

Obama administration indicts ex-CIA whistleblower

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As part of the Obama administration's escalating offensive against leaks of classified information following the watershed WikiLeaks revelations, the US Justice Department has indicted former CIA agent Jeffrey Sterling for allegedly providing classified information to journalist James Risen. The information made its way into Risen's 2006 book, *State of War*.

Risen, who writes for the *New York Times*, describes in *State of War* a conversation with an unidentified former CIA agent who witnessed firsthand the extraordinary rendition of a suspected terrorist for the purpose of covering up his erroneous detention. The book also exposed CIA torture, rendition and other illegal and barbaric practices. Investigators twice subpoenaed Risen to disclose his source, but he refused. The Obama administration alleges Sterling was Risen's source.

Sterling, now an insurance investigator living in St. Louis, Missouri, faces 10 counts relating to improper possession and dissemination of classified information. He was arrested on January 6 and faces trial in Virginia, where the CIA is headquartered.

Sterling worked for the CIA from 1993 until 2002, when he was terminated. He served on the Iranian desk at the CIA and worked with Iranian spies who had defected to the United States. Chapter 9 of *State of War* details how the CIA mishandled this network of spies in Iran, leading to the ultimate capture of many by the Iranian government—an “espionage disaster” in Risen's words.

One of the more remarkable revelations in Risen's book, based on information provided by Sterling, was that the US provided doctored nuclear blueprints to Iran in the late 1990s. A botched CIA program called “Operation Merlin” involved an attempt to sabotage Iran's nuclear program by giving flawed blueprints for key components to a Russian nuclear scientist who had defected to the CIA. The scientist warned the CIA that the flaws were too obvious, but was ignored and wound up tipping off the

Iranians to preserve his cover. Ultimately, according to Risen, the operation helped Iran to “accelerate its [nuclear] weapon development.”

Obama administration prosecutors filed the indictment in December 2010. The indictment alleges that Sterling was hostile to the agency after the CIA did not permit publication of large portions of his draft memoirs, and that he retaliated by leaking sensitive information to Risen. The indictment also reveals that the government contacted Risen and his newspaper in 2003, and pressured them not to publish a story relating to information conveyed by Sterling because it might endanger the lives of “human assets.” The *Times* agreed not to publish the story.

The investigation and persecution of Sterling have taken on a thoroughly antidemocratic character. In violation of longstanding legal traditions, federal investigators subpoenaed Sterling's lawyer to testify against him. The attorney, Mark Zaid, was reportedly forced to answer questions from prosecutor William Welch before a grand jury last September for two hours about Sterling's possible motivation to retaliate against the CIA. Zaid had represented Sterling, who is black, in a 2000 discrimination suit against the agency.

The persecution of Sterling must be viewed as part of the Obama administration's ongoing assault on whistleblowers and reporters in an attempt to silence and intimidate those who would expose the government's dirty secrets—protecting not only itself but its predecessors as well. No other administration has so vigorously fought to stop leaks of classified information.

William Welch, the prosecutor handling the Sterling case and other high-profile leak cases, embodies the Obama administration's ruthless strategy against whistleblowers. He was under investigation for ethical violations in the prosecution of disgraced former Alaska

senator Ted Stevens. In addition to issuing a subpoena to Sterling's former lawyer, in violation of Sterling's right to attorney-client privilege, he argued at Sterling's bond hearing that the latter should be jailed before trial.

Welch and other Obama administration prosecutors requested that Sterling, 43, be kept behind bars prior to his trial on the grounds that Sterling was purportedly "dangerous," and would expose his prior undercover colleagues if released before his trial. In fact, the Justice Department monitored Sterling for years before arresting him, and there is no indication that Sterling plans to do anything of the kind.

Similarly frivolous arguments are being made in the case of Bradley Manning, an alleged WikiLeaks source. The extraordinary procedure of jailing a suspect before trial—traditionally used only in cases of those accused of the most dangerous and violent offenses—has become routine procedure in the Obama administration's retaliatory pursuit of whistleblowers. In this case, after Sterling's lawyers vigorously opposed his imprisonment, Sterling was released pending a trial set for September.

There is no indication that Sterling turned over classified information to Risen in return for money or personal gain. Instead, his grounds for releasing the information appears to have been political—based on the public's right to know of government misconduct. Under these circumstances, if ultimately convicted and jailed, Sterling, like Manning, could only be described as a political prisoner of the Obama administration.

Welch has employed similarly ruthless retaliatory tactics in other leak prosecutions. In his prosecution of former NSA official Thomas Drake, Welch attempted to obtain the names of the defense's expert witnesses in advance of the usual disclosure deadline. Drake is suspected of providing information to the *Baltimore Sun* newspaper about wasteful spending in the agency.



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