


**Certified Mail No. 7015 0640 0007 2745 8019**

Gordon Warren Epperly  
P.O. Box 34358  
Juneau, Alaska 99803

July 8, 2016

 U.S. Representative Don Young  
2314 Rayburn House Office Building  
Washington, D.C. 20515

Honorable Don Young

Enclosed is a copy of a letter that is addressed to FBI Director, James B. Comey. As I stated within that letter, a copy was to be made available to members of the U.S. Congress.

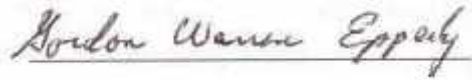
In keeping my promise, please make sufficient copies of the enclosed letter and forward that letter to the members of U.S. Congress that are involved in Congressional Hearings regarding the destruction of e-mails of former U.S. Secretary of State, Hillary Clinton.

In the heat of the moment, I overlooked a document that shows the “*Willfulness*” of Hillary Clinton’s destruction of government documents. This document is “*Standard Form 312*” to which Hillary Clinton signed at the time of employment as U.S. Secretary of State. I have enclosed a photocopy of that “*Standard Form 312*” with this letter. Please make copies and forward this “*Standard Form 312*”

of Hillary Clinton to those members of the U.S. Congress that are involved in Congressional Hearings regarding the destruction of Hillary Clinton's e-mails.

Thank you for your time.

Sincerely Yours

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in dark ink and is positioned above a thin horizontal line.

Gordon Warren Epperly

**Certified Mail No. 7015 0640 0007 2745 8002**

Gordon Warren Epperly  
P.O. Box 34358  
Juneau, Alaska 99803

July 7, 2016



FBI Director James B. Comey  
FBI Headquarters  
935 Pennsylvania Avenue, NW  
Washington, D.C. 20535-0001

In Reg: 18 U.S.C. 2071

Honorable James B. Comey

We have had the pleasure in viewing on National Television your position of not recommending prosecution of Hillary Clinton in regard to the e-mail messages that were located on Hillary's personal Computer Server which was located "*off premises*" of a government facility and was to be found within her personal residence of New York City. It appears that your recommendation for none-prosecution was directed to 18 U.S.C. 793, and 798, and 1924 for want of criminal intent of mishandling of classified documents.

**18 U.S. Code § 1924 - Unauthorized removal and retention of classified documents or material**

(a) Whoever, being an officer, employee, contractor, or consultant of the United States, and, by virtue of his office, employment, position, or contract, **becomes possessed of documents or materials containing classified information** of the United States, **knowingly removes such documents or materials without authority** and with the intent to retain such documents or materials **at an unauthorized location** shall be fined under this title or imprisoned for not more than one year, or both.

(b) For purposes of this section, the provision of documents and materials to the Congress shall not constitute an offense under subsection (a).

(c) In this section, the term “classified information of the United States” means information originated, owned, or possessed by the United States Government concerning the national defense or foreign relations of the United States that has been determined pursuant to law or Executive order to require protection against unauthorized disclosure in the interests of national security.

Although it is highly suspect of your claim that Hillary Clinton had no knowledge or intent of possessing “*Classified Documents*” and removing those “*Documents*” from the Offices of the U.S. State Department and placing those Documents on her off premise personal sever especially when she had a formal education in law and is a member of the BAR Association makes your recommendation of none-prosecution highly suspect.

The issue of “*Willful*” or “*Intent*” of the law 18 U.S.C. 1924 are judicial questions for a “*Jury*” or a “*Judge*” of a Federal Court to address. These are not qualified questions of law to be addressed by any “*Officer*” of the Federal Bureau of Investigation (FBI) or of the U.S. Justice Department. The only criminal questions for a Federal Court to address under 18 U.S.C. 1924 are:

- (1) Did Hillary Clinton possess documents or materials containing classified information; and
- (2) Did Hillary Clinton knowingly removed such documents or materials without authority; and
- (3) Did Hillary Clinton intend to retain such documents or materials at an unauthorized location.

