

Five things to know about Clinton's State Department emails

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In this Oct. 18, 2011, file photo, then-Secretary of State Hillary Rodham Clinton checks her Blackberry from a desk inside a C-17 military plane upon her departure from Malta, in the Mediterranean Sea, bound for Tripoli, Libya. Clinton used a personal email account during her time as secretary of state, rather than a government-issued email address, potentially hampering efforts to archive official government documents required by law. Clinton's office said nothing was illegal or improper about her use of the non-government account and that she believed her business emails to State Department and other .gov accounts would be archived in accordance with government rules. (AP Photo/Kevin Lamarque, Pool, File)

Hillary Rodham Clinton's [use of a personal email account](#) for State Department business has prompted questions about secrecy and the rules that govern the communications of senior government officials.

Clinton's backers say the former secretary of state was doing nothing different than her predecessors who also used private [email](#) addresses. But transparency advocates fear an increasing reliance on personal accounts at the highest levels of [government](#), a development they say could allow officials to hide information from the public.

Here are five things to know about Clinton's emails:

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WHY DID CLINTON USE A PERSONAL EMAIL ACCOUNT?

There's no simple answer.

Obama administration guidelines stipulate that all agency employees are to use government emails when conducting official business. Under the Federal Records Act, the written communications of officials are supposed to be retained.

Clinton spokesman Nick Merrill says that because she emailed her State Department advisers on their government email addresses, her correspondence has in fact been retained. Aides say Clinton used a BlackBerry before becoming secretary and continued to use it when she joined the Obama administration.

Still, transparency advocates see the personal emails as a way to get around the records requirements.

"The concern is that top officials are using other means of

communicating to avoid those laws," said John Wonderlich, policy director of the Sunlight Foundation.

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DID CLINTON VIOLATE THE LAW?

There's no ban on government employees setting up and using private email accounts. But using those accounts for government business is allowed only if the official retains a copy of each record on her official account or forwards a copy within 20 days.

But the law requiring those steps was signed by President Barack Obama in November 2014, nearly two years after Clinton left the State Department.

Clinton's spokesman says she followed both the "letter and spirit" of State Department email rules.

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WHOM WAS CLINTON EMAILING?

Without access to the emails, there's no way to know for sure.

Aides say she was in regular communication with about 100 people at the State Department, but her address was not widely known within the department. White House spokesman Josh Earnest wouldn't say whether Obama ever emailed Clinton, but expected that others in the White House did.

It's unclear whether Clinton ever emailed her foreign counterparts. The State Department said no classified email was sent or received on the

email account.

WHO HAS CLINTON'S EMAILS NOW?

Last year, Clinton provided the State Department 55,000 pages of emails. She did so at the request of the department, which also asked other former secretaries for records that should be preserved.

Aides say the email cache includes anything that pertains to her work at the department, but does not include personal correspondence. While aides say the trove amounts to 90 percent of the emails she sent over the course of her tenure at State, only they know that for sure.

ARE CLINTON'S EMAILS SUBJECT TO THE FREEDOM OF INFORMATION ACT?

In theory, but not in practice. Under the law, emails Clinton wrote and sent about official business as secretary of state are part of the public record and available to anyone who requested copies under the U.S. Freedom of Information Act. But since Clinton effectively retained control over emails in her private account, the government would have to negotiate with Clinton to turn over any messages that can't be retrieved from the inboxes of any federal employees to whom she emailed.

The Associated Press has been waiting more than four years for the State Department to turn over some emails covering Clinton's tenure as secretary of state.

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