

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

FILED
IN OPEN COURT

FEB 14 2002

CLERK, U.S. DISTRICT COURT
ALEXANDRIA, VIRGINIA

UNITED STATES OF AMERICA	)	Criminal No. 01-405A
)	
	)	Count 1: Attempted Espionage
	)	18 U.S.C. § 794(a)
v.	)	(Iraq)
)	
	)	Count 2: Attempted Espionage
	)	18 U.S.C. § 794(a)
BRIAN PATRICK REGAN,	)	(Libya)
)	
Defendant	)	Count 3: Attempted Espionage
	)	18 U.S.C. § 794(a)
	)	(China)
)	
	)	Count 4: Gathering National
	)	Defense Information
	)	18 U.S.C. § 793(b)
)	

SUPERCEDING INDICTMENT

February 2002 Term - At Alexandria

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times material to this indictment:

1. The defendant BRIAN PATRICK REGAN was born October 23, 1962, in Queens, New York. He enlisted in the United States Air Force (USAF) in August 1980, and served continuously until August 31, 2000, when he retired at the rank of E-7 (Master Sergeant). His primary specialty in the USAF was signals intelligence analysis.

2. From 1991 to 1994, REGAN was assigned to the Air Force Intelligence Support Group at the Pentagon, first as a Communications Denial Analyst specializing in targeting the communications systems of military adversaries of the United States, and then as an Air Defense Analyst. From mid-1994 to mid-1995, he was assigned to the Joint Military Intelligence College, as a student.

3. From in or about July 1995 until on or about August 31, 2000, REGAN was detailed to the headquarters of the National Reconnaissance Office (NRO), in the Eastern District of Virginia. The NRO is an agency of the United States Department of Defense responsible for building and operating the nation's reconnaissance satellites, and is part of the United States Intelligence Community. At the NRO, Regan was assigned to the Signals Intelligence Applications Integration Office, which is responsible for focusing signals intelligence support for tactically deployed military units.

4. In or about October 2000, REGAN became employed by TRW Incorporated (TRW), in the Eastern District of Virginia, to serve as a contractor employee to the NRO.

5. On or about July 30, 2001, REGAN began his TRW assignment at the NRO, at a facility in the Eastern District of Virginia.

Oath of Office and Security Acknowledgments

6. Upon enlisting in the USAF, REGAN signed an Oath of Office in which he swore that: "I . . . do solemnly swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to regulations and the Uniform Code of Military Justice. So help me God."

7. Executive Order 12958 and its predecessor orders establish that information in any form that (1) is owned by, produced by or for, or under the control of the United States Government, and (2) falls within any of the categories set forth in Section 1.5 of the Order (including: intelligence sources or methods; cryptology; military plans; and vulnerabilities or capabilities of systems, installations, projects or plans relating to the national security), may be classified by an original classification authority who determines that the unauthorized disclosure of such information reasonably could be expected to result in damage to the national security. Where such damage would be "serious", the information may be classified as SECRET. Where such damage would be "exceptionally grave", the information may be classified as TOP SECRET. Access to classified information at any level may be further restricted

through compartmentation in SENSITIVE COMPARTMENTED INFORMATION (SCI) categories. Dissemination of classified information at any level may also be restricted through caveats such as NOFORN (Not Releasable to Foreign Nationals).

8. REGAN held TOP SECRET clearances continuously from the time he joined the USAF in 1980 until on or about August 23, 2001, and was indoctrinated for access to a variety of SCI programs. Specifically:

a. On or about November 25, 1991, REGAN signed a Classified Information Nondisclosure Agreement in which he acknowledged that:

. . . 2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of classified information, including the procedures to be followed in ascertaining whether other persons to whom I contemplate disclosing this information have been approved for access to it, and that I understand these procedures.

3. I have been advised that the unauthorized disclosure, unauthorized retention, or negligent handling of classified information by me could cause damage or irreparable injury to the United States or could be used to advantage by a foreign nation. I hereby agree that I will never divulge classified information to anyone unless: (a) I have officially verified that the recipient has been properly authorized by the United States Government to receive it; or (b) I have been given prior written notice of authorization from the United States Government Department or Agency . . . responsible for the classification of the information or last granting me a security clearance that such disclosure is permitted. I understand that if I am uncertain about the classification status of information, I am required to confirm from an authorized official that the information is unclassified before I may disclose it,

except to a person as provided in (a) or (b), above. I further understand that I am obligated to comply with laws and regulations that prohibit the unauthorized disclosure of classified information.

4. I have been advised that . . . any unauthorized disclosure of classified information by me may constitute a violation, or violations, of United States criminal laws, including the provisions of Sections 641, 793, 794, 798, and 952, Title 18, United States Code,

7. I understand that all classified information to which I have access or may obtain access by signing this Agreement is now and will remain the property of, or under the control of, the United States Government, unless and until otherwise determined by an authorized official or final ruling of a court of law. . . .

b. During the course of his USAF service, REGAN was granted access to SCI information, and in that connection signed nondisclosure forms acknowledging his responsibilities regarding such information. For example, on or about July 31, 1995, he signed an SCI Nondisclosure Agreement, in which he acknowledged that he had received security indoctrinations and understood, among other things, that he had been advised that the direct or indirect unauthorized disclosure by him of SCI information "could cause irreparable injury to the United States, and be used to advantage by a foreign nation," and pledged that "I will never divulge such information, in any form or any manner, to anyone who is not authorized to receive it, without prior written authorization from an appropriate official of the United States Government." He also acknowledged that he had been advised that such unauthorized disclosure could constitute violations of

criminal laws including Title 18, United States Code, Section 794.

c. On or about August 30, 2000, in connection with his retirement from the USAF, REGAN signed a Security Debriefing Acknowledgment in which he stated that he had been reminded of his continuing obligation to comply with the terms of the Agreement he had signed on or about July 31, 1995.

d. Also on or about August 30, 2000, REGAN signed a Security Termination Statement in which he acknowledged that he understood that "any unauthorized disclosure of information affecting the national defense is prohibited and punishable by law" and agreed that: "I shall not knowingly or wilfully divulge, reveal, or transmit classified information orally or in writing or by any other means, to any unauthorized person or agency."

e. On or about July 30, 2001, REGAN signed another SCI Nondisclosure Agreement, in order for his access to SCI to be reinstated.

Regan's Letter to Saddam Hussein of Iraq

9. In or about 1999 to 2001, REGAN drafted a letter to Iraqi agents whose identities are unknown to the Grand Jury instructing the Iraqi agents to deliver a sealed envelope to the president of Iraq (Saddam Hussein) or the intelligence chief of Iraq. REGAN also drafted a separate letter addressed to the president and the intelligence chief of Iraq that was to be

included in the sealed envelope (the "Hussein letter").

