

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Case No.

_____) X
)
Jeffrey Alexander Sterling)
(aka [NAME REDACTED BY CIA]))
-plaintiff-)
)
-against-)
)
)
George Tenet)
Director, Central Intelligence Agency)
John Doe (1-10))
-defendants-)
_____) X

COMPLAINT

1. It is hereby complained that Jeffrey Alexander Sterling (aka [NAME REDACTED BY CIA]; hereinafter referred to as Complainant) was subjected to employment discrimination on the basis of race (African American) as a member of (1) a protected category; and (2) treated differently than non-African American officers. Complainant was also subjected to retaliation for participation in the Equal Employment Opportunity (hereinafter referred to as EEO) process.

PLAINTIFF

2. An employee with the Central Intelligence Agency (hereinafter referred to as CIA) as an Operations Officer (hereinafter referred to as OO).

DEFENDANTS

3. George Tenet is the Director of the CIA and is responsible for actions of the CIA. The John Does indicated are covert employees of the CIA who participated in the discrimination and retaliation against Complainant.

JURISDICTION AND VENUE

4. The United States District Court for the Southern District of New York has jurisdiction over New York County [¾ LINE REDACTED BY CIA].

ALLEGATIONS

5. Complainant joined the CIA in May 1993 as an OO. Complainant successfully completed required training and obtained certification as an OO in December 1994. After certification, Complainant served in the Washington, DC area; an overseas posting; and [1/2 LINE REDACTED BY CIA]. Complainant was serving in the capacity of an OO in the [ONE WORD REDACTED BY CIA] when he was subjected to discrimination on the basis of race (African American) and retaliation for participation in the EEO process.
6. Complainant arrived in New York January 1999. Complainant's duties were to include those normal to an OO in [FOUR WORDS REDACTED BY CIA]. As a member of a select and elite cadre of [ONE WORD REDACTED BY CIA] Specialists, Complainant was to also serve as Coordinator for the [TWO WORDS REDACTED BY CIA] subject matter. During Complainant's tenure at the [ONE WORD REDACTED BY CIA], his direct supervisors and management included: COS [NAME REDACTED BY CIA]; DCOS [NAME REDACTED BY CIA]; C/OPS [NAME REDACTED BY CIA]; and C/STB [NAME REDACTED BY CIA] (hereinafter referred to as [ONE WORD REDACTED BY CIA] Mgmt). Complainant was the only African American OO serving in the [ONE WORD REDACTED BY CIA].
7. While serving as an OO, Complainant was not provided with the same opportunities or tools for fulfilling his duties as an OO. Despite not providing him with the same operational tool as non-African American OOs, [ONE WORD REDACTED BY CIA] Mgmt. placed expectations on Complainant far above those required of non-African American OOs.

Complainant was therefore effectively precluded from career advancement potential as an OO. [ONE WORD REDACTED BY CIA] Mgmt. also subjected Complainant to a harsh and unequal working environment whereby he was unable to compete with non-African American OOs. Specifically, [ONE WORD REDACTED BY CIA] Mgmt. demonstrated a clear discriminatory animus towards Complainant when on April 6, 2000; it presented Complainant with an unrealistic and unjustified Advanced Work Plan (AWP) that was considerably more demanding and harsher than any requirements placed on non-African American OOs.

8. [ONE WORD REDACTED BY CIA] Mgmt's disparate action on April 6, 2000 was part of a pattern and practice of discrimination based on race (African American) that Complainant was subjected to from the start of his tour at the [ONE WORD REDACTED BY CIA]. Complainant was repeatedly passed over for operational opportunities and subjected to routine disparate treatment as the only African American OO at the [ONE WORD REDACTED BY CIA].
9. [ONE WORD REDACTED BY CIA] Mgmt subjected Complainant to retaliation for his participation in the EEO process. On May 3, 2000 Complainant was scheduled to undergo updated security processing. Security processing is an arbitrary regime within the CIA that is utilized more for its nature as a tool for intimidation than any substantive security implications. Complainant was not scheduled to undergo updated security processing until sometime during the year 2001 in accordance with CIA regulations and documentation in Complainant's security file. [ONE WORD REDACTED BY CIA] Mgmt. was aware of Complainant's participation in the EEO process when updated security processing was scheduled, [ONE WORD REDACTED BY CIA] Mgmt. also subjected Complainant to

retaliation for participation in the EEO process when it either committed or failed to prevent the destruction of Complainant's personal property, which Complainant first discovered on June 15, 2000. [ONE WORD REDACTED BY CIA] Mgmt was also aware of Complainant's participation in the EEO process at the time of the vandalism to Complainant's personal property.

10. The disparate treatment that Complainant underwent at the [ONE WORD REDACTED BY CIA] was part of a pattern and practice of discrimination based on race (African American) and disparate treatment that Complainant has suffered during the tenure of his career as an OO at the CIA. Complainant had previously been denied work opportunities and routinely passed over for assignments based on the statements made by CIA management to Complainant that he could not be operationally inconspicuous considering his size, color of his skin and use of a language (taught to Complainant by the CIA) not typical for those in his race (African American).
11. CIA interfered with Complainant's Constitutional right to access to an attorney. Prior to having effective counsel with his attorney, Complainant's chosen private attorney was required to undergo security screening and be security cleared to meet with Complainant. Complainant fully complied with this requirement and did not have substantive discussions regarding Complainant's affiliation with the CIA or details as to Complainant's identity until the attorney was granted the necessary security clearance. The attorney was not granted the necessary security clearance until four months after initiation of the EEO process. Complainant was effectively denied the access to or benefit of counsel during the EEO process.

WHEREFORE, Complainant Jeffrey Alexander Sterling (aka [NAME REDACTED BY CIA]) request that the Court award him the following relief:

- (1) Declare that the CIA subjected Complainant to employment discrimination on the basis of race (African American) as a member of (1) a protected category; and (2) treated differently than officers not in the same protected category;
- (2) Declare that the CIA subjected Complainant to retaliation for his participation in the EEO process;
- (3) Declare that the CIA has perpetrated a pattern and practice of employment discrimination against Complainant throughout his career;
- (4) Declare that CIA interfered with Complainant's access to legal counsel;
- (5) Award Complainant the maximum monetary amount allowed by applicable law for the employment discrimination and damages suffered at the CIA by Complainant;
- (6) Award Complainant the costs of the action and reasonable attorney's fees under the Equal Access to Justice Act or any other applicable law;
- (7) Grant such other relief as the Court may deem just and proper.

Dated: August 28, 2001

Jeffrey Alexander Sterling

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