



Written by [Warren Mass](#) on January 19, 2015

Rice Testifies in Fed Case Against CIA Whistleblower Jeffrey Sterling

The federal government's case against Jeffrey Sterling (*United States of America v. Jeffrey Alexander Sterling*) — a former CIA officer who is accused of revealing a covert agency operation to provide Iran with flawed blueprints for a nuclear weapon — continues this week. The trial was moved into the national spotlight on January 15 when former Secretary of State and National Security Advisor Condoleezza Rice (shown) testified for the prosecution.



The case is a classic example of the government going after a whistleblower, in the same vein as former NSA contractor Edward J. Snowden.

Sterling provided details of the CIA's Operation Merlin, as the scheme was called, to *New York Times* reporter James Risen, who included them in his 2006 book, *State of War: The Secret History of the CIA and the Bush Administration*. Sterling was indicted in 2010 under the Espionage Act of 1917 and he is one of the few people in U.S. history whose alleged contact with a journalist resulted in being charged under espionage law.

In July 2013, the U.S. Court of Appeals from the Fourth Circuit ruled that Risen must testify at Sterling's trial. The court wrote "so long as the subpoena is issued in good faith and is based on a legitimate need of law enforcement, the government need not make any special showing to obtain evidence of criminal conduct from a reporter in a criminal proceeding."

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As Michael Tennant wrote for *The New American* last December, however, a Justice Department source, speaking on condition of anonymity, told reporters that Attorney General Eric Holder "has directed that Risen must not be required to reveal 'information about the identity of his source.'"

Sterling's trial continues in the U.S. District Court for the Eastern District of Virginia on January 20.

Sterling's defense is basing its argument on the contention that the exposure of Operation Merlin in Risen's book could have come from a number of people, including a Russian engineer who was one of Sterling's supervisors at the CIA and congressional aides, reports Politico. The defense team asserts that the government has no direct evidence of Sterling's guilt and is asking jurors to convict him based on mere "supposition" that their client leaked the information to Risen.

AP reported on January 15 that a CIA manager — testifying from behind a tall, gray dividing wall to protect his identity — testified at the trial that more than 90 people in the government knew about Operation Merlin. The manager also said that some of the details in Risen's book, including technical aspects of the plan, were described in language closer to that used by "Merlin" (a code name for the Russian nuclear expert working with the CIA) than to speech patterns typically used by Sterling.

Another witness who testified on the 15th received national attention. George W. Bush's national



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security advisor, Condoleezza Rice, testifying for the prosecution, told the court she was stunned to learn that details of a classified mission had been disclosed to a reporter.

However, reported AP, Rice's testimony served only to establish the importance of Operation Merlin to the CIA, and did not implicate Sterling as the source of the leak. The prosecution decided not to force Risen to testify about his sources after he said he would not reveal his sources — even if threatened with being jailed for contempt of court. They will, instead, make their case against Sterling based on circumstantial evidence that pointed to Sterling as the source, including records of phone calls and e-mails between the Sterling and Risen.

Rice said the operation “was one of the only levers we had to try to disrupt Iran's nuclear program.”

Operation Merlin was so important, testified Rice, that in April 2003, for the first time in her career, she summoned a *New York Times* editor to the White House and asked her not to publish the story.

Attending the meeting were the chief of the *Times*' Washington Bureau, Jill Abramson, then-CIA director George Tenet, and Risen. Rice said she warned the *Times* staffers that lives could be at risk if the story were published.

“I certainly understand the significance of the White House asking the *New York Times* not to run a story. I fully respect the role of the press,” Rice said. “But I needed in this case to make sure that the *New York Times* understood the impact of what they were about to do.”

Among her talking points for the meeting, said Rice: “This information in the wrong hands could easily lead to the death of a U.S. citizen and conceivably contribute to the deaths of millions of innocent victims of a foreign nuclear weapons program.”

The above assertions were, at the least, overly sensationalized and based on little evidence. Though the U.S. and other governments have alleged that Iran's nuclear fuel enrichment program has military-use potential, such allegations have never been proven.

A few days after the meeting, the *Times* agreed to kill the story. But Risen later published the story in a chapter of his book, *State of War*.

Politico quoted a statement from Rice's testimony that she had been acting on the direct orders of President George W. Bush when she asked the *Times* to kill the article.

“The president and I talked about it and decided I should ask the *New York Times* leadership to come to the White House for a meeting to discuss why that story should not be published.”

In an article run by the Huffington Post on January 16, journalist Norman Solomon strongly criticized the CIA for seeking to prosecute Sterling. Solomon argues: “Top officials in the U.S. government leak classified information all the time, without consequence.”

Solomon noted that when far worse leaks of vital information occurred, such as in 2004 when an office at CIA headquarters inadvertently sent data to a double agent that “could be used to identify virtually every spy the CIA had inside Iran” (to quote Risen's book) there was no public accountability for the intelligence disaster. In “sharp contrast,” he writes,

It has been quite convenient for the CIA to try to crush whistleblower Jeffrey Sterling, who — whether or not he was a source for Risen's *State of War* book — by all accounts went through channels to let the Senate Intelligence Committee know about Operation Merlin.

Solomon also quoted an opening statement earlier this week from Sterling's attorney, Edward



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MacMahon: “A criminal case is not a place where the CIA goes to get its reputation back.” Noting the agency’s poor track record for accuracy in the past, MacMahon noted “the same CIA was telling us all that there were weapons of mass destruction in Iraq.”

We made a point similar to MacMahon’s castigation of the CIA for claiming that there were weapons of mass destruction in Iraq in a recent article, “[Congress Pushes for More Iran Sanctions](#).” In that article, we cited a conclusion from the Senate’s Select Committee on Intelligence, published on May 25, 2007:

Statements by the president and the vice president indicating that Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States were contradicted by available intelligence information.

Interestingly, Condoleezza Rice, who has defended Operation Merlin so strongly, was a member of the White House Iraq Group, which was formed during the George W. Bush administration to sell the public on the 2003 invasion of Iraq, claiming that the Iraqis had “weapons of mass destruction.”

If Rice helped formulate false information back then, why should her testimony in the Sterling case be regarded as any more credible today?

It is questionable if even a foreign government’s production of either weapons of mass destruction or a nuclear weapons program is sufficient justification for intervention by the United States. But if the evidence used to justify such operations is faulty, no questions remain. In an upcoming article, we will discuss that likelihood: Is Iran trying to develop nuclear weapons? And, if so, where’s the evidence?

Photo of Condoleezza Rice speaking at a Republican Party convention in 2014: AP Images

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