

US Intelligence Veterans Urge Fast Report on Hillary Clinton's Emails: "NSA, FBI Have Enough Evidence"

By [Veteran Intelligence Professionals for Sanity](#)

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A group of U.S. intelligence veterans is calling on President Obama to expedite the FBI review of former Secretary of State Clinton's alleged email security violations so the public can assess this issue in a timely fashion.

MEMORANDUM

FOR: The President

FROM: Veteran Intelligence Professionals for Sanity

SUBJECT: Those "Damn Emails" - "Really a Concern"

Introduction

Last Wednesday Robert Gates, CIA Director under President Bush-41 and Defense Secretary under President Bush-43, publicly commented that Secretary Hillary Clinton's "whole email thing ... is really a concern in terms of her judgment," adding, "I don't know what originally prompted her to think that was a good idea."

What originally prompted her does not matter. As your Secretary of State and your subordinate, she willfully violated laws designed to protect classified information from unauthorized disclosure. It may be somewhat difficult for those not as immersed in national security matters as we have been to appreciate the seriousness of the offense, including the harm done in compromising some of the most sensitive U.S. programs and activities. This is why we write.

Democratic presidential candidate Hillary Clinton.

Pundits and others are playing down the harm. A charitable interpretation is that they have no way to gauge what it means to expose so much to so many. We do know, and our overriding concern is to protect the national security of our country from further harm. It would be a huge help toward this end, if you would order Attorney General Loretta Lynch to instruct the FBI to stop slow-walking the email investigation and release its findings promptly.

If you choose, instead, to give precedence to politics over national security, the American people will be deprived of timely appreciation of the gravity of the harm done; national security officials who do follow the rules will be scandalized; FBI investigators will conclude that their job is more political than professional; and the noxious impression will grow that powerful people cannot be held accountable when they break the law. Worse: if the results of the FBI investigation remain under lock and key, dangerous pressures are likely to be exerted on the most senior U.S. officials by those who have the key – as we explain below.

* * *

We the undersigned Veteran Intelligence Professionals for Sanity (VIPS) have spent 400 years working with classified information – up to and including TOP SECRET, Codeword, and Special Access Programs (SAP). Given that experience, we believe that much of the commentary on the former Secretary of State Hillary Clinton email controversy has been misplaced, focusing on extraneous issues having little or nothing to do with the overriding imperative to protect classified information.

As intelligence, military, and foreign service professionals, we are highly aware not only of that compelling need, but also of the accompanying necessity to hold accountable those whose actions compromise – whether for reasons of convenience or espionage – sensitive operations, programs and persons. In addition, we know that successful mutual cooperation with foreign intelligence services depends largely on what they see as our ability to keep secrets secret.

Background

Last August, Secretary Clinton handed over her private email server to the FBI, five months after she acknowledged she had used it for work-related emails as Secretary of State. She admitted to having deleted about 31,000 emails she described as personal. Media reports last fall, however, indicated that the FBI was able to recover the personal emails, and was reviewing them, as well as the 30,000 others she had described as work-related.

In January, the Department of State announced that, of the 30,000 work-related emails, at least 1,340 contained classified material. The Department retroactively classified 22 of those TOP SECRET and prevented their release. Among the 22 were some that, according to media reports, included information on highly sensitive Special Access Programs (SAP).

The White House has said it will do nothing to impede the FBI investigation and possible filing of charges against Clinton, if the facts should warrant that kind of action. Inasmuch as the outcome of the investigation is bound to have major political consequences, such White House assurances stretch credulity.

By all indications, the FBI is slow-walking the investigation and mainstream media are soft-pedaling the issue. As things now stand, most Americans remain unaware of the import of this industrial-scale compromise of very sensitive national security information in Secretary Clinton's emails.

Our concern mounted in January when the Inspector General of the intelligence community wrote to the chairs of the congressional intelligence committees that he had received from one of the intelligence agencies two “sworn declarations” asserting that Secretary Clinton's emails contained not only CONFIDENTIAL and SECRET information, but also information at

the TOP SECRET/SAP level.

In 2009, you signed an Executive Order regarding SAP (Special Access Programs), so we assume you were briefed on their extremely high sensitivity and the consequent need to sharply limit the number of people allowed to be “read-in” on them. The mishandling of SAP information can neutralize intelligence programs costing billions of dollars, wreck liaison relationships assiduously cultivated for decades, and get a lot of people killed.

‘It Wasn’t That Bad’

All those directly or peripherally involved in the investigation of the Clinton email issue know very well that it could have a direct impact on who is likely to become the next President of the United States, and they will be making decisions with that reality in mind. They know that it is with you that “the buck stops,” and they are sensitive to signs of your preferences. Those were not difficult to discern in your commencement address at Howard University on May 7, in which you strongly advocated the same basic policy approaches as those espoused by one Democratic presidential candidate – Hillary Clinton.