What is most noticeable of the Criminal Law of our Nation which you did not address was Title 18, Section 2071(b) of the United States Code. The people would like to know why this “*Section*” of the U.S. Criminal Code was never addressed by your “*Staff*” of the Federal Bureau of Investigation (FBI):

## **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.

**U.S. Attorneys » Resources » U.S. Attorneys' Manual » Criminal Resource Manual » CRM 1500-1999 » Criminal Resource Manual 1601-1699, 1663.**

### **Protection Of Government Property -- Protection Of Public Records And Documents**

The taking of a public record or document is prohibited by 18 U.S.C. § 641. The destruction of such records may be reached under 18 U.S.C. § 1361. In both instances, however, proving a \$100 loss, the prerequisite to a felony conviction, may be difficult. Thus, neither of these statutes adequately protects government records.

The necessary measure of protection for government documents and records is provided by 18 U.S.C. § 2071. Section 2071(a) contains a broad prohibition against destruction of government records or attempts to destroy such records. This section provides that whoever: willfully and unlawfully; conceals, removes, mutilates, obliterates or destroys; or attempts to conceal, remove, mutilate, obliterate or destroy; or carries away with intent to conceal, remove, mutilate, obliterate or destroy; any record, proceeding, map, book, paper, document or other thing deposited in any public office may be punished by imprisonment for three years, a \$2, 000 fine, or both.

There are several important aspects to this offense. First, it is a specific intent crime. This means that the defendant must act intentionally with knowledge that he is violating the law. See United States v. Simpson, 460 F.2d 515, 518

(9<sup>th</sup> Cir. 1972). Moreover, one case has suggested that this specific intent requires that the defendant know that the documents involved are public records. See United States v. DeGroat, 30 F. 764, 765 (E.D.Mich. 1887).

**{ Hillary Clinton, being a member of the BAR Association, is not dumb for she knows the law. Hillary Clinton 'actions' to destroy Public Records as stored on her personal Computer [Server] was done with 'knowledge' and 'intentionally'. She had full knowledge that such an 'act' of destruction of Public Records was in violation of law and and thus 'Wilfull'. }**

The acts proscribed by this section are defined broadly. Essentially three types of conduct are prohibited by 18 U.S.C. § 2071(a). These are: (1) concealment, removal, mutilation, obliteration or destruction of records; (2) any attempt to commit these proscribed acts; and (3) carrying away any record with the intent to conceal, remove, mutilate or destroy it. It should be noted that all of these acts involve either misappropriation of or damage to public records. This has led one court to conclude that the mere photocopying of these records does not violate 18 U.S.C. § 2071. See United States v. Rosner, 352 F. Supp. 915, 919-22 (S.D.N.Y. 1972).

Subsection (b) of 18 U.S.C. § 2071 contains a similar prohibition specifically directed at custodians of public records. Any custodian of a public record who "willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys (any record) shall be fined not more than \$2,000 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." While the range of acts proscribed by this subsection is somewhat narrower than subsection (a), it does provide the additional penalty of forfeiture of position with the United States.

Title 18 contains two other provisions, of somewhat narrower application, which relate to public records. Section 285 prohibits the unauthorized taking, use and attempted use of any document, record or file relating to a claim against the United States for purposes of procuring payment of that claim. Section 1506 prohibits the theft, alteration or falsification of any record or process in any court of the United States. Both of these sections are punishable by a \$5,000 fine or imprisonment for five years."

By the words of Hillary Clinton before National Television, she admitted that there was a willful and intentionally concealment, removal, mutilating, obliterating, or the destroying "Government Documents" of the U.S. State Department by having those "Documents" removed from her personal Computer Server believing those "Documents" were forever destroyed and irretrievable - {*For the last two decades, both Department of State*

*(Department) Policy and Federal Regulations have explicitly stated that emails may qualify as Federal Records.}*.

I hope you will reconsider your position. It does not look good for you to give such a statement of “*Prosecutorial Immunity*” to which the U.S. Attorney General had announced the day before that she will follow without question. Do you really believe that there is no problem with Bill Clinton going out of his way to wait on an Airport Tarmac for the arrival of an Aircraft on which was carrying U.S. Attorney General Loretta Lynch? Do you really believe that there was no criminal conspiracy had taken place between “*Bill Clinton*” and “*Loretta Lynch*” to obstruct justice, especially when Bill’s wife was being criminally investigated and that Bill may be a subject of a “*Subpoena*” as a witness?

