

President-Elect Trump's Department of Justice Will Be Looking Into Hillary Clinton's Emails

Although President-elect Donald Trump has signaled he doesn't have a huge desire to continue investigating former Secretary of State Hillary Clinton's use of a private email server during her time at the Department of State, he might not have any choice.

In an appeal of a lawsuit filed by the government watchdog group Judicial Watch against the Department of State, the U.S. Court of Appeals for the District of Columbia determined that Secretary of State John Kerry is required to seek the help of the Department of Justice to find all emails that may be responsive to Judicial Watch's Freedom of Information Act request. The court determined:

Appellants sought the only relief provided by the Federal Records Act—an enforcement action through the Attorney General. But nothing the Department did (either before or after those complaints were filed) gave appellants what they wanted. Instead of proceeding through the Attorney General, the Department asked the former Secretary to return her emails voluntarily and similarly requested that the FBI share any records it obtained. Even though those efforts bore some fruit, the Department has not explained why shaking the tree harder—e.g., by following the statutory mandate to seek action by the Attorney General—might not bear more still. It is therefore abundantly clear that, in terms of assuring government recovery of emails, appellants have not “been given everything [they] asked for.” Absent a showing that the requested enforcement action could not

shake loose a few more emails, the case is not moot.

Judicial Watch had sought enforcement of the FRA, but a lower court had determined the case was moot because of developments in the 2016 presidential election. The appeals court decision, however, remands the case back to the lower court, which is compelled to force the Department of State to obey the law.

“The courts seem to be fed up with the Obama administration’s refusal to enforce the rule of law on the Clinton emails,” Judicial Watch President Tom Fitton said. “Today’s appeals court ruling rejects the Obama State Department’s excuses justifying its failure to ask the attorney general, as the law requires, to pursue the recovery of the Clinton emails.

“This ruling means that the Trump Justice Department will have to decide if it wants to finally enforce the rule of law and try to retrieve *all* the emails Clinton and her aides unlawfully took with them when they left the State Department.”