

Extremely Careless vs Grossly Negligent

by Gary Fouse



The more I learn about James Comey's handling of the Hillary Clinton email scandal, the less I like him. Being a retired DEA agent, I happen to know several FBI agents who think very highly of Comey as opposed to their low opinion of Robert Mueller, his predecessor and the current special prosecutor investigating allegations of collusion between the Trump campaign and the Russians in trying to sway the election. Based largely on their descriptions of Comey prior to the Clinton email matter, I had held a high opinion of him as well.

With all due respect to my FBI friends, I can no longer share their enthusiasm for Comey. He lost my support when he held that infamous press conference, told reporters how Hillary Clinton had been "extremely careless" in her handling of classified emails (a classic understatement), then elected not to recommend prosecution.

Then we learned that Comey had drafted a memo exonerating

Clinton months before the investigation was closed, which led many to conclude that the fix was in from the start.

Now comes this [latest revelation](#) about Comey's memo in which he initially (May 2016) stated that Clinton had been "grossly negligent." That expression was changed to "extremely careless" (June 2016). On the surface, it might seem innocuous because most people would say they mean the same thing. Yet, "grossly negligent" is a crucial term, one that is contained in the wording of the statute that Mrs. Clinton would have been charged with regarding her handling of classified material. To be accurate, it is "gross negligence".

The statute is [Title 18 USC \(United States Code\) 793](#).

If you go down to sub-section f, you will find the expression "gross negligence." Had Comey left that expression in his final draft, he would have been held up to even more ridicule because it would have made even more of a mockery of his conclusion that "no reasonable prosecutor would bring such a case." In addition, this statute does not require intent, which Comey had insisted upon. The statute requires "gross negligence." There is a big difference. A man who drives drunk and kills someone in an accident did not have the intent to kill someone. It was his gross negligence in driving drunk that led to a death. Even if the driver is stopped by police before an accident by police, he is subject to arrest. Secretary Clinton was basically driving while drunk in having a private server handle her State Department classified emails. She may not have intended for her classified emails to fall in the wrong hands, but she intended to violate 18 USC 793. No matter how you define it, Clinton broke the law and did so knowingly. As secretary of state, she was given all the required classified briefings before taking office. She cannot claim to have been ignorant of the rules that any junior foreign service officer knew.

All of which James Comey ignored. He knew this was all a

charade. The fix was in.