There are many activities of Hillary Clinton over the past thirty (30) years that rise to criminal activity. How about the use of her Office to sell favors to foreign governments? Do you really believe that the “*Hillary Foundation*” was created out of the goodness of Bill and Hillary Clinton? Of course, there is no problem for Hillary to funnel millions of dollars from that “*Foundation*” into the coffers of her “*Presidential Campaign*” or for her use of the Presidential Aircraft (*Air Force One*) for her Campaign lectures?

You also stated under “*Oath*” before the U.S. Congress that the “*Integratory*” given to Hillary Clinton by Agents of the FBI were taken outside of an “*Oath*” under the request of Hillary giving the presumption that the answers given were not absent of false statements.

Do to the foolishness of your recommendation of “*Prosecutorial Discretion*” to not prosecute Hillary Clinton and for your statements of the “*Criminal Acts*” to which was made by Hillary Clinton under “*Oath*” before the U.S. Congress, you have placed Bill and Hillary Clinton, (*and Barack Hussein Obama, and Loretta Lynch*) into harm’s way. You told the People of this Nation that there is no peaceful resolution to be had and that the only recourse available is “*violence*” which includes assassinations. “*Acts of Violence*” is authorized by the “*Declaration of Independence*” of July 4, 1776

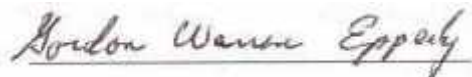
when the People's government is no longer operating under the constraints of a Constitution. Under the Judicial Doctrine of "*Standing*," the People may not bring a "*Civil Action*" against the "*Clintons*" in a Federal Court for they have not been damaged personally.

Let us hope that Loretta Lynch will recuse herself and appoint an "*Independent Counsel*" that will not be tainted by "*Secret Societies*" of the Roman Catholic Church (e.g. "*Freemasons*," "*Skull and Bones*," "*Tri-Lateral Commission*," "*Counsel on Foreign Relations*," "*Builderburg Group*," etc.,) and that this matter will be resolved before a Federal Court before the "*Convention*" of the Democrat Political Party is convened.

I would like to direct your attention to a "*YouTube*" video. It was professionally produced and it explains in detail the concerns of the People as to Hillary Clinton's destruction of e-mails. You may view this video at: <http://tinyurl.com/zr4ztq9> .

I have taken the liberty to forward this message to "*U.S. Attorney General, Loretta Lynch*" ( **Certified Mail No. 7015 0640 0007 2746 0364** ) and to several members of the U.S. Congress. An e-mail copy of this message has been forwarded to the "*Legislators*" of the States of the Union and to the "*General Public*."

Respectfully Submitted

A handwritten signature in cursive script that reads "Gordon Warren Epperly". The signature is written in dark ink and is positioned above the printed name.

Gordon Warren Epperly



RELEASE IN PART  
B7(C),B6REVIEW AUTHORITY:  
Barbara Nielsen, Senior  
Reviewer**CLASSIFIED INFORMATION NONDISCLOSURE AGREEMENT**

AN AGREEMENT BETWEEN

Hillary Rodham Clinton

AND THE UNITED STATES

(Name of Individual - Printed or typed)

1. Intending to be legally bound, I hereby accept the obligations contained in this Agreement in consideration of my being granted access to classified information. As used in this Agreement, classified information is marked or unmarked classified information, including oral communications, that is classified under the standards of Executive Order 12958, or under any other Executive order or statute that prohibits the unauthorized disclosure of information in the interest of national security; and unclassified information that meets the standards for classification and is in the process of a classification determination as provided in Section 1.1, 1.2, 1.3 and 1.4(e) of Executive Order 12958, or under any other Executive order or statute that requires protection for such information in the interest of national security. I understand and accept that by being granted access to classified information, special confidence and trust shall be placed in me by the United States Government.

2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of classified information, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures.

