

# MERLIN'S TESTIMONY: "IT'S LIE," "I DON'T REMEMBER," AND "I DON'T KNOW"

I've finally gotten a hold of the transcript for Merlin's testimony in the Jeffrey Sterling trial (working on getting something I can post; he was apparently difficult to understand, in any case, so not even people present understood all this).

Reading it, it's clear why the government has claimed, going back to 2011, that Merlin's imminent death from cancer meant he should not testify. I don't dismiss the gravity of his health problems (and also note that he is apparently on pain killers, including Oxycontin, which may have affected his testimony here). But he was a terrible witness, and pretty clearly lying on a great number of accounts.

But I'm interested in specifically *how* he denied things that appear either in James Risen's book or in CIA cables.

## It's lie

About two things, Merlin was adamant. The first is the same thing that really elicited the Merlins' ire when they read Risen's book: the report that they were defectors.

Trump: It says you defected to the United States. Is that accurate?

Merlin: It's lie.

Note, given the timing and the claim that Merlin might have been involved with the Soviet Union's 1980s-era nukes, I entertain the possibility that they defected to some *other* country before moving to the US in the early 1990s. That's true, especially, because when Merlin got his passport renewed in 1999, he did so from a

country the name of which got substituted (meaning it probably wasn't Russia; the original appears to be 9 characters long, so Ukrainian is a possibility), though it could just be a successor state. Whatever the case, the timing of the Merlins' arrival in the US and their certainty with which the government repeatedly said they did not defect convince me that Merlin is correct here: they were not defectors.

Similarly, Merlin is equally adamant that the description in Risen's book that Merlin tried to warn the Iranians of "flaws" in the blueprints he handed them was not true.

Trump: In paragraph 64, the book represents on page 205 that the letter was warning the Iranians as carefully as you could that there was a flaw somewhere in the blueprints. ... Was that the purpose of the letter?

Merlin: It's, it's lie. [Later] I don't see flaws here. It was just incomplete information.

While it's certainly true that Merlin's and the government's understanding of the significance of the incomplete information in the blueprints was very different – elsewhere Merlin claimed that a real fireset schematic was “100 times more complicated than it was shown in drawing and the schematics” – it is also true that Merlin appears not to have known about the deliberate flaws US scientists put in the blueprints. So he is correct that the representation in Risen's book is incorrect on that point.

## **I don't remember**

Then there are a series of questions about which Merlin likely feels some shame, about which he professed not to remember the correct answer. One of those topics pertained to whether his wife also spied (note, Merlin and the CIA both are almost certainly lying about how much Mrs.

Merlin knew about this operation).

Trump: Did your wife at the time also agree to cooperate with the CIA?

Merlin: No.

Trump: Did she eventually?

Merlin: She didn't know anything about it.

Trump: She didn't know anything about what you did, is that correct?

Merlin: Yes.

Trump: But she was interviewed from time to time by the CIA as well?

Merlin: I don't remember. Probably.

Merlin's wife remained on the CIA payroll after he claims he stopped getting paid. Surely he knows that. But he'd prefer not to admit it.

Another of the topics about which Merlin forgot the correct answer came in response to a defense question about whether he ever used his American PO Box in communications with Iranians.

MacMahon: Did you testify earlier today that in all of your communications with the people, the Iranian institutions or otherwise, that you, you didn't use any kind of an American address in any of those documents?

Merlin: I don't remember.

Now, it's possible Merlin's earlier answer on whether he had used his PO Box on correspondence with Iran is correct: that is, it may be that he always ignored CIA's orders to do so, and CIA simply never found out about it (perhaps in part because the case officer before Sterling did not track that correspondence as closely as Sterling did). But the CIA record shows that he first started balking about using his actual geographic location about a year before going to

Vienna, but before that had publicly used his PO Box.

## **I don't know**

Then there are a series of questions where Merlin clearly either had forgotten key details, or wanted to avoid admitting the truth. For example, when asked by prosecutor Jim Trump (who had met with Merlin before this deposition to go over it) whether this was a rogue operation, Merlin first offered up that it was a “brilliant” operation (elsewhere he took credit for Iran not have gotten nukes since 2000). But when asked a question to which the answer is clearly yes – whether it took significant persuading for Merlin to complete this operation – he claimed he didn't know.

Trump: It states that prior – prior to your trip to Vienna now is what is being discussed here. “It had taken a lot of persuading by his CIA case officer to convince him to go through what appeared to be a rogue operation.” Is that accurate?

Merlin: It was not rogue operation at all. It was brilliant, brilliant operation.

Trump: Did it take a lot of persuading by you – excuse me, by your case officer to go through with the operation?

Merlin: I don't know.

Merlin walked out of the meeting on final preparations, after having walked out of the meeting prior. That wasn't, apparently, because Merlin cared whether this was rogue or not, but because he thought the risk to him was too great for the money he was being paid. But the answer to whether it did take persuading should have been yes.

