

Former CIA agent Sterling 'an afterthought' as Supreme Court ponders Risen case

Editor's note: Scott Lambert's weblog can be found at <http://slambert22.wordpress.com/>

Jeffrey Sterling is the afterthought.

The 1989 Millikin University graduate with a law degree from Washington University is now little more than a footnote as media rush to defend Pulitzer Prize-winning journalist James Risen in his battle against the U.S. government.

As a New York Times reporter, Risen reported on a failed CIA operation in Iran in his 2006 book "State of War: The Secret History of the CIA and the Bush Administration." The government tapped his phones and took extraordinary measures to determine Risen's [source](#). Those searches pointed to Sterling, who was arrested and indicted under the Espionage Act. Risen has refused to name his source and promises to go to jail before giving him up. The government is trying to force Risen to testify – and after a 2-1 appellate court decision went against him in 2013, Risen asked the Supreme Court to hear the case.

As of the beginning of May, the Supreme Court had not decided on whether to take the case. Count Sterling as one who hopes the Supreme Court decides not to take his [case](#). In November 2013, Edward MacMahon, Sterling's attorney filed a brief with the Supreme Court asking the court not to stay his trial any longer. Sterling has maintained his innocence from the start and wants the chance to go to trial. He's been waiting long enough.

"It is apparent that I am an afterthought in this entire case,

there really has been no focus on me, other than being the de facto defendant,” Sterling said. “The longer this case goes, the more I as a person become irrelevant.”

The media see the case as a battle between the press and government overreach in hunting down whistleblowers. The government wants to shut down whistleblowers within its ranks and considers the press as part of the problem. Sterling wants a trial.

“This case has turned into more of a battle between the government and the press with me as a pariah for both sides,” he said. “I just happen to be the conduit, or a means to an end, particularly for the government. So the impact on me continues to be that my life is forfeit while the government and press have their battle.”

The press have paid little or no attention to Sterling the man, often getting the facts of the case wrong as stories rush to the Risen angle. They pay little attention to Sterling’s decade-long fight against the government that started with the first racial discrimination case filed against the Central Intelligence Agency, the loss of his job and the eventual ruination of his career.

A 2013 story by students from [Millikin](#) documented Sterling’s tribulations from 2001 to now. Little has changed for the man who once asked his boss at the CIA, “When did you realize I was black?”

In the last year, Sterling queried Washington University about returning to school to earn an advanced law degree in the field of right of publicity. The school, after talking with him for a day, [declined](#).

Earlier this year, Sterling thought he’d finally found a job.

“I had applied for a job with a government contractor by the name of Serco who was slated to administer applications for

the Affordable Care Act,” Sterling said. “During a group interview session, I was offered, and accepted, the job. I attended the first day of orientation, received my employee number, had a picture taken for my ID and even signed up for benefits.”

Sterling thought he’d caught a break. It didn’t last long.

“I was escorted out the next day,” he said. “I was told that I did not pass the background check. I made no arguments other than stating that I had been convicted of nothing.”

It didn’t matter. Sterling’s name pops up on a background check and jobs go away. He can’t find work, and he can’t sell his name on the lecture circuit because he doesn’t know how the story ends. So he waits. And every day he checks to see if the Supreme Court has decided to hear Risen’s case. If it does, media and government will finally have a chance to clear up the *Branzburg v. Hayes* ruling of 1972. And Sterling will continue to wait, the afterthought. Once the trial finally starts, will media finally pay attention to Sterling?

“Given the focus to this point, once Risen’s involvement is over, the media will have no real interest in me or the case,” Sterling said.