3. I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of classified information by me could cause damage or irreparable injury to the United States or could be used to advantage by a foreign nation. I hereby agree that I will never divulge classified information to anyone unless: (a) I have officially verified that the recipient has been properly authorized by the United States Government to receive it; or (b) I have been given prior written notice of authorization from the United States Government Department or Agency (hereinafter Department or Agency) responsible for the classification of information or last granting me a security clearance that such disclosure is permitted. I understand that if I am uncertain about the classification status of information, I am required to confirm from an authorized official that the information is unclassified before I may disclose it, except to a person as provided in (a) or (b), above. I further understand that I am obligated to comply with laws and regulations that prohibit the unauthorized disclosure of classified information.

4. I have been advised that any breach of this Agreement may result in the termination of any security clearances I hold; removal from any position of special confidence and trust requiring such clearances; or termination of my employment or other relationships with the Departments or Agencies that granted my security clearance or clearances. In addition, I have been advised that any unauthorized disclosure of classified information by me may constitute a violation, or violations, of United States criminal laws, including the provisions of Sections 641, 793, 794, 798, \*952 and 1824, Title 18, United States Code, \*the provisions of Section 783(b), Title 50, United States code, and the provisions of the Intelligence Identities Protection Act of 1982. I recognize that nothing in the Agreement constitutes a waiver by the United States of the right to prosecute me for any statutory violation.

5. I hereby assign to the United States Government all royalties, remunerations, and emoluments that have resulted, will result or may result from any disclosure, publication or revelation of classified information not consistent with the terms of this Agreement.

6. I understand that the United States Government may seek any remedy available to it to enforce this Agreement including, but not limited to, application for a court order prohibiting disclosure of information in breach of this Agreement.

7. I understand that all classified information to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of the United States Government unless and until otherwise determined by an authorized official or final ruling of a court of law. I agree that I shall return all classified materials which have, or may come into my possession or for which I am responsible because of such access: (a) upon demand by an authorized representative of the United States Government; (b) upon the conclusion of my employment or other relationship with the Department or Agency that last granted me a security clearance or that provided me access to classified information; or (c) upon the conclusion of my employment or other relationship that requires access to classified information. If I do not return such materials upon request, I understand that this may be a violation of Sections 793 and/or 1824, Title 18, United States Code, a United States criminal law.

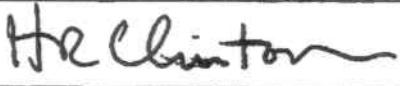
8. Unless and until I am released in writing by an authorized representative of the United States Government, I understand that all conditions and obligations imposed upon me by this Agreement apply during the time I am granted access to classified information, and at all times thereafter.

9. Each provision of this Agreement is severable. If a court should find any provision of this Agreement to be unenforceable, all other provisions of this Agreement shall remain in full force and effect.

(Continue on reverse)


10. These restrictions are consistent with and do not supersede, conflict with or otherwise alter the employee obligations, rights or liabilities created by Executive Order 12958, Section 7211 of Title 5, United States code (governing disclosures to Congress); Section 1034 of Title 10, United States code, as amended by the Military Whistleblower Protection Act (governing disclosure to Congress by members of the military); Section 2302(b) (8) of Title 5, United States Code, as amended by the Whistleblower Protection Act (governing disclosures of illegality, waste, fraud, abuse or public health or safety threats); the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421 et seq.) (governing disclosures that expose confidential Government agents), and the statutes which protect against disclosure that may compromise the national security, including Sections 641, 793, 794, 798, 952 and 1924 of Title 18, United State Code, and Section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. Section 783(b)). The definitions, requirements, obligations, rights, sanctions and liabilities created by said Executive Order and listed statutes are incorporated into this Agreement and are controlling.

11. I have read this Agreement carefully and my questions, if any, have been answered. I acknowledge that the briefing officer has made available to me the Executive Order and statutes referenced in this agreement and its implementing regulation (32 CFR Section 2003.20) so that I may read them at this time, if I so choose.

