



Written by [C. Mitchell Shaw](#) on March 14, 2016

## Clinton Refuses to Answer Question About Pending Indictment

Hillary Clinton seems to believe she is beyond the reach of both the law and logic. After recent reports that her private, unsecured server was found to have held at least 2,079 classified e-mails, she maintains her Teflon demeanor. When asked during the eighth Democratic debate last week in Miami if she would drop out of the race if indicted, Mrs. Clinton took the bold tack of simply refusing to answer the question.



Debate moderator Jorge Ramos of the Spanish-language network Univision asked the former secretary of state about the scandal surrounding her e-mail use during her time in office. In fact, Ramos' question was actually two questions in one and was prefaced by the assertion that the former secretary of state had issued different rules for herself and "the rest of the State Department":

When you were secretary of state you wrote 104 e-mails on your private server that the government now says contain classified information — according to the Washington Post analysis. That goes against a memo that you personally sent to your employees in 2011 directing all of them to use official e-mail precisely because of security concerns. So, it seems that you issued one set of rules for yourself and a different set of rules for the rest of the State Department.

So, who specifically gave you permission to operate your e-mail system as you did — was it President Barack Obama — and would you drop out of the race if you get indicted?

The nominee-presumptive seemed to anticipate the questions and also seemed prepared to dodge them. Her initial "answer" was to repeat the usual mantras that her use of the private server "was not prohibited ... was not in any way disallowed," and that she "did not send or receive any e-mails marked classified at the time." But she didn't actually answer either of the questions or the charge that she had employed a double standard for e-mail use as secretary of state:

Well, Jorge, there's a lot of questions in there and I'm going to give the same answer I've been giving for many months: It wasn't the best choice, I made a mistake. It was not prohibited. It was not in any way disallowed and, as I've said and as now has come out, my predecessors did the same thing — and many other people in the government.

But here's the cut-to-the-chase facts: I did not send or receive any e-mails marked classified at the time. What you're talking about is retroactive classification. And the reason that happens is when somebody asks, or when you are asked, to make information public — I asked all my email to be made public — then all the rest of the government gets to weigh in. And some other parts of the government, we're not exactly sure who, has concluded that some of the emails should be now retroactively classified.

And now they just said the same thing to former secretary Colin Powell. They have said, "We're going to retroactively classify e-mails you sent personally." Now I think he was right when he said



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this is an absurdity. And I think that what we've got here is a case of over-classification.

I am not concerned about it. I am not worried about it. And no Democrat or American should be either.

Before Ramos could reiterate his questions that Mrs. Clinton so obviously avoided, the audience erupted with applause. Democrats — at least those at the debate in Miami — apparently aren't "worried about it."

There are a couple of points, though, regarding Mrs. Clinton's answer that betray her loose relationship with the truth.

Despite Hillary Clinton's claims that she "did not send or receive any e-mails marked classified at the time," the CIA says differently. Last September, when the investigation was just gaining steam, an intelligence review by the CIA confirmed that at least two e-mails had already been found that did contain information that was highly classified at the time when those e-mails were received by then-secretary Clinton. As *The New American* [reported](#) at the time:

The major e-mail in question deals with North Korea's nuclear weapons program and contains information gathered via satellite and spy-plane photography. Such intelligence is treated extremely seriously and violations of those laws carry severe penalties. Even 18 US Code 793, which is part of the Espionage Act, allows conviction and up to 10 years imprisonment for anyone who "through gross negligence permits" classified intelligence "to be removed from its proper place of custody or delivered to anyone" without proper clearance.

Since that time, thousands of e-mails have been found that passed back and forth over Mrs. Clinton's home-brew server, and at least 104 of those e-mails were sent by Mrs. Clinton. That is a far cry from her claim that she and Powell are in the same boat. Powell received a whopping two e-mails on his private account while he was secretary of state that have now been deemed classified. He sent zero. He and Mrs. Clinton had terms of office almost identical in length and yet she managed to send 104 classified e-mails and receive more than 1,000 times as many as Powell. And she pretends that this is somehow the same thing. She may not be comparing apples to oranges, but she is certainly comparing two apples to a warehouse full.

It appears that by trying to lump herself and Powell together in the public mind, Mrs. Clinton is attempting to make herself "innocent by association."

With Mrs. Clinton's tenure as secretary of state lasting only five days longer than Powell's, why is her classified e-mail count so much higher than his? Because — as he told NBC News — he used the government e-mail system for all e-mails containing classified information. As NBC News [reported](#):

Powell, who served as secretary from 2001 to 2005, said he used a personal email account because State's email system was slow and cumbersome. Powell is credited with modernizing State's computer infrastructure, which did not at the time allow each employee to have the internet at their desks.

"State's system at the time was inadequate," he said.

But, he added, "I did not use my email account for any classified matters because I had a classified computer on my desk."

So, despite her attempts to cast herself and Powell in the same light, it is clear there were some very real differences. Chief among them: Powell used his official government e-mail account for official



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government business; Mrs. Clinton refused to do so. In fact, she went so far as to set up [a hidden network](#) at the State Department to check her private e-mail without this e-mail going through the government network where it could have been archived.

After she obfuscated her way around the questions, Ramos tried again. Once the applause died down, he asked, "The questions were who gave you permission to operate it? Was it President Obama?" Mrs. Clinton shrugged and shook her head and answered, "There was no permission to be asked. It had been done by my predecessors. It was permitted. I didn't have to ask anyone."

Her ability to work new facts into past narratives is truly impressive. The allegation that her predecessors used private e-mail (which both Condoleezza Rice and Colin Powell deny, by the way) is new. Therefore, it could not have been part of her thought process when she made the decision to repurpose her husband's old server and press it into service as her new e-mail portal.

Finally, Ramos pressed the question of the moment and got the only answer Mrs. Clinton could give. He asked, "If you get indicted, will you drop out?" Clinton worked up as much indignation as she could and answered, "Oh for goodness — that's not going to happen — I'm not even answering that question." The applause was long and loud. It looks like an indictment may be the only thing that may stop Mrs. Clinton. Her faithful followers seem oblivious to the ways in which she has endangered the security of the nation she is now seeking to lead.

Mrs. Clinton may say that "an indictment is not going to happen," but [Judge Napolitano](#) and other legal experts have said that a grand-jury is likely hearing evidence and an indictment may be coming very soon. We shall see.

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<https://www.youtube.com/watch?v=AD0xxkOOiB4>



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