(Spelling errors in the two letters, when quoted below, are uncorrected and appear as in the original.)

10. The letter from REGAN to the unknown Iraqi agents read in part as follows:

This letter is confidential and directed to your president, () or intelligence chief, (). Please pass this letter via diplomatic pouch and do not discuss the existence of this letter either in your offices or homes or via any electronic means (phone, telex, fax,). If you do not follow these instructions the existence of this letter and its contents may be detected and collected by U.S. intelligence agencies. Do not open the internal letter prior to it reaching the intended recipients, if you do and the contents are compromise you will have to answer to your president as to why you were so curious.

11. REGAN provided additional instructions in the Hussein letter as follows:

This letter (AA12194107) has been encoded to prevent the comprising of the information it contains. The codes to decode this letter were sent to the following address listed below prior to sending this letter. That letter had similar instructions on how to handle the sealed letter it contains. If the break out codes are not delivered let me know by placing the ad listed below in the Sunday Washington post (automobile classified section). If I see that ad I will resend the codes either to the same address or a new one. Please secure both of these letters and limit access to only essential personnel. Should the contents of these letters be comprised to any foreign intelligence agencies your country will lose a great opportunity.

12. In the Hussein letter, REGAN offered to commit espionage against the United States:

I AM A MIDDLE EAST, NORTH AFRICAN ANALYST FOR THE CENTRAL INTELLIGENCE AGENCY (CIA). I AM WILLING TO

COMMIT ESPIONAGE AGAINST THE UNITED STATES BY PROVIDING YOUR COUNTRY WITH HIGHLY CLASSIFIED INFORMATION. I HAVE A TOP SECRET CLEARANCE AND HAVE ACCESS TO DOCUMENTS FROM ALL OF THE US INTELLIGENCE AGENCIES (NATIONAL SECURITY AGENCY (NSA), DEFENSE INTELLIGENCE AGENCY (DIA), CENTRAL COMMAND (CENTCOM), AS WELL AS SMALLER AGENCIES. I HAVE BEEN WITH THE CIA FOR OVER TWENTY YEARS AND WILL BE RETIRING IN TWO YEARS. I FEEL THAT I DESERVE MORE THAN THE SMALL PENSION I WILL RECEIVE FOR ALL OF THE YEARS OF SERVICE AT THE CIA. I HAVE INCLUDED THE COVER PAGE TO A CLASSIFIED CIA INTERNAL NEWS BULLETIN, AS WELL AS TABLE OF CONTENTS TO THE JOINT-SERVICE TACTICAL EXPLOITATION OF NATIONAL SYSTEMS (JTENS), AND SOME SATELLITE PHOTOS AS PROOF OF MY POSITION AND WILLINGNESS TO PROVIDE YOUR COUNTRY WITH CLASSIFIED DOCUMENTS.

13. The JTENS Manual referred to by REGAN in the Hussein letter is classified TOP SECRET/SCI. The table of contents is classified at least SECRET. The JTENS Manual is the handbook of United States reconnaissance programs and collection systems. The purpose of the JTENS Manual is to assist tactical commanders and their staffs in the use of national collection systems, such as satellites, to support military operations and exercises. The JTENS Manual includes information and data describing current national collection systems and their coverage. It is for use by United States military units in obtaining critical time-sensitive information to support tactical military operations. The JTENS Manual contained a statement that it "contains information affecting the national security within the meaning of the espionage laws U.S. Code Title 18, Section 793, 794, and 798. The law prohibits its transmission or the revelation of its contents in any manner to any unauthorized person, as well as its

use in any manner prejudicial to the safety or interests of the United States or for the benefit of any foreign government to the detriment of the United States. It is to be seen only by personnel especially indoctrinated and authorized to receive information in the designated control channels."

14. In the Hussein letter, REGAN demanded \$13 million in exchange for providing classified information to the Iraqis:

IF I COMMIT ESPONAGE I WILL BE PUTTING MY SELF AND FAMILY AT GREAT RISK. IF I AM CAUGHT I WILL BE ENPRISIONED FOR THE REST OF MY LIFE, IF NOT EXECUTED.FOR THIS DEED. MY WIFE AND DAUGHTER WILL BE DISCRASED AND HARRASHED BY EVERYONE IN OUR COMMUNITY. CONCIDERING THE RISK I AM ABOUT TO TAKE I WILL REQUIRE A MINIMUN PAYMENT OF THIRTEEN MILLION US DOLLARS WIRE TRANSFERRED IN SWISS FRANS, THE EXACT AMOUNT (()) BEFORE I WILL RISK MY LIFE. THERE ARE MANY PEOPLE FROM MOVIE STARS TO ATHEATHS IN THE US WHO RECIVEING TENS OF MILLIONS OF DOLLARS A YEAR FOR THEIR TRIVIAL CONTRIBUTIONS, IF I AM GOING TO RISK MY LIFE AND THE FUTURE OF MY FAMILY I AM GOING TO GET PAID A FAIR PRICE. THE INFORMATION I AM OFFERING WILL COMPRIMISE US INTELLIGENCE SYSTEMS WORTH HUNDREDS OF BILLIONS OF DOLLARS. THIRTEEN MILLION IS A SMALL PRICE TO PAY FOR WHAT YOU WILL RECIVE.

15. REGAN offered to reveal TOP SECRET/SCI information that directly concerned satellites, early warning systems, means of defense or retaliation against large-scale attack, communications intelligence information, and major elements of defense strategy:

I WILL PROVIDE YOUR COUNTRY WITH THE JTENS MANUAL. THIS TOP SECRET DOCUMENT WILL PROVIDE YOU WITH HIGHLY SECRETIVE INFORMAION ON US SATELITES, AIRBOURN AND GROUND INTELLIGENCE SYSTEMS. YOU CAN SEE FROM THE TABLE OF CONTENS AND THE SIGNATURE SHEET WHAT AGENCIES PROVIDED INFORMATION TO BE INCLUDED IN THIS DOCUMENT AND THE LEVEL OF DETAIL AND IMPORTANCE. YOUR FIRST THIRTEEN MILLION WILL BUY YOU VITAL INFORMAITON ON

SYSTEMS THAT COST THE U.S. HUNDREDS OF BILLIONS TO BUILD, OPERATE AND MAINTAIN.

