

Federal Judge Will Review 30 of Hillary Clinton's Emails

The 2016 presidential election may be long over, but the troubles for former Secretary of State Hillary Clinton are only just beginning.

Judicial Watch has announced that it has succeeded in getting an “in camera” review of 30 of her emails from her tenure at the Department of State, which it says will provide the department has been misleading the public about the nature of her private email server and the subsequent scandal surrounding it. The emails were selected because they were completely redacted under the following privileges:

- deliberative process,
- attorney-client communication and
- attorney work product

Judicial Watch issued the following statement after U.S. District Judge James E. Boasberg for the District of Columbia issued an order granting its request for the review:

Judicial Watch on Nov. 23, 2016, asked the court to reject the State Department's secrecy claims over the Clinton email documents on the grounds the documents relate to government misconduct. Judicial Watch argued the agency should release the 30 emails that had been withheld under “deliberative process,” “attorney client” and “attorney work product” privileges.

Judicial Watch argued that Clinton's email practices at the State Department constituted misconduct:

The U.S. federal government has produced two State Department Inspector General reports and a report following an FBI investigation, which collectively

support the conclusion that, at a minimum, the unofficial server arrangement was misconduct even if it was not a prosecutable violation of criminal law or one that will necessarily result in civil liability. Secretary Clinton herself has called the unofficial server arrangement a 'mistake' ...

The State Department's descriptions of the documents show that the department may have misled the public about the Clinton email scandal:

The Vaughn [withholding index] description of these records appears to show, at least in part, a public relations campaign orchestrated by Defendant to create a false equivalence between Secretary Clinton's unofficial server and the records management practices of former Secretaries Condoleezza Rice, Colin Powell and Madeleine Albright. No one believes that Madeleine Albright used an unofficial server located at her residence for government communications. Nor did Colin Powell hold 30,000 government records in his possession for two years after he left the State Department. Accordingly, it would appear that one purpose of the withheld discussions in this case was to manage the public messaging about government misconduct so as to mislead the public as to its severity.

Judicial Watch asked the court to reject the State Department's efforts to shield documents under the "deliberative process privilege," among other assorted privileges, in order to protect the confidentiality of internal deliberations:

In this Circuit, the government misconduct exception to the deliberative process privilege applies in two circumstances. First, the "deliberative process privilege disappears altogether when there is any reason to believe government misconduct occurred." And second, "where there

is reason to believe the documents sought may shed light on government misconduct, the privilege is routinely denied on the grounds that shielding internal government deliberations in this context does no serve the public's interest in honest, effective government." ... Both exceptions apply to the 30 documents in question here...

"It is significant that federal court will review these Clinton email documents for evidence of government misconduct," said Judicial Watch President Tom Fitton. "This important court victory shows that we are now only in the middle of the Clinton email scandal." {eoa}