

THE SEKRET DRONES IN HILLARY'S [STAFFERS'] EMAILS

From the start of the Hillary Clinton email scandal, I've maintained that there are real reasons to be critical of her use of a private email.

There are big governance reasons to be concerned that Clinton has been in control of all her official emails, including that the emails will get destroyed or hidden from FOIA and Congressional requests.

But there's also the question of whether whatever sensitive communications she had – potentially including classified information – were safe on a server run out of her Chappaqua home. While the State Department's own emails have been notoriously unreliable – they have been compromised both in the WikiLeaks leak and in persistent hacks in recent years– if foreign adversaries learned of her private server (and remember, it's very hard to hide metadata from someone who is looking), her communications would be even easier to compromise.

[snip]

[T]he system is also broken because it has been permitted to become a tool the powerful use to control their own image (and thereby accrue more power). After the years-long witch hunts under her spouse's Presidency, Clinton might be forgiven for wanting to maintain complete control over her own communications (except for that whole bit about democratic accountability). But she is of course doing it to serve her own Presidential aspirations.

Not only are there real governance reasons it was wrong, but it was an own-goal given that she knew Republicans would pounce on anything that hints of corruption (even though most GOP presidential candidates have done the same thing). In the grand scheme of things, however, I'm most interested in fixing the email and accountability problem, because it has been a recurrent problem since Poppy Bush tried to destroy some PROFs notes to cover up the Iran-Contra scandal.

That said, much – though not all – of the reporting on it took a decidedly irresponsible turn when Intelligence Community Inspector General Charles McCullough revealed that two emails from the emails on Hillary's server had been determined to contain Top Secret information. Such reporting was led by former NSA official John Schindler whose piece in the Daily Beast bore this headline.

The Spy Satellite Secrets in Hillary's Emails

Schindler might be excused for a headline editors gave his piece to drive clicks and scandal – and indeed, in some parts of his article he was more disciplined in specifying whose emails these were – but he nevertheless used the formulation “Clinton's emails” when claiming she had satellite-derived information on her servers.

Most seriously, the Inspector General assessed that Clinton's emails included information that was highly classified–yet mislabeled as unclassified. Worse, the information in question should have been classified up to the level of “TOP SECRET//SI//TK//NOFORN,” according to the Inspector General's report.

This left the suggestion that as Secretary of State Hillary Clinton sat down with some SIGINT

reporting, transcribed it, and then sent it off to her staffers. That, in spite of repeated clarifications from official sources that Hillary was in no way a target of the FBI inquiry into this.

Dianne Feinstein clarified the point yesterday: the issue is that Hillary received emails that had information claimed to be classified, not that she sent them.

There has been a lot of press coverage recently of allegations regarding Secretary Clinton's email. Unfortunately, much of the coverage has missed key points.

First, none of the emails alleged to contain classified information were written by Secretary Clinton.

The questions are whether she received emails with classified information in them, and if so, whether information in those emails should have been classified in the first place. Those questions have yet to be answered. However, it is clear that Secretary Clinton did not write emails containing classified information.

Again, nothing obviates all the blame that Hillary chose to rely on an unclassified email system, but it's one thing if Hillary were sending Top Secret information across an unprotected server, and yet another thing if she received emails that might have been derived from Top Secret information, but were not marked as such or even evidently sourced from Top Secret information. Or even – given that some of the people and agencies in question aren't entirely trustworthy when they make claims of secrecy – that publicly available information was deemed Top Secret.

At least according to the AP (in a story sourced to US officials, so potentially some people in DiFi's immediate vicinity), that's what

happened.

The two emails on Hillary Rodham Clinton's private server that an auditor deemed "top secret" include a discussion of a news article detailing a U.S. drone operation and a separate conversation that could point back to highly classified material in an improper manner or merely reflect information collected independently, U.S. officials who have reviewed the correspondence told The Associated Press.

[snip]

The drone exchange, the officials said, begins with a copy of a news article that discusses the CIA drone program that targets terrorists in Pakistan and elsewhere. While a secret program, it is well-known and often reported on. The copy makes reference to classified information, and a Clinton adviser follows up by dancing around a top secret in a way that could possibly be inferred as confirmation, they said. Several officials, however, described this claim as tenuous.

But a second email reviewed by Charles McCullough, the intelligence community inspector general, appears more suspect. Nothing in the message is "lifted" from classified documents, the officials said, though they differed on where the information in it was sourced. Some said it improperly points back to highly classified material, while others countered that it was a classic case of what the government calls "parallel reporting" – different people knowing the same thing through different means.

This is CIA claiming secrecy for its drone operations!!! The ongoing FOIAs about CIA's acknowledged role in the drone war are evidence

that even independent appellate judges don't buy CIA's claims that their drone activities are secret. Just yesterday, in fact, DC Judge Amit Mehta ordered DOJ to provide Jason Leopold more information about its legal analysis on CIA drone-killing Anwar al-Awlaki, information the CIA had claimed was classified. Indeed, Martha Lutz, the woman who likely reviewed the emails turned over, is fairly notorious for claiming things are classified that pretty obviously aren't. It's her job!

I'm all in favor of doing something to ensure all people in power don't hide their official business on hidden email servers – right now, almost all people in power do do that.

But those who take CIA's claims of drone secrecy seriously should be mocked, as should those who deliberately obscure the difference between receiving an unmarked email with information claimed to be classified and those who transcribe information from a properly marked classified document.