

Jeffrey Sterling vs. the CIA: An Untold Story of Race and Retribution

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[Expose Facts](#)

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A dozen years before his recent sentencing to a 42-month prison term based on a jury's conclusion that he gave classified information to a New York Times journalist, former CIA officer Jeffrey Sterling was in the midst of a protracted and fruitless effort to find someone in Congress willing to look into his accusations about racial discrimination at the agency.

ExposeFacts.org has obtained letters from Sterling to prominent members of Congress, beseeching them in 2003 and 2006 to hear him out about racial bias at the CIA. Sterling, who is expected to enter prison soon, provided the letters last week. They indicate that he believed the CIA was retaliating against him for daring to become the first-ever black case officer to sue the agency for racial discrimination.

As early as 2000, Sterling was reaching out toward Capitol Hill about his concerns. He received a positive response from House member Julian Dixon (D-Calif.), a former chair of the Congressional Black Caucus, who expressed interest in pursuing the matter of racial discrimination at the CIA and contacted the agency about his case, Sterling says. But the 20-year member of Congress died from a heart attack on Dec. 8, 2000.

Sterling recalls getting special firing treatment in early 2002 from John Brennan, then a high-ranking CIA executive, now the agency's director and a close adviser to President Obama: "He personally came down to the administrative office to tell me that I was fired. Someone told me that, 'Well, you pulled on Superman's cape.'"

Soon after the CIA fired him, the *New York Times*, *People* magazine and CNN reported on Sterling's lawsuit charging the CIA with racial discrimination. But Sterling found no support from civil rights organizations.

In a letter dated Jan. 9, 2003, to Al Sharpton's National Action Network, Sterling recalled joining the CIA in 1993 "to serve my country" — "but the clubby and racially exclusive atmosphere in the Agency denied me such an opportunity."

The letter went on:

"The Agency taught me Farsi and I was trained as an expert against Iranians and terrorists. I proved my abilities as a case officer, however, when the time came for my use in the field or to move up in the ranks of officers, I was 'too big and too black.' That and other discriminatory treatment I received during my time at the Agency are the impetus behind my suit."

In an interview for the new documentary "[The Invisible Man: NSA Whistleblower Jeffrey Sterling](#)" (which I produced on behalf of ExposeFacts), Sterling told the film's director Judith Ehrlich that CIA leaders quickly focused on him when they learned about a leak of classified information to *Times* reporter James Risen in the early spring of 2003. (At the emphatic request of the Bush White House, the story was spiked by the *Times* leadership and did not reach the public until a book by Risen appeared in January 2006.)

"They already had the machine geared up against me," Sterling says in the film. "The moment that they felt there was a leak, every finger pointed to Jeffrey Sterling." He added: "If the word 'retaliation' is not thought of when anyone looks at the experience that I've had with the agency, then I just think you're not looking."

His letters to members of Congress, being reported here for the first time, show that Sterling was anticipating severe retribution as early as mid-2003 — more than seven years before he was indicted on numerous felony counts, including seven under the Espionage Act, for allegedly informing Risen about the CIA's Operation Merlin. That operation had given flawed design material for a nuclear weapon component to the Iranian government in early 2000. According to Risen's reporting, Merlin "may have been one of the most reckless operations in the modern history of the CIA."

While the prosecution put on 23 witnesses from the CIA during Sterling's trial in January this year, negative comments about his actual job performance at the CIA were rare during their testimony. An exception was David Cohen, who headed the CIA's New York office when Sterling worked there. Cohen — a notably hostile witness who called Sterling's job performance "extremely sub-par" — booted Sterling from the New York office in 2000.

Shortly after 9/11, Cohen left the CIA to head up a New York Police Department program that drew strong criticism and opposition from civil liberties groups. In 2002, as my colleague Marcy Wheeler [wrote](#), Cohen

"got a federal court to relax the Handschu guidelines, which had been set up in 1985 in response to NYPD's targeting of people for their political speech. ... After getting the rules relaxed, Cohen created teams of informants that infiltrated mosques and had officers catalog Muslim-owned restaurants, shops, and even schools."

The CIA fired Sterling in January 2002 after many months of administrative limbo. His letters the following year reflected escalating disappointment and anger at an absence of interest from members of Congress as well as from civil rights organizations including the Rainbow Push Coalition and the NAACP. Sterling says that none answered his letters.

"It has ... become apparent there is a general fear of taking on the CIA," said a June 26, 2003 letter from Sterling to the then-chair of the Congressional Black Caucus, Elijah Cummings (D-Md.).

"As a result, I have been engaged in a solitary and completely one-sided battle against the Agency that has left me ruined. There has been no one to stand with me either out of fear or ignorance. At every turn, the Agency has attempted to denigrate me and get rid of my case."

(Sterling's lawsuit was to continue along a convoluted judicial path for over two more years, until a court finally dismissed it on grounds that a trial would reveal state secrets.)

Sterling says he never got a reply from Rep. Cummings.

"Congressman Cummings does not recall receiving such a letter," his press secretary Trudy Perkins told me this week.

Sterling's letter to Cummings came two months after the White House had succeeded at persuading the *Times* management not to publish Risen's story on Operation Merlin. Meanwhile, the government was searching for someone to blame for the leak. "Now it seems I am part of a leak investigation being conducted by FBI," Sterling's letter said. "Apparently, information related to very sensitive operations I was instrumental in conducting was leaked to the press thereby causing the FBI to launch an investigation."

The letter added:

"As I have absolutely nothing to hide, I agreed to meet with the FBI to show my veracity and assist in their investigation. During that meeting, it was apparent that CIA has been instrumental in pointing the finger directly at me as a source of this leak. Though the FBI Agents conducting the session emphasized that I was not the target of their investigation, it was more than obvious to me that I will be the one to eventually take the fall."