Your White House has also made excuses for deliberate security violations by Secretary Clinton that would have gotten senior officials like us fired and probably indicted. We look with suspicion at what we see as contrasting and totally inappropriate attempts by the administration and media to play down the importance of Secretary Clinton’s deliberate disregard of basic security instructions and procedures.

It appears that the option chosen by the White House is using the declared need for “thoroughness” to soft-pedal and delay completion of the investigation for several more months, while the corporate media sleeps on. Four months have already gone by since the smoking-gun-type revelations in the intelligence community Inspector General’s letter to Congress, and it has been well over a year since Secretary Clinton first acknowledged using an insecure email server for official business.

Another claim emanating from your White House is that Clinton was careless in managing her emails and has admitted as much, but that she has not damaged American national security. She has called it a “mistake,” but security officials of the National Security Agency explicitly forewarned her against violating basic laws and regulations designed to prevent the compromise of classified information.

NSA, FBI Have Enough Evidence

Surely, enough time has passed, and enough material has been reviewed, to permit a preliminary damage assessment. The NSA has the necessary information and should, by now, have shared that information with the FBI. Secretary Clinton’s server in her house in Chappaqua, New York, was not a secured device. Her email address incorporated her initials, “hdr” (apparently for her maiden name, Hillary Diane Rodham). It also included the “clinton” server identity, so it was easy for a hacker to spot.

Anyone with the proper equipment, knowledge and motivation might have been able to obtain access. That is what hackers are able to do, with considerable success, against government servers that are far better protected than the private email server located in her New York State home.

In fact, there have been reports that Secretary Clinton’s emails were, indeed, hacked

successfully by foreigners. The Romanian hacker who goes by the name Guccifer claimed earlier this month that he had repeatedly hacked her email server. He described the server as “like an open orchid on the Internet” and that “it was easy ... easy for me, for everybody.” Guccifer has been extradited from Romania and is now in jail in Alexandria, Virginia, where the FBI is said to be questioning him on the emails. There have also been credible claims that Russian intelligence and other foreign services were able to hack the Secretary’s server.

Another argument being surfaced, in a transparent attempt to defend Secretary Clinton, has to do with intent. It is said that she did not intend to have classified information on her computer in New York and had no intention of handling secret material in a way that would be accessible to foreign intelligence or others lacking the proper security clearances and the need-to-know.

But while intent might be relevant in terms of punishment, it does not change the fact that as a member of the Senate Armed Services Committee, then Senator Clinton had clearances for classified information for years before becoming Secretary of State. She knew the rules and yet as Secretary she handled classified information carelessly after a deliberate decision to circumvent normal procedures for its safeguarding, thus making it vulnerable to foreign intelligence, as well as to criminal hackers.

Anyone who has ever handled classified material knows that there are a number of things that you do not do. You do not take it home with you, you do not copy it and share it with anyone who does not have a clearance and a need-to-know, you do not strip off the classification marks and treat it as unclassified, and you do not transfer it to another email account that is not protected by a government server.

If you have a secured government computer operating off of a secure server that means that what is on the computer stays on the computer. This is not a matter of debate or subject to interpretation. It is how one safeguards classified information, even if one believes that the material should not be classified, which is another argument that has been made in Clinton’s defense. Whether or not the classification is unnecessary is not your decision to make.

Apart from the guidelines for proper handling of classified information, outlined in Executive Order 13526 and 18 U.S.C Sec. 793(f) of the federal code, there is some evidence of a cover-up regarding what was compromised. This itself would be a violation of the 2009 Federal Records Act and the Freedom of Information Act.

Numerous messages both in New York and in Washington have reportedly been erased or simply cannot be found. In addition, the law cited above explicitly makes it a felony to cut and paste classified information removing its classification designation. Retaining such information on a private email system is also a felony. In one of Secretary Clinton’s emails, she instructed her staff simply to remove a classification and send the information to her on her server.

So the question is not whether Secretary Clinton broke the law. She did. If the laws are to be equally applied, she should face the same kind of consequences as others who have been found, often on the basis of much less convincing evidence, guilty of similar behavior.

Some More Equal Than Others

Secretary Clinton' case invites comparison with what happened to former CIA case officer Jeffrey Sterling, now serving a three-and-a-half-year prison term for allegedly leaking information to New York Times journalist James Risen. Sterling first came to the media's attention when in 2003 he blew the whistle on a botched CIA operation called Operation Merlin, telling the Senate Intelligence Committee staff that the operation had ended up revealing nuclear secrets to Iran. When in 2006 James Risen published a book that discussed, inter alia, this amateurish cowboy operation, the Department of Justice focused on Sterling as the suspected source.

In court, the federal prosecutors relied almost entirely on Risen's phone and email logs, which reportedly demonstrated that the two men had been in contact up until 2005. But the prosecutors did not provide the content of those communications even though the FBI was listening in on some of them. Risen has claimed that he had multiple sources on Operation Merlin, and Sterling has always denied being involved.

