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Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
BENJAMIN PIERCE BISHOP,)
)
Defendant.)
_____)

CR 14-00329 LEK
CR. NO.)
INFORMATION)
[18 U.S.C. §§ 793 (d)&(e)])

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 11 2014
at 2 o'clock and 5 min. M.
SUE BEITIA, CLERK

INFORMATION

The United States Attorney charges:

At all times material to the Information:

INTRODUCTORY ALLEGATIONS

1. Defendant BENJAMIN PIERCE BISHOP ("Defendant BISHOP" or "BISHOP") was a citizen of the United States who resided in Kapolei, Oahu, Hawaii. BISHOP was a reserve U.S. Army Special Forces Officer who served in an active duty military status until it was terminated on April 30, 2012, during which time he was assigned to U.S. Pacific Command (PACOM) staff. BISHOP was subsequently employed as a civilian contractor for a U.S. defense contractor with a Top Secret contract with PACOM. Through all times relevant to this Indictment BISHOP has held a TOP SECRET clearance with Sensitive Compartmented Information (SCI) access.

2. In the scope of his official duties both as an officer and contractor at PACOM, BISHOP was routinely provided access to classified information relating to the national defense that concerned the methods by which PACOM forces conduct both cyber defense operations as well as the full range of strategic operational activities. These areas included the planning and development of strategy and policy in connection with PACOM's efforts to counter

weapons of mass destruction, national-level nuclear deterrence policy and planning, as well as ballistic missile defense.

3. Pursuant to Executive Order 13526, national security information is classified as "Top Secret," "Secret," or "Confidential." The designation "Top Secret" applies to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. The designation "Secret" applies to information, the unauthorized disclosure of which reasonably could be expected to cause serious to the national security. The designation "Confidential" applies to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security. Access to classified information at any level may be further restricted through compartmentation in sensitive compartmented information (SCI) categories. Classified information, of any designation, may only be shared with persons determined by an appropriate U.S. government official to be eligible for access to classified information, who have signed an approved nondisclosure agreement and who possess a need to know. If a person is not eligible to receive classified information, classified information may not be disclosed to that person.

4. BISHOP, in connection with his employment with the United States Army and at PACOM, entered into several agreements either with, or at the behest of, the United States government proscribing the unauthorized disclosure of classified information he acquired or learned as part of the performance of his official duties. These agreements instructed BISHOP on the restrictions related to the handling and storage of classified information, and his duty of non-disclosure to unauthorized persons of classified information. Some of these agreements also warned BISHOP that violation of these restrictions could result in criminal penalties, including penalties related to violations of Title 18, United States Code, § 793.

COUNT 1

Communicating National Defense Information
to Person Not Entitled to Receive it.

[18 U.S.C. § 793(d)]

The United States Attorney charges:

5. The United States Attorney realleges and incorporates as though set forth in full herein paragraphs 1 through 4, of this Indictment.

6. On or about May 12, 2012, in the District of Hawaii and elsewhere, BENJAMIN PIERCE BISHOP, the defendant, having

authorized possession of, access to and control over information relating to the national defense, and having reason to believe that such information could be used to the injury of the United States and to the advantage of any foreign nation, did willfully communicate, deliver, and transmit information relating to the national defense to a person not entitled to receive it, in that BISHOP communicated, in an email attachment entitled "Comments on Extending Deterrence from the Triad", to PERSON 1, classified U.S. national defense information related to joint training and planning sessions between the United States and the Republic of Korea, which information related to the national defense and was classified at the SECRET level.

All in violation of Title 18, United States Code, Section 793(d).

COUNT 2

Willful Retention of National Defense Information

[18 U.S.C. § 793(e)]

The United States Attorney charges:

7. The United States Attorney realleges and incorporates as though set forth in full herein paragraphs 1 through 4, of this Information.

8. On or about March 15, 2013, in the District of Hawaii and elsewhere, BENJAMIN PIERCE BISHOP, the defendant, having unauthorized possession of, access to and control over any documents, writings, photographs, photographic negatives, blueprints, plans, map or notes relating to the national defense, did willfully retain documents, writings, photographs, photographic negatives, blueprints, plans, map or notes relating to the national defense and failed to deliver the same to an officer or employee of the United States entitled to receive it, in that BISHOP retained in his personal residence at Honolulu, Hawaii documents, writings, photographs, photographic negatives, blueprints, plans, map and notes relating to the national defense, which were marked as containing, and which did in fact contain, information relating to the national defense, classified at the SECRET level, to wit:

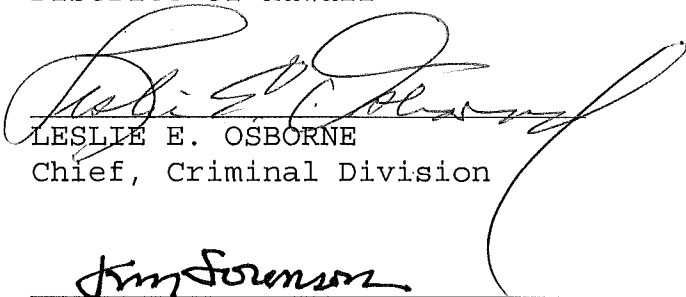
- a. U.S. Armed Forces: Defense Planning Guide FY2014-2018;
- b. Optimizing U.S. Force Posture in the Asia-Pacific;
- c. Initiative Summary Sheet: MQ-9 Reaper UAV;
- d. Background Paper on Extended Deterrence and Assurance Capabilities in the Pacific;
- e. Air Force Extended Deterrence Capabilities;
- f. Extended Deterrence and Force Employment Planning;

- g. U.S. Department of Defense China Strategy;
- h. National Geospatial Intelligence Agency (NGA) Satellite Image dated February 2013;
- i. USPACOM Joint Intelligence Operations Center (JIOC) Special Report dated January 2013;
- j. 2010 Guidance for Employment of Force (GEF).

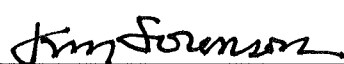
All in violation of Title 18, United States Code, Section 793 (e).

DATED: March 11, 2014, at Honolulu, Hawaii.


FLORENCE T. NAKAKUNI
United States Attorney
District of Hawaii



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Assistant U.S. Attorney



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UNITED STATES v. BENJAMIN BISHOP
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