

Open Letter to President Obama from Holly Sterling

President Barack Obama
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

October 15, 2015

Dear Mr. President,

I am writing you on behalf of my innocent husband Mr. Jeffrey Alexander Sterling. You know Mr. Sterling as the former "disgruntled" CIA Officer that your administration indicted and prosecuted, resulting in conviction on nine felony counts, seven of them under the antiquated Espionage Act, with a sentence of three and a half years in prison. I would like to introduce you to the real Jeffrey Sterling who is my best friend and husband for the past 11 years.

Jeffrey Sterling was born and raised in Cape Girardeau, Missouri. He is the youngest of six boys, and his parents divorced at a very early age. Jeffrey was a very inquisitive, bright, and driven child. He once took apart his mother's radio just to see the interior working mechanisms and as a challenge to be able to reassemble it in working order. As a young boy, he would spend every Friday evening with his maternal grandmother visiting, watching their beloved Cardinals baseball team, or assisting her around her home.

Even at a young age, Jeffrey had a very strong moral code of ethics. Jeffrey's cousin, Darian Martin, fondly recalls Jeffrey as "always being like a big brother to me. I always looked up to Jeff because he was extremely talented. He was an artist, musician, a writer, and was also an outstanding athlete to name a few of his qualities. Jeff also spent time with me and

our other cousins and instilled discipline in our lives. He is truly a role model and one of the most successful members of our family. Jeff has always been an honest person and has always made excellent decisions. Jeff gave me hope that I could grow up and be someone, and that is exactly what I have done by walking in his footsteps.”

Jeffrey enjoyed and excelled at academics and knew from an early age he would attend college; as it turned out he was the only one of his siblings to do so. After graduating from high school, Jeffrey attended Millikin University and pursued a political science degree. During his schooling, he became a member of the Tau Kappa Epsilon Fraternity where he met and befriended current Commander William Roth of the United States Navy Reserve Component. Mr. Roth describes Jeffrey "as selfless, he regularly put the needs and wants of others ahead of his own." Mr. Roth recalled a Sunday morning when he caught a young African American teenager who had broken into the fraternity house attempting to break into the soda machine coin box. Mr. Roth was holding the young man by one hand and reaching for the telephone with the other when Jeffrey asked him to wait. Jeffrey talked with the youngster, asked him what he was doing, and stated he was going down a bad road. Jeffrey talked Mr. Roth into letting the boy go and giving him another chance, which he did.

After graduation, Jeffrey continued his studies at Washington University in St. Louis, to obtain his Juris Doctorate. One day while in his third year of law school, he noticed an employment advertisement that caught his eye. It was advertising operational officer positions with the Central Intelligence Agency. The ad depicted a man looking over a canal and the caption described serving the country and seeing the world in a unique opportunity. Jeffrey was immediately intrigued. Growing up he always wanted to see the world and serve his country, as three of his older brothers had done in the military. He recalls it being a great opportunity, as

"how many times do you come across something that may give you the opportunity of a dream you had for so long; that was all of it wrapped into one. I was excited to see if I could join and be a part of that organization. I felt special about the ad and the opportunity and rushed home that day and started the process."

Jeffrey's dream came true as he joined the CIA in May of 1993, training to be a case officer. After completing training, he was assigned to the Iran Task Force and was taught to speak Farsi. In 1997, Jeffrey was finalizing arrangements for his first overseas post in Germany, when he was informed by his supervisor that the job role had been assigned to another individual. It was at that moment, his supervisor stated, "we are concerned you would stick out as a big black guy speaking Farsi." With shock and dismay, Jeffrey replied: "When did you realize I was black?"

It was then that Jeffrey began to realize his dream was beginning to unravel, as after securing a different overseas assignment he was ordered to Germany to take the original assignment as the appointed individual had quit the agency. Jeffrey recalls not having a choice in the matter, as he was told "you either go where we want or you're going nowhere." He agreed and decided he was going to prove to them he was a great case officer. However, without a proper cover or supports it made it impossible for Jeffrey to be successful and he soon returned to the United States. Jeffrey was assigned to the counter-proliferation division and reported to New York, where he was again confronted with the realities of disparate treatment and unrealistic performance expectations. Thus, Jeffrey decided to file an Equal Employment Opportunity Complaint based on racial discrimination. Subsequently, the agency reported no findings of racial discrimination and Jeffrey was fired on January 31, 2002. Soon after, he was the first black officer to file a racial discrimination lawsuit against the CIA. The case was

ultimately dismissed on August 3, 2005, based on State Secrets Privilege. The judge noted, "We recognize that our decision places, on behalf of the entire country, a burden on Sterling that he alone must bear." One *New York Times* reporter, James Risen, published an article about Jeffrey's discrimination suit in 2002.

