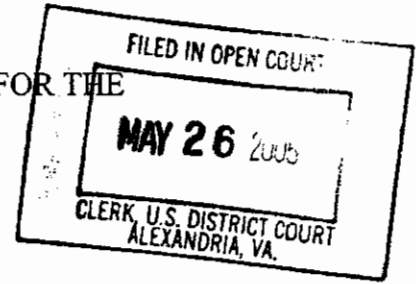


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA	)	CRIMINAL NO. 1:05CR225
)	
v.	)	<u>Count 1</u> : Conspiracy to communicate
	)	national defense information to persons not
LAWRENCE ANTHONY FRANKLIN,	)	entitled to receive it, 18 U.S.C. § 793(d)&(g)
)	
Defendant.	)	<u>Counts 2-4</u> : Communication of national
	)	defense information to persons not entitled
	)	to receive it, 18 U.S.C. § 793(d)
)	
	)	<u>Count 5</u> : Communication of classified
	)	information to persons not authorized to
	)	receive it, 18 U.S.C. § 798(a)(4)
)	
	)	<u>Count 6</u> : Conspiracy to communicate
	)	classified information to agent and
	)	representative of foreign government
	)	without specific authorization,
	)	50 U.S.C. § 783, 18 U.S.C. § 371

INDICTMENT

MAY 2005 TERM - AT ALEXANDRIA

General Allegations

At all times material to this indictment:

1. The defendant, LAWRENCE ANTHONY FRANKLIN, was employed by the United States government at the Department of Defense (DoD) in the Office of the Secretary of Defense (OSD), International Security Affairs (ISA), Office of Near East and South Asia, Office of Northern Gulf Affairs, Iran desk, and held a Top Secret security clearance with access to Sensitive Compartmented Information (SCI). The defendant was also a Colonel in the United States Air Force Reserve (USAFR).

2. Throughout his employment with the United States Government, FRANKLIN has repeatedly signed written agreements acknowledging his duty to safeguard classified information

- On or about July 31, 1979, FRANKLIN signed a DIA (Defense Intelligence Agency) Secrecy Agreement, by which he acknowledged that he would never divulge any classified information relating to the national security without prior consent of the Director of the Defense Intelligence Agency or his designated representative. FRANKLIN further acknowledged that the burden was his to ascertain whether information is classified and who is authorized to receive it. FRANKLIN acknowledged that he had read and understood the provisions of the Espionage Act, including 18 U.S.C. § 793, 794 and 798.
- On or about December 8, 1999, FRANKLIN signed a Classified Information Nondisclosure Agreement, a Standard Form 312 (SF-312). In that document FRANKLIN acknowledged that he was aware that the unauthorized disclosure of classified information by him could cause irreparable injury to the United States or could be used to advantage by a foreign nation and that he would never divulge classified information to an unauthorized person. He further acknowledged that he would never divulge classified information unless he had officially verified that the recipient was authorized by the United States to receive it. Additionally, he agreed that if he was uncertain about the classification status of information, he was required to confirm from an authorized official that the information is unclassified before he could disclose it.
- On or about June 5, 2001, FRANKLIN orally attested that he fully understood his responsibility to protect national security information and would adhere to the provisions of the SF-312. By doing so, FRANKLIN again acknowledged that he was aware that the unauthorized disclosure of classified information by him could cause irreparable injury to the United States or could be used to advantage by a foreign nation and that he would never divulge classified information to an unauthorized person. He again acknowledged that he would never divulge classified information unless he had officially verified that the recipient was authorized by the United States to receive it. Additionally, he again agreed that if he was uncertain about the classification status of information, he was required to confirm from an authorized official that the information is unclassified before he could disclose it. He

again acknowledged that any unauthorized disclosure of classified information by him may constitute a violation, or violations of criminal laws, including 18 U.S.C. § 793, 794 and 798 and 50 U.S.C. § 783.

- On or about July 17, 2001, FRANKLIN signed an SCI Nondisclosure Statement in conjunction with his employment at the DoD/OSD. FRANKLIN acknowledged that he was granted access to classified information protected as SCI and that he received a security indoctrination addressing the nature and protection of SCI information. In this document, FRANKLIN again acknowledged that he had been advised that the unauthorized disclosure of SCI by him could cause irreparable injury to the United States or be used to advantage by a foreign nation. He agreed he would never divulge anything marked as SCI or that he knew to be SCI to anyone who is not authorized to receive it without prior written authorization from the United States Government. He acknowledged that he was obligated by law and regulation not to disclose any classified information in an unauthorized fashion. FRANKLIN again acknowledged that unauthorized disclosure of that information “may constitute violations of United States criminal laws, including the provisions of Sections 793, 794, 798, and 952, Title 18, United States Code.”

