

In blow to US campaign against WikiLeaks, proceedings against alleged CIA whistleblower end in mistrial

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The federal proceedings against Joshua Schulte, a former employee of the US Central Intelligence Agency (CIA) who was accused by the American government of providing WikiLeaks with a trove of documents exposing illegal spying operations, have ended in a mistrial.

After a week of deliberations, the jury returned on Monday to state that it could not reach an agreement on the most serious charges facing Schulte. The divided opinion centred on eight counts under the Espionage Act, including illegally gathering and transmitting national defence information. The jury had only agreed to convict Schulte on the lesser counts of contempt of court and making false statements to the US Federal Bureau of Investigation (FBI). Schulte will remain imprisoned and likely faces a retrial.

The failure of the prosecution to convict Schulte of the charges relating to WikiLeaks' 2017 Vault 7 publication, which consisted of leaked documents from within the CIA, is significant. It may mark a hurdle in the campaign of the US government against WikiLeaks and its publisher Julian Assange, who faces extradition from Britain to the US and prosecution under Espionage Act charges over separate 2010 and 2011 releases.

It is clear that if he is extradited, Assange could face additional US charges, possibly related to Vault 7. Three days after closing arguments in the Schulte trial, Australian Department of Foreign Affairs and Trade officials confirmed that it was possible that Assange would face additional counts carrying the death penalty if he was dispatched to the US. The timing of their statements, which contradict the previous claims of US allies, could indicate that there is much at stake for Assange in the attempted US prosecution of Schulte.

The failure of the jury to convict, after a "national security" trial in which all advantages were slated to the prosecutors, underscores the criminal character of the media blackout of the proceedings, which began in late January. For over a month, the most prominent corporate media outlets have remained silent on court hearings which revealed aspects of the politically-motivated witch-hunt of WikiLeaks and its alleged sources.

The publication of Vault 7 in early 2017 was the trigger for a major escalation in the US government vendetta against Assange, culminating in his illegal expulsion from Ecuador's London embassy last year, his arrest by the British police and imprisonment in a maximum-security prison. Schulte's trial, moreover, coincided with the first week of the British extradition hearing against Assange, which underscored the similarities in the lawless treatment of the WikiLeaks publisher and his alleged CIA source.

Prosecutors have described the Vault 7 leak, which they accuse Schulte of being responsible for, as the largest in the entire history of the CIA. The disclosure has been compared to the releases of National Security Agency whistleblower Edward Snowden, who in 2013 exposed mass US government surveillance of the American and world population.

Vault 7 revealed that the CIA was conducting illegal spying operations, including through phones and household appliances such as smart televisions. It exposed the US government as one of the biggest purveyors of malicious computer viruses in the world.

Vault 7 documented the CIA's ability to hack into computer systems and leave telltale signs attributing the attacks to the adversaries of American imperialism, such as Russia and Iran. It revealed sinister programs aimed at enabling the CIA to take control of the computer systems that operate many modern cars—raising the prospect of political assassinations.

Despite this, the vast majority of the American and world population has been deprived of any knowledge of the proceedings. The effective D-notice has been enforced across the spectrum of corporate publications, ranging from the *New York Times* to the *Washington Post*.

The hearing has been held under draconian conditions. Last year, Schulte's attorney Sabrina Shroff revealed that Schulte's legal correspondence was being monitored by federal authorities. She stated that defence lawyers had effectively been threatened by the CIA with possible prosecution if they received any material that was classified.

"National security" was used to stymie the defence's conduct of the case. Prosecutors successfully barred the defence from researching any of the CIA witnesses, imposing a ban even on Google searches of their names with any phrases that could identify them as spies, such as "CIA," "WikiLeaks" or "Vault 7."

The CIA personnel testified under false names, with the media barred from even describing their appearance. Reporters from independent publications covering the trial complained that the prosecution sought to delay their access to court transcripts and exhibits.

The Orwellian character of the hearing was summed up by the first expert witness for the prosecution. A government official, he revealed under cross-examination that he had not looked at any of the primary Vault 7 material, despite it being on the public record, because he did not have the appropriate security clearance.

The proceedings largely avoided any examination of the character and legality of the CIA activities exposed by WikiLeaks. In one rare

exception, a current CIA employee acknowledged that the hacking he was involved in was directed against foreign states and “non-state actors.” In other words, extrajudicial operations targeting civilians and political opponents of the US government.

Another witness stated that it was rare for the agency’s hacking division to target “friendly nations,” effectively confirming that the CIA does, at least occasionally, target governments formally allied to the US.