In 2003, Jeffrey went to the Senate Select Committee on Intelligence to voice concerns he had regarding "Operation Merlin," which he worked on while at the agency. He had grave concerns about mismanagement of the program and potential harm to our country. This was a legal and proper channel for agency employees to voice any such concerns.

Since his termination from the agency, Jeffrey was unable to secure employment due to the stigma of suing the CIA and was in dire financial straits. He sold his possessions, gave his beloved cats to a neighbor and spent nights sleeping in his car as he made his way back to St. Louis. With no other options, Jeffrey moved in with friends and provided childcare to their newborn daughter in exchange for room and board. He recalls "it was very humbling to go from being a case officer with the Central Intelligence Agency to now I'm a nanny."

Finally, in the summer of 2004 Jeffrey caught a break and secured employment as a Senior Fraud Investigator for WellPoint, Inc. His spirits were lifted and he once again had an optimistic view he would be able to recover from the devastation of his fallout with the CIA. It was on July 29, 2004, that I had the pleasure of meeting Jeffrey for the first time, and our relationship flourished immediately. Jeffrey's life as he knew it was once again full of promise. He thoroughly enjoyed his work and was able to utilize some of the skills he was taught by the agency to aid in the discovery of healthcare fraud. Jeffrey quickly became a very notable employee. Ms. Tammy Tait, a former Pharmacy Compliance Officer, describes Jeffrey as "a

motivated and dedicated employee who demonstrated at all times a professional and ethical attitude towards his work and his clients.”

Jeffrey felt secure that his life was moving forward in a positive direction and he was once again a productive member of society, that is until the FBI came knocking on our door in the summer of 2006, with a grand jury subpoena stating that Jeffrey was the target of an investigation regarding the disclosure of classified information. Approximately two months later, the FBI issued a grand jury subpoena to myself. In October, I endured seven hours of interrogation by Special Agent Ashley Hunt and her associate at FBI Headquarters, and the following day testified for three hours before a grand jury. Upon returning home, I immediately received a call from my attorney stating he was on his way to our home as the FBI was en route with a search warrant. My attorney told me that the FBI agents “had nothing” on Jeffrey because never before in any of his prior client’s cases did he receive a call from the FBI prior to a search. Minutes later, our home was surrounded and infiltrated by at least a dozen FBI agents confiscating our personal belongings. The sanctity of our home was violated and I had a complete meltdown. I attempted to go to work the next day, only to be completely emotionally overwhelmed and was sent home by my employer who stated that I needed to leave because she thought I was suffering from Post Traumatic Stress Disorder.

Jeffrey and I slowly recovered from the traumatic events of October 5, 2006, and focused on our life together although there was always an uneasy feeling of what was to come next and when. However, as time passed those feelings lessened. Jeffrey and I were married in June of 2007, and he continued to excel in his career receiving many accolades. In 2010, Jeffrey was awarded Investigation of the Year Award, Honorable Mention, after identifying Medicare fraud in Florida totaling more than 32 million dollars in false claims. His investigation led to the

conviction of those responsible for the fraudulent theft. During the hearing, the judge personally acknowledged Jeffrey, stating that his victim impact statement illustrated the grave implications of Medicare fraud on society. Jeffrey was also appointed as the Ambassador of Giving for WellPoint's Annual United Way Giving Campaign. It was reported by several coworkers and friends that Jeffrey exemplified honesty, integrity, and humility; the exact characteristics of the true nature of the campaign. Jeffrey also personally took the time to individually thank each employee who donated to the campaign. In the fall of 2010, Jeffrey received a call from his lawyer stating he thought the FBI investigation was winding down as there had been no activity since our home was searched. Jeffrey and I began to feel a sense of relief and that the heavy burden was being lifted.

