

Hillary Clinton interviewed by FBI in email investigation

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4 July 2016

Democratic presidential candidate Hillary Clinton was interviewed at Federal Bureau of Investigation headquarters in Washington on Saturday, taking questions on her use of a private email server while she was secretary of state in the Obama administration from 2009 to 2013.

Clinton was accompanied by no less than five lawyers for interrogation, lasting more than three hours, by a team of FBI agents. Her principal attorney, David E. Kendall, from the law firm of Williams & Connolly, brought two associates, Katherine Turner and Amy Saharia. Clinton brought two longtime aides who are attorneys, Cheryl D. Mills and Heather Samuelson.

Neither the Clinton campaign nor the FBI would give any details of the interview. “She is pleased to have had the opportunity to assist the Department of Justice,” a Clinton spokesman said. “Out of respect for the investigative process, she will not comment further on her interview.” The FBI has said nothing at all publicly.

FBI sources who spoke to the media on the condition that they would not be identified said the Clinton interview was the final stage of the investigative process and that a decision on whether criminal charges should be filed against Clinton or anyone else should be forthcoming shortly, almost certainly before the Republican and Democratic presidential nominating conventions. The Republican convention opens July 18 in Cleveland, followed a week later by the Democratic convention in Philadelphia.

Most media and legal analysts consider an indictment of Clinton this month highly unlikely because her use of a private email server, while likely a breach of State Department rules, is not a violation of any existing law. Legal charges would have to be related to mishandling of classified information, either deliberate or through gross negligence, but this requires proving Clinton’s

intent, a difficult hurdle.

None of the emails sent to Clinton’s private server were classified when they were sent, but at least 2,000 have since been ruled to contain sensitive or “confidential” information, the lowest level of classification, while several dozen were reclassified at various higher levels of secrecy. In some cases, these concerned State Department reviews of CIA plans to carry out drone missile strikes in Pakistan.

Given the complicity of the entire US government, up to and including the White House, in drone missile assassinations and other crimes against international and US law, President Obama, Vice President Biden, Clinton and other administration officials as well top-ranking members of the military-intelligence apparatus could all be subject to war crimes prosecution.

Needless to say, this is not the concern of the FBI investigation, or of the Republican Party spokesmen and right-wing media commentators calling for prosecution of Clinton. They are pointing to possible breaches of secrecy in concealing such crimes, not the underlying criminal actions themselves, in which officials of the previous Republican administration of George W. Bush were also complicit.

Any recommendation by the FBI task force for prosecution will go first to FBI Director James Comey, a Republican former official of the Bush Justice Department, and then to Attorney General Loretta Lynch.

After the political furor over her private meeting June 27 with former President Bill Clinton on the airport tarmac in Phoenix, Arizona, Lynch announced Friday that she would abide by the FBI recommendation, although she did not formally recuse herself from the review process, as demanded by Republicans.

Lynch has close personal ties to the Clintons, since

she owes her first top-level appointment, as US attorney for the Eastern District of New York, to President Clinton in 1999. After leaving the post during the Bush administration, she was reappointed by President Obama in 2010, then elevated to attorney general in 2014, replacing Eric Holder.

The most serious legal jeopardy facing Clinton would be if she made false statements during the FBI interview Saturday. Hence the lineup of legal artillery on her side. The FBI task force will compare her statements with the testimony already taken from a series of aides, including Bryan Pagliano, the computer technician who actually set up the private server. He demanded and received legal immunity for his own testimony.

The Republican National Committee issued a statement late Saturday declaring that Hillary Clinton “has just taken the unprecedented step of becoming the first major party presidential candidate to be interviewed by the FBI as part of a criminal investigation surrounding her reckless conduct.”

The email investigation and surrounding media publicity have taken a political toll on the Democratic presidential candidate. A Quinnipiac University poll released June 29 found that Donald Trump, despite a mountain of lies and racist smears, was viewed as more honest and trustworthy than Hillary Clinton, by a margin of 45 percent to 37 percent. The candidates of the two major capitalist parties are the most unpopular politicians in recent US history, with Trump setting a record with 70 percent unfavorability and 56 percent strongly unfavorable.

Hillary Clinton spoke briefly about the email investigation with Chuck Todd of NBC News in a telephone interview broadcast on Sunday’s “Meet the Press” program. She did not go beyond previous rehearsed statements, declaring, “I never received nor sent any material that was marked classified,” and “I’ve released more than 55,000 pages of my emails for the public to read for themselves.”

Asked about the private meeting between Bill Clinton and Attorney General Lynch, she claimed, “I learned about it in the news. And it was a short, chance meeting at an airport tarmac.” She conceded that the meeting should not have taken place, adding that “no one wants to see any untoward conclusions drawn, and they said they would not do it again.”

During the post-Watergate era, an investigation into an official as high-ranking as secretary of state would automatically have been referred to a special prosecutor rather than being conducted through regular FBI and Justice Department channels. After the abuse of the special prosecutor process in the late 1990s, when it was used to pave the way for the impeachment and attempted ouster of Bill Clinton, Congress allowed the special prosecutor law to expire, and no attorney general since then has agreed to such an appointment.

With Lynch’s declaration, under enormous political pressure, that she will not overrule an FBI recommendation, the police agency is essentially being given the power to torpedo the presumptive Democratic presidential nominee. An indictment, however unlikely, would presumably force Clinton to withdraw from the race.

Even if the FBI declines to act this month, the email investigation will remain on the shelf, available for use—on the pretext of “new evidence”—against a candidate or even a President Hillary Clinton. This means a Hillary Clinton administration would be continuously shadowed by the prospect of criminal prosecution in the event that it came into conflict with the military-intelligence apparatus.



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