

# KEEPING SECRETS

BY STEVE COLL

ILLUSTRATION BY TOM BACHTTELL

**H**illary Clinton, in her memoir “Living History,” recounts her struggle to defend her privacy while residing in the White House. Some of her stories have

a gothic tone. After Bill Clinton’s first inauguration, Harry and Linda Thomason, friends from Hollywood, found a jocular note under a pillow in the Lincoln Bedroom. It was from Rush Limbaugh, the conservative radio host. How did the note get there? “I don’t believe in ghosts, but we did sometimes feel that the White House was haunted by more temporal entities,” Clinton writes.



A few months later, as she grieved over the death of her father, she noticed that furniture in the living quarters had been disturbed. She discovered that security officers had searched for bugging devices, without consulting her. “I suddenly remembered the Rush Limbaugh note,” she writes. “I was undone by the invasion of privacy. Yes, we were living in a house that belongs to our nation. But there’s an understanding that individuals who occupy it are allowed some rooms of their own.”

That sensibility partly explains this summer’s Clinton non-scandal or mini-scandal or proto-scandal, as it may be. The matter arose from a decision by Clinton when she was the Secretary of State to eschew the government’s e-mail system for a private one. In this hot summer of Donald Trump’s smash reality show and excited crowds for Clinton’s Democratic challenger Bernie Sanders, the e-mail imbroglio is giving her supporters indigestion. The headlines recall the bewildering, partisan-inflamed, and largely inconsequential controversies that surfaced during her husband’s Presidency—Whitewater, Travelgate, the Paula Jones case, the Monica Lewinsky matter, and, finally, President Clinton’s impeachment hearings. It was an era in Washington about which only white-collar defense lawyers may feel nostalgic.

Now the Clintons again confront a scrum of Republican congressmen and conservative activists who are clearly out to get them. Yet the tenacity of Republican opposition researchers does not by itself explain why Clinton and her husband are so often beset by accusation. Both of them too often co-author their dramas by obfuscating and tolerating conflicts of interest, such as when, between 2009 and

Foundation accepted large donations from foreign governments, including several that abuse human rights.

The e-mail case is, so far, a more ambiguous tangle. In late 2008 or early 2009, the incoming Secretary installed a private server at her New York home. She has said that she wanted to avoid carrying multiple e-mail devices, something that using the State Department system might have required. "What was supposed to be convenient has turned out to be anything but convenient," Clinton remarked last week. Late last year, Clinton turned over to the State Department about thirty thousand e-mails from her home system. But, before doing so, she and her attorneys singled out more than thirty thousand other e-mails, which they deemed to be "private," and, as far as is known, deleted them permanently. Clinton has said that the deleted notes concerned only "yoga routines, family vacations," and the like. Her unilateral culling raised eyebrows, but her lawyers approved her action, and her assertion of privacy rights seems to have resonated with Democratic voters.

Now, however, the F.B.I. is involved. This is because an inspector general for U.S. intelligence agencies, and another for the State Department, reviewed a sample of Clinton's e-mails and identified classified information in some of them. By near-automatic protocol, that finding was referred to the Justice Department. One of the F.B.I.'s tasks in the weeks ahead will be to look into whether, amid all the e-mailing to and from Secretary Clinton, any crime may have been committed, by anyone. There is no indication that Clinton is the target of a criminal inquiry.

Unfortunately for the candidate, though, the law around handling classified information can resemble a house of mirrors. The federal government routinely classifies many more documents than it needs to, including ones containing publicly known or harmless information. Consequently, government employees must treat subjects widely covered in the media, such as the fact that the U.S. carries out lethal drone strikes, as if they were super-secret. And even the most innocuous discussions with foreign government officials may be judged classified. This is often silly, yet the F.B.I. goes by the book. If Clinton and her aides swapped classified information over an unsecured e-mail system, they could be questioned about mishandling state secrets.

That misdemeanor has ensnared several high office-holders in the recent past. In 2001, John Deutch, President Clinton's second C.I.A. director, admitted to a single count of mishandling classified material, because he kept top-secret files at home on a Macintosh connected to the open Internet. (Bill Clinton pardoned him.) In 2005, Samuel Berger, a former Clinton Administration national-security adviser, pleaded guilty to a misdemeanor, because, after leaving office—for reasons that remain unclear—he removed classified documents from the National Archives and destroyed them. Earlier this year, General David Petraeus pleaded to a misdemeanor after allowing his mistress and biographer to read sensitive notebooks that he kept when he ran the C.I.A.

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http://www.newyorker.com/magazine/2015/08/31...  
of serious or willful wrongdoing is more dramatic than anything that has emerged about Hillary Clinton's e-mailing. It has not yet been independently determined whether any of the classified information in her correspondence was marked as such, for example, or how sensitive the secrets discussed might have been. Still, it is conceivable that more striking evidence of deception or serious neglect may eventually surface, and, in any event, the investigations will go on—and on and on, if past inquiries of this type are any guide.

Hillary Clinton's vulnerabilities as a Presidential candidate are visible and often remarked upon—conspicuous wealth, a self-protecting style, and the baggage accumulated during three decades in public life. Her strengths are less often acknowledged. For one thing, she is a formidable campaigner—always on message, gaffe-free in debates and town halls, encyclopedic on policy, and comfortable with confrontation and competition. News cycles about faltering front-runners are as much a ritual of early primary seasons as eating pork on a stick at the Iowa State Fair. Hillary Clinton's campaign is only starting. It will likely be another August before anyone can rate her chances to return to the temporally haunted living quarters she knew as a spouse, to take up rooms of her own. ♦



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