That sense of relief and security would be short lived. On January 6, 2011, Jeffrey was asked to attend a meeting at work despite being on medical leave after having total knee replacement surgery. Jeffrey obliged, and walking with the assistance of a cane, reported to his office. Shortly after his arrival, he was arrested by the FBI. WellPoint, which had just honored him months prior, assisted in the orchestration of the false meeting and arrest. Jeffrey was arrested on allegations of providing classified information to the reporter, James Risen, because he was apparently "disgruntled" after being fired by the CIA and having his discrimination case dismissed per the prosecutor.

Jeffrey was transferred to a jail in Alexandria, Virginia. During the hearing Judge Leonie Brinkema denied a request to return home, and ordered him to stay with local friends or remain in jail. Jeffrey remained in Virginia until the latter part of April when he was allowed to return to our home awaiting a trial date.

Three days after Jeffrey's arrest he was terminated from WellPoint. However, in my

discussions with the head of human resources, they reported Jeffrey technically resigned as he did not report for duty for three consecutive days, as was their policy. I argued that Jeffrey's legal counsel and I had immediately called and informed WellPoint of the situation. During my initial call, I requested that Jeffrey be placed on temporary administrative leave without pay due to the unusual circumstances, as I was certain he would be released and able to return to work, also noting that Jeffrey was in good standing with his employer. Tragically, Jeffrey was never again to be employed. His release conditions made it impossible to obtain employment as he was ordered to inform prospective employers of being under indictment and the charges involved. He also was subjected to random substance screenings despite never having any history of substance abuse issues. We also suffered the loss of friendships, as those individuals the government deemed as potential witnesses were precluded from having any contact with us.

Jeffrey and I would travel to Virginia, at our expense, to be present for every pretrial hearing. We made a commitment to attend every hearing, no matter the cost, as we were fighting for Jeffrey's life. I would often work weekends, per an agreement I made with my employer, to be able to attend the hearings as I had continually exhausted all accrued vacation and sick time. On the Friday prior to the October 17, 2011 trial date, it was determined the government could not go forward with the trial, and Jeffrey and I returned home and waited.

What exactly were we waiting for? The government was attempting to subpoena journalist James Risen to testify that Jeffrey Sterling was his source for the leak of classified information. A lengthy battle ensued between the government and Mr. Risen's attorneys, all the while forgetting Jeffrey. During oral arguments on May 18, 2012, the government referred to Jeffrey as "one of the most dangerous men in our country." Jeffrey's counsel, Mr. Edward MacMahon, Jr., stated for the record, "Mr. Sterling, one of the most dangerous men in our

country is present today.” The entire courtroom erupted into laughter, except for Jeffrey, myself, and his attorney, who found no humor in the statement. Our life was not a comedy, but had become very much a tragedy.

Time marched on as we continued to endure the excruciating burden of the pending trial, wanting desperately to return to our former life. Although Jeffrey was determined and persisted to obtain employment, he continued to be rejected time and time again. As time continued to fade away, so did our dreams and monetary resources. Although I was employed as a social worker, it was not enough to adequately pay our bills and pay for all the expenses related to traveling back and forth to Virginia for countless hearings. In the winter of 2014, I became unemployed for six months. We had no health insurance, were receiving food stamps, and facing foreclosure on our home. Our life had taken a severe turn for the worse and we had nowhere to turn. We had to rely on the goodwill of family and friends, taking monetary loans to keep afloat, and selling my 1998 Toyota Camry in desperate need of repairs beyond its value. Finally, I obtained a new job and at the final hour of losing our home, the bank was willing to grant a loan modification. The new day had shed some light, but the darkness continued to loom as we awaited a new trial date.

In October of 2014, we learned the trial was scheduled for January 12, 2015. I had just begun my new job approximately one month prior and had to bare my soul to my employer and hope they would not dismiss me due to the extreme circumstances and time required to attend the trial. Thankfully my employer was understanding and supportive. For the first time ever, Jeffrey attended pretrial hearings without me, as I was saving my vacation time for the trial. We spent the next months mentally preparing for what lay ahead and spent countless hours engrossed in planning for the absolute worst outcome yet maintaining constant faith that his innocence would

prevail.