16. REGAN also offered to reveal highly classified information concerning the locations of certain United States satellites:

I WILL ALSO PROVIDE YOU WITH A LIST OF THE ACTUAL LOCATIONS AND ORBITS OF ALL OF THE US SPY SATELITES, WHICH CAN BE LOADED, INTO ANY STANDARD OBITALGY SOFTWARE PACKAGE. THIS TOP SECRET INFORMATION WILL PROVIDE YOUR COUNTRY WITH THE SCHEDULED TIMES US SATELITES WILL BE OVERHEAD AND COLLECTING AGAINST YOUR COUNTRY AND WHEN THESE SYSTEMS ARE OUT OF RANGE OF YOUR COUNTRY.

17. REGAN also offered to reveal classified information regarding the intelligence capabilities of various agencies of the United States:

I WILL ALSO SEND YOU A NUMBER OF INTELLIGENCE REPORTS AND DOCUMENTS FROM A NUMBER OF INTELLIGENCE AGENCIES ON A VARIETY OF TOPICS RELATED TO IRAQ. THIS WILL GIVE YOU INSITE INTO WHAT THE US KNOWS ABOUT YOUR COUNTRY AS WELL AS EXAMPLES OF THE QUAILITY OF THE SIGNALS INTELLIGENCE (SIGINT) AND IMAGERY INTELLIGENCE (IMINT) SYTEMS THAT SPY ON YOU DAILY. THAT INFORMATION ALONE IS WORTH MANY TIMES WHAT I AM REQUESTING

18. REGAN also offered to reveal to Iraq classified information concerning Iran:

. . . AS A BONUS I WILL ALSO PROVIDE YOU WITH A NUMBER OF INTELLIGECE REPORTS AND DOCUMENTS ON YOUR ADVISARY IRAN.

19. REGAN recognized the harm to the United States and the advantage to Iraq that would result from disclosures of the kind he was offering:

THIRTEEN MILLION IS A SMALL PRICE TO PAY TO HAVE SOMEONE WITHIN THE HEART OF US INTELLIGENCE AGENCY PROVIDING YOU WITH VITAL SECRETS. THE KNOWLEDGE I WILL PROVIDE YOU CAN SAVE YOU BILLIONS, BY IMPROVING YOUR WEAPON SYSTEMS TACTICS, WHICH WILL LIMIT THE US CAPABILITY TO TARGET AND DESTROY YOUR EXPENSIVE AND VITAL WEAPON SYSTEMS AND FACILITIES. I DOUBT THIS SMALL AMOUNT OF MONEY MEANS THAT MUCH TO YOUR GOVERNMENT BUT IF YOU ARE NOT WILLING TO PAY THE PRICE DON'T BOTHER CONTACTING ME, THE PRICE IS NON-NEGOTIABLE. I AM SURE YOU WILL RECOGNIZE THIS OFFER AS A CHANCE OF A LIFETIME AND WELL WORTH THE MONEY.

20. REGAN stated in the Hussein letter that he had already moved 800 pages of classified documents to a "hidden storage area."

21. REGAN also offered Iraq a sampling of his classified materials, in return for \$1 million:

IF YOU ARE NESTANT TO INVEST THE THIRTEEN MILLION BECAUSE YOU DON'T KNOW IF THE TRANSFER PROCEDURE WILL WORK SUCCESSFULLY THEN I WILL ALLOW YOU TO TEST OUT THE PROCESS TO SEE HOW SAFE AND EFFECTIVE IT CAN BE. INSTEAD OF SENDING THE DOCUMENTS LISTED ABOVE AS THE FIRST SHIPMENT I WILL SEND YOU THE () AS PROOF OF THE SOUNDNESS OF THE PROCESS. THIS WILL COST YOU ONE MILLION DOLLARS IN SWISS FRANS SEND THIS EXACT AMOUNT (()) TO TEST THE PROCESS AND ONCE YOU ARE SATISFIED YOU CAN RECEIVE THE INFORMATION AND GET IT OUT OF THE US WITHOUT BEING DETECTED BY THE FBI OR CIA, WE CAN PROCEED WITH THE THIRTEEN MILLION DOLLARS TRANSACTION. I HAVE OUTLINED THE PROCEDURE TO FOLLOW TO ENSURE US COUNTER INTELLIGENCE AGENTS DO NOT DETECT THIS TRANSACTION. FIRST OF ALL PLEASE KEEP THIS LETTER AND BREAK OUT CODES SECRET, DO NOT REFER TO IT OR ANY OF THE RELATED OPERATIONS OVER ANY ELECTRONIC MEANS. PASS ALL INSTRUCTIONS VIA COURIER POUCH, OR PERSON TO PERSON COMMUNICATIONS. LIMIT THE NUMBER OF PEOPLE WHO KNOW OF THIS ARRANGEMENT. LIMIT THE AMOUNT OF INFORMATION TO ALL OF THE PLAYERS TO LIMIT THEIR ABILITY TO EXPOSE THE ENTIRE OPERATION.

22. In the Hussein letter, REGAN emphasized the importance of his remaining anonymous:

THE REASON I AM GOING TO REMAIN ANONYMOUS IS THAT MOST SPIES ARE CAUGHT BECAUSE WHEN SOMEONE DEFECTS TO THE WEST THEY TAKE WITH THEM THE NAMES OF ALL THE WESTERN SPIES THEY KNOW OF. THIS IS WHY NO ONE WOULD ATTEMPT TO SPY FOR THE RUSSIAN TODAY, THERE ARE TOO MANY RUSSIANS TURNING OVER THEIR AGENTS TO THE U.S. SINCE I DO NOT WANT TO BE CAUGHT AND YOU SHOULD NOT WANT ME TO BE CAUGHT, I WILL REMAIN ANONYMOUS. SHOULD I BE CAUGHT BECAUSE OF A LEAK ON YOUR SIDE OF THE OPERATION, YOU LOSE A SOURCE, THE US WILL INCREASE PRESSURE ON YOUR COUNTRY, THEY WILL FORCE ME TO REVEAL WHAT INFORMATION I PROVIDED YOU AND ATTEMPT TO NEUTRALIZE YOUR ADVANTAGE, NO OTHER AGENT WILL ATTEMPT TO WORK FOR YOUR COUNTRY FOR THE FEAR OF BEING COMPROMISED (IF YOU CANT KEEP A SECRET THEN YOU CAN NOT PROTECT YOUR AGENTS), AND MOST IMPORTANT IF I AM NEVER CAUGHT THE US WILL NEVER KNOW HOW MUCH OR WHAT TYPES OF INFORMATION WAS COMPROMISED. THIS GIVES YOUR COUNTRY THE EDGE BY HAVING INSIGHT OF US CAPABILITIES/ AND WEAPON SYSTEMS. IT WILL ALSO CREATE INTERNAL (MOLE HUNT) SUSPENSION WITH IN THE US INTELLIGENCE COMMUNITY WHICH IS VERY DESTRUCTIVE AND DEGRADES THEIR CAPABILITY TO FUNCTION EFFECTIVELY.