Jeffrey Sterling was not permitted to testify in the trial on his own behalf because he would have had to discuss Operation Merlin, which was and is still classified. He could not mention any details about it even if they were already publicly known through the Risen book. No evidence was ever produced in court demonstrating that any classified information ever passed between the two men, but Sterling, an African American, was nevertheless convicted by an all-white jury in Virginia based on "suspicion" and the presumption that "it had to be him."

The contrast between the copious evidence – some of it self-admitted – of Secretary Clinton's demonstrable infractions, on the one hand, and the very sketchy, circumstantial evidence used to convict and imprison Jeffrey Sterling, on the other, lend weight to the suspicion that there is one law for the rich and powerful in the United States and another for the rest of us.

Failing to take steps against a politically powerful presidential candidate and letting her off unscathed for crimes of her own making, while an institutionally unprotected Jeffrey Sterling sits in prison would be a travesty of justice not dissimilar to the gentle wrist-slap given Gen. David Petraeus for giving his mistress extremely sensitive information and then lying to the FBI about it.

Your order to then-Attorney General Eric Holder to let Gen. David Petraeus off easy created a noxious – and demoralizing – precedent in the national security community indicating that, whatever the pains taken at lower levels to prevent compromise of duly classified information, top officials are almost never held accountable for disregarding well-established rules. These are some of the reasons we are so concerned that this is precisely the direction in which you seem to be leaning on the Clinton email issue.

In our view, the sole legitimate reason for disclosing classified information springs from the only "oath" we all took – "to support and defend the Constitution of the United States against all enemies foreign and domestic." When, for example, Edward Snowden saw the U.S. government grossly violating our Fourth Amendment right to be "secure" against warrantless "searches and seizures," he gave more weight to that oath (ethicists call it a supervening value) than to the promise he had made not to disclose information that could harm U.S. national security.

Possibly Still Worse Ahead

You might give some thought, Mr. President, to a potentially messy side of this. What is already known about NSA's collect-it-all electronic practices over the past several years strongly suggests that NSA, and perhaps the FBI, already know chapter and verse. It is virtually certain they know what was in Secretary Clinton's emails – including the ones she thought she had deleted. It is likely that they have also been able to determine which foreign intelligence agencies and other hackers were able to access the emails.

One ignores this at one's peril. Secretary Clinton's security violations can have impact not only on whether she becomes your successor, but also on whether she would, in that case, be beholden to those who know what lies hidden from the rest of us – perhaps even from you.

Intelligence professionals (in contrast to the occasional political functionary) take the compromise of classified information with utmost seriousness. More important: this is for us a quintessentially nonpartisan issue. It has to do, first and foremost, with the national security of the United States.

We are all too familiar with what harm can come from blithe disregard of basic procedures designed to protect sensitive intelligence and other national security information. Yes, the lamentable unevenness in how such infractions are handled is also an important issue – but that is not our main focus in the present context.

The Truth Will Out

Not all workers at the NSA or the FBI are likely to keep their heads in the sand, as they watch very senior officials and politicians with their own agendas disregard laws to safeguard the nation's security. We know what it is like to do the difficult, disciplined work of protecting information from being compromised by strictly abiding by what often seem to be cumbersome rules and regulations. We've been there; done that.

If you encourage the Department of Justice and the FBI to continue slow-walking the investigation, there is a good chance the truth will come out anyway. As you are aware, the Justice Department, the FBI, and NSA have all yielded recent patriots who, in such circumstances, decided that whistleblowing – rather than silence – was the only way to honor the oath we all swore – to support and defend the Constitution.

To sum up our concern regarding how all this plays out, if you order the Justice Department and FBI to pursue the investigation with “all deliberate speed,” so to speak, and Secretary Clinton becomes president, the juicy email secrets in the hidden hands of the NSA and FBI are likely to give those already powerful institutions a capacity for blackmail that would make J. Edgar Hoover's mouth water. In addition, information hacked by foreign intelligence services or Guccifer-like hackers can also provide useful grist for leverage or blackmail.

Taking Care the Laws Are Faithfully Executed

We strongly urge you to order Attorney General Loretta Lynch to instruct FBI Director James Comey to wind up a preliminary investigation and tell the country now what they have learned. By now they – and U.S. intelligence agencies – have had enough time to do an early assessment of what classified data, programs and people have been compromised. Realistically speaking, a lengthier, comprehensive post-mortem-type evaluation – however interesting it might be, might never see the light of day under a new president.

We believe the American people are entitled to prompt and full disclosure, and respectfully suggest that you ensure that enforcement of laws protecting our national security does not play stepchild to political considerations on this key issue.

On April 10, you assured Chris Wallace, "I guarantee that there is no political influence in any investigation conducted by the Justice Department, or the FBI – not just in this [Clinton email] case, but in any case. Full stop. Period."

We urge you to abide by that promise, and let the chips fall where they may. Full stop. Period.

For the Steering Group, Veteran Intelligence Professionals for Sanity (VIPS)

William Binney, Technical Director, NSA; co-founder, SIGINT Automation Research Center (ret.)

Thomas Drake, Senior Executive, NSA (former) Philip Giraldi, CIA, Operations Officer (ret.)

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