In late December, tragedy struck as we learned that Jeffrey's second-oldest brother, Steve, was diagnosed with cancer. Jeffrey and I went to visit him immediately, but that would be the last visit. Steve died on January 5th while Jeffrey was in Virginia for pretrial hearings. I garnered strength and called Jeffrey. Immediately, he knew by the tone in my voice as I did not even say the words, and he began to sob. My heart ached as I was unable to physically console him. All I could do was tell him how much I loved him. I spent the evening calling Jeffrey's lawyers to inform them and discuss our options as Steven's funeral was being held on January 12, the first day of the trial. The lawyers filed a motion requesting a delay for Jeffrey to attend Steven's funeral. Judge Brinkema granted the motion with a delay of only one day. Next was figuring out how Jeffrey would return home as we had absolutely no money and were living paycheck to paycheck. Graciously, the Simons family purchased an airplane ticket for Jeffrey to return home on Friday evening January 9th. We spent the weekend grieving and once again examining our limited options of returning to Virginia in time for the trial. We decided we would have to drive straight through after Steven's funeral as we did not have money to afford airplane tickets. Sunday afternoon came, and friends arrived at our home to pay their respects and visit with Jeffrey as that possibly could be the last time they would see him. Concerned for our mental health and safety driving such a long distance, they presented two airplane tickets for us to fly to Virginia. We attended Steve's funeral but could not accompany our family to the cemetery as we had a three-hour drive back to St. Louis. Due to the trial, Jeffrey and his family were cheated out of being able to grieve their loss together.

As the jury selection began, it was very evident this was clearly not a "jury of Jeffrey's peers," as out of approximately 110 jurors in the jury pool only 7 were African American and all

of them were struck. The prosecution had no direct evidence to support their allegations that Jeffrey committed the alleged acts. In fact, during cross examination of Special Agent Ashley Hunt, she said she had no proof that Jeffrey and Mr. Risen ever talked about the classified operation in the emails or phone calls. Additionally, Agent Hunt testified to never obtaining the telephone and email records of other potential leak sources. Agent Hunt stated she merely "suspected" Jeffrey Sterling was the individual who leaked the information. Defense counsel Mr. Barry Pollack also ascertained from a current CIA manager that over 90 individuals were briefed on the classified operation. How can the government explain that Jeffrey was their only suspect when over 90 additional individuals had opportunity and motive to divulge classified information? Another disturbing part of the trial was when the jury foreman reported they could not reach a decision. It was at that moment when Judge Brinkema was once again responsible for executing the proper instructions. Instead of stating to the jury that it was acceptable to not conclude a unanimous decision, she told the jury to return and deliberate. After a forty-five minute lunch break, the jury found Jeffrey guilty on all nine counts. Completely in utter shock and despair, Jeffrey and I returned to our home. Once again not having the financial resources, two plane tickets were donated to us.

As we gravely awaited the sentencing hearing scheduled for April 24, 2015, we spent every waking moment together and reviewed the decisions we previously made prior to the trial. We spent many hours just sitting together in silence as we could not comprehend how a jury convicted Jeffrey, and we were terrified of the possibility of Jeffrey living the rest of his life in prison. Shortly before the sentencing hearing, Jeffrey received a call from his attorney stating the date of the sentencing hearing was being moved up to our utter shock. Jeffrey was too despondent to speak so I discussed the matter with the attorneys stating we had already

purchased plane tickets and could not afford the extra \$1,000 it would cost to rebook. Not to mention, no reason was given as to the purpose of having to reschedule the hearing. After many days of telephone calls and emails, the new sentencing hearing was scheduled for May 11, 2015. The day came with much trepidation as we knew the government was seeking the maximum sentence. During the proceedings, Jeffrey addressed the court thanking them for the delay of the trial to attend his brother's funeral and for the respect they had shown him for the last five years. Judge Brinkema expressed the view that the sentencing guidelines were too high, however, she said that the offenses of John Kiriakou and Jeffrey were similar, but that Jeffrey should get a slightly longer sentence because Mr. Kiriakou admitted his guilt in a plea bargain, while Jeffrey admitted no wrongdoing and went to trial. Since when is it permissible to punish someone for exercising their constitutional right to assert their innocence?