23. In the Hussein letter, REGAN gave detailed instructions for making the payments he was demanding:

TO MAINTAIN ANONYMITY THE ONLY LINKS TO THIS OPERATION WILL BE THESE LETTERS AND THE INFORMATION THEY CONTAIN. ONLY A VERY FEW HIGHLY TRUSTED INDIVIDUALS NEED TO KNOW OF THIS OPERATION. ONLY ONE PERSON NEEDS TO KNOW THE BANK ACCOUNT NUMBERS I WILL PROVIDE TO YOU. IF THERE IS A LEAK THERE WILL BE FAR FEWER PEOPLE TO SUSPECT IF YOU KNOW WHO WAS INVOLVED WITH THIS OPERATION. FOLLOWING THE INSTRUCTIONS LISTED BELOW WILL HELP ENSURE THE SECURITY OF THIS OPERATION. AS AN ADDED SAFE GUARD I HAVE ENCODED MY BANK ACCOUNT NUMBER SEPARATELY SHOULD THIS LETTER BE INTERCEPTED BY THE U.S INTELLIGENCE AGENCIES SOME OF THE CODES TO THE TEXT WILL BE BROKEN OUT USING THE SUPER COMPUTERS AT (NSA) BUT THE ENCODED BANK ACCOUNT NUMBERS WILL BE IMPOSSIBLE TO BREAK OUT. I WILL PROVIDE YOU WITH THE INSTRUCTIONS ON HOW TO BREAK OUT THE BANK ACCOUNT NUMBERS AFTER YOU CONTACT ME AND ESTABLISH A REPRESENTATIVE IN THE US. THIS

PRECAUTION WILL ENSURE NO FOREIGN INTELLIGENCE AGENCY WILL BE ABLE TO BREAK OUT THE BANK NUMBERS EVEN IF THEY INTERCEPTED BOTH OF THE LETTERS I HAVE SENT YOU. ONCE YOU HAVE THE BANK NUMBER KEEP IT SEPARATE FROM ANY REFERENCE TO THIS SYMPING ACTIVITY. THE PEOPLE WHO TRANSFER THE MONEY SHOULD NOT KNOW WHY IT IS BEING TRANSFERRED. THERE CAN NOT BE ANY ASSOCIATION WITH THE FUNDS YOU TRANSFER TO ME AND YOUR COUNTRY. THIS MEANS YOU MUST HAVE A PERSON (UNKNOWN TO FOREIGN INTELL AGENCIES) WITH FAKE IDENTIFICATION OPEN AN ACCOUNT IN EITHER LIECHTENSTEIN OR AUSTRIA AND BEGIN TO DEPOSIT THE MILLIONS OF SWISS FRANS VIA UNTRACEABLE CASH, GOLD, DIMONDS. YOU CAN NOT WIRE TRANSFER THE MONEY FROM ANY OF YOUR OTHER BANK ACCOUNTS BECAUSE THIS WILL LEAVE A TRAIL BACK TO YOUR COUNTRY AND MIGHT EVEN TIP OFF US INTELLIGENCE AGENCIES OF OUR ACTIVITIES. . . . HAND CARRIED CASH OR OTHER NONTRACEABLE COMMODITY IS THE ONLY WAY TO ENSURE THIS TRANSACTION IS NOT DETECTED AND TRACED. HAVE YOUR AGENT OPEN A NEW ACCOUNT IN ONE OF THOSE COUNTRIES LISTED AND DEPOSIT UNTRACEABLE MONEY INTO IT. YOU CAN SELL SOME DIMONDS OR GOLD OR REMOVE CASH FROM ANOTHER ACCOUNT BUT IT MUST BE HAND CARRIED TO THE NEW BANK WITHOUT BEING FOLLOWED ANY INTELLIGENCE AGENTS. DEPOSIT THAT CLEAN MONEY INTO THE ACCOUNT. . . . IF THERE IS ANY QUESTION IN MY MIND THAT IT IS NOT CLEAN I WILL NOT TOUCH IT AND ABORT THE OPERATION. DO NOT ATTEMPT TO FIND OUT MY IDENTITY, IF I DETECT SURVEILLANCE FROM YOUR COUNTRY OR MY OWN I WILL ABORT THIS OPERATION AND DESTROY ALL EVIDENCE AND DENY ANY ALLEGATIONS OF WRONG DOING AGAINST ME. I HAVE USED A FALSE IDENTITY TO OPEN THE BANK ACCOUNT TO PREVENT TRACING. ITS IN THE BEST INTEREST OF BOTH PARTIES TO ENSURE MY IDENTITY AND THIS TRANSACTION IS KEPT SECRET FOREVER.

