

Why Sanders Continues Campaigning. Clinton Could be Indicted in Relation to her State Department Emails...

By [Eric Zuesse](#)

Global Research, May 13, 2016

Region: [USA](#)

Theme: [History](#), [Law and Justice](#)

In-depth Report: [U.S. Elections](#)

There are two realistic scenarios for Bernie Sanders to win the U.S. Presidency.

One depends upon his receiving the Democratic Party's nomination. The other doesn't, but both are realistic.

HE STILL MIGHT WIN THE DEMOCRATIC NOMINATION

He still can win the Democratic Party's nomination, under not just one but two possible scenarios:

(1): Clinton could be indicted for her having privatized her State Department emails.

As [I have documented](#), there are at least three federal criminal statutes that Hillary Clinton unquestionably did violate by privatizing her State Department emails:

THE FIRST: 18 U.S. Code § 1519 – Destruction, alteration, or falsification of records in Federal investigations and bankruptcy:

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

THE SECOND: 18 U.S.C. Section 641. Public money, property or records: Whoever embezzles, steals, purloins, or knowingly converts to his use, or the use of another, or without authority, sells, conveys or disposes of any record, voucher, money, or thing of value of the United States or of any department or agency thereof, or any property made or being made under contract for the United States or any department or agency thereof, ... Shall be fined not more than \$10,000 or imprisoned not more than ten years or both. ...

Section 793. Gathering, transmitting or losing defense information ... (f) Whoever, being entrusted with or having lawful possession or control of any document, writing, code book, signal book, sketch, photograph, photographic negative, blueprint, plan, map, model, instrument, appliance, note, or information, relating to the national defense, (1) through gross negligence permits the same to be removed from its proper place of custody or delivered

to anyone in violation of his trust, or to be lost, stolen, abstracted, or destroyed, or (2) having knowledge that the same has been illegally removed from its proper place of custody or delivered to anyone in violation of its trust, or lost, or stolen, abstracted, or destroyed, and fails to make prompt report of such loss, theft, abstraction, or destruction to his superior officer — Shall be fined not more than \$10, 000 or imprisoned not more than ten years, or both. (g) If two or more persons conspire to violate any of the foregoing provisions of this section, and one or more of such persons do any act to effect the object of the conspiracy, each of the parties to such conspiracy, shall be subject to the punishment provided for the offense which is the object of such conspiracy.

THE THIRD: 18 U.S. Code § 2071 - Concealment, removal, or mutilation generally: (a)Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both. (b)Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term "office" does not include the office held by any person as a retired officer of the Armed Forces of the United States.

I have no sources inside the FBI's investigation, but the libertarian [legal commentator and retired U.S. judge Andrew P. Napolitano](#) does, and he has continually reported that FBI agents who are working on the case have threatened to resign if the Administration blocks them, and he also has [reported, on May 12th](#), that they are closing in on Hillary Clinton now and are pursuing a case against her, negotiating for testimony from her aides (potentially to testify against her), and that "last week":

"a federal judge ordered the same five persons to give videotaped testimony in a civil lawsuit against the State Department which once employed them in order to determine if there was a "conspiracy" – that's the word used by the judge – in Mrs. Clinton's office to evade federal transparency laws. Stated differently, the purpose of these interrogations is to seek evidence of an agreement to avoid the Freedom of Information Act requirements of storage and transparency of records, and whether such an agreement, if it existed, was also an agreement to commit espionage – the removal of state secrets from a secure place to a non-secure place."

Although the U.S. President could instruct his Attorney General to drop the investigation into Clinton's email operation, an FBI agent who would go public about that obstruction of justice would sink not only Clinton's chances but that President's historical legacy.

Though an indictment after Clinton's receiving the Party's endorsement wouldn't change the fact of her still being (in that scenario) the Democratic Party's nominee for the U.S. Presidency, it would cause a split amongst congressional Democrats, some continuing to support her but others not, and a Republican-controlled Congress would be almost certain to result under that circumstance.