3. Pursuant to Executive Order 12958, as amended by Executive Order 13292, 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 damage to national security. The designation “Confidential” applies to information, the unauthorized disclosure of which reasonably could be expected to cause damage to national security. Access to classified information at any level may be further restricted through compartmentation in 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 non-disclosure 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. Co-conspirator 1 (CC-1) and co-conspirator 2 (CC-2) are both United States citizens and, at all time relevant to this indictment, were not United States government employees and did not possess a United States government security clearance and were not authorized to receive classified information from the defendant. CC-1 was a senior executive at a Washington, D.C. lobbying organization and CC-2 was his colleague in the same department. In performance of their jobs, CC-1 and CC-2 met and had contact with United States government employees and officials. CC-1 and CC-2 also regularly met and had contact with officials from foreign nations.

5. Defendant FRANKLIN did not have authority to release classified information to the unindicted co-conspirators and did not have authority to de-classify classified information.

6. FRANKLIN's office was located within the Pentagon, in the Eastern District of Virginia.

COUNT ONE

Conspiracy to Communicate National Defense Information

Between on or about August 5, 2002, and continuing until on or about June 30, 2004, in the Eastern District of Virginia, and elsewhere, defendant LAWRENCE ANTHONY FRANKLIN, lawfully having possession of, access to, control over, and being entrusted with documents, writings, photographs, plans, notes, and information relating to the national defense, did unlawfully, knowingly and willfully conspire, confederate and agree, together with persons known and unknown to the Grand Jury, to communicate, deliver and transmit information relating to the national defense to CC-1 and CC-2, persons not entitled to receive such information, with reason to believe that such information could be used to the injury of the United States and to the advantage of a foreign nation, in violation of Title 18, United States Code, Section 793(d).

WAYS, MANNER AND MEANS OF THE CONSPIRACY

A. It was part of the conspiracy that defendant LAWRENCE ANTHONY FRANKLIN would and did use his position as a desk officer in the Office of the Secretary of Defense to gather information relating to the national defense, for subsequent unlawful communication, delivery and transmission to CC-1 and CC-2.

B. It was further part of the conspiracy that FRANKLIN would communicate by telephone with CC-1 and CC-2 to arrange meetings, share information, set agendas for meetings, and act upon requests for additional information.

C. It was further part of the conspiracy that FRANKLIN, CC-1, and CC-2 would and did meet at locations in the Eastern District of Virginia and elsewhere, to exchange information, including classified information relating to the national defense.

D. It was further part of the conspiracy that FRANKLIN would and did deliver, communicate and transmit classified national defense information in an effort to advance his own career, advance his own personal foreign policy agenda, and influence persons within and outside the United States government.

E. It was further part of the conspiracy that CC-1 and CC-2 would meet with FRANKLIN and cultivate a relationship that would enable them to obtain from the defendant national defense information.

OVERT ACTS

In furtherance of the conspiracy and to effect the object thereof, defendant LAWRENCE ANTHONY FRANKLIN and CC-1 and CC-2 did commit overt acts in the Eastern District of Virginia and elsewhere; including but not limited to the following:

1. On or about August 5, 2002, CC-1 called a Department of Defense employee (DoD Employee A) at the Pentagon and asked for the name of someone in OSD ISA with an expertise on Iran and was given the name of defendant LAWRENCE FRANKLIN.
2. On or about August 14, 2002, FRANKLIN called CC-1 and left a message saying that he had heard that CC-1 was interested in issues concerning Iran.
3. On or about August 15, 2002, CC-1 called FRANKLIN and left his cell phone number and said he would like to meet.

4. On or about August 20, 2002, FRANKLIN and CC-1 spoke on the telephone and arranged to meet the next day. CC-1 advised that he was bringing his colleague, CC-2.

5. On or about August 21, 2002, FRANKLIN called CC-1, and they agreed to postpone their meeting. The defendant advised CC-1 that he had seven or eight issues he wanted to discuss with him, and the issues were not limited to Iran.

6. On or about February 7, 2003, FRANKLIN and a DoD employee (DoD employee B) agreed to meet with CC-1 and CC-2.

7. On or about February 12, 2003, in a telephone conversation with another individual while en route to the meeting with FRANKLIN, CC-1 stated that he was excited to meet with a "Pentagon guy" because this person was a "real insider."

8. On or about February 12, 2003, FRANKLIN, DoD employee B, CC-1, and CC-2 met for breakfast at a restaurant in Arlington, Virginia, whereupon FRANKLIN disclosed to CC-1 and CC-2 national defense information relating to a classified DoD policy paper concerning a Middle Eastern country. The defendant told CC-1 and CC-2 that he had also prepared a separate document in connection with this policy document.

9. On or about February 12, 2003, CC-1 and CC-2 discussed the information FRANKLIN had given as it related to a draft article written by a journalist concerning United States foreign policy toward a country in the Middle East. CC-1 questioned the accuracy of the journalist's information.