The indictment of Jeffrey Sterling came seven and a half years later, at the end of 2010.

Testimony at Sterling's trial showed that the FBI did little or no investigation of other individuals who had extensive knowledge of Operation Merlin. For instance, the then-chair of the Senate Intelligence Committee, Pat Roberts (R-KS), shielded the committee's chief of staff by successfully insisting that the FBI not interview him about the leak — even though, or perhaps because, investigators viewed the committee's chief of staff as a key suspect. Trial testimony showed that the FBI had initially suspected that the leak came from the Senate committee staff.

On July 17, 2003 — four months after the U.S. invasion of Iraq — Sterling sent a letter to Sen. Carl Levin (D-Mich.), who had recently been chairman of the Senate Armed Services Committee and remained its ranking member. "Given the courage you have displayed along with a few other Senators in speaking out about the current intelligence controversy related to Iraqi WMD," Sterling wrote, "I feel that you would be an appropriate Senator to reach out to. What I have to say is substantially related to the current debate about WMD intelligence."

At Sterling's trial four months ago, Judge Leonie Brinkema effectively barred defense efforts to present information related to Sterling's concerns about such matters. But those concerns are evident in Sterling's letter to Sen. Levin, which addressed issues of CIA activities related to weapons of mass destruction in the Middle East region.

Sterling's letter to Levin stated that "since April 2000" — just two months after Operation Merlin gave flawed nuclear weapon design information to Iran —

"I have been reaching out to numerous members of Congress including both

intelligence committees to bring to their attention my concerns about the CIA's efforts directed at terrorism (focus on pre 9/11) and dangers of certain operations, particularly involving WMD in the Middle East. My efforts all fell upon deaf ears."

The letter continued:

"Finally, after close to three years of trying, I gained an audience with the Senate Intelligence Committee — more specifically, Committee staffers this past March. I told them my concerns and provided necessary details and specifics. I pointed out though I had extensive experience in Iranian operations, the WMD information had significant impact on intelligence related to Iraq."

(Sterling had gone through legal channels to meet with Senate Intelligence Committee staffers. A dozen years later, testimony at Sterling's trial revealed that only negligible action had resulted. A high-ranking committee staff member told of asking the CIA if its Operation Merlin was problematic, and predictably the CIA replied that the operation was just fine.)

Shortly after he met with Senate committee staff, Sterling's letter to Sen. Levin said,

"in early April the information was evidently leaked to the press. I have no idea what the staffers did with the information, but it is difficult for me to assume that the leak did not somehow originate from the Senate Intelligence Committee. From the frantic way the CIA threatened my attorney with sanctions and threats to send their security folks to pay me a visit, it was clear that CIA automatically assumed I was the source of the leak without even confirming that I had talked with individuals cleared to hear the information. ...

"I have been trying to do the right thing, and I found myself in the middle of a firestorm involving the [Bush] Administration and the highest levels of CIA and FBI. Given the current debate on intelligence and the credibility of the President, I can certainly understand the attempts to make me just 'go away.' Despite the great personal risk I am undertaking reaching out to you, I feel it my duty to bring to your attention information that is vital to the national security of this country. I feel this especially given the way the President and the administration has skewed the truth with regard to WMD intelligence."

Sterling's letter to Levin noted that "as a Senator, you should have the proper clearance for me to discuss intelligence matters with you," and closed with a one-sentence paragraph: "I do hope to hear from you soon."

Sterling told me that he never heard from Sen. Levin.

Likewise, Sterling says, he received no reply to the October 2, 2006 letter that he sent to Rep. Mel Watt (D-NC), who then chaired the Congressional Black Caucus. (Watt, like Levin, is no longer in Congress.) That year had begun with publication of Risen's book "State of War," followed by an FBI raid on the home near St. Louis that Sterling shared with his then-fiancee and current wife Holly. "Now there is a federal grand jury sitting attempting to come up with something to indict me on," Sterling wrote. Recalling how his discrimination suit was tossed out of court on "national security" grounds, he added: "I think it is deplorable how I am denied the opportunity to utilize the courts to defend my civil rights, yet they can use the same system to most likely charge me with a supposed crime."

Like his going through channels to file an internal complaint with the CIA and then a court lawsuit alleging racial discrimination at the agency, Sterling's going through channels to express concerns to the Senate Intelligence Committee was to be repeatedly used against him during the January 2015 trial that resulted in a prison sentence of three and a half years. Inside the courtroom, in front of the jury, the prosecution often cited his lawsuit and his contact with Senate Intelligence Committee staffers as clear indications of bitterness, vengefulness and motive for taking the actions alleged in the indictment.

At the CIA and the Justice Department, authorities routinely depicted Jeffrey Sterling as a "disgruntled" employee. During interviews for "[The Invisible Man](#)," he addressed how that depiction has played out for him:

"I think the label 'disgruntled' came from the moment that I complained, in any aspect. I was not being part of the team. ... People say that individuals play the race card. What about the other side of that? The race card was certainly being played with me. And you can say it was the white race card because I wasn't white. They had all those cards. ... And if there isn't going to be a true, real, honest investigation with any veracity, the natural conclusion is going to be 'disgruntled.' It's a very easy label to place."

Norman Solomon's books include War Made Easy: How Presidents and Pundits Keep Spinning Us to Death. He is executive director of the Institute for Public Accuracy and coordinates its ExposeFacts project. Solomon is a co-founder of RootsAction.org, which has encouraged donations to the [Sterling Family Fund](#). Disclosure: After the guilty verdict four months ago, Solomon used his frequent-flyer miles to get plane tickets for Holly and Jeffrey Sterling so they would be able to go home to St. Louis.

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