

# GOVERNMENT REQUESTS HARSH NEW CONDITIONS GOVERNING JOSHUA SCHULTE'S ACCESS TO CLASSIFIED DISCOVERY

When we last heard from Joshua Schulte, he had been thrown in solitary in response to FBI's discovery that he had a cellphone in his jail cell at Metropolitan Correctional Center, after which FBI discovered he had other devices and 13 email and social media accounts.

In or about early October 2018, the Government learned that Schulte was using one or more smuggled contraband cellphones to communicate clandestinely with third parties outside of the MCC. The Government and the FBI immediately commenced an investigation into Schulte's conduct at the MCC. That investigation involved, among other things, the execution of six search warrants and the issuance of dozens of grand jury subpoenas and pen register orders. Pursuant to this legal process, in the weeks following the Government's discovery of Schulte's conduct at the MCC, the FBI has searched, among other things, the housing unit at the MCC in which Schulte was detained; multiple contraband cellphones (including at least one cellphone used by Schulte that is protected with significant encryption); approximately 13 email and social media accounts (including encrypted email accounts); and other electronic devices.

Today, the government asked for supplemental

protective order governing Schulte's access to a special secure facility from which he can review classified discovery. Among other things, it requires his attorney to be searched for devices upon entering the facility, it requires him to remain in manacles throughout the time he is there, and sets up a clean team to monitor both what happens in the room and the computer the defense uses to review discovery.

The defense council will be screened for electronic devices prior to entering the SCIF when she meets with her client. Once inside the Secure Area, the defendant will be allowed to meet with cleared counsel during normal business hours. The Secure Area contains equipment (the "Computer Equipment") to allow the defendant and cleared defense counsel to review the Classified Information produced by the Government. The Computer Equipment shall be used only for purposes of preparing the defense, and is enabled to log computer activity occurring on the equipment and is equipped with security measures. These logs may be reviewed by law enforcement agents or personnel who are not involved in the prosecution of the defendant (the "Wall Team"). In the event the Wall Team determines the Computer Equipment has been used in an unauthorized manner, including by attempting to circumvent any security measures or logging features, the Wall Agent will report that information to the CISO, who will notify the Court for further action.

When the defendant is present in the Secure Area, the Secure Area will be monitored for security purposes through closed circuit television ("CCTV") by the Marshals and an authorized FBI agent for all scheduled productions. The CCTV will allow only for visual monitoring of the defendant and cleared defense

counsel, and will not include audio. The CCTV will not be recorded. Should any Marshal or member of the Wall Team hear any conversation between the defendant and any of his counsel, those conversations will not be communicated to any member of the government prosecution team, including, but not limited to attorneys, agents, and support staff.

The Defendant will be in full restraints during the time he is in the SCIF and secured to a bolt in the floor. The Defendant will be stripped searched after departing the SCIF at the conclusion of each session. The Defense attorney will sign a waiver of liability due to the fact she will be alone and in close proximity to the defendant. The USMS reserves the right to terminate these meetings if security issues arise during any session.

While there's no hint that one of Schulte's defense attorneys was responsible for the past acquisition of contraband, the FBI sure seems intent on making sure that avenue isn't possible going forward.

I believe when Schulte was arraigned on the new charge of leaking from jail, the government said that CIA hadn't continued to give Schulte access to classified information after he left. Which suggests the stuff he tried to leak from jail included information he saw in discovery (presumably including how the FBI figured out he was the one leaking CIA's tools).

*As I disclosed in July, I provided information to the FBI on issues related to the Mueller investigation, so I'm going to include disclosure statements on Mueller investigation posts from here on out. I will include the disclosure whether or not the stuff I shared with the FBI pertains to the subject of the post.*