10. On or about February 14, 2003, FRANKLIN and CC-1 discussed the defendant's prospects for a position on the National Security Council (NSC) staff, and CC-1 told the defendant that by working at the NSC that he would be "by the elbow of the President." The

defendant asked CC-1 to “put in a good word” for him and CC-1 said, “I’ll do what I can.” CC-1 ended the conversation by telling the defendant that he hoped they would keep in touch and that breakfast was a real “eye-opener.”

11. On or about March 7, 2003, CC-1 called FRANKLIN at the Pentagon and arranged to meet early one morning at Union Station, in Washington, D.C.

12. On or about March 10, 2003, FRANKLIN, CC-1, and CC-2 met at Union Station early in the morning. In the course of the meeting, the three men moved from one restaurant to another restaurant and then finished the meeting in an empty restaurant.

13. On or about March 12, 2003, FRANKLIN called CC-1 from his office in the Pentagon and left a message saying that he was trying to fax a document to CC-1 and CC-2 but was unable to do so and wanted to make sure CC-1 was present to receive it.

14. On or about March 13, 2003, FRANKLIN spoke with CC-1 and was provided with CC-1's home fax number. The defendant told CC-1 that he preferred to send the fax to CC-1's residence.

15. On or about March 17, 2003, FRANKLIN faxed, from the Pentagon to CC-1's office fax machine, a document he had typed himself. The contents of this document appeared in the classified appendix to the classified draft internal policy document defendant had previously discussed with CC-1 and CC-2 on February 12, 2003.

16. On or about March 18, 2003, in a conversation with a member of the media about the draft internal policy document, CC-1 stated, “I’m not supposed to know this,” and that it was a “considerable story.” He encouraged the member of the media to pursue the story.

17. On or about June 3, 2003, CC-2 called FRANKLIN and left a message. Without naming the country, he said that he and CC-1 wanted to meet and talk about “our favorite country.”

18. On or about June 24, 2003, CC-2 called FRANKLIN and asked the defendant to obtain a document for him. While the document itself was not classified, CC-2 told the defendant that he knew “the Agency” had a copy. The defendant told CC-2 he would try to get a copy and that he had a friend at CIA if he could not get it anywhere else.

19. On or about June 24, 2003, CC-1 and CC-2 talked about arranging to have lunch with the defendant.

20. On or about June 26, 2003, FRANKLIN, CC-1, and CC-2 met for lunch at a restaurant in Arlington, Virginia. The defendant told CC-1, “You set the agenda.” CC-1 stated that he knew that “the constraints” under which FRANKLIN met with them were difficult. The three discussed the previously described draft internal policy document, as well as a newspaper article which described the document as classified, and the state of internal United States government deliberations.

21. On or about June 26, 2003, during the aforementioned meeting, FRANKLIN disclosed to CC-1 and CC-2 classified information related to potential attacks upon United States forces in Iraq. The defendant told CC-1 and CC-2 that the information was “highly classified” and asked them not to use it.

22. On or about June 26, 2003, during the aforementioned meeting, FRANKLIN disclosed to CC-1 and CC-2 classified information related to the intelligence reporting activities of a foreign nation and asked them not to repeat the information.

23. On or about June 26, 2003, CC-1 and CC-2 spoke about the luncheon they had earlier attended with FRANKLIN. CC-1 specifically noted the information the defendant had identified as "highly classified" and stated that it was "quite a story." CC-1 also told CC-2, "Well, look, it seems to me that this channel is one to keep wide open in so far as possible." CC-2 replied that he was taking the defendant to a baseball game. CC-1 replied, "Smart guy. That's the thing to do."

24. On or about June 30, 2003, CC-2 and FRANKLIN, together, attended a major league baseball game in Baltimore, Maryland.

(In violation of Title 18, United States Code, Section 793(g))

COUNT TWO

Communication of National Defense Information

On or about February 12, 2003, in Arlington, Virginia, within the Eastern District of Virginia, defendant LAWRENCE ANTHONY FRANKLIN, lawfully having possession of, access to, control over, and being entrusted with information relating to the national defense, which information the defendant had reason to believe could be used to the injury of the United States and to the advantage of a foreign nation, did unlawfully, knowingly and willfully communicate, deliver, and transmit such information to another person not entitled to receive it.

(In violation of Title 18, United States Code, Section 793(d))

COUNT THREE

Communication of National Defense Information

On or about March 17, 2003, in Arlington, Virginia, within the Eastern District of Virginia, defendant LAWRENCE ANTHONY FRANKLIN, lawfully having possession of, access to, control over, and being entrusted with a document, writing, and note relating to the national defense, did unlawfully, knowingly and willfully communicate, deliver, and transmit said document, writing, and note to another person not entitled to receive it