

GOVERNMENT DECIDES REALITY WINNER LEAKED JUST ONE DOCUMENT AFTER ALL

Back in June, I noted that one of the reasons the government convinced a judge to deny Reality Winner bail was that she had leaked documents, plural.

There's no written record for this yet, but it appears from one of the less-shitty reports on the hearing that the claim is based on three things: First, Winner stuck a thumb drive in a Top Secret computer last year.

Winner inserted a portable hard drive in a top-secret Air Force computer before she left the military last year. She said authorities don't know what happened to the drive or what was on it.

Second, because Solari portrayed the 25-year old translator's knowledge as a danger unto itself (more ridiculously, she painted Winner's knowledge of Tor – which Winner didn't use to look up sensitive information – as a means by which she might flee).

"We don't know how much more she knows and how much more she remembers," Solari said. "But we do know she's very intelligent. So she's got a lot of valuable information in her head."

And finally, *because Winner told her mother, in a conversation from jail that was recorded, that she was sorry about*

the documents, plural.

Solari said Winner also confessed to her mother during a recorded jailhouse phone call, saying: "Mom, those documents. I screwed up."

Solari apparently emphasized the latter point as a way to suggest Winter might still have documents to leak.

Solari stressed that Winner referred to "documents" in the plural, and that federal agents were looking to see whether she may have stolen other classified information.

The idea is that because Winner used the plural and she only leaked one document, there must be more she's planning on leaking.

Except that doesn't appear right.

It appears Winner actually already leaked two documents. [my emphasis]

I showed that Winner actually leaked two documents to the Intercept.

Curiously, it appears the prosecutor in this case, Jennifer Solari, has changed her mind. Attached to a motion to reconsider bail, Winner's lawyers have noted that weeks after claiming Winner had to be jailed because she told her mom she had stolen multiple documents, Solari listened to the transcript and decided Winner only referred to a document, singular.

The following is new evidence that was not available at the time of the initial detention hearing (and could not have reasonably been available given the mere three days between the initial appearance and detention hearing), all

of which have a material bearing on the issue of release. • While repeatedly alleging that Ms. Winner disclosed numerous “documents” at the initial detention hearing—a fact that the Court specifically noted in its findings to support detention the Government has, via email to this Court, retracted those assertions. The Government now alleges there was only one document, rather than numerous documents, at issue. [See Exhibit A (email correspondence from Assistant United States Attorney Jennifer Solari to defense counsel and the Court dated June 29, 2017); Doc. 29 p. 105; see also Doc. 72].

In her email informing the defense of this, Solari explained,

Before the hearing, I had only heard a portion of the call in which the defendant asked her mother to “play that angle” regarding the alleged circumstances of her FBI interview. I proffered information about the other jail calls based upon verbal summaries I was provided by the FBI just before the hearing. Now that I’ve heard the recordings myself, I’d like to clarify some of the information for the court and counsel.

Solari goes on to suggest that another correction – regarding why Winner had her mom transfer money – came from an inference the FBI agent made.

I’m glad Solari corrected these issues – prosecutors often double down in such instances. I’d certainly scrutinize the other claims made by the FBI agents in the case after this.

Apparently, the government also left other details out of its story when painting Winter as an opsec genius to deny her bail. For example,

in addition to pointing out how many people use Tor, her lawyers revealed that she had used it to access Wikileaks once.

The Government failed to explain, however, that Ms. Winner told the Government during her interrogation on June 3, 2017, that she used Tor once for looking at WikiLeaks.

It also notes that the superseding indictment still just charges Winner for the one document.

Finally, it compares her treatment with all of the other alleged leakers who got bail (including David Petraeus).

It's unclear whether this will win her release. But it certainly suggests the government overstated her threat in her bail hearing.