SIGNATURE 	DATE (mm-dd-yyyy) 22-01-2009	SOCIAL SECURITY NUMBER (See Notice below)
ORGANIZATION (IF CONTRACTOR, LICENSEE, GRANTEE OR AGENT, PROVIDE: NAME, ADDRESS, AND IF APPLICABLE, FEDERAL SUPPLY CODE NUMBER) (Type or print)		

Department of State  
2201 C Street NW  
Washington, DC 20520


B6

WITNESS		ACCEPTANCE	
THE EXECUTION OF THIS AGREEMENT WAS WITNESSED BY THE UNDERSIGNED.		THE UNDERSIGNED ACCEPTED THIS AGREEMENT ON BEHALF OF THE UNITED STATES GOVERNMENT.	
SIGNATURE 	DATE (mm-dd-yyyy) 01-22-2009	SIGNATURE	DATE (mm-dd-yyyy)
NAME AND ADDRESS (Type or print) Department of State 2201 C Street NW Washington, DC 20520		NAME AND ADDRESS (Type or print)	

B6  
B7(C)

### SECURITY DEBRIEFING ACKNOWLEDGMENT

I reaffirm that the provisions of the espionage laws, other federal criminal laws and executive orders applicable to the safeguarding of classified information have been made available to me; that I have returned all classified information in my custody; that I will not communicate or transmit classified information to any unauthorized person or organization; that I will promptly report to the Federal Bureau of Investigation any attempt by an unauthorized person to solicit classified information, and that I (have) (have not) (strike out inappropriate word or words) received a security debriefing.

SIGNATURE OF EMPLOYEE 	DATE (mm-dd-yyyy)
NAME OF WITNESS (Type or print)	SIGNATURE OF WITNESS

NOTICE: The Privacy Act, 5 U.S.C. 552a, requires that federal agencies inform individuals, at the time information is solicited from them, whether the disclosure is mandatory or voluntary, by what authority such information is solicited, and what uses will be made of the information. You are hereby advised that authority for soliciting your Social Security Number (SSN) is Executive Order 9397. Your SSN will be used to identify you precisely when it is necessary to 1) certify that you have access to the information indicated above or 2) determine that your access to the information indicated has terminated. Although disclosure of your SSN is not mandatory, your failure to do so may impede the processing of such certifications or determinations, or possibly result in the denial of your being granted access to classified information.

\*NOT APPLICABLE TO NON-GOVERNMENT PERSONNEL SIGNING THIS AGREEMENT.

STANDARD FORM 312 BACK (Rev. 1-00)



## Sacramento Division

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### Folsom Naval Reservist is Sentenced After Pleading Guilty to Unauthorized Removal and Retention of Classified Materials

**U.S. Attorney's Office**  
July 29, 2015

**Eastern District of California**  
(916) 554-2700

SACRAMENTO, CA—Bryan H. Nishimura, 50, of Folsom, pleaded guilty today to unauthorized removal and retention of classified materials, United States Attorney Benjamin B. Wagner announced.

U.S. Magistrate Judge Kendall J. Newman immediately sentenced Nishimura to two years of probation, a \$7,500 fine, and forfeiture of personal media containing classified materials. Nishimura was further ordered to surrender any currently held security clearance and to never again seek such a clearance.

According to court documents, Nishimura was a Naval reservist deployed in Afghanistan in 2007 and 2008. In his role as a Regional Engineer for the U.S. military in Afghanistan, Nishimura had access to classified briefings and digital records that could only be retained and viewed on authorized government computers. Nishimura, however, caused the materials to be downloaded and stored on his personal, unclassified electronic devices and storage media. He carried such classified materials on his unauthorized media when he traveled off-base in Afghanistan and, ultimately, carried those materials back to the United States at the end of his deployment. In the United States, Nishimura continued to maintain the information on unclassified systems in unauthorized locations, and copied the materials onto at least one additional unauthorized and unclassified system.

Nishimura's actions came to light in early 2012, when he admitted to Naval personnel that he had handled classified materials inappropriately. Nishimura later admitted that, following his statement to Naval personnel, he destroyed a large quantity of classified materials he had maintained in his home. Despite that, when the Federal Bureau of Investigation searched Nishimura's home in May 2012, agents recovered numerous classified materials in digital and hard copy forms. The investigation did not reveal evidence that Nishimura intended to distribute classified information to unauthorized personnel.

This case was the product of an investigation by the Naval Criminal Investigative Service (NCIS) and the Federal Bureau of Investigation. Assistant United States Attorney Jean M. Hobler prosecuted the case.

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