JOSHUA SCHULTE OPENING ARGUMENTS

Accused Vault 7 leaker Joshua Schulte's trial started yesterday. The first transcript, covering (very short) opening arguments and Paul Rosenzweig's testimony, is here (Calyx Institute sprung for the transcripts).

The opening arguments were interesting for two reasons. First, the government revealed something that had not been in filings before: they're certain that Joshua Schulte stole the backup dated March 3, the date his supervisors took actions because of his fight with a colleague.

> And the evidence will show that shortly after Schulte had broken back into the system, he stole an entire backup, a copy of all those secrets. And not just any backup, actually one that meant something to him. He stole the backup from March 3, 2016, the very day that Schulte felt the CIA had wronged him, by dismissing his false accusations against his co-worker. The exact backup, the exact secrets, put out by WikiLeaks.

The government had originally believed the files were stolen on March 7, the one year anniversary of the leak. This detail now makes it clear that the initial assessment, regarding the date of the files, has never changed.

Schulte's lawyer, Sabrina Shroff, did not adjust her opening argument to adjust for this level of detail. She claimed that the government has changed it story about when the files were stolen.

> Not only is the government's story implausible, it keeps changing. And you will hear about this. You will hear that the government and the FBI agents first said that the data was taken from the

> CIA in March of 2016. They identify for you a very specific time period of when they think this data was stolen, March 7th or 8th of 2016. But now they will tell you, and now they have told you, in fact, that their first theory was wrong.

That's true, but with the assertion that the March 3, 2016 backup was stolen, the government doubles down on their same initial theory.

Shroff also falsely claimed that CIA did not know the files were stolen until they were published on March 7, 2017.

> The CIA had no idea — no idea at all — how these documents were leaked.

Julian Assange was months into an attempt to use these files to obtain immunity; the CIA had started an investigation at least as soon as that started, which is one of the reasons they had concluded Schulte might be the culprit by the time the files were leaked.

Having made that false claim, Shroff makes much of the fact that WikiLeaks sat on the files for a year.

> Does the government even know when this happened? They claim to, but let's just examine that. All they know is WikiLeaks published the information on March 7, 2017. The government's theory is that the information was stolen almost a year before that, leaked to WikiLeaks, and for a whole year, WikiLeaks just sat on the information. The government wants you to believe that this information — this is national defense information that everybody wanted, that the CIA worked so very hard to keep secret — was released to WikiLeaks and WikiLeaks sat on that information — sensational, mind-blowing, news-creating information — for a year. Does that make any sense to you? An organization that wants to spread

> information, give out the news, sits on information for a whole year.

This might open the trial up for discussions of how WikiLeaks attempted to use the files to try to extort a pardon. It certainly will open up discussions about other things she'd probably not discuss.

Perhaps most curiously, Shroff makes much of the fact that (she says) the government can't prove how the files got to WikiLeaks.

> You will see that they have no evidence that WikiLeaks was the first entity, person, government, foreign agency to get that information. They will be able to give you no such evidence, so they will shift.
>
> [snip]
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> The CIA still does not know, and as you hear the government put in evidence after evidence, you will see that they will never be able to tell you how the evidence was taken, whether, in fact, WikiLeaks was the only entity that got it.

She may know Schulte used a cut-out. If so, staking her case on this may not help her.