The court shielded the government. Last month it blocked defence subpoenas seeking the testimony of current Secretary of State Mike Pompeo. As then director of the CIA, Pompeo directly oversaw the agency’s response to Vault 7 in early 2017.

As the defence noted in a February 17 filing, Pompeo “was immediately debriefed about the WikiLeaks disclosure and he was specifically informed that Mr. Schulte was an early suspect.” Pompeo then “approved the substance of the first search warrant application” targeting Schulte, “authorizing the FBI to make various statements therein, some of which later proved untrue.”

Publicly, Pompeo responded to Vault 7 by branding WikiLeaks as a “non-state hostile intelligence service” and its publisher Julian Assange as a “demon.” Behind the scenes, he worked to ensure Assange’s arrest by the British police and the opening up of US extradition proceedings against him.

As Shroff explained in her closing argument, the prosecution’s legal case was in reality a CIA-government “mission” to assign blame for the most damaging leak in the agency’s history. Despite weeks of testimony, the prosecution had been unable to definitively establish that Schulte was responsible for the leak. There was no forensic evidence that he had taken possession of the Vault 7 documents or provided them to WikiLeaks.

DEVLAN, the CIA server on which the documents were stored, moreover, had been described by government witnesses as a “dirty network” and the “wild west.” They repeatedly acknowledged lax security procedures, including shared and easy-to-crack passwords, and an absence of any monitoring of staff activities.

The prosecution had spent an inordinate amount of time establishing that Schulte, who left the CIA in November 2016, had been embroiled in rancorous disputes with many of his colleagues and superiors. They also pointed to earlier instances in which Schulte had allegedly responded to the revocation of his administrative access on separate projects by creating backdoors to enter systems without authorization.

The prosecution case also focused heavily on Schulte’s alleged activities in the Metropolitan Correctional Center (MCC) in New York, after he had been detained following the FBI investigation into Vault 7. Schulte had conducted a campaign to draw attention to his plight, including through the use of contraband phones, pseudonymous social media pages and by contacting the media. These breaches of prison rules, which are the focus of some of the charges Schulte faces, were used by the prosecution to try and establish his broader guilt.

Shroff argued that Schulte’s actions were those of a desperate but innocent man. He had contacted media outlets to publicise what he considered to be the unlawful and false basis of the repeated FBI raids of his apartment. Schulte had also documented the shocking conditions he confronted, including being bolt-chained to the ground during interrogation, dealing with flooding in the MCC with limited prison assistance and being sensorily-deprived at the facility.

Several incidents in the latter stages of the hearing indicated that the prosecution case was on the verge of collapse.

On February 28, during an emergency session of court, the prosecution dropped the second count of its indictment, which alleged that Schulte illegally transmitted CIA material to which he had lawful access. This appeared to be an attempt to stave-off any suggestion that Schulte had lawful access to some or all of the Vault 7 material.

And on March 5, days after closing arguments, a juror was dismissed after it was revealed that she had looked up one of the lawyers involved in the case online. She promptly went to the tabloid press and stated that while Schulte had been a “naughty boy,” she did not believe the most serious charges against him.

Most damningly, it was revealed late last month that the prosecution had withheld potentially exculpatory evidence. After he had already testified, it emerged that “Michael,” a government witness, had been placed on administrative leave after being non-cooperative with the FBI investigation into the Vault 7 leak.

“Michael,” a close colleague of Schulte, claimed to have seen the irregular transmission of the Vault 7 material on his computer screen in real time. He had even taken a screenshot of the apparent theft. But when questioned by the FBI, he had refused to answer a number of questions and had been assigned to indefinite leave after it was decided that he could not be trusted to work on classified projects.

The defence unsuccessfully sought a mistrial in response to the revelation.

The strange case of “Michael,” however, indicated that the defence was correct when it stated that the government and the CIA still do not know who was responsible for leaking Vault 7. “Michael’s” circumstances indicate that behind the scenes, the CIA is proceeding with a frenzied investigation aimed at identifying the leaker, even while it is seeking to prosecute Schulte.

This supports the defence claim that Schulte is a scapegoat, targeted because of his repeated conflicts with colleagues and the circumstances of his departure from the CIA. The former CIA employee also faces separate child pornography charges, after the FBI claimed to find incriminating evidence during its Vault 7-related raids of his apartment. To those familiar with the sordid record of the US intelligence agencies, this only heightens the likelihood that Schulte is the victim of a state frame-up.

It must be noted, moreover, that whoever leaked the Vault 7 material did a service to the American and world population, exposing illegal government activities potentially impacting on millions of people.



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