The [719 Democratic Party superdelegates at the National Convention](#) are there mainly in order to be able to block a person from receiving the Party's nomination if that person as the nominee would clearly harm the Party's chances of winning (controlling) congress and other elective offices throughout the nation; and, so, if Hillary Clinton stands a serious chance of indictment, they'll oppose her; and, if she has actually been indicted prior to the July 25th start of the National Convention, they'll *definitely* vote against her.

(2) Sanders has far higher likelihood of beating Trump than Clinton does.

[Nationally polled matchups between Clinton versus Trump, and between Sanders versus Trump, have consistently shown Sanders performing far better than Clinton does.](#) (The trend you see there in those numbers gets worse and worse for Clinton.)

With national polls like that, the superdelegates could possibly, if not perhaps even likely, swing so strongly to Sanders as to hand him the Democratic nomination.

WHAT ABOUT IF CLINTON RECEIVES THE NOMINATION?

As I noted at that last link, there's "the possibility that Sanders would run a campaign whose message will be 'Write in "Bernie Sanders"' — that he will be campaigning for the votes of everyone who wants him to become the President, to simply write his name in on the Presidential ballot." And he realistically might win, even under that scenario.

This outcome could provide a U.S. President who is beholden to no Party, and who very possibly (if he wishes to do it) will transform the Democratic Party so that it's no longer the anti-FDR, anti-Kennedy, anti-LBJ, Party, that eliminated FDR's Glass-Steagall Act and deregulated banking, and eliminated Aid to Dependent Children, and weakened protections of labor union organizers. He might transform it into, instead, a rebirth and extension of FDR's progressive Democratic Party, and he thus could restore American politics to its constructive direction, which pertained generally during the period 1932-1980, the period that was dominated by FDR's Democracy — America's boom-years, when the U.S. truly did lead the world in democracy.

For Sanders to instead campaign for Clinton, would be for him to endorse her record (not her words but her *actual policies* in public office), which would [make a mockery of not only Sanders's words, but of his extensive entire record of actions in public office](#). It would be for him to renounce *himself*, renounce his most cherished stated *and acted-upon* beliefs.

Under circumstances such as Sanders is facing, his quitting the Presidential contest would be folly — not to mention a failure by him to live up to what that majority of Americans who want Sanders to *be* the next President fervently hope and expect from him: to continue to represent their demands for a more progressive America.

We didn't get to the point of having the one person that more Americans, in all matchup-polls, show to be preferred more than any other individual to become the next U.S. President, by expecting him to back down from his democratic commitment, under such circumstances as have here been documented to pertain. Not at all.

Investigative historian Eric Zuesse is the author, most recently, of [They're Not Even Close: The Democratic vs. Republican Economic Records, 1910-2010](#), and of [CHRIST'S VENTRILOQUISTS: The Event that Created Christianity](#).

[Comment on Global Research Articles on our Facebook page](#)

[Become a Member of Global Research](#)

Articles by: [Eric Zuesse](#)

About the author:

Investigative historian Eric Zuesse is the author, most recently, of *They're Not Even Close: The Democratic vs. Republican Economic Records, 1910-2010*, and of *CHRIST'S VENTRILOQUISTS: The Event that Created Christianity*.

Disclaimer: The contents of this article are of sole responsibility of the author(s). The Centre for Research on Globalization will not be responsible for any inaccurate or incorrect statement in this article. The Centre of Research on Globalization grants permission to cross-post Global Research articles on community internet sites as long the source and copyright are acknowledged together with a hyperlink to the original Global Research article. For publication of Global Research articles in print or other forms including commercial internet sites, contact: publications@globalresearch.ca
www.globalresearch.ca contains copyrighted material the use of which has not always been specifically authorized by the copyright owner. We are making such material available to our readers under the provisions of "fair use" in an effort to advance a better understanding of political, economic and social issues. The material on this site is distributed without profit to those who have expressed a prior interest in receiving it for research and educational purposes. If you wish to use copyrighted material for purposes other than "fair use" you must request permission from the copyright owner.
For media inquiries: publications@globalresearch.ca