

Judicial Watch Sues the Government ... for Something New

Just as former Secretary of State Hillary Clinton made it known she was ready to “come out of the woods,” the government watchdog group Judicial Watch made an announcement that just might prompt her to go running back in.

The organization has filed another lawsuit against the Office of the Director of National Intelligence and the Department of State to require them to conduct, as required by law, an assessment and prepare a report on how and whether Clinton’s email practices as secretary of state damaged national security. The specific law under which such a report is required is Intelligence Community Directive 732, issued on June 27, 2014, and states that an assessment must be made whenever “an actual or suspected unauthorized disclosure or compromise of classified national intelligence that may cause damage to U.S. national security.”

Judicial Watch refers to FBI Director James Comey’s July 5, 2016, statement about Clinton’s use of an unsecure email account while conducting official government business:

From the group of 30,000 e-mails returned to the State Department, 110 emails in 52 e-mail chains have been determined by the owning agency to contain classified information at the time they were sent or received. Eight of those chains contained information that was Top Secret at the time they were sent; 36 chains contained Secret information at the time; and eight contained Confidential information, which is the lowest level of classification.

The government watchdog group noted that despite the FBI’s findings and the existence of ICD 732, then-Director of

National Intelligence James Clapper announced through his office in September of last year that no damage assessment would be conducted. Two days later, the organization sent a Freedom of Information Act request to ODNI seeking access to records about the decision not to conduct the required assessment.

Additional repeated attempts to access public documents were similarly rebuffed. To date, ODNI still has not produced any responsive records. As a result, Judicial Watch filed suit in the U.S. District Court for the District of Columbia, demanding, in part:

[O]rder Defendants to conduct the required damage assessment and prepare a report in accordance with ICD 732.

“The Obama administration conspired with Hillary Clinton regarding her emails, so it is no surprise that Obama officials wouldn’t want to hold her to account for her mishandling of classified materials,” Judicial Watch President Tom Fitton said. “This lawsuit is an opportunity for the Trump administration to get back to basics on the Clinton email scandal and find out what damage was done to our national security as a result of her illicit email practices.” {eo}