

THE SCHULTE CIPA TRANSCRIPTS: LOCKING UP VAULT 8

Perhaps the most interesting thing about the CIPA (Classified Information Procedures Act) transcripts from the Josh Schulte case that Kel McClanahan helped me liberate is that (at least in 2022, when they did a classification review) the CIA treated the moniker “Vault 8” that WikiLeaks gave to the CIA source code releases as still-classified.

When Judge Jesse Furman restated the hypothetical he posed about whether disseminating already-released stolen classified information could itself be a crime, he described the releases to include Vault 7 *and* Vault 8.

I gave you two hypotheticals. I think one is where a member of the public goes on WikiLeaks today and downloads Vault 7 and Vault 8 and then provides the hard drive with the download to someone who is not authorized to receive NDI, and I posed the question of whether that person would be guilty of violating the Espionage Act and I think your answer was yes. [my emphasis]

There’s actually no *unredacted* reference to Vault 8 in the released transcripts.

But there are what are almost certainly redacted references to Vault 8.

Here’s how part of the discussion about hypotheticals appears in the May 2 transcript:



Julian Assange ♦
@JulianAssange

Following

Dear @DonaldJTrumpJr our offer of being ambassador to the US still stands. I could open a hotel style embassy in DC with luxury immunity suites for whistleblowers. The public will get a turbo-charged flow of intel about the latest CIA plots to undermine democracy. DM me.

#vault8

4:33 PM - 14 Nov 2017

Schulte's apparent failed attempt to win the right to discuss the source code releases, in addition to the development note releases, came in the midst of his attempt to get more details from what was likely the ongoing investigation into the aftermath of his leak, including (possibly) how hackers obtained the tools he had leaked. Schulte received that discovery starting in early April, and on April 29, he asked Judge Furman to give him all the details of the ongoing investigation. Throughout his second trial, Schulte seemed focused on using his defense to communicate outward (which is one reason I found Wau Holland's decision to pay for transcripts so notable). So in the hearing where he was attempting to include Vault 8 among the things he could discuss publicly, he was focused on the ongoing investigation into how hackers had obtained or used these tools.

I have long said that, historically, the files WikiLeaks chose not to release – and, potentially, to selectively share – were far more important than the files they released. The government's ongoing sensitivity seems to confirm that: The US government has conceded that the development notes from CIA's hacking tools, which constitutes the bulk of *what WikiLeaks released*, came from the CIA, but appears not to concede that the hacking source code itself does.