

MATT DEHART DENIED ASYLUM IN CANADA

“It was an FBI investigation into the [Central Intelligence Agency’s] practices.”

Matt DeHart claims that all his troubles stem from a file uploaded, twice, to a Tor server he ran out of a closet in his parent’s home. An FBI investigation into something the CIA might have done.

After having seen that file in 2009, according to an important National Post series published last year (one, two, three, four, five) the government started coming after him. But not for his ties to Anonymous, Tor, and (DeHart thinks) WikiLeaks. But for kiddy porn. When the FBI came to search his parents house on a kiddy porn warrant, they seized every computer storage device they could find, but they didn’t find the two USB drives DeHart had hidden in his father’s locked gun case.

“But the only thing of value that would be interesting to the government, other than the server, were two IronKey [USB] thumb drives,” Matt said. Whenever he left his home he would take them with him, stuffed in his wallet; whenever he was at home he would tuck them behind the padding of his dad’s gun case that was kept locked and bolted to a wall. Apparently not knowing that, an officer asked the agent if they should force the gun case open. The agent said that wasn’t necessary and everyone left.

DeHart got buggy after this search, in ways that raise questions about his subsequent claims. Fearing the government would come after him, he went to the Russian and Venezuelan embassy and attempted to defect to both, with no luck. Instead, he went to Canada to go to school, to

try to put his online activism behind him. But when he came back to the US to get a student visa on August 6, 2010 (not long after Chelsea Manning was detained), he was detained and denied his request to call his attorney. DeHart claims he was forcibly drugged and then asked questions that had nothing to do with kiddie porn, and everything to do with espionage. During this, the FBI presented him with a complaint accusing him of soliciting kiddie porn.

That evening, an agent showed him a criminal complaint – drafted only that afternoon – accusing him of soliciting the production of child pornography in 2008, according to both Matt and FBI records.

“I looked the guy in the eye and said, ‘I didn’t do that,’ and he said, ‘I know,’ ” Matt claimed.

In response, according to government documents, DeHart confessed to being part of a spy ring dating back to his service (before he was honorably discharged for depression) as a drone pilot. But DeHart said he did so because of the treatment used against him.

The FBI document recounts Matt’s new story, that when he was in the Air National Guard he met airmen interested in selling military secrets. One had remote access to a U.S. Department of Defense portal and another had a relative working with Air Force Special Operations, and Matt agreed to be their salesman.

That was what sparked his embassy visit, the document says, and Evgeny, the Russian, had told Matt he would have to contact the Russians from outside the United States if he wanted to close a deal.

“That is the reason DeHart moved to

Canada,” the FBI’s summary says. Evgeny supposedly set up a Russian contact for Matt in Canada. “He was told he would be paid approximately \$100,000 per month if the intelligence he gave was good” and was directed to send a secure data archive to a Russian contact in Canada. “He was supposed to meet his new contact in the Russian embassy in Ottawa on Saturday, Aug. 21, and they would give him a list of what they needed.”

By the end of that day’s questioning, Matt offered to co-operate with the FBI in a sting operation against the Russians and the airmen, the summary says.

Matt says the FBI account of his interrogation is “laughably inaccurate.” He has never been to Ottawa, is not a spy nor even a would-be spy, he said.

“I would have told them anything” because of the torture, he said. “Information that is derived from torture, to use it against somebody, is ridiculous. It’s garbage. I already said it’s not true.”

As this was happening, the FBI got DeHart to sign over access to all his online accounts associated with Anonymous, which they used to infiltrate the group.

One other thing happened while Matt was in custody, something both Matt and the FBI agree on: He relinquished control of his online accounts to the FBI.

After DeHart’s delayed presentment, the judge found the charges against him – kiddie porn, not espionage – were odd.

The court docket listed his arrest as taking place two days after it really had. After struggling to confirm the

proper date – Aug. 6 – the judge wondered why Matt had not been brought to court before now. She also asked why the government had pulled out such seemingly stale pornography allegations – two years old – but was now arguing Matt posed a serious danger to the community. She even noted Matt’s computers had not even been analyzed for evidence of porn seven months after they had been seized.

Then DeHart was sent back to TN to stand accused on the kiddy porn charges. There was a lot screwy with the government claims on that charge (see this installment for details).

Significantly, the judge in the case (after having read sealed documents on the national security investigation) agreed with DeHart that this was primarily about the espionage investigation and the kiddy porn charge was weak.

“The other investigation, the national security investigation, the court has learned much more about,” Judge Trauger said in her ruling.

“I can easily understand why this defendant was much more focused on that [national security] investigation, much more afraid of that investigation, which was propelling his actions at that time. He thought that the search for child pornography was really a ruse to try to get the proof about his extracurricular national security issues. I found him very credible on that issue.”

Judge Trauger also questioned the strength of the government’s porn evidence.

“Obviously, child pornography charges are serious offences,” she said. “I have learned several aspects of this case which, in the court’s mind, indicate the

weight of the evidence is not as firm as I thought it was.”

That’s when, on April 3, 2013, the entire DeHart family fled to Canada and filed for asylum. For much of the time since, DeHart has been held in strict prison conditions, punctuated by bouts of mental health problems.

The entire story is bizarre. But one thing is clear: two US judges have been very skeptical this is all about kiddie porn.

To which a Canadian panel of immigration judges has now joined. They found there was “no credible or trustworthy evidence” DeHart solicited child pornography. Nevertheless, they rejected his asylum bid, meaning he will probably be shipped back here for – who knows what.

The IRB ruled that the United States “has a fair and independent judicial process” available to him where he can continue to fight his criminal charges and press his civil rights complaint.

[snip]

“The panel acknowledges that this particular claim is by no means a simple one,” wrote IRB adjudicator Patrick Roche.

“The principal claimant is alleging that he is being persecuted by the government of the United States, or agents of that government, for his perceived political beliefs as a hacker and whistleblower involved in leaking sensitive government information,” wrote Mr. Roche. “He alleges that he has been falsely accused of crimes in order to keep him incarcerated and he alleges that he had been drugged and subjected to interrogations without his constitutional rights.”

I admit there are crazy aspects of this story – particularly Matt DeHart's attempt to defect to Russia out of what he claims is fear.

But as this drama moves back to the US, remember that, at least according to him, it comes down to the file that he presumably kept on those two USB drives, records of an FBI investigation into CIA acts.