



Written by [Michael Tennant](#) on April 22, 2015

Obama Admin. Seeks “Severe Sentence” for Ex-CIA Officer Convicted of Leaking

Hoping to “send an appropriate and much needed message” to anyone thinking of leaking classified information, the Obama administration is asking a federal judge to impose “a severe sentence” on a former Central Intelligence Agency (CIA) officer who was convicted of supplying a journalist with the details of a failed CIA plot to disrupt Iran’s nuclear program.



Former CIA officer Jeffrey Sterling (shown, center), 48, was convicted in January by an Alexandria, Virginia, federal jury on nine felony counts related to his alleged leaking of information about the agency’s Operation Merlin to *New York Times* reporter James Risen, who included them in his 2006 book *State of War*.

Now, having prevailed in court, federal prosecutors are asking U.S. District Court Judge Leonie Brinkema to throw the book at Sterling. Although they wrote in their sentencing memo filed Monday that Sterling’s proper sentence under federal guidelines ranged from roughly 20 to 24 years in prison, “the prosecution did not argue for a specific term of years or call for a sentence in that range,” reported [Politico](#). “Instead, they used words such as ‘severe,’ ‘significant,’ ‘lengthy’ and ‘substantial.’”

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Their reasoning: “A substantial sentence in this case would send an appropriate and much needed message to all persons entrusted with the handling of classified information, i.e., that intentional breaches of the laws governing the safeguarding of national defense information will be pursued aggressively, and those who violate the law in this manner will be tried, convicted, and punished accordingly.”

Or, in the less charitable words of [Norman Solomon](#), “Do not reveal any ‘national security’ secrets that make the U.S. government look seriously incompetent, vicious, mendacious or dangerous. Don’t even think about it.”

Risen’s account of Operation Merlin, regardless of his source, certainly makes the CIA look like bunglers. The operation planned to use a former Russian nuclear scientist to deliver flawed nuclear plans to the Iranians. The [Daily Caller](#) summarized Risen’s account:

The idea was for the scientist to portray himself as unemployed and greedy, hoping it would function as an effective cover to lure the Iranians into paying for the plans.

During the mission briefing, the Russian scientist noticed there were flaws in the blueprint. That wasn’t part of the CIA’s plan, but other agents in the room tactfully avoided his concerns. Training



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for the mission continued, but the error never left the Russian's mind.

Although he was given specific instructions not to open the sealed envelope he was to give to the Iranians, he not only opened up the envelope, but he also wrote a personal letter detailing the flaws in the design and handed the information over to the Iranians. The delivery was completed on March 3, 2000. Risen argues that the botched operation actually accelerated nuclear development in Iran.

As Risen put it, the Russian was hedging his bets, afraid that the Iranians might not want to deal with him again if he gave them incorrect information.

The Obama administration argued that by leaking the Operation Merlin details to Risen, "Sterling disrupted a potentially critical attempt to slow Iran's nuclear program, exposed U.S. intelligence techniques and endangered the lives of the Russian engineer who cooperated with the CIA and his wife," according to Politico. "Prosecutors also reprised an argument they made earlier in the case: that Sterling's leak to Risen was more dangerous than typical espionage because it revealed U.S. intelligence activities to the whole world rather than just a single adversary country."

"As a result of the defendant's conduct, every intelligence service in the world knew what we did and how we did it," prosecutors wrote. "The potential damage is uncontrollable and potentially limitless."

In addition, prosecutors claimed that Sterling's leak was, as the [Washington Post](#) put it, "driven by 'pure vindictiveness'" against the CIA. Sterling, who is black, had filed a complaint with the agency's Equal Employment Office alleging racial discrimination, after which the CIA revoked his authorization to any classified documents concerning Operation Merlin, placed him on administrative leave, and ultimately fired him. Sterling then took the agency to court over his discrimination claims, but the case was dismissed when the government asserted the state secrets privilege.

The defense, of course, argued just the opposite: that the government's prosecution of Sterling was payback for his anti-discrimination efforts and the embarrassing nature of Risen's reporting.

Although Sterling was convicted, it is not at all clear that he is actually guilty of being Risen's source, observed the *Narcosphere's* [Bill Conroy](#):

The government's case against Sterling was made with circumstantial evidence — primarily records of phone calls and emails exchanged between Sterling and Risen between 2003 and 2005, none of which contained a smoking gun proving conclusively that Sterling leaked classified information. Sterling's lawyers argued that the trail of emails and phone calls dovetailed in time with his discrimination lawsuit against the CIA and dealt with that matter, which Risen had written about in the *New York Times* previously. In addition, the defense argued that there were a number of other potential sources for Risen's book, including Senate Select Intelligence Committee staffers, given Sterling in 2003 provided information to them legally as a whistleblower on what he deemed flaws in the covert Iran program.

Thus, even if the actions for which Sterling was convicted deserve punishment, sending him to jail for a couple decades on the basis of circumstantial evidence might be considered a bit extreme. (He is scheduled to be sentenced May 11.)

Then there's the fact that the Obama administration is highly selective in its prosecution of leakers, as Sterling's attorneys pointed out. Sterling could end up behind bars for years for having done nothing worse than many higher-ranking officials, including two former CIA directors, have done, sometimes as



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part of official policy.

Former CIA director David Petraeus pleaded guilty last month to one misdemeanor count of mishandling classified information for retaining classified briefing books after retiring from the army — books he later shared with his mistress, Paula Broadwell. Under the terms of the plea agreement, the government will not seek a prison term for Petraeus.

Retired Marine general James Cartwright is also being investigated for leaks, but that investigation “has reportedly stalled over fears about the sensitive information that would be revealed during a prosecution,” reported the *Post*.

And a draft report from the Pentagon’s inspector general revealed that former CIA director Leon Panetta “decided to partner with big Hollywood to write a selective version of the hunt for Osama bin Laden [the 2012 film *Zero Dark Thirty*], and the rest of CIA and DOD had to fall in line, going so far as exposing some of the SEAL team members’ identities,” wrote [Marcy Wheeler](#) of Antiwar.com. Never prosecuted for these actions, Panetta today makes big bucks on the speaking circuit.

Sterling’s prosecution and the severe sentence the government is seeking, therefore, appear to be less about national security than about “frighten[ing] potential whistleblowers,” as Pentagon Papers leaker [Daniel Ellsberg](#), who knows a thing or two about whistleblower intimidation, asserted last year. Leak things that help the government — or have friends in high places — and you’ll go free; leak things that leave Uncle Sam with egg on his face, and you’re the one who will fry.

Photo of Jeffrey Sterling (center) outside Alexandria Federal Courthouse: AP Images



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