

# Punishing Another Whistleblower

**Exclusive:** Just weeks after ex-CIA Director David Petraeus got a no-jail-time wrist-slap for divulging secrets to his biographer/lover, ex-CIA officer Jeffrey Sterling got 42 months in prison for allegedly alerting a U.S. journalist to a dubious covert op, a double standard of justice, says ex-CIA analyst Ray McGovern.

By Ray McGovern

Former CIA officer Jeffrey Sterling was a whistleblower who was then targeted by the U.S. legal system for retaliation, which now includes a 42-month prison sentence. His real “crime” was going to the Senate Intelligence Committee to report on a dubious and dangerous covert operation that involved giving doctored nuclear-bomb blueprints to Iran.

Though Sterling’s action was “within proper channels,” the move made Sterling a dead duck inside the CIA, which doesn’t want any of its employees to do that and it appears neither do the members of the congressional “overlook” committees who would prefer not to know such things. So, when the account of the Iran scam appeared in James Risen’s 2006 book, *State of War*, the CIA and the Justice Department went after Sterling although the leak might well have come from someone on the Senate committee or elsewhere, not Sterling.

The CIA was especially outraged because Risen’s account made the spy agency look like a bunch of clowns. Someone was going to have to pay for causing the embarrassment and that person became Sterling, who was convicted in what amounted to an entirely circumstantial case under the 1917 Espionage Act, which was meant to apply to spies giving information to foreign governments, not to U.S. government officials providing facts to American journalists to share with the American people.

There were signs that Judge Leonie Brinkema may have had some pangs of conscience over what she had allowed to happen in her courtroom where Sterling was convicted. She had scheduled Sterling’s sentencing for April 24, but that was just a day after retired Gen. (and former CIA Director) David Petraeus received probation and no jail time for divulging highly classified material to his biographer/lover and then lying about it to the FBI.

Instead of sentencing Sterling the next day, when the Petraeus wrist slap was on everyone’s mind, Judge Brinkema postponed the announcement of Sterling’s fate to Monday. My guess is that she wanted to put at least two weeks the proverbial “decent interval” between Petraeus’s sweetheart deal and the 3 ½ years in prison that she gave Sterling.

It was painfully instructive witnessing the sentencing in U.S. District Court for the Eastern District of Virginia in Alexandria a jurisdiction that is widely regarded as a prosecutor's dream. Judge Brinkema began on an oddly defensive note, in what seemed to be a rather transparent attempt to deflect charges that the prosecution, the jury and she had succeeded in convicting Sterling solely on circumstantial evidence evidence that, in the view from my seat at the trial in January, did not and does not bear close scrutiny.

In a me-thinks-she-doeth-protest-too-much oration, Brinkema gave a mini-law-lecture explaining that it is, indeed, legally copacetic to end up with a guilty verdict exclusively based on evidence that does not rise above circumstantial.

### **Seduced by 'Case Officers'**

Equally odd and, to my lights, particularly naive and damning were the Justice Department prosecutor's gratuitous closing remarks about what a pleasure it was to get to know CIA "case officers" so well during the long and arduous case. It seems these CIA case officers, who are trained to use wiles to recruit people abroad to betray their countries, had plied their craft on the prosecutors, too.

The CIA was, of course, eager to help the Justice Department imprison Sterling as a message to other potential whistleblowers, not to divulge any secrets that might make the agency look bad. Never have I seen the agency release so much operational cable traffic to nail someone for supposedly revealing some operational secret.

Many of the cables were redacted, but not redacted carefully enough to disguise what, in my opinion, was the real objective of the operation, which involved preparing nuclear weapons development blueprints to be given to Iran and later possibly to Iraq.

Those affable "case officers" explained that the objective was to include serious design errors that would serve to impede progress on a workable nuclear weapon. For me, that never passed the smell test. It seemed more likely that the flawed blueprints were actually a ploy toward making a case that Iran and Iraq were secretly working on nuclear bombs.

