

# GRITS: THE DIFFERENCE BETWEEN JOSHUA SCHULTE'S COMPLAINTS ABOUT SAMS AND THOSE OF HIS ATTORNEYS

Accused Vault 7 leaker Joshua Schulte got himself back in the news with a challenge to the Special Administrative Measures he has been under since he tried to leak information from jail in October 2018.

His latest complaints closely mirror those he made in a separate lawsuit in April 2019 (though in the earlier one, Schulte claimed that Chapo Guzmán was one of the few people on the same floor, not like that should have mattered).

You can tell this one is self-indulgent from Schulte's claim that there's no legitimate reason to require his meetings with his family be monitored.

There is no "legitimate governmental objective" to denying a pre-trial detainee the ability to see both his parents at once, to have a contact visit with them, to visit with them in private, or to contact them as often as other inmates. The government has never charged Mr. Schulte with disclosure of classified information through social visits or phone calls. Regardless, the government cannot take a preventative measure of limiting free speech to stop future potential crimes.

Not only did Schulte share protected information via his family in the past, but he was caught sharing information he recognized was protected (which the government suggests may have been

classified) on a phone with someone appearing to be a journalist. Sure, he wasn't charged for that. The government waited until he did it again, this time using ProtonMail, before charging him.

Plus, some of his complaints really address the sheer arbitrariness of prison life, not SAMs per se.

The MCC bans 105 inmates from equal commissary. These randomly banned items include mouthwash, vitamin E, a book light, a bowl, a radio, earbuds, composition notebooks, reading glasses, honey, A&D ointment, artificial tears, gas relief tabs, prilosec tabs, Tylenol, mirrors, dish soap, pens, albums, Sudoku puzzles, mugs, socks, shorts, V05 body soap, suave lotion, herbal essence shampoo, bagels, BBQ sauce, grits, salt and pepper, honey buns, jolly ranchers, shabangs, combs, sharp cheddar cheese, crackers, soy sauce, wheat thins, assorted tea, and coffee, among many, many more items. It's so random that "raisin brand" cereal is allowed, but "cheerios" cereal is banned (sold in same bag).

One can best measure of the merit of Schulte's claim, however, by comparing that April 2019 complaint with what his attorneys submitted in a formal challenge to his SAMs shortly thereafter.

B. The SAMs are unconstitutional.

i. The SAMs unconstitutionally punish Mr. Schulte because they are not rationally related to the legitimate governmental interests underlying 28 C.F.R. § 501.

ii. The SAMs impose restrictions on Mr. Schulte's defense counsel and attorney-client communications in violation of the Sixth Amendment.

C. Limitation on the “dissemination” of communications.

a. Restrictions on third-party communications.

D. Overall chilling effect on defense counsel.

E. The SAMs violate Mr. Schulte’s First Amendment rights by prohibiting non-legal contact with anyone who is not an immediate family member.

That filing, written by experienced defense attorneys who understand the real difference between Schulte’s treatment and that of other defendants, focused on his ability to defend himself and maintain as much contact with his family as possible.

Judge Paul Crotty, in an August 2019 response to Schulte’s lawyers’ motion, upheld most of the SAMs but modified both his contact with lawyers and his family slightly. There’s no reason to believe Crotty will be more amenable to changing the SAMs now, not least given another Schulte filing that suggests his cell may have been raided back on March 8, on a day he would have had contact with the public at his trial. The government claims the officers in question did no more than deliver him to and from the loading dock that day. A separate judge instructed him to refile the complaint by December 23, but any response has yet to appear on the docket.

SAMs are undoubtedly onerous and some of Schulte’s complaints go to the core of whether such restrictions are humane.

But he also has demonstrated repeatedly that he’s a shameless liar aiming to try his case in public.