In a similar case involving Mr. Thomas Drake, it was apparent that Judge Richard Bennett clearly saw through the murky arguments of the government when he questioned the prosecutor, Mr. Welch, who was also the presiding prosecutor in Jeffrey's first scheduled trial that never commenced. Judge Bennett requested to know how many defendants waited over two and a half years after their home was searched before an indictment is to be returned. He reported that is an "extraordinary period of delay" and that the average American citizen is "entitled to an answer." Our home was searched on October 5, 2006 and Jeffrey was indicted on December 22, 2010. That is more than a four year delay. Judge Bennett stated, "I think at some point in time that the average citizen when their home is searched, which is a pretty, as you and I both know, Mr. Welch, is a pretty extreme experience for those who have experienced it, to have someone arrive at the crack of dawn and knock on the door and come through and inventory all the items in your home. I would think the average American after two years is entitled to know

what the status of the case is.” Judge Bennett further pressed Mr. Welch about the extraordinary time frame and when he was not provided a response he concluded “that if the executive branch of government doesn't provide an explanation, at least it's up to the judicial branch to note the impropriety of it. It was not proper. It doesn't pass the smell test.” How is it Judge Bennett was clearly cognizant of the improprieties regarding Mr. Drake’s case, yet Judge Brinkema failed to recognize the similarly improper treatment of Jeffrey?

During the sentencing hearing, Judge Brinkema stated that Jeffrey should be placed in a prison near our home. It is apparent yet again that Jeffrey has been stripped of his rights, as he was placed in a Colorado prison nearly 900 miles away from his home in St. Louis. Jeffrey began serving his three and a half year sentence on June 16, 2015.

Mr. President, I ask you to explain how this unfathomable sequence of events has been allowed to continue for over a decade. Does the government have no shame in destroying one man's life and wasting tens of millions of dollars of taxpayers’ money to punish a man who had the audacity to do two things: Stand up for his constitutional rights and utilize proper channels provided to him to express concern for the citizens of our country? I am deeply saddened by our lives’ events that Jeffrey and I have suffered and endured. You publicly committed to a transparent government led by your administration, yet it has been shrouded in mistruth and secrecy. Since you have started your push this summer to commute prison sentences for non-violent offenders, will you not extend the same courtesy to an innocent man in prison?

As your presidential election was a historical moment in this country, and most had high hopes of actually achieving the dream that all men and women are created equal despite the pigmentation in one's skin, it appears the reverse has actually happened. How do you explain the obvious disparate treatment of General Petraeus? If one strips away the race, financial status,

and political clout of Jeffrey and Mr. Petraeus and solely reviewed the alleged crimes of Jeffrey and those pled by the general, it is glaringly obvious this was selective prosecution and sentencing. Mr. Petraeus pled to far more egregious acts than Jeffrey was convicted of, yet Jeffrey is rotting in a prison cell while Mr. Petraeus continues to live his life as he so chooses. How was it that Mr. Petraeus was allowed to blatantly lie to the FBI, which is a felony, yet this is not reflected on his criminal record? The treatment of Mr. Petraeus solidified the reprehensible belief in this country that the white man is presumed to be innocent and can do no wrong, and at worst is apt to only receive a slight slap on the wrist, while the black man is guilty until proven innocent and belongs behind bars.

The Nobel Peace Prize Laureate, Archbishop Desmond Tutu wrote in a letter to Judge Brinkema this spring: "Equality under the law as a cornerstone of justice, is significantly at stake in the sentencing of Mr. Sterling. While I realize that no two cases are identical, the fact remains that charges akin to those for which Mr. Sterling was convicted have in recent years resulted in extremely disparate penalties."

Not only has Jeffrey suffered but so have his family, friends, community and society. And now an intelligent, strong, ethical, and productive member of our world feels as though he ceases to exist while in prison. Dr. Chad Holloway, a dear friend and former colleague of Jeffrey, shares: "it has been very painful for me, his other friends, and his family to observe the ruin of Jeffrey's life, with the allegations and now conviction. But, even in time of crisis throughout this process, he has been a better friend to me than I to him. Even with the heaviness of his situation, he always asks about the things important to me and supports me."

Mr. President, I ask you what do you want your legacy as president to be? Is it one in which you are remembered for prosecuting more whistleblowers than any other previous

administration combined, or rather, in the words of Pope Francis, "Let us remember the Golden Rule: Do unto others as you would have them do unto you."

Mr. President, you would be remiss not to consider what you have learned in this letter about the true Jeffrey Sterling, as he is not the "disgruntled man who hated the CIA and wanted to settle a score" as federal prosecutor Eric G. Olshan described him. Jeffrey deserves so much better than what he has been the recipient of.

Mr. President, this is your opportunity to show Jeffrey, our country, and the world what it means to be a true leader by acknowledging a grave injustice has been done and making amends. This can only be accomplished by granting Jeffrey Alexander Sterling an immediate pardon.

Most respectfully,

Mrs. Holly Sterling