

Don't Expect to See Any of Hillary's Deleted Emails Soon

All those emails that were deleted by Hillary Clinton and her staffers and were subsequently discovered by the FBI have been the subject of numerous Freedom of Information Act demands since their existence was made public.

But don't expect to see them anytime soon. In fact, it's highly unlikely the public will see them at all before November's general election, and there's one simple reason why.

The State Department has to examine each of them to redact out potentially classified material and information that is not deemed public under FOIA regulations. And since we're talking about thousands of emails—not to mention that Hillary Clinton is the former secretary of state—it's going to take a long time to process them all, so we're told.

But, it's not entirely up to the State Department, either. As *The Hill* put it Wednesday morning:

Ultimately, most of the responsibility for deciding when the emails are released falls to a few federal judges in Washington, who are overseeing FOIA cases concerning Clinton's emails. The judges are expected to order schedules for production in coming weeks.

"The decision is not entirely up to the State Department," said Aftergood.

While judges have previously prodded the department not to dawdle with releases of Clinton's emails, the State Department has routinely complained that FOIA lawsuits have overwhelmed its resources and has quoted review times that can seem comical. In June, the department claimed that it

would need 75 years to process emails for top aides to Clinton in response to a lawsuit from the Republican National Committee.

The first opportunity for a judge to weigh in on the deleted emails is August 22, when Judge James Boasberg is scheduled to oversee a hearing as part of a Judicial Watch case.

In a filing as part of a separate FOIA case, Obama administration lawyers this week indicated that all other decisions about processing the deleted Clinton emails should be delayed until after that hearing.

"[I]t would be in the best interests of judicial economy for a processing schedule to be entered in that case, given that any federal records in the retrieved materials are likely to be State Department records, and given that the State Department is a party to the Judicial Watch case," government lawyers claimed.

That would leave just two and a half months to release the thousands of emails by November 8.

Additionally, some of the cases concerning the deleted emails differ in minor ways, meaning that a ruling in the Judicial Watch suit might not apply to all emails being sought in other cases. Those discrepancies could further drag out the time necessary to review the emails and make them public.