

Is Hillary Clinton Facing a Criminal Investigation or Not?

For months, the Federal Bureau of Investigation has been unwilling to say whether or not its investigation of former Secretary of State Hillary Clinton—now the front-runner for the Democratic Party presidential nomination—is criminal in nature.

Now it may have no choice.

According to Chuck Ross of the Daily Caller, lawyers representing Vice News reporter Jason Leopold are seeking records related to Clinton's private email server currently that are currently in FBI custody. Lawyers for the government, however, say those records must remain secret because they may be part of a "law enforcement proceeding."

If that is true, it would indicate the FBI's investigation of Clinton is criminal in nature. The presidential candidate and her surrogates have instead characterized it as a "security review," which recently drew a stern rebuke from FBI Director James Comey.

Ross' article for The DC describes the tight spot the FBI now finds itself in:

In March, the Justice Department submitted a classified document in federal court calling for summary judgement of Leopold's case. Leopold, who also filed the lawsuit that led to the release of Clinton's State Department emails last year, sought correspondence between the FBI and the State Department and Clinton team regarding the email server. He also sought any emails that Clinton may have deleted but which were recovered by the FBI.

But Leopold's lawyers, Ryan James and Jeffrey Light, argued in court papers filed Monday that the FBI has not provided enough evidence to justify the withholding.

They argue that in order to shield documents from production under the Freedom of Information Act, federal agencies "should be able to identify a particular individual or a particular incident as the object of its investigation and the connection between that individual or incident and a possible security risk or violation of federal law."

If the government is forced to concede its investigation of Clinton is criminal, it's unclear how that might impact the current state of the presidential race. If the government notifies the court the investigation isn't criminal, it will have to comply with the FOIA request, and the trove of new information about the Clinton email server could have its own uncertain impact on the race.

Either way, it's not good news for Clinton or her campaign.