24. In the Hussein letter, REGAN again emphasized the importance of secrecy:

IF THE US GOVERNMENT FINDS OUT WHAT IS GOING ON THEY WILL SHUT DOWN YOUR VITAL FLOW OF INFORMATION AND

ATTEMPT TO NUTRULIZE AS MUCH OF THE COMPRIMISED INFORMATION AS POSSIBLE.. THEY WILL ATTEMPT TO PUNISH YOUR COUNRTY AS WELL AS ME FOR THIS ACTIVIY. THIS RESPONSE IS WHY VERY FEW WITHIN THE US INTELLIGENCE COMMUNITY WOULD EVEN THINK OF SPYING AGAINST THE US. IF YOU REVEAL ANY OF THIS INTELLIGENCE TO ANYOTHER NATION (RUSSIA, CHINA, ETC.) YOU WILL PROBALE RESULT IN COMPRIMIZING THE OPERATION, FIRST THEY WILL ATTEMPT TO IDENTIFY YOUR AGENT (ME) IF THAT FAILS THEY WILL USE THE INFORMATION TO BARGIN WITH THE US ON OTHER ISSUES. EITHER WAY YOU LOSE, SO BE CAREFULL WHO YOU PROVIDE THE INTELLIGENCE TO. THE FIRST THING I NEED YOU TO DO IS TO MAKE A MINOR CHANGE TO YOUR UN HOMEPAGE TO PROVE TO ME THAT YOU ARE NOT THE FBI SETING A TRAP FOR ME. I HAVE A PRINT OUT OF YOUR UN PAGE THAT STARTS AS FOLLOWS (()) AND END WITH (()). IF YOU MAKE SOME MINOR CHANGES TO THIS PAGE (SWITCH ONE WORD FOR ANOTHER, ADD A COMMA, OR CHANGE SOME NUMBERS) THIS WILL LET ME KNOW THAT YOU HAVE RECIVED BOTH LETTERS AND ARE PLANING ON PROCEEDING WITH THE PLAN.I NEED YOU TO PLACE A REPRESENTIVE IN THE USA OR ACTIVATE SOMEONE WHO IS CURRENTLY IN THE US WHO YOU CAN TRUST AND I CAN CONTACT. SELECT A LOYAL IRAQI STUDENT WHO IS ATTENDING A US COLLEGE OR A TRUSTED PERSON LIVING IN THE U.S. WHO WOULD NOT BE SUSPECTED OF WORKING FOR YOUR GOVERNMENT AND WHO HAS A PRIVATE APARTMENT OR HOUSE TO BE MY POINT OF CONTACT. IF YOU TRY TO PLANT A NEW AGENT IN THE COUNTRY YOU STAND A GOOD CHANCE OF GETTING DETECTED. HAVE THIS PERSON ESTABLISH A 1-800 PHONE NUMBER IN HIS HOME. HE DOES NOT NEED TO KNOW WHO I AM OR HOW I GOT HIS PHONE NUMBER. IF HE IS CAUGHT HE CAN NOT COMPRIMSE THE ENTIRE OPERATION. HAVE SOMEONE ELSE WHO IS NOT ASSOICATED WITH THE IRAQI GOVERNMENT PLACE THE FOLLOWING AD LISTED BELOW IN THE WENSDAY WASHINGTON POST NEWSPAPER. HAVE HIM ADD THE AGENTS 1-800 NUMBER.TO THE INFORMATON PROVIDED. REVERSE THE 1-800 NUMBER BEFORE YOU PROVIDE IT TO THE ONE PLACING THE AD. THIS WILL ADD ADDITIONAL SECURITY TO THE NUMBER (IF 1-800-456-2738 WAS THE NUMBER CHANGE IT TO 1-800-837-2654), THEN DROP THE 1-800 AND ADD (703) 837-2654, I WILL KNOW TO DROP THE (703) WHEN I USE THE NUMBER. THE PERSON PLACING THE AD DOES NOT NEED TO KNOW WHY HE IS PLACING THE AD, JUST HAVE HIM DO IT AND FORGET ABOUT IT. YOU MUST INSURE THAT THE US COUNTER INTELLIGENCE OFFICERS ARE UNAWARE OF THIS PERSONS EXISTANCE AS AN AGENT OF IRAQ. IF THEY ACCIDENTLY FIND OUT HE PUT OUT AN AD THEY WILL ATTEMPT TO FIGURE OUT THE CORRECT PHONE NUMBER. IF THEY DO THEY WILL BE

MONITORING YOUR AGENT AND INTERCEPT THE SHIPMENT OF INFORMATION. THIS WOULD TIP THEM OFF TO MY EXISTANCE AND A MANHUNT WILL BEGIN TO FIND OUT MY IDENTITY. ALSO ENSURE YOU MAINTAIN SECURITY WHEN YOU PASS HIM AND THE OTHER PERSON INSTRUCTIONS ON WHAT TO DO. THIS IS WHY I KEEP MENTIONING SECURITY OF THE LETTERS AND THE RELATED OPERATIONS. IF YOUR PEOPLE ARE CAREFULL THE US GOVERNMENT WILL NEVER KNOW THIS TRANSACTION OCCURED.

25. In the Hussein letter, REGAN gave detailed instruction concerning how he should be contacted by the Iraqis and how payment should be made:

I WILL BE WATCHING THE PAPERS FOR THE NEXT TWO MONTHS, WHEN I SEE THE AD LISTED BELOW AND GET THE PHONE NUMBER I WILL CONTACT YOUR AGENT. YOUR AGENT SHOULD NOT KNOW ABOUT THE AD ONLY THAT SOMEONE WILL CALL AND REQUEST HIS NAME AND MAILING ADDRESS. I WILL CALL HIM AND ASK TO SPEAK WITH (JOHN STEVENS) HE SHOULD REpond THAT HIS NAME IS (JACOB). I WILL REQUEST HIS ROOMMATES NAME AND ADDRESS. HE SHOULD BE READY TO GIVE ME HIS FULL NAME AND MAILING ADDRESS (STREET, STATE, ZIP), I WILL MAIL HIM THE INSTRUCTION ON HOW TO DECODED THE BANK ACCOUNT NUMBER WHICH HE CAN PASS ON TO YOU. I WILL ONLY REMAIN ON THE LINE FOR TWO-MINUTE INTERVALS TO PREVENT ANYONE FROM TRACING ME. THIS INCLUDES YOUR PEOPLE THE (NSA) OR (FBI). ENSURE YOUR MESSAGES TO ME ARE SHORT AND READY TO GO WHEN I CALL. SEND THE EXACT AMOUNT REQUESTED IN THE CURRENCY REQUESTED (SWISS FRANS). I WILL WAIT FOR YOU TO TRANSFER THE MONEY TO MY ACCOUNT. ONCE THAT IS VERIFIED I WILL MAIL FEDEX THE PACKAGE TO THE ADDRESS PROVIDED. I WILL CALL THE CONTACT PRIOR TO SENDING THE PACKAGE SO HE IS READY TO RECIVE IT.

26. In the Hussein letter, REGAN also provided instructions concerning how the Iraqi agent could get the classified documents out of the United States:

I WILL CALL AGAIN IN TWO WEEKS TO ENSURE YOUR AGENT HAS RECIVED THE PACKAGE AND WAS ABLE TO GET IT OUT OF THE COUNRTY SAFELY. WHEN HE RECIVES THE INFORMATIN YOU NEED TO ESTABLISH A SECURE WAY TO GET THE PACKAGE OUT OF THE COUNTRY WITH OUT GETTING DETECTED. I WOULD SUGGEST YOU HAVE SOMEONE GO BY THE AGENTS HOUSE AND

