

JOSHUA SCHULTE DOUBLES DOWN ON FORCING MIKE POMPEO TO TESTIFY IN HIS TRIAL

As I laid out, accused Vault 7 leaker Joshua Schulte is (predictably) trying to force Mike Pompeo to testify at his trial (the parties apparently have reached an agreement on the rest of Schulte's human graymail bid). In the single filing submitted under his name since he got added to the trial team, James Branden justifies that request, in part, on what I have noted: the future CIA Director was cheering WikiLeaks' publication of stolen emails months after Schulte allegedly sent CIA's hacking tools to WikiLeaks in July 2016.

Further, in this case, the government has sought to establish the grave harm of a WikiLeaks leak while just months after Mr. Schulte allegedly leaked, Sec. Pompeo championed WikiLeaks's publication of the stolen DNC emails on social media. This disconnect, too, is ripe for examination.

The Senate should never have confirmed such a person to lead the CIA for just this reason: because he would forever lose the ability to claim high ground with regards to WikiLeaks. Given that Pompeo himself is the one who first named WikiLeaks a non-state hostile intelligence service, this seems like a fair basis for questioning.

Branden cites two other reasons to justify calling Pompeo. As CIA Director, he approved the use of sensitive information to obtain search warrants to target Schulte in March 2017, and some of that information turned out to be (slightly) wrong.

Further, less than a week after the

disclosure, Sec. Pompeo approved the substance of the first search warrant application, authorizing the FBI to make various statements therein, at least some of which later proved untrue.

Judge Paul Crotty rejected a challenge to these warrants, but putting Pompeo on the stand would provide the defense a memorable way to highlight those details. The government can probably argue, correctly, that Pompeo made no firsthand assertion about the credibility of those details, he simply said the leak was damaging enough that the CIA was willing to share sensitive information in hopes of prosecuting it. There are other reasons that Pompeo's actions in advance of these warrant applications are of acute interest, but I doubt questions eliciting them would be permitted.

Schulte also wants to ask Pompeo about an imagined role he had in the charging decisions.

The defense also seeks to inquire of Sec. Pompeo whether he directed his staff to push charges against Mr. Schulte to the exclusion of anyone else or to the exclusion of exculpatory evidence.

For a lot of reasons, the government could probably move to exclude this discussion, even if it existed in substance, as prosecutorial decisions don't get shared with defendants. Still, Schulte seems to have a theory of defense here – some reason he believes Pompeo would want to limit the focus to Schulte – that might be more inculpatory than he imagines.