

Report: Secret Filings Suggest There's More to Hillary Clinton's Email Scandal Than We Now Know

If the Hillary Clinton presidential campaign's spin were correct, one would think there wouldn't be a need for secrecy from the FBI about its "security review" of her private email server while secretary of state.

But the FBI has filed not one, but two, requests to make "secret declarations" that it couldn't find records responsive to a Freedom of Information Act request from Vice's Jason Leopold. The journalist is attempting to get a definitive answer from the agency about the nature of its investigation into Clinton's email server.

If the FBI isn't involved in a criminal investigation, the FOIA request must be fulfilled. If not, everything it has collected so far should be a matter of public record. But these new requests from the agency suggest there is far more to its investigation than has been made public so far.

[Click here](#) to see the first motion. In that request to file a secret "hardy declaration," the FBI is essentially saying that by explaining why its investigative notes cannot be made public, it could jeopardize its investigation. The motion is to make its explanation to the judge "in camera," meaning only the judge can see it, but the general nature of the explanation has been made public.

The Justice Department has effectively answered Leopold's question: the FBI isn't merely conducting a "security review," but is engaged in a law enforcement action. As a result, the FBI and the Justice Department would be allowed to withhold

its evidence from a FOIA request.

That's not good for Clinton.

For starters, this fully refutes Clinton's argument the FBI was only conducting a "security review," but it also negates the possibility the agency is only monitoring private activities. Voters should recall Clinton initially said her private server never existed, then once it was discovered, she said it never contained classified information.

Through these Hardy declarations, the Justice Department and FBI acknowledge there is a law-enforcement action and counterintelligence—by definition, activities designed to prevent or thwart spying, intelligence gathering, and sabotage by an enemy or other foreign entity—assessment underway. So, you can throw out the Clinton camp's claim there were no national-security implications from the use of her unauthorized and unsecured email server too.