continue — and continue to fail — the scandal is catching up to her. And it appears that she may soon face some very serious charges. Last week *The New American* [reported](#) that Tom DeLay appeared on Newsmax TV’s *The Steve Malzberg Show* and said, “I have friends that are in the FBI and they tell me they’re ready to indict.” Earlier that week we [reported](#) that the Intelligence Community Inspector (IG) 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.” The IG’s claims were soon confirmed as the State Department withheld 22 e-mails from the most recent release, saying that they contain information that is Top Secret and so sensitive that not even redacted versions will be released.

Most recently, Darrell Issa appeared on FOX News’ *The Intelligence Report* and said that given the evidence, FBI Director James Comey “really has no choice but to refer this for indictment” against Clinton. As he told FOX’s Trish Regan:

We have communications back and forth to the President from Hillary Clinton’s private email, we



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have 1,300 sensitive documents — 22 classified at the highest level — this is well past anyone claiming that they didn't know.

The "1,300 sensitive documents" Issa was referring to are the 1,340 classified e-mails that were released (many of them redacted to protect government secrets) in late January. That figure was based on only 83 percent of the total of Clinton's e-mails and does not include the most recent release from which the "22 classified at the highest level" were withheld.

His point that "this is well past anyone claiming that they didn't know" is at the heart of the matter. As this writer said when it was revealed that *at least* 1,340 of Clinton's e-mails contained information classified at the highest levels:

It is now known that at least 1,340 e-mails sent or received by Clinton contained information that was classified and several dozen of those e-mails contained intelligence that was classified at the highest levels. That means — based on an extrapolation of the number of e-mails released so far — that of the 1,470 days that she served as secretary of state, Clinton sent or received classified information over her unsecured network an average of more than once a day.

It would be difficult to believe that Clinton failed — on an average of at least once a day — to recognize sensitive, classified information that was traveling back and forth across her private network and in and out of her private e-mail account. Whatever else can be said of her, she is not stupid. As Issa said in his FOX News interview:

The one thing about Hillary Rodham Clinton that I know — having worked with her — is she is smart and she knows what she sees. And that works well for her in her job, but it also makes her very much responsible when she traffics in sensitive information that should not have been on an unclassified sever — should never have been on hers.

While much of the focus has been on the fact that Clinton passed classified information over an unsecured server, Issa pointed out that, as bad as that is, there is more to it:

These are documents that are not only highly classified, but she took them from government. Let's not forget when she left government, she didn't leave a copy. She took it all. So, it's taking and holding classified documents.

In answer to Clinton's claims that the investigation and calls for an indictment are politically motivated (political theater, as FOX's Trish Regan put it), Issa made a comparison to the investigation into Benghazi:

Well, I understand that she [Mrs. Clinton] says it has no more relevance than Benghazi. And she's right; it is just as relevant as four people dying unnecessarily because of her mismanagement. In this case, she made a choice. She made a choice to have a private server, she made a choice to use it with highly sensitive material, she made a choice to receive and re-transmit documents that should have been classified when they came to her and have later been classified. These choices are really what the prosecution would be about.

He added that "as somebody who has a head full of classified information, Hillary Clinton has an obligation to be able to not disseminate that information."

Issa said that because "[FBI Director Comey] is somebody who cares a great deal about national security and with the body of evidence, he really has no choice but to refer this for indictment."

As an indictment appears to be on the near horizon, the investigation — involving more than 150 FBI



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agents — has grown to include the improper relationship between the Clinton Foundation and Clinton’s State Department. *The New American* wrote about some of the elements of that improper relationship (now *there’s* a phrase the Clintons should be familiar with) in a [previous article](#). This writer addressed the fact that Huma Abedin, during her time at the State Department, had a “special government employee” arrangement that allowed her to work other jobs. And that:

At one point she [Abedin] held four jobs simultaneously. All of those jobs were connected, in one way or another, to Hillary Clinton. She was part time aide to Hillary Clinton at the State Department, personal assistant to Hillary Clinton, salaried employee of the Clinton Foundation, and private consultant for Teneo Holdings, which was founded by three partners all with close ties to the Clintons.

That article was written fairly early in the game (late August), when only a few e-mails had been released. Even then, though, it was clear that something fishy was going on at the State Department under Clinton’s “leadership.” While Clinton and her protégé Abedin claimed to want all the e-mails released publicly, they took great pains to keep many of them from ever seeing the light of day. That article concluded by saying:

No wonder Hillary and her protégé wanted those e-mails kept private. If the few e-mails seen so far are any indication, there was some personal business going on at State on the taxpayers’ dime, and Hillary and her friends are in for a long, bumpy ride. That ride may end many of them in jail.

At the time, many said that an indictment was a long shot. What a difference five months can make.



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