The thinking may have been: Why not create blueprints "showing" how far along the Iranians (and possibly the Iraqis) were toward a nuclear weapon and then mount a daring clandestine collection operation to steal the blueprints back as proof of what the CIA and the White House wanted everyone to believe.

Remember the "yellow-cake-uranium-from-Niger" caper of a dozen years ago. That worked for a while until the International Atomic Energy Agency showed that the "evidence" was a crude forgery. Yet, the quest for learning how the caper began

and who was ultimately responsible got lost in the byzantine strategies of George W. Bush's White House to destroy a key whistleblower in that case, former U.S. Ambassador Joseph Wilson.

Then, with President Barack Obama's determination to "look forward, not backward," the Niger scam was among many examples of intelligence-related deceptions that were safely swept under the rug. Which is the case more often than not, except when there's the possibility of nailing some whistleblower who is trying to alert the American people to some misfeasance or malfeasance. Then, there is no forgiveness or forgetfulness.

### **A Close Look at the CIA Cables**

Writer/truth-seeker David Swanson, who joined us in January for much of the Sterling trial, has done us a real service by scrutinizing the evidence that turned up at the trial and going through a lot of it with a studied eye. Dissecting one not-carefully-enough-redacted CIA cable released by the government, he noticed telling signs that Iraq was next on the list for receiving damning blueprints of the kind CIA operatives tried to give to Iran.

On Monday, Swanson re-posted an analytic piece he wrote in January, entitled "[In Convicting Jeffrey Sterling, CIA Revealed More Than It Accused Him of Revealing.](#)"

Except for [an interview](#) that I gave to Steven Nelson of U.S. News & World Report after Sterling's sentencing, Iran's PressTV was the only outlet that called me [for comment](#) despite a press release put out by the Institute for Public Accuracy noting my availability.

I began by explaining to the audience that it was the First Amendment to our Constitution that guaranteed my right to speak candidly with them or with anyone else. I then told my Iranian hosts that the First Amendment is actually what the Jeffrey Sterling case is all about. And the opaque Obama administration saw the Sterling trial as an opportunity to draw yet another layer of dark curtain to keep out unwanted light.

The message to potential whistleblowers was: Do not talk to reporters. Your government will learn of it and won't hesitate to pull out all stops to convict you even with the flimsiest of circumstantial evidence spun by charming CIA "case officers." Of course, different standards apply to the powerful and well-connected. The likes of David Petraeus can even lie to the FBI and escape unscathed.

Ultimately, I don't think this government strategy is going to work and I hope I am not being unrealistic. Evidence is already building that grossly defamed

whistleblowers like Edward Snowden and Jeffrey Sterling will eventually be recognized for the patriots they are. Indeed, the process has already begun.

On May 7, for example, a New York appeals court gave tacit vindication to Snowden by ruling that the bulk collection of telephone metadata by NSA was, in fact, "illegal." Earlier disclosures by Snowden's actually proved that two of the judges on that appeals court had been lied to by Justice Department lawyers in the past. So, this time around, one of them, Judge Robert Sack, pointedly asked the attorneys from Justice, "What else haven't you let us know?"

In his formal opinion, Judge Sack compared Snowden to whistleblower Daniel Ellsberg, writing "the 'leak' by Edward Snowden that led to this litigation [against the National Security Agency], calls to mind the disclosures by Daniel Ellsberg that gave rise to the legendary 'Pentagon Papers' litigation." Perhaps, in that light, Judge Brinkema will reflect a moment on what she allowed to transpire in her court during the Sterling trial.

**Ray McGovern works with Tell the Word, a publishing arm of the ecumenical Church of the Saviour in inner-city Washington, where he teaches a course entitled "Biblical Justice: An Un-American Activity?" A former Army officer and CIA analyst, he teaches, speaks, and writes about how intelligence work relates to Justice or not.**

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