

# Clinton email policy violated Obama administration guidance

March 4 2015, by Nedra Pickler

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White House press secretary Josh Earnest speaks during his daily news briefing at the White House in Washington, Wednesday, March 4, 2015, where he answered questions including on Iran, and about former Secretary of State Hillary Clinton's use of email. (AP Photo/Jacquelyn Martin)

Even if Hillary Rodham Clinton's use of a private email server to conduct official business as secretary of state was not illegal, it violated Obama administration guidance and undermined his pledge of historic transparency.

Clinton's reliance on [hdr22@clintonemail.com](mailto:hdr22@clintonemail.com) for electronic communication as the nation's top diplomat ignited another political controversy for the presumptive Democratic presidential front-runner, who is no stranger to scandal. It was a puzzling and risky decision for a political figure who is vulnerable to criticism about trying to operate outside the rules.

Clinton has yet to explain why she took the unusual step of using her own server and eschewing a State Department [email](#) address. Her silence has left the White House that vowed to run the most open [government](#) in history in the awkward position of having to answer for her electronic secrecy.

For the second day in a row Wednesday, Clinton's emails dominated the White House press briefing. Press secretary Josh Earnest carefully avoided direct criticism of Clinton while making it clear that administration policy is for government emails to be used for official business.

"Very specific guidance has been given to agencies all across the government, which is specifically that employees of the Obama administration should use their official email accounts when they're conducting official government business," Earnest said. He added if there are occasions when personal email is used for government business, a copy should be sent to the government account so the message can be properly preserved for inquiries from the public, historians and Congress.

Yet Clinton wasn't using personal email on occasion, but exclusively, the New York Times reported this week. The Associated Press found that a business record used for her email server registered under the home address for her residence in Chappaqua, New York, as early as August 2010 under the name Eric Hoteham. That name doesn't appear in public

records databases, but Clinton once employed an aide named Eric Hothem, who was not available for comment Wednesday.

President Barack Obama didn't sign a law requiring archiving of emails from government officials until last year, after Clinton left office. But in 2011, when she was still secretary amid Google's revelations that China tapped email accounts of U.S. officials, the White House said government officials should use government email accounts for official business.

"The administration policy that is effective here is that we—all of our work is conducted on work [email accounts](#)," said then-press secretary Jay Carney.

Last year, Clinton provided the State Department 55,000 pages of emails after the department asked her and other former secretaries for records that should be preserved. Yet her advisers alone decided what would be turned over and should not, without any outside control or clarity on the process they used.

Earnest said "if in fact Secretary Clinton's team did what they say they did, and that is reviewed her email, collected all of her personal email that was related to her official government work and turned that over to the State Department so that they could properly preserve and maintain it, that would be consistent with the Federal Records Act. And that's the president's expectation."

Earnest also pointed out that the government runs a separate email system to exchange classified information, so classified information should never have been sent on an outside server.

Jerome Reisman, a New York-based attorney experienced in government ethics, said a private server gives the operator more control over their

communications and makes it more difficult to subpoena electronic records as part of investigations. But he said the private server also has a greater chance of being exposed to hackers.

"This is not an issue necessarily of was it legal or was it illegal. It was wrong," Reisman said. "It is very important. It reflects on her character. It reflects on her role. It reflects on the model she serves to the rest of public employees."

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