

Whistleblower who exposed CIA nuclear sabotage operation convicted under Espionage Act

By Thomas Gaist
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Former Central Intelligence Agency officer Jeffrey Sterling was found guilty of violating the 1917 Espionage Act Monday for providing information to the *New York Times* regarding covert operations conducted by the CIA against Iran. Sterling was convicted of nine felonies including illegally possessing and transferring secret government information. He could receive up to 100 years in prison after sentencing in late April.

Sterling allegedly spoke to Risen about the CIA efforts, codenamed Operation Merlin, as part of research for Risen's 2006 book *State of War*. Operation Merlin sought to sabotage Iran's nuclear program by selling the Iranian government flawed nuclear reactor blueprints through a foreign intermediary.

Risen resisted years-long efforts by the Justice Department to force him to testify against Sterling, stating that he would accept a prison term before doing so. The Obama administration dropped its efforts to coerce Risen once prosecutors became convinced they could convict Sterling without Risen taking the stand.

CIA officers who did testify in the case were concealed behind a dark screen. The federal prosecution team never introduced evidence that Sterling even spoke directly to Risen about the Iran operations. The only correspondence between the two presented to the court related to a separate issue.

Sterling informed the Senate Intelligence Committee in 2003-04 about CIA operations against Iran, and the leak could have originated from Senate staffers, Sterling's defense attorney argued, pointing to the prosecution's lack of direct evidence.

The case represents yet another victory for the Obama administration's assault on investigative

journalism, including the secret wiretapping of the Associated Press to identify "leakers" and the prosecution of Chelsea (Bradley) Manning for providing information to WikiLeaks. The administration has prosecuted more cases under the Espionage Act than all previous presidential administrations combined.

The Obama administration's surveillance and prosecution of journalists has produced a "chilling effect," with sources in the government and corporate bureaucracies suddenly going silent, according to leading journalists. As Risen noted in an interview with the *Times* last August, President Obama is "the greatest enemy to press freedom in a generation."

The Obama administration is "going to bring these cases continuously to demonstrate that type of conduct by a government employee or a government contractor is going to be prosecuted," a prominent New York lawyer told the *Washington Post*, referring to Sterling's conviction.

Attorney General Eric Holder responded by declaring that Sterling's conviction was the "just and appropriate outcome" of the trial. Sterling's communications with Risen "placed lives at risk" and represented "an egregious breach of the public trust," Holder said.

In essence, Sterling has been convicted for allegedly leaking information about illegal CIA covert operations, that is, for helping expose a criminal conspiracy orchestrated at the highest levels of government.

Holder, on the other hand, has committed grave crimes against the US Constitution. While serving on behalf of President Obama, Holder has overseen the destruction of central elements of the US Constitution,

including the right to due process and protection from arbitrary searches and seizures. The attorney general will be known above all for his arguments in favor of the right of the president to assassinate US citizens without any legal procedure.

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