Written by **Warren Mass** on July 11, 2016

Majority of Americans Polled Disapprove of FBI Decision Not to Charge Clinton

In an ABC News/*Washington Post* poll that was conducted from July 6-7, a majority of those polled disapproved of the FBI's recommendation not to charge Hillary Clinton with a crime for her handling of e-mail while she was secretary of state.

Among those polled, 56 percent disapprove of FBI Director James Comey's recommendation not to charge Clinton, while only 35 percent approve. 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 might be expected, a respondent's political affiliation affected his or her answers, with nearly nine in 10 Republicans disagreeing with the FBI's decision not to charge Clinton and about two-thirds of Democrats approving of the decision. However, a substantial minority of those identifying themselves as Democrats — 30 percent — think Clinton should have been charged.

As was noted in an article posted by *The New American* on July 5, FBI Director James Comey (shown) 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. Comey said near the beginning of the briefing that he would present "an unusual statement in at least a couple ways," listing them as:

> 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. 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 said 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."

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.]

Comey revealed these violations when he said:

> [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 sent.

Bearing that in mind, 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."

In order to make clear to Secretary Clinton what steps she should take to ensure that she would not violate the agreement, the NDA continued: "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."

It is also important to note another criteria for determining culpability that Comey mentioned in his 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" or "extremely careless," it is a fine one, indeed.

And so, as Shaw wrote in his article:

> 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. [Italics in original.]

While we do not know how many of those polled by ABC News/*Washington Post* had read Comey's statement or other material related to this case, it is telling that over half of them think that Comey was wrong not to charge Clinton — and not to forward this case to court where the criminality of actions should be decided, rather than in a political entity such as the FBI, or in the court of public opinion.

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