Just as interesting, when Merlin was asked by defense attorney Edward MacMahon whether he had

ever before this deposition told the FBI or CIA he had destroyed the disk on which the final version of the letter to the Iranians, he said he didn't know.

MacMahon: The first time you—you were, you were asked questions over, over a space of many years, and you never told the FBI at all that you had destroyed the disk that you took to Vienna, did you?

Merlin: I don't know, but there was, was no reason to bring it back. It just put myself in additional danger to have such disk in possession. If somebody stop me and read this disk, I'm in trouble.

MacMahon: Okay. But you didn't tell the FBI, you didn't tell anybody until today as a matter of fact that that's what your story was as to what you did with the disk in Vienna, correct?

Merlin: I don't know, but again, it was no reason to keep this disk when action was, operation was accomplished, and no reason to keep it as a drawing, as letter, as whatever.

The answer is clearly no, but Merlin doesn't want to admit that for some reason (I'll return to the significance of this question in a future post).

In a related vein, Merlin went to some lengths to avoid confirming some things he had told Agent Hunt in 2003 (importantly, before anyone knew what Risen would eventually write about the Vienna trip, including that Merlin wrote his own letter at the end). He professed not to know that he wrote letter in defiance of his orders from Bob S (he had, in fact, discussed doing such a thing with Sterling, but as Merlin confirmed elsewhere, Bob was in charge of the operation), and in doing so, provided the Iranians specific information about what they were getting in the blueprints.

MacMahon: Do you remember in 2003 telling the FBI, Agent Hunt specifically, that the recipient, that the – and I'll read it to you: "When asked if he could recall the content of the note, he advised that he informed the recipient that the enclosed material was 90 percent complete."

Merlin: I don't know. It's strange.

MacMahon: You don't remember that?

Merlin: I don't know.

[snip]

MacMahon: Did Bob tell you to deliver a handwritten note with the package?

Merlin: No.

MacMahon: And Jeff Sterling didn't tell you to do that, either, right?

Merlin: No.

MacMahon: And did that note say – was it the handwritten note – do you remember the content of the handwritten note?

Merlin: I told you already it was just statement: "I couldn't reach you. Nobody was there. I'm leaving the package. There's valuable information in it."

MacMahon: Okay. And so when it said – when you told the FBI in July of 2003 that part of the content of the note was that the enclosed material was 90 percent complete, that wasn't in the handwritten note, either, right?

Merlin: I don't know what you're talking about.

## **I had to protect my family**

That Merlin is not remembering inconsistencies with his past admissions that go to the core of whether Risen's book is largely on point about

the clusterfuck of the operation is particularly interesting when, presented with the way in which some of these very same actions diverged from instructions in other questions, Merlin aggressively defended them as necessary to protect his family.

MacMahon: What you wanted to do was to leave an e-mail address, correct?

Merlin: Yeah.

MacMahon: And that's what you did when you were in Vienna. You left a note that contained an e-mail address but didn't attach any kind of contact information for you personally in the United States, correct?

Merlin: Correct.

MacMahon: All right. And that was not what you were told to do, was it?

Merlin: But it was my protection.

MacMahon: But it wasn't what you were told to do, correct?

Merlin: I would say yes.

[snip]

MacMahon: Do you remember being told to put an address for your – in the United States for yourself in the package that you delivered in Vienna?

Merlin: I believe it could be more trustful if I represented like Russian scientist than scientist living, living in the United States. Nobody likes United States in the world.

[snip]

Mac: Did—before you left for Vienna, your last meeting was with Bob, wasn't it?

Merlin: I don't remember. I believe it was Jeff.

[snip]

Mac: Is it your recollection that any of those meetings, that you were told by either Bob or Jeff, Jeffrey Sterling, not to include an American address in your letter that you were going to give to the Iranians with the plans for a nuclear weapon?

Merlin: I offer it, but I'm not stupid. I can put in danger my family.

It's the same answer that Merlin dodged elsewhere – that he deliberately ignored the clear instructions Bob S had given (here, as elsewhere, he falsely blames Sterling for stuff the cable record clearly shows Bob S did, but I suspect that is the way he remembers instructions he hated). These are precisely the actions Merlin took that made this operation a clusterfuck. But whereas when asked in the context of whether that made the operation a failure (and the book an accurate portrayal of why it was a failure), Merlin claimed not to remember, his memory instantly and aggressively returned when presented an opportunity to defend his own actions from an operational security standpoint.

As I noted here, the cable record suggests that when Merlin recognized how the CIA's efforts to dangle him left his identity and location exposed, he started taking his own measures to ensure his own safety (I wouldn't be surprised if that change in behavior came with the disclosure to his wife, or her discovery, of what he was up to). He's not ashamed or forgetful about those measures in the least.

He just wants to hide how directly those actions led to this operation being a laughable failure.