

Sterling's trial press coverage turns right into left and left into right

Weeks ago, lawyers for Jeffrey Sterling asked appeals courts to send his case back to the district court so his espionage trial could begin. As this happened, the press heated up its coverage of the coming trial and the future of both Sterling and reporter James Risen.

For the last couple of years reporters have concentrated on Risen's refusal to disclose the source of his book chapter about a failed CIA plot directed at Iran. Stories are now starting to question the actual case against Sterling, who is accused by the government of providing the information to Risen.

What is surprising is that conservative pundits are defending President Obama for the espionage prosecution, while liberal pundits are criticizing him.

As an example, a story written by Gabriel Schoenfeld, published in the Weekly Standard describes the case differently from one previously reported (Story [here](#)). Schoenfeld wrote about Risen, who has been hailed by some media as a hero for taking up the fight against an Obama administration that has prosecuted more people under the Espionage Act than have all other presidents combined, as a left-wing advocate. Schoenfeld wrote:

"Risen has built his reportorial career out of revealing the U.S. government's most sensitive intelligence secrets. But he has a separate yet related career as a left-wing polemicist. His editors may tone him down in the pages of the New York Times, but in the pages of his own publications, like State of War, he does not hew to the newspaper's demand for "strict

neutrality in reporting on politics and government.” Much of that book is a diatribe against the Bush administration for embarking on what he calls a “radical departure from the centrist traditions of U.S. foreign policy.”

This politicizes Risen in the Sterling case and makes him an advocate instead of a journalist, thus allowing Schoenfeld to say Risen deserves to go to jail for refusing to testify about his source. Schoenfeld also takes the government assessment of the Sterling case at face value, saying this about Sterling and the case:

“The trouble all began in August 2000, when Sterling, who is African-American, filed a racial-discrimination complaint against the CIA that the spy agency’s equal-employment office found had no foundation. A year later, Sterling filed a suit against the CIA based on the same complaint. In the weeks after 9/11, Sterling demanded a cash settlement, which the CIA declined to provide. Over the course of the next two years, Sterling put forward additional settlement demands, with the final one totaling \$200,000 to be accompanied by a favorable employment recommendation. When that too was refused, Sterling filed a second lawsuit regarding CIA restrictions on his unpublished memoir. He also allegedly began funneling top-secret information to James Risen. Both of Sterling’s lawsuits were eventually dismissed by the courts.

The leaked information in question concerns Operation Merlin, a plan to pass along faulty blueprints of the trigger of a nuclear bomb to Iranian nuclear scientists. If Risen’s reporting is to be credited—and there is reason not to credit some of its most important details, as I noted in “Not Every Leak Is Fit to Print” (in the February 18, 2008, issue of this magazine)—subtle errors in the drawings were intended to derail the progress of Iran’s bomb-making effort. CIA director George Tenet and national security adviser Condoleezza Rice warned Times higher-ups that information in Risen’s proposed story would not only compromise the U.S.

ability to collect intelligence about Iran, but might also lead to violent reprisal against and even the death of an individual that the CIA has identified only as "human asset No. 1."

While arguments can be made about the veracity of Schoenfeld's description, it is one way of looking at the actual Sterling case. This line of reporting puts the conservative media squarely on the side of President Obama, who has aggressively tracked down potential whistleblowers throughout his presidency.

The left, on the other hand, takes a different approach. In a story written by Marcy Wheeler in the online publication, exposefacts.org, she wrote that even if Sterling gave away documents, the result was a public discussion about the CIA's role in Iran's nuclear program. She also provides readers with another example, that of General James Cartwright, who also may have provided information to media about CIA activities in Iran. Cartwright, who is a friend of Obama's, has not been charged (see story [here](#)). Wheeler wrote:

*"Sterling is [accused](#) of providing Risen classified information regarding Operation Merlin, a bungled CIA effort to deal Iran bad nuclear weapons information. The information appeared in Chapter 9 of Risen's 2006 book, *State of War*, which exposed a number of the Bush Administration's ill-considered intelligence programs.*

"Risen's account revealed not just that CIA tried to thwart nuclear proliferation by dealing doctored nuclear blueprints to American adversaries, but that in this case, the Russian defector the US charged with dealing the blueprints to Iran told them the blueprints were flawed. In other words, Risen's story – for which Sterling is one alleged source – demonstrated questionable judgment and dangerously incompetent execution by the CIA, all in an effort to thwart Iran's purported nuclear weapons program."

Compare the two accounts of Sterling's story. While both provide a summary of the facts, how those facts are interpreted differs. Schoenfeld describes Sterling as an embittered, unscrupulous man attempting to shake down and then spite the government. Wheeler describes Sterling as fulfilling an important national need, leaking information that might help start a public, national debate about how we treat Iran's nuclear program.

Schoenfeld describes Risen as a leftist advocate hiding in the guise of an objective reporter. Wheeler hardly mentions Risen but is quick to attack Obama for showing favoritism toward General Cartwright, who is suspected of doing much the same as Sterling, but, because he is Obama's friend, getting a pass for it.

"Both are issues the American public deserves to debate. Should the US risk further proliferation in its effort to counter proliferation? Should NSA launch offensive attacks against an adversary we're not at war with? What kind of blowback do such operations invite? Both stories have been critical to bringing necessary public attention to the bungling behind our Iran policy. Yet the alleged leakers in the two stories have thus far been treated differently. Sterling has been fighting prosecution for 3.5 years. Cartwright has lost his security clearance but, two years after the Sanger story, DOJ has not charged him or anyone else."

Wheeler continues:

"There's the possibility that if you're 'Obama's favorite General' as Cartwright reportedly was, you don't get prosecuted. Unlike Cartwright, Jeffrey Sterling didn't sit in on White House briefings. On the contrary, the

government [claimed](#) Sterling only leaked this information after losing an Equal Employment Opportunity suit against the CIA, in which he claimed he had not been given certain assignments because he is African-American. In fact, as Risen reported in a [2002 story](#) on Sterling, CIA Director John Brennan – then the Agency’s deputy executive director – played a role in denying Sterling’s claim, after which the CIA subjected Sterling to an early security investigation.”

The story that comes from the left takes Obama to task, accusing him of both favoritism for his treatment of Cartwright and also accusing Obama of overstepping his bounds in his prosecution of Sterling.

The Sterling case has already been responsible for a lot of ink spilled on Risen’s attempt to persuade the Supreme Court to clarify *Branzburg v. Hayes*, the decision in which it refused to recognize a constitutional reporter’s privilege to protect a source. Now it is providing enough drama and twists to do the impossible – turn conservative pundits into Obama apologists and force liberal pundits to attack a sitting president.

And the trial hasn’t even started yet.

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