PICK UP THE PACKAGE AND DRIVE IT TO New York. RENT A HOTEL ROOM UNDER A FALSE-NAME AND PAY WITH CASH OR WITH A FALSE CREDIT CARD. ENSURE HE DOES NOT LEAVE HIS FINGER PRINTS ANYWHERE IN THE HOTEL AT THE FRONT DESK OR IN THE ROOM OR ON THE PACKAGE. LEAVE THE PACKAGE IN THE SUITCASE IN THE CLOSET THEN PLACE THE ROOM KEY IN AN ENVELOPE. EITHER HIDE THE ENVELOPE SOMEWHERE FOR PICK UP OR GIVE IT TO THE FRONT DESK WITH THE NAME OF THE PERSON WHO WILL PICK IT UP. THEN THIS AGENT WILL CALL SOMEONE FROM YOUR UN MISSION AT THEIR HOME PHONE USING A PAY PHONE AND PROVIDE HIM THE NAME OF THE HOTEL AND LOCATION OF THE KEY. THAT PERSON WILL DRIVE TO THE HOTEL AND RETRIEVE THE PACKAGE AND TAKE IT TO THE UN AND PUT IT INTO THE DIPLOMATIC POCH FOR SHIPMENT BACK TO IRAQ. IF YOUR UN PERSON IS FOLLOWED BY THE FBI THEY WILL NOT KNOW WHAT IS IN THE SUIT CASE OR WHO LEFT IT IN THE ROOM. IF YOU HAVE A DIRECT PASS OFF OF THE INFORMATION YOU INCREASE THE LIKELY HOOD OF BEING DETECTED AND LEADING THE FBI BACK TO MY CONTACT AND COMPROMISING THE WHOLE OPERATION. IF YOU THINK YOUR UN PERSONNEL WOULD BE TRACKED AND DETAINED BY THE FBI THEN I WOULD RECOMMEND YOU HAVE SOMEONE PICK UP THE PACKAGE FROM MY CONTACT AND PUT IT INTO A BACK PACK AND WALK OVER ONE OF THE MANY US/ MEXICO BORDER CROSSINGS. ACTING LIKE A TOURIST ON A DAY TRIP TO MEXICO. THIS PERSON WALKING OVER WILL BE LESS LIKELY TO BE SEARCHED ON EITHER SIDE OF THE BORDER. IF YOU DRIVE ACROSS YOU STAND THE CHANCE THAT YOU WILL BE RANDOMLY CHECKED AND THEY WILL FIND THE CLASSIFIED INFORMATION IN YOUR CAR. THESE ARE MY SUGGESTIONS IT IS UP TO YOU TO GET THE INFORMATION OUT OF THE COUNTRY, I AM ONLY OBLIGATED TO GET IT TO YOU AGENT TO RECEIVE MY PAYMENT.

27. In the Hussein letter, REGAN provided for contingency plans in case the Iraqi agent was apprehended or discovered:

IF THE PHONE LINE IS DISCONNECTED OR WHEN I CALL I DO NOT GET THE CODENAME JACOB THEN I WILL ASSUME THE AGENT WAS CAUGHT OR ON THE RUN. IF THIS ACCURES REESTABLISH CONTACT VIA THE SAME AD AND A NEW 1-800 NUMBER. IF YOU NEVER TOLD YOUR AGENT HOW I GOT HIS PHONE NUMBER HE CAN NOT REVEAL IT TO THE FBI. THIS WILL ALLOW US TO CONTINUE WITH OUT WORRIING ABOUT FBI SURVEILLANCE. I WILL RESEND THE INFORMATION USING THE SAME PROCEDURES TO THE NEW CONTACT.

28. In the Hussein letter, REGAN offered to continue to provide additional classified information for additional payments of \$3 million to \$5 million:

IF FIRST SHIPMENT GOES WELL I WILL CONTACT YOU AGENT WITH INSTRUCTIONS ON WHERE TO SEND THE THIRTEEN MILLION TO A NEW BANK ACCOUNT. WHEN THE FUNDS ARE CONFIRMED I WILL SEND THE COMPLETE PACKAGE TO YOUR AGENT. AFTER THAT I WILL SEND YOUR AGENT A PACKAGE EVERY THREE MONTHS. YOU CAN REVIEW THE INFORMATION AND THEN PROVIDE ME A PAYMENT I EXPECT MINIMUM OF THREE MILLION DOLLARS FOR EACH SHIPMENT OF INFORMATION THAT IS GOOD AND FIVE MILLION FOR INFORMATION THAT IS CONSIDERED EXTREMELY IMPORTANT TO YOUR GOVERNMENT. THIS WILL CONTINUE UNTIL I AM EITHER CAUGHT, SUSPECTED OR RETIRE OR IF YOU DECIDE YOU HAVE RECEIVED ENOUGH INFORMATION.

29. At some point unknown to the Grand Jury, REGAN prepared a nearly identical encoded version of the Hussein letter. This step was consistent with the representation REGAN made at the outset of the plain text version of the letter, quoted in paragraph 11 above, that the letter had been "encoded to prevent the comprising [sic] of the information it contains."

Regan's letter to Muammar Qadhafi of Libya

30. In or about August 2000 to 2001, REGAN drafted a letter to Libyan agents whose identity is unknown to the Grand Jury instructing the Libyan agents to deliver a sealed envelope to the president of Libya, Muammar Qadhafi, or the intelligence chief of Libya. REGAN also drafted a separate letter addressed to the president and the intelligence chief of Libya that was to be included in the sealed envelope (the "Qadhafi letter").

(Spelling errors in the two letters, when quoted below, are uncorrected and appear as in the original.)

31. The letter from REGAN to the unknown Libyan agents read in part as follows:

THIS LETTER CONTAINS SENSITIVE INFORMATION This letter is confidential and directed to your President, Muammar Qadhafi or Intelligence Chief, General Al-Khuwaylidi Al Humaydi. Please pass this letter via diplomatic pouch and do not discuss the existence of this letter either in your offices or homes or via any electronic means (phone, telex, fax,). If you do not follow these instructions the existence of this letter and its contents may be detected and collected by U.S. intelligence agencies. Do not open the internal letter prior to it reaching the intended recipients, if you do and the contents are compromise you will have to answer to your president as to why you were so interested in his letter.

32. The Qadhafi letter was nearly identical to the Hussein letter. For example, the Qadhafi letter contained similar instructions concerning the decoding of the letter and the "great opportunity" it offered:

This letter (MM12411907) has been encoded to prevent the compromising of the information it contains. The codes to decode this letter were sent to other addresses.. Those letters had similar instructions on how to handle the sealed letter it contained. If the break out codes parts two and three are not delivered let me know by placing the AD listed below in the Washington post (automobile classified section). If I see that AD I will re-send the codes either to the same address or a new one. Please secure all of these letters and limit access to only essential personnel. Should the contents of these letters be comprised to any foreign intelligence agencies your contry will lose a great opportunity. PLACE THIS AD IF YOU HAVE NOT RECIVED PART TWO OF THE CODES:ACURA 96 INTEGRA, 5 speed loaded sunroof, 85K \$18,000/OBO W 703-629-1765PLACE THIS AD IF YOU HAVE NOT RECIVED PART THREE OF THE

CODES:ACURA 96 INTEGRA, 5 speed loaded sunroof,85K
\$18,000/OBO W 703-629-6282

33. Where in the Hussein letter, REGAN suggested that the Iraqis select a "loyal Iraqi student" to act as a contact for REGAN, as in paragraph 24 above, in the Qadhafi letter, REGAN referred to a "loyal Libyan student."

