

Retrial of Joshua Schulte begins for allegedly leaking CIA “Vault 7” documents to WikiLeaks

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The second federal trial of former CIA software engineer Joshua Schulte on espionage charges began on Tuesday in a New York court with opening statements by the prosecution and the defendant telling the jury he was innocent and the victim of a political witch-hunt.

Schulte, 33, was charged in June 2018 with 13 counts and accused of stealing and leaking a trove of CIA cyberespionage tools known as “Vault 7” to WikiLeaks, which published them in March 2017. His first trial in 2020 ended with a hung jury on eight espionage counts, but Schulte was convicted on a lesser contempt of court charge and another charge of making false statements to the FBI.

Schulte, who is representing himself in the U.S. District Court for the Southern District of New York, told the jury that the evidence will “absolutely prove my innocence.” He said the leak of 7,000 pages and millions of lines of malware code, developed by the CIA for hacking smartphones and other consumer devices such as smart TVs, was the result of the government’s “wildly insecure” intelligence servers.

During his 25-minute opening statement, Schulte said the CIA did not even realize that their servers had been hacked. “Someone stole their crown jewels, and they failed to realize that for a year,” he said. Schulte told jurors the hacked information was stored on servers so unsecure they were nicknamed “the wild, wild west” by programmers who worked on them.

He went on, “It was incredibly embarrassing for the CIA. They did not know when their data was taken. They did not know how much of their data was taken. They did not know how their data was taken. And they certainly did not know who took their data. Nothing has changed to date, they still don’t know what happened.”

The defendant said that the government built a case against him that was “literally forensically impossible.” He added that the CIA selected him as its “patsy” because of a previous dispute he had with agency management and the fact that his resignation coincided with the timing of the embarrassing theft of its cyberespionage arsenal.

Schulte explained that the government singled him out for prosecution and then working backward developed “an alternative reality, an upside-down world, a government twilight zone” to prove that he was the guilty party.

He spoke after Assistant U.S. Attorney David Denton gave his opening statement to the jury. Denton said that Schulte was responsible for an unprecedented leak that brought critical US intelligence gathering around the world “to a crashing halt.” Denton added that years of work and millions of dollars spent developing tools for “CIA sleuths” to spy on individuals “went up in smoke.” He said Schulte gave “precious secrets of America’s national defense” to the world.

Of course, Denton did not explain that the “intelligence gathering” tools, which were brought to the attention of the world by WikiLeaks, were being used in a thorough violation of US and international law.

As a matter of fact, it was due to the WikiLeaks’ disclosures—which did not include releasing the malware code publicly—that tech corporations such as Apple and Google were able to plug the security vulnerabilities the CIA was exploiting in their smartphones, tablets and computers. None of these highly important details of the criminal conduct of the US intelligence agencies are being discussed in the trial

of Schulte.

Denton claimed that the government's case against Schulte was airtight and that there was "devastating proof of this man's crimes." According to the government, Schulte was motivated to leak the "Vault 7" materials to WikiLeaks because he believed the CIA had disrespected him. Denton claimed Schulte was so disgruntled that he sought to "burn to the ground" the work that he had helped to create.

There are similarities between the prosecution and vendetta against Schulte and the treatment of WikiLeaks founder and publisher Julian Assange, who has been in detention at Her Majesty's Prison Belmarsh in London for more than three years and facing extradition to the US on espionage charges. Assange was initially detained in the UK in December 2010 on bogus sexual assault charges filed in Sweden, and this was used as a pretext to persecute and attempt to punish him for revealing the crimes of US imperialism in Iraq and Afghanistan, as well as other exposures.

In the case of Schulte, who left the CIA in November 2016, his apartment was raided several times within weeks of the publication by WikiLeaks of the "Vault 7" trove. Schulte was not charged with an offense related to the CIA hack but instead was indicted in November 2017 on child pornography charges which was the basis for his initial detention in federal custody where he has remained for the past five years. Schulte has pled not guilty to those charges, and that case is still pending.

He was indicted by the U.S. Department of Justice on June 18, 2018, with "unauthorized disclosure of classified information and other offenses relating to the theft of classified material from the Central Intelligence Agency." The indictment claims that Schulte stole backup files of the CIA malware tools and related documents that the agency stores each day in case of catastrophic failure of its servers.

Even though Judge Paul Crotty had authorized a \$250,000 bail for Schulte shortly after his federal indictment, it was revoked after he was arrested on December 14, 2018, on the pornography charges in Virginia.

Schulte's first trial began in New York in February 2020 and ended one month later when U.S. District Judge Crotty declared a mistrial. The retrial is being overseen by U.S. District Judge Jesse Furman and is

expected to last five or six weeks and will include testimony from undercover CIA agents.

According to a report in *Courthouse News*, in preparation for the trial, Schulte and his support counsel are being permitted to access "classified government materials in a clandestine room on the ninth floor of the Manhattan federal courthouse" known as a Sensitive Compartmented Information Facility (SCIF), which is designed to house and protect government secrets.



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