

WHAT DID DAVID SHEDD KNOW AND WHEN DID HE KNOW IT?

As I've said, I'm working on a larger post about what a shitshow the evidence entered into the Jeffrey Sterling trial showed the Merlin operation to be.



But before I do that, I want to look closely at how David Shedd's sworn testimony (which according to him, he practiced with prosecutor Jim Trump three times before appearing) contradicts a detail in one of CIA's cables, because I think it goes to the crux of CIA's efforts to spin this as a successful program.

Before I do that, let's review his background. From 1997 (just as the Merlin op started) until March 2000 (literally when the part that shows up in Risen's book ends), Shedd was the Chief of Operations in the Counterproliferation Division. From March 2000 until February 20, 2001, he was CIA's head of Congressional Affairs. Then, for over four years, he worked on proliferation issues at the National Security Council. On the stand, Shedd claimed that the NSC provided "real oversight" of intelligence. From 2005 until 2010, Shedd worked in the Office of Director of National Intelligence, ultimately as Deputy. Then he moved to the Defense Intelligence Agency, where he's now the Acting Director.

In other words, Shedd had a supervisory role

over the Merlin program until Merlin handed over the blueprints. Then, after a stint working with Congress, he helped Condi invent her mushroom clouds and was one of the people at NSC cleared into the program when, in 2003, Dr. Rice convinced NYT to kill the first Risen story.

In spite of his potential conflicts, Shedd ended up being the guy who provided a leak assessment for Chapter 9 of Risen's book for Director of National Intelligence John Negroponte in 2006 (see page 11). Curiously, two parts of that leak assessment are redacted, meaning they have nothing to do with the Iranian op (though it could relate to the other countries CIA used Merlin to deal blueprints to, or to the exposure of all CIA's Iranian sources described in the chapter).

The prosecution specifically asked Shedd how he was kept informed about the Merlin project. He said Bob S kept him informed in conversations, providing updates "as often as necessary," and that he, Shedd, might see cable traffic. He also described relying on the National Lab's assurances that the blueprints Merlin was handing over to Iran could not help their program. "As a non-specialist myself, I had to rely on those with a nuclear specialization." (Almost all the CIA witnesses involved in Merlin said something similar, and they had really bizarre views on engineering expertise, which might be one reason the program ended up being a clusterfuck.)

Having laid out that background – particularly the bit about briefing in "conversations" with Bob S (who himself testified the CIA writes everything down) – I find a series of Shedd's responses to Sterling attorney Edward MacMahon particularly interesting. "You know the nuclear blueprints were delivered in a newspaper?" MacMahon asked. "I don't know," Shedd, one time advisor to both Condi and Negroponte responded. "You don't know any details about how the blueprints were delivered?" MacMahon persisted. Merlin "had

established contact through letters, he then had a meeting with the person in Vienna,” Shedd responded.

Of course, that’s wrong.

Even according to Bob S’ favorable description of the program, Merlin didn’t meet with anyone in Vienna. He just wrapped nuclear blueprints inside a newspaper with both a computer-written and a handwritten note of quasi-explanation and left them in a mailbox, apparently having taken his PO Box for further contact *off* the letter. So why was David Shedd – who had a supervisory role over this operation (what Bob S himself called one of the “Generals” who played a key “check and balance” over the program) and then went on to brief Condi and Negroponte on it – misinformed about such a critical detail of the case?

I find Shedd’s statement particularly interesting given that he is named in one of the two cables submitted into evidence on the outcome of the operation.

On March 10, 2000, Bob S wrote a cable (Exhibit 44; he claims Sterling may have been sitting at the next terminal while he wrote it), to Langley and CIA offices 5, 7, and 8.

Having finally located the mission after several very obvious searches in the vicinity, [M] at one point noted that there was someone in the office, but on that occasion he had not brought the document package with him. When he returned on two subsequent days he found the office unoccupied and finally left the package, very clearly addressed to [Iranian subject 1], in the locked mailbox right outside the mission door.

Much of the rest of the cable described what a hash Merlin had made of his delivery in Vienna, even describing Merlin’s “inability to follow even the simplest and most explicit instruction” (Bob S did leave some damning details out, and

that assessment did not prevent Bob S from proposing the use of Merlin to do similar operations with other countries within a month).

Then, on March 13, 2000, Bob S wrote another cable (Exhibit 3) to CIA offices 9, 7, and 8, New York, and office 5 for information. Like the previous cable, it was titled "Mission Accomplished." It asked those offices for any sign of an Iranian response to the blueprints. While the cable didn't provide as much detail about what a bumbler Merlin was, it did explain,

Our asset visited the Iranian mission facility several times, but did not find any one present in the office on 2 or 3 March during his visits. He accordingly placed the packet in the locked mail box immediately adjacent to the door of the mission inside its host building at 19 Heinestrasse in Vienna's Second District.

In this paragraph and in others, there's significant spin. In this paragraph, for example, Bob S doesn't reveal that Merlin *did* show up one day to find someone in the office, but claimed at the time he didn't have the packet with him. But it does reveal a detail Shedd says he doesn't know: that Merlin never actually met with any Iranian.

Now, it's a tearline document, meaning the people in each of those offices are supposed to direct the information below the tear line in the cable to specific recipients within the office. The only thing most readers would see is an above line summary, one line of which is redacted here. But this is a document David Shedd signed off on the release of:

CL BY: ID# , CL REASON: 1.5 (D); DECL ON: X5; DRV FROM:
CABLETYPE:
>
RELNO: 000000569
ORIG: Mr. S ; AUTH: CIA Officer #14 ; REL: David Shedd
CL BY ID#
END OF MESSAGE ~~SECRET~~

Of particular note, given that Shedd may have

briefed other superiors about the program, when George Tenet talked James Risen out of reporting the story in 2003 (page 10), he said, "the Russian involved introduced himself to the Iranians [two words redacted]." Did Tenet tell Risen he introduced himself in person, as Shedd claims to have believed?

Now to be fair, one more cable Shedd signed off on (Exhibit 16) described a plan, dating to 1998, to have Merlin meet directly with the Iranians. So it's possible Shedd simply remembers the operation as it was supposed to be, and not as Merlin's bumbling execution carried it off.

I'm not sure what to make of the later cable, though. Perhaps Shedd never read beyond the tearline – though that would raise real questions about his level of knowledge of the operation and the "General's" oversight over it generally. Perhaps he was on his way out of CPD and didn't read that closely. Or maybe he didn't sign off on the release of it at all.

But it does seem to suggest that, before Shedd left CPD, he was involved in a cable that made it clear that Merlin just left the nuclear blueprints in a mailbox. And yet the story Shedd now tells, and perhaps told Condi and Negroponte, is the story of the operation as it was meant to be, not as it was actually conducted.