

REDACTED / CLEARED FOR PUBLIC RELEASE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

FIELD IN CAMERA AND UNDER
WITH THE COURT SECURITY,
CLASSIFIED INFORMATION
SECURITY OFFICER.

DATE: 10/5/11
NAME: [Signature]

UNITED STATES OF AMERICA,)
)
 vs.)
)
 JEFFREY ALEXANDER STERLING,)
)
 Defendant.)

Case No. 1:10-cr-00485-LMB

SEVENTH CIPA § 5 FILING BY JEFFREY A. STERLING

Defendant Jeffrey Sterling ("Mr. Sterling"), by and through counsel, and pursuant to The Classified Information Procedures Act ("CIPA"), 18 U.S.C. App. 3 § 5 (a), hereby gives notice of his intention to disclose the following classified information in connection with the trial or pre-trial proceedings in this case. The defendant submits that he reasonably expects to disclose this information as part of the trial of this case.

Pursuant to CIPA § 6 (f), Mr. Sterling hereby requests that the United States provide reciprocal discovery of each and every item of information it intends to use to rebut any of the classified information identified in this notice and which the Court orders may be disclosed at trial or any pretrial proceeding.

The subject document is listed below. For the Court's convenience, attached hereto is a copy of the document that is the subject of this Notice:

- 191. Sterling Manuscript Redactions Q01601-Q01620

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The Government has produced in discovery numerous witness statements from witnesses who say that Mr. Sterling told the witness that he had worked for the CIA, that he worked in [REDACTED], that he had been trained in [REDACTED] and/or that he worked on [REDACTED]. The Government may seek to argue to the jury that these disclosures were inconsistent with his secrecy obligations. The Sterling Manuscript Redactions document demonstrates otherwise.

Specifically, Q01601 states the Mr. Sterling could publicly disclose that he was trained in [REDACTED] and that he was going to be [REDACTED] ("Who is a [REDACTED] speaking case officer going to be using his language skills to communicate with? Not Russians. Not Japanese. Thus, there seemed to be a conscientious decision that the Agency did not object to the fact that Mr. Sterling was going to be [REDACTED]")

Q01603 states the Classification Review Board allows public disclosure unless it would pose "significant damage to national security" and that [REDACTED] has been "openly and publicly listed as a top tier threat to the country. To deny that we would try to [REDACTED] might have trouble with the proverbial giggle test."

Q01607 says that a reference to [REDACTED] operations" is permissible in that "organizational elements commonly found in other Government agencies [REDACTED] such as those associated with the functions of information, training, [etc] and those based on common geographic groupings are not classified." (emphasis in original.)

Q01617 states that Mr. Sterling was permitted to say that his friend [REDACTED] was working for the CIA in [REDACTED]. Mr. Sterling was himself allowed to say that he

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worked in [REDACTED] for the Agency. "Are we saying that Jeff was the only [Case Officer] ever to work in [REDACTED]?"

Dated: October 5, 2011

JEFFREY A. STERLING
By counsel

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CERTIFICATE OF SERVICE

I hereby certify that on October 5th, 2011, I delivered an original of the following
Seventh CIPA § 5 Filing by Jeffrey Sterling to the CISO as directed by the Classified
Information Protective Order issued in this case.

By: *Edward B. MacMahon, Jr.*
Edward B. MacMahon, Jr. (VSB #25432)

Counsel for Jeffrey A. Sterling

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