34. In the Qadhafi letter, REGAN offered to sell a document entitled "Libyan Capability Study, Libyan Air Defense."

35. In the Qadhafi letter, REGAN offered to reveal TOP SECRET/SCI information that directly concerned satellites, early warning systems, means of defense or retaliation against large-scale attack, communications intelligence information, and major elements of defense strategy.

36. At some point unknown to the Grand Jury, REGAN encoded the Qadhafi letter.

Regan's 1999-2000 Intelink searches

37. Intelink is the United States Intelligence Community's classified version of the Internet, and can be accessed only by persons holding appropriate security clearances.

38. During at least January 1999 until his retirement from the USAF, REGAN, from his NRO office, used Intelink to access classified United States intelligence information related to the military preparedness of Iran, Iraq, Libya, and the People's Republic of China, which information was unrelated to his official duties. In particular, REGAN used Intelink search

engines to search for top secret information concerning Iraq and Libya, using search terms such as "Iraq top secret" and "Lybia top secret."

Regan's June-July 2001 activities

39. On or about the evening of Wednesday, June 13, 2001, REGAN accessed the Internet using a public-access computer at the Crofton Public Library in Crofton, Maryland, which is located near his residence. He conducted a series of Internet searches and viewed files including those bearing the following names:

"Embassies of the Arab World"

"Embassies: Laos thru Luxembourg Embassy Resource"

"Foreign Embassies in Paris"

"Foreign Embassies in Switzerland"

"Libyan Embassies and Consulates of Libya

@ Embassy World"

"People's Bureau of the Socialist People's Libyan

Arab Jamahiriya"

In addition, he accessed a web site containing the addresses and telephone numbers of Embassies of Arab countries located in Washington, D.C., as well as web sites using the following links, among others:

"Iraq"

"Aljamahiriya Arabe Libyenne Populaire Socialiste"

"Libyan Arab Jamahiriya"

"Saudi Arabia"

"Sweden/Suede"

40. On or about Sunday, June 24, 2001, REGAN accessed the Internet using a public-access computer at the Crofton Public Library, and conducted a series of Internet searches using the following terms:

"iraqi embassy"

"iraqi embassy swiss"

"embassies in switzerland"

"Foreign Embassies in france"

"Foreign Embassies in germany"

"Foreign Embassies in germany of iraq"

"Foreign Embassies in germany of libya"

"swiss hostels".

He printed out a number of the pages he viewed, and took handwritten notes of information he viewed.

41. On or about Tuesday, June 26, 2001, REGAN boarded a Lufthansa Airlines plane at Dulles International Airport, in the Eastern District of Virginia, and flew to Berlin, Germany. According to the Lufthansa Airlines itinerary, he was due to then fly on to Munich, Germany. On or about Tuesday, July 3, 2001, he flew back from Berlin to Dulles International Airport. This travel was not in connection with any official duties.

42. A suitcase that REGAN checked at Dulles International Airport, for his June 26, 2001, flight to Germany, contained glue and packing tape.

43. On or about Monday, July 30, 2001, REGAN began his TRW assignment at NRO, working at an NRO facility in the Eastern District of Virginia. His initial duties were limited to taking several months of NRO computer-based training necessary for recertification to the position he was to occupy. This training did not require REGAN to access Intelink.

Regan's August 2001 activities

44. At approximately 8:00 am on or about Wednesday, August 1, 2001, REGAN received access to the NRO computer system for purposes of his TRW training and assignment. Beginning at approximately 8:40 am, REGAN, in his NRO office, accessed Intelink through the NRO computer system, and opened and viewed several Intelink files containing classified information relating to a particular Libyan missile test range.

45. On or about Thursday, August 2, 2001, REGAN volunteered for a temporary duty assignment to Europe from mid- to late-August 2001, but was rejected.

46. On every weekday from Monday, August 6, 2001, through Thursday, August 23, 2001 -- except for five weekdays when he was in training -- REGAN accessed Intelink and viewed classified information relating to military facilities in Iraq, Iran, Libya,

and the People's Republic of China, as well as classified documents relating to current United States intelligence collection capabilities against those countries. The classified documents and information were not related to REGAN's official duties or training.

47. On or about Saturday, August 11, 2001, REGAN purchased an airline ticket for travel from Dulles International Airport, in the Eastern District of Virginia, on Thursday, August 23, 2001, to Zurich, Switzerland, via Frankfurt, Germany, returning by the same route on August 30, 2001. This travel was unrelated to the official duties of Regan.

48. In or about August 2001, REGAN falsely informed his supervisor at TRW that he would be vacationing in Orlando, Florida with his family during the time that he had booked to travel alone to Switzerland.

49. On or about Wednesday, August 15, 2001, REGAN, in his NRO office, accessed Intelink and viewed two classified images. One was a recent view of a mobile Surface-to-Air Missile launch facility in the Northern No-Fly Zone of Iraq. The other was a recent view of a Surface-to-Surface Missile facility in the People's Republic of China. Each classified image bore the geocoordinates for the facility depicted. A torn piece of paper, which was recovered from the burn bag in REGAN's NRO office on or about Friday, August 17, 2001, bore handwritten notations of

those geocoordinates and other words and numbers that appeared on the classified images.

50. On or about Thursday, August 23, 2001, at approximately 8:03 am, REGAN, in his NRO office, accessed Intelink and viewed a file containing classified text and a related classified image, dated "21 August 01", pertaining to current launch preparations at the same Surface-to-Surface Missile facility in the People's Republic of China. While he was viewing the classified image, REGAN made handwritten notations in a small spiral notebook that he had removed from his front trousers pocket. At the time he made these notations, the notebook was turned sideways.

51. On Thursday, August 23, 2001, beginning at approximately 10:49 am, REGAN left his NRO office and traveled to Dulles International Airport, in the Eastern District of Virginia, where he checked a suitcase onto his flight to Europe. He then returned to his NRO office. At approximately 3:55 pm, REGAN again left his NRO office, and returned to Dulles International Airport, where he passed through security and boarded a shuttle vehicle bound for the international departure area terminal from which his flight to Europe was to depart. At approximately 5:05 pm, while on the shuttle, he was approached by special agents of the FBI, and subsequently placed under arrest.

52. At the time of his arrest, REGAN carried in his front right trousers pocket a small 3-by-5-inch spiral-bound notebook

containing various handwritten notations. Only one page of the notebook contains notations written sideways. These notations consist of the term "21 Month" followed by a series of apparently unrelated innocuous words that in fact constitute a personal system of code representing the geocoordinates of the classified image viewed by REGAN that morning, as described in paragraph 50 above.

