

COVERAGE FROM THE JEFFREY STERLING TRIAL

I'm covering the beginning of the Jeffrey Sterling trial this week with ExposeFacts.org. This post lays out the opening arguments from yesterday, showing how circumstantial the government's case is. More interesting, if I do say so myself, is this post on how one of the CIA officers who testified yesterday started losing his cool as matters got to James Risen's book.

Zach W – the third CIA officer, who played a key role in setting up Operation Merlin before he handed the Russian off to Sterling – came off less impressively. Because the public had no visual cues because he (like the other two officers) testified behind a screen, his voice and overly-helpful answers recalled Vizzini, the *Princess Bride* character **who dies in a battle of wits**. The government used Zach W to explain how Operation Merlin came about, to get him to deny having spoken with James Risen, and to disclaim any concerns about the operation, But on cross-examination, he hurt the government's case in three ways:

- *He presented contradictory evidence about the Russian's knowledge of the blueprints dealt to Iran*
- *His demeanor started crumbling when the defense pointed out where he'd fit in Risen's book*

▪ *The defense demonstrated that in both functional position and language, Zach W was a closer fit to the focalization and language used in Risen's book than Sterling is*

[snip]

Zach W's demeanor started as very confident and overly helpful. He always answered "yes" or "correct" to questions, and at one point got ahead of the prosecution's questions, leading the defense to object. As someone who had been in the CIA since the 1980s, he had the air of telling how hard things used to be before Google.

But his confident demeanor started crumbling soon after the cross examination started. The government had ended its questioning by asking if he knew Risen. "I know who he is, I never talked to him," Zach W answered. When asked again if he had ever talked to him, he answered, no, twice.

Then under cross-examination, the defense got him to repeat his description of how he worked with the Russian to make himself available to Iranians by sending letters. When Zach W was asked if he sent the Russian to conferences, he said he was reluctant to say without material in hand to check. The defense then asked when he read the book. Zach W sighed audibly. They walked through the passage describing a case officer working with the Russian to reach out to the Iranians. In response to a question about that, Zach W

answered, for the first time, “mmm hmmm.” “I’m sorry, you have to say yes or no,” Judge Brinkema responded. You are that case officer being referenced, the defense asked. “To some degree it does,” Zach W responded, “it seems more precise in targeting, just saying.”

Then the defense led Zach W through how the blueprints were discussed, either as “blueprints,” “firing set,” or “fire set” in the CIA cables and the book. “Firing set is something you’d use,” the defense asked after getting Zach W to say he didn’t know how the Russian described the part. “That’s what we were talking about,” Zach W responded. The defense pointed to another instance, “fire ring set.” For the second time, Zach W answered, “mmm hmmm.” “You have to say yes or no,” Judge Brinkema reminded again.

After laying out all the cables Zach W had written that use the same language that appears in the book, the defense then turned to the cable Zach W wrote about the meeting in San Francisco. He pointed to the description of Sterling, the Russian, and his wife, going to wine country. This was something the prosecution had said only Sterling knew about. When asked if the cable talked about wine country, Zach W once again answered “mmm hmmm.”

Today’s main witness, Bob S, tried to explain that Zach W would have had no way of knowing that the wine country trip went to Sonoma, though (as I’ll write later) he was not at all credible on that front.

Thus far, the government’s main witnesses aren’t coming off all that impressively.