

CBP REPEATS THE SNOWDEN ASYLUM “MISTAKE” WITH MATTHEW DEHART

One of the favorite tactics of Edward Snowden's critics is to call him a “fugitive” in Russia, emphasizing that he is avoiding US legal prosecution by hiding in an abusive country. As Glenn Greenwald noted yesterday, such digs ignore that Snowden has asylum, which is well-recognized especially in the case of espionage claims, as Snowden has been charged with.

CNN's “expert” is apparently unaware that the DOJ very frequently – almost always, in fact – negotiates with people charged with very serious felonies over plea agreements. He's also apparently unaware of this thing called “asylum,” which the U.S. routinely grants to people charged by other countries with crimes on the ground that they'd be persecuted with imprisonment if they returned home.

That background is instructive given the public report Customs and Border Patrol released the other day on arresting Matthew DeHart, who has been charged with kiddie porn but is actually wanted at least in part (even according to the judge in the kiddie porn case) because of his ties to Anonymous and maybe because of the document that reportedly describes something for which the FBI investigated the CIA which DeHart had on two thumb drives.

With the assistance of law enforcement partners, U.S. Customs and Border Protection officers at Peace Bridge Port of Entry arrested a traveler wanted under an indictment relating to production and transportation of child

pornography.

On March 1, CBP officers arrested Matthew DeHart, a 30-year-old male, a U.S. citizen in the custody of the Canadian Border Services Agency, after DeHart attempted to enter Canada.

DeHart was wanted on a felony warrant from April 2013, for failure to appear at a court hearing on his indictment for production and transportation of child pornography.

"We work very closely with our Canadian counterparts," said Rose Hilmey, CBP director of field operations for the Buffalo Field Office. "They were able to identify this person as wanted by American law enforcement, and returned him to the custody of CBP officers to face charges."

DeHart was taken into FBI custody after a warrant and extradition were confirmed.

As Adrian Humphreys (the reporter who did the series on DeHart) noted, that characterization is wrong. DeHart was not extradited, but instead denied refugee status for torture. As the Courage Foundation (which is now supporting DeHart's case) elaborated, the distinction in DeHart's case is critical. Had the US asked Canada to extradite DeHart for espionage, it might have changed his status for asylum considerations in Canada.

Extradition is a process that would have been instigated by US authorities, whereas in Matt's case he was deported at the behest of the Canadian authorities after he failed in his bid for refugee status and protection under the UN Convention on Torture.

This is significant, because if the US authorities had instigation extradition proceedings against Matt, they would

have been forced to show their hand and file all charges before extradition was considered by the Canadian government. However, since Matt was deported, it leaves the door open for more charges to be filed. This is of concern to Matt and his legal team, since although Matt currently faces child pornography charges in the US – charges Matt vehemently denies – during extensive FBI interrogation sessions Matt **endured**, all the questions the agents asked were about Matt's work with Anonymous, his connection to WikiLeaks, his former colleagues in the military, and issues related to national security. Because Matt was deported rather than extradited, it is still possible therefore that espionage charges could be filed.

There are two scenarios here. First, that the government's concerns really are – which would be totally understandable – that a former drone operator with ties to Anonymous sought to defect to Russia and Venezuela and therefore presents a huge espionage concern. Even given what DeHart, by his own admission, admitted to (he claims, under torture), then the government could easily charge him with security related charges.

But they haven't. Maybe they will – maybe that's imminent. But they haven't in several years during which they could have.

Alternately, they want DeHart because of those two thumb drives, which would represent an interest for the nation's spooks, but for which DeHart would not be the guilty party.

The more they pull shit like this, the more it suggests this case is about the latter issue, the data that DeHart had on two thumb drives.