

1 The final reason I authorized discovery was to
2 determine whether State adequately searched for records
3 responsive to Judicial Watch's FOIA request. Now the
4 Government seeks to duck behind an unpublished D.C. Circuit
5 opinion from 2018 holding the Government has already taken
6 every reasonable action under the Federal Records Act to
7 retrieve Clinton's 30,000 missing emails and no imaginable
8 enforcement action could recover any more.

9 But just last week, the Senate's -- Senate Finance
10 and Homeland Security Committees released documents
11 revealing Clinton IT aide Paul Combetta copied all but four
12 of the missing emails to a Gmail account that does not
13 appear to have ever been reconstructed and searched. The
14 Court thinks Judicial Watch ought to shake this tree.

15 And the Court agrees with Judicial Watch that it
16 should talk to three never-before-deposed State officials
17 who raised concerns about Clinton's private email use all
18 the way back to 2009.

19 There is no FOIA exemption for political
20 expedience, nor is there one for bureaucratic incompetence.

21 The Government also tries to say this Court [sic]
22 is -- no longer -- or no longer presents a live controversy.
23 This is wrong. Judicial Watch can still obtain fees if they
24 prove agency bad faith.

25 I'll close with this. When I authorized discovery