

US GOVERNMENT REVEALS IT HAS VIDEO EVIDENCE OF JOSHUA SCHULTE SHARING CLASSIFIED INFORMATION AS ECUADOR RESTRICTS ASSANGE'S LEGAL VISITS

In a letter sent Thursday to Paul Crotty, the judge in the case of alleged Vault 7 WikiLeaks source, Joshua Schulte, prosecutors described the investigation conducted when, "in or about early October 2018," they discovered he had been communicating clandestinely with third parties outside of the Metropolitan Corrections Center, where he has been held since December. They described discovering a truly stupendous amount of communications gear to store in a jail cell, amounting to multiple cell phones and other devices, from which Schulte was running 13 email and social media accounts.

In or about early October 2018, the Government learned that Schulte was using one or more smuggled contraband cellphones to communicate clandestinely with third parties outside of the MCC. The Government and the FBI immediately commenced an investigation into Schulte's conduct at the MCC. That investigation involved, among other things, the execution of six search warrants and the issuance of dozens of grand jury subpoenas and pen register orders. Pursuant to this legal process, in the weeks following the Government's discovery of Schulte's conduct at the

MCC, the FBI has searched, among other things, the housing unit at the MCC in which Schulte was detained; multiple contraband cellphones (including at least one cellphone used by Schulte that is protected with significant encryption); approximately 13 email and social media accounts (including encrypted email accounts); and other electronic devices.

Now, the prosecutors use that word “encrypted” twice, as if it means extra spooky, but these days, a cellphone with significant encryption could mean an iPhone (though in jail Schulte might be able to get state of the art spook or crook phones) and “encrypted email accounts” often means ProtonMail.

In any case, that’s a whole lot of legal process for a one month investigation of someone sitting in a jail cell (Schulte was moved to solitary when the investigation started on October 1), but then Schulte allegedly had a shit-ton of hardware. The 6 search warrants were presumably used for Schulte’s devices, and the “dozens of grand jury subpoenas and pen registers” would probably have been used for those email and social media accounts, perhaps with both used for each account (I have a working theory that for encrypted comms it may take more than one pen register to get the data).

Schulte was using all this hardware and software, according to the prosecutors, to – among other things – do two things: send details about the search warrants to investigate him, as well as yet more classified information, to third parties.

As a result of these searches and other investigative steps, the Government discovered that Schulte had, among other things, (i) transmitted classified information to third parties, including by using an encrypted email account, and (ii) transmitted the Protected Search

Warrant Materials to third parties in direct contravention of the Court's Protective Order and the Court's statements at the May 21 conference.

The prosecutors included a superseding indictment with their letter, adding two extra counts to his already life sentence-threatening indictment: a new Count Eleven, which is contempt of court for blowing off the protective order covering his search warrant starting in April, and a new Count Four, which is another count of transmitting and attempting to transmit unlawfully possessed national defense information (793(e)) during the period he has been in MCC.

With regards to Count Eleven, on Monday a letter Schulte sent to Judge Crotty that was uploaded briefly to PACER (I believe this is the third time Schulte has succeeded in getting such letters briefly uploaded to the docket), revealing that he had been moved to solitary, but also complaining about corrections the government had made to his original search warrant:

I beg you Judge Crotty to read the first search warrant affidavit and the government's Brady letter; the FBI outright lied in that affidavit and now acknowledge roughly half of these lies. Literally, they [sic] "error" on seeing dates of 3/7 where there were only 3/2 dates and developing their entire predicate based on fallacious reasoning and lies. They "error" in seeing three administrators where there were "at least 5" (ie. 10). They [sic] "error" in where the C.I. was stolen who had access, and how it could be taken – literally everything.

While I absolutely don't rule out the government either focused on Schulte back in March 2017 for reasons not disclosed in the search warrant

application, or that they parallel constructed the real reasons badly (both of which would be of significant interest, but both of which his very competent public defender can deal with), the docket suggests the Vault 7 case against him got fully substantiated after the porn case, perhaps because of the stuff he did last year on Tor that got him jailed in the first place. As I noted, that Tor activity closely followed one of Julian Assange's more public extortion attempts using the Vault 8 material Schulte is accused of sharing, though Assange has made multiple private extortion attempts both before and since.

Which brings me to the second new charge, transmitting and *attempting to transmit* national defense information to a third party, with a time span of December 2017 to October 2018. Effectively, the government claims that even after Schulte was jailed last December, he continued to share classified information.

I'm particularly interested in the government's use of "attempted" in that charge, not used elsewhere. The time period they lay out, after all, includes a period when Ecuador restricted Julian Assange's communication. Effectively, the government revealed on Wednesday that they have video evidence of Schulte sharing classified information with ... someone.

Meanwhile, in the Ecuadoran embassy in London, things have been heating up between Assange and his hosts.

About halfway through the period after which Schulte had been put into solitary so the government could investigate a bunch of communications devices they claim they didn't know about before around October 1, Ecuador announced what seemed to be a relaxation of restrictions on Assange, but actually was more of an ultimatum. He could have visitors, but first they'd have to apply 3 days in advance and supply their social media handles and identifying details for any devices they wanted to bring with them. Assange, too, has to

register all his devices, and only use Ecuador's wifi. If anyone uses unapproved devices, they'll be deemed a security threat to Ecuador under the protection of the UK, basically giving the UK reason to prosecute them to protect Ecuador. Assange has to have regular medical exams; if he has a medical emergency, he'll be treated off site. Starting on December 1, he has to start paying for food and other supplies. He has to start cleaning up the joint. He has to start taking care of his cat.

Assange immediately sued over the new rules. But he lost that suit on Monday. But even as he appeals that verdict, according to Courage Foundation, Ecuador has restricted *even* legal visits, something that hadn't been the case before. Those restrictions appear to have been put in place on Wednesday, the same day the new Schulte charges were rolled out. They'll remain in place until Monday.

A piece by Ryan Goodman and Bob Bauer renewed discussion this morning about the First Amendment limits on suing or prosecuting WikiLeaks for conspiring with Russia to swing the 2016 election; I hope to respond to it later, but wrote about the same lawsuit in this post. I think their view dangerously risks political journalism.

But I also think that you don't necessarily need to charge WikiLeaks in the conspiracy to sustain a conspiracy charge; you can make them unindicted co-conspirators, just like Trump would be. I have long noted that you could charge Assange, instead, for his serial attempts to extort the United States, an effort that has gone on for well over 18 months using the very same files that Schulte is alleged to have leaked to WikiLeaks (extortion attempts which may also involve Roger Stone). Assange has accomplished those extortion attempts, in part, with the assistance of his lawyers, who up until this week (as far as I understand from people close to Assange) were still permitted access to him.

Say. Have I observed yet that these events are taking place in the last days before Mueller's election season restrictions end?

As I disclosed in July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.