

Former Clinton IT Staffer Ignores Congressional Subpoena to Testify

For a second day, the House Committee on Oversight and Government Reform met to investigate Hillary Clinton's private email server, this time focusing its attention on the IT professionals who set up and maintained the server.

Three of the four witnesses subpoenaed to appear, however, did not provide Congress with any new answers.

Bryan Pagliano, the former Clinton campaign IT staffer who later was hired as a GS-15 employee of the State Department, ignored the subpoena to appear. His no-show caused some fireworks between Republican and Democratic members of the committee over whether or not testifying before committee could jeopardize his immunity agreement with the Justice Department.

Chairman Jason Chaffetz (R-Utah) noted that Pagliano's attorneys had been asked to produce a copy of the agreement, but that was not done. Ranking Member Elijah Cummings (D-Md.) and Rep. Stephen Lynch (D-Mass.) argued the meeting was a "political show"—an argument Democrats made at Monday's hearing with Obama administration officials—and that it jeopardized Pagliano's rights.

Rep. Trey Gowdy (R-S.C.) asserted, however, that as a former prosecutor, he had never seen an immunity agreement that didn't authorize the witness to cooperate with other branches of government. Congress cannot prosecute, he added, and the only branch of government that could have already given Pagliano immunity, so there shouldn't be any danger in appearing before the committee, even behind closed doors, to answer questions.

Chaffetz noted there had been discussion of possibly allowing Pagliano to testify in "closed session," but that offer was "off the table" due to his failure to comply with the congressional subpoena. Rep. John Mica (R-Fla.) then asked if a Contempt of Congress charge would be issued.

A Contempt of Congress citation could be referred to the House Floor, which would then be put to a vote of the entire House of Representatives. If passed, Speaker of the House Paul Ryan (R-Wis.) would be required by law to forward the complaint to the U.S. Attorney for the District of Columbia, who is also obligated by law to convene a grand jury to consider an indictment.

If convicted of Contempt of Congress, one may be imprisoned for up to 12 months and fined up to \$1,000. However, that rarely occurs—in fact, the only two times it has happened were during the Obama Administration (then-Attorney General Eric Holder and former IRS employee Lois Lerner)—and typically, an agreement is reached whereby Congress gets the information it sought.

Chaffetz said the committee would consult with its legal counsel about "all of our options" before taking any further action. With the other three witnesses—Bill Thornton and Bill Combetta of Platte River Networks and former Clinton IT staffer John Cooper—present, he said he didn't want to delay the hearing any further.

Thornton and Combetta, however, refused to answer any questions, instead invoking their Fifth Amendment rights against self-incrimination. At one point, Combetta wouldn't even answer a yes-or-no question from Cummings about whether or not he was going to continue to exert his Fifth Amendment rights. A short time later, asked a yes-or-no question by Chaffetz about whether or not he was ever questioned by the FBI, Thornton also invoked his Fifth Amendment rights.

Combetta, who also has an immunity agreement with the Justice Department, was asked to produce a copy of that document. When asked if he had done so, he again invoked his Fifth Amendment rights against self-incrimination.

With both witnesses refusing to cooperate, Chaffetz excused them.

Cooper, on the other hand, appeared to be as open and forthright as he possibly could about what he knew. He was praised numerous times for his candor, by Republicans and Democrats alike, even when his answers didn't shed any new light on the matter.

Cooper was a former White House intern who, in 2000, became a government employee working for President Bill Clinton's administration. After the president left office, he joined the staff of the Clinton Foundation and was the original architect of the Clinton household's home-based servers, which was originally used to conduct Clinton Foundation business.

He set up the @ domain—creating accounts for Clinton, her daughter Chelsea, and for longtime aide Huma Abedin—as well as the transfer of emails from the server to Hillary Clinton's mobile devices. He also set up computer workstations in the Clintons' homes in Washington, D.C., and Chappaqua, New York.

When Clinton became secretary of state in 2009, Cooper said he consulted with Pagliano to upgrade the private server. He was not aware of any classified material stored on it, and he did not have anything to do with the deletion of transfer of emails from it.

Cooper did, however, note that he personally shut down Clinton's server on more than one occasion due to "multiple failed log-ins" that were automated in nature. Such action is generally part of a "brute force attack" on a server engaged by those attempting to hack into it.

He said he would shut down the server momentarily whenever this occurred to stop the hackers. He said he did not have any knowledge of any successful hacks into the Clinton server.

Cooper did, however, offer one interesting fact: Clinton had two email accounts on the @ server, as well as an AT&T-provided account for her Blackberry device. So far, Freedom of Information Act requests have only focused on one account based on the @ domain.

After the hearing, Republican presidential nominee Donald Trump's campaign weighed in on the new developments. Spokesman Jason Miller said the fact that Pagliano was a no-show and Combetta and Thornton refused to testify under oath demonstrates why Clinton "can't be trusted in the White House."

"This reckless scheme, which began as an attempt to conceal corruption between the Clinton Foundation and Hillary Clinton's State Department, ultimately put national security at risk by exposing classified material on thousands of occasions," Miller said. "Clinton's server clearly ran afoul of the law and these developments only further demonstrate that she lacks the judgment to be president."