53. At the time of his arrest, REGAN carried in his wallet a piece of paper bearing handwritten notations of a series of apparently unrelated innocuous words that in fact are a personal system of code representing the geocoordinates, and other identifying information, of the two classified images REGAN had viewed in his office on August 15, 2001, as described in paragraph 49 above. Also carried by REGAN in his wallet was a piece of paper bearing the street addresses and international telephone numbers for the Embassy of the People's Republic of China in Bern, Switzerland, the Embassy of the People's Republic of China in Vienna, Austria, the Embassy of Iraq in Vienna, Austria, and the Iraqi Interests Section in Paris, France.

54. At the time of his arrest, REGAN carried an accordion folder containing:

- a. Four rubber finger-tip protectors.
- b. One inner folder containing:

i. three copies of four pages bearing a series of handwritten three-digit number groups, each page bearing the handwritten title of "LETTER" followed by an alphanumeric;

ii. two copies of a page bearing a series of typed alphanumeric groupings;

iii. two copies of a typed page bearing fifteen lines of numbers grouped in series of three;

iv. four blank business-sized envelopes;

v. white adhesive labels; and

vi. Lufthansa/United Airlines tickets issued to Brian Regan; and

c. A second inner folder containing a sheet of paper bearing unclassified descriptions of classified technical training courses and materials which were part of REGAN's NRO training curriculum. The descriptions demonstrated the classification level and type of classified United States information to which REGAN had access.

55. At the time of his arrest, REGAN was carrying a blue canvas bag containing a pocket-sized battery-operated Garmin GPS III Plus global positioning system (GPS) receiver, and six batteries.

56. Also in the blue canvas bag that REGAN was carrying at the time of his arrest were three latex gloves, a roll of Scotch

tape, a roll of Scotch mailing tape, and a current United States tourist passport issued to Brian Patrick Regan.

57. At the time of his arrest, REGAN carried a folded piece of paper concealed in his right shoe, between the innersole and a removable sole. On the piece of paper were handwritten the street addresses of the Embassies of the People's Republic of China in Bern, Switzerland, and Paris, France, the PRC Consulate in Paris, France, the Embassy of Iraq in The Hague, Netherlands, and the Iraqi Interests Section in Paris, France.

58. The bag checked by REGAN at Dulles International Airport on or about August 23, 2001, contained, among other things, a plastic box, with lid, measuring approximately 14 inches long by 12 inches wide by 6 inches deep, as well as six unused white plastic garbage bags, a roll of Scotch packing tape, and a bottle of Elmer's glue.

59. On or about Thursday, August 23, 2001, a computer diskette located in REGAN's residence contained a letter, dated August 31, 2000, addressed to an individual in the Canary Islands, Spain, and stating "I am interested in offshore IBC and bank accounts/credit cards" and requesting information.

60. On or about August 31, 2000, REGAN wrote under a false name to an attorney in California about obtaining two limited liability companies in New Mexico. REGAN wrote, "Also, I am interested in offshore IBC and bank accounts/credit cards, if you

deal with those issues please send me some information on what
you offer."

COUNT ONE

(18 U.S.C. § 794(a))

(Attempted Espionage)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.

2. From at least in or about January 1999, until on or about August 23, 2001, in the Eastern District of Virginia and elsewhere, BRIAN PATRICK REGAN, with the intent and reason to believe that they were to be used to the injury of the United States and to the advantage of a foreign government, specifically Iraq, did knowingly and unlawfully attempt to communicate, deliver, and transmit, to a foreign government, specifically Iraq, and to representatives, officers, agents, and employees thereof, directly and indirectly, documents and information relating to the national defense of the United States, which documents and information were classified TOP SECRET/SCI and which directly concerned satellites, early warning systems, means of defense or retaliation against large-scale attack, communications intelligence information, and major elements of defense strategy.

(In violation of Title 18, United States Code, § 794(a).)

COUNT TWO

(18 U.S.C. § 794(a))

(Attempted Espionage)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.

2. From at least in or about January 1999, until on or about August 23, 2001, in the Eastern District of Virginia and elsewhere, BRIAN PATRICK REGAN, with the intent and reason to believe that they were to be used to the injury of the United States and to the advantage of a foreign government, specifically Libya, did knowingly and unlawfully attempt to communicate, deliver, and transmit, to a foreign government, specifically Libya, and to representatives, officers, agents, and employees thereof, directly and indirectly, documents and information relating to the national defense of the United States, which documents and information were classified TOP SECRET/SCI and which directly concerned satellites, early warning systems, means of defense or retaliation against large-scale attack, communications intelligence information, and major elements of defense strategy.

(In violation of Title 18, United States Code, § 794(a).)

COUNT THREE

(18 U.S.C. § 794(a))

(Attempted Espionage)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.

2. From at least in or about January 1999, until on or about August 23, 2001, in the Eastern District of Virginia and elsewhere, BRIAN PATRICK REGAN, with the intent and reason to believe that they were to be used to the injury of the United States and to the advantage of a foreign government, specifically the People's Republic of China, did knowingly and unlawfully attempt to communicate, deliver, and transmit, to a foreign government, specifically the People's Republic of China, and to representatives, officers, agents, and employees thereof, directly and indirectly, documents and information relating to the national defense of the United States.

(In violation of Title 18, United States Code, § 794(a).)

COUNT FOUR

(18 U.S.C. § 793(b))

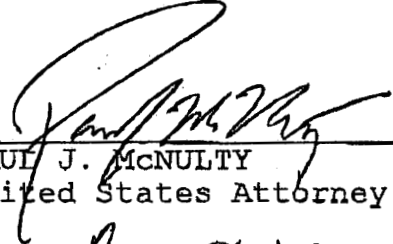
(Gathering National Defense Information)

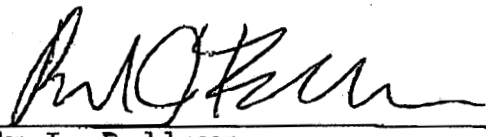
THE GRAND JURY FURTHER CHARGES THAT:

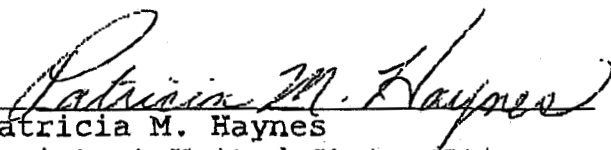
1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.
2. From at least in or about January 1999 through on or about August 23, 2001, in the Eastern District of Virginia and elsewhere, the defendant BRIAN PATRICK REGAN did, for the purpose of obtaining information respecting the national defense with intent and reason to believe that the information was to be used to the injury of the United States and the advantage of a foreign nation, unlawfully and knowingly copy, take, make and obtain classified SECRET and TOP SECRET photographs, plans, maps, documents, writings and notes connected with the national defense.
(In violation of Title 18, United States Code, § 793(b).)


A TRUE BILL:

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