

GOVERNMENT STILL HASN'T CLEARED ONE OF JEFFREY STERLING'S APPELLATE LAWYERS

Update, 12/13: Sterling's team was finally cleared in the days leading up to the December status report deadline. But because of other scheduling issues and the difficulties of working with classified information, his team will not be able to submit their initial brief until February 12, 2016, a year after he was convicted.

Former CIA officer Jeffrey Sterling appealed his conviction for purportedly leaking information on Project Merlin to James Risen on May 26, before he even reported to prison on June 16. Throughout the summer, the appeal crept along, as most appeals do, in this case, held up in the wait for transcripts from the trial. But in August, it ground to a halt.

Just days after the Fourth Circuit ordered Sterling's lawyers to submit their first brief on September 28, they revealed that they still hadn't been cleared to review the Classified Information Protection Act hearings that will apparently be central to his appeal (the delay was caused, in part, by the problems in the electronic filing system revealed by the OPM hack). By October 1, William Trunk had been informed he was eligible for clearance, but needed to undergo indoctrination. That didn't happen until November 2, the day his lawyers were due to submit a second status report on the status of their clearance. And Lawrence Robbins, Sterling's other appellate attorney, still hadn't heard anything about his clearance by that day.

I get that this process sometimes takes a long time. But Sterling has already served almost 5 months of his 42 month sentence, and the

government ultimately controls this clearance process.

I've heard indications that the government has similarly stalled or limited clearances of already-cleared lawyers in Gitmo cases, so it is not unreasonable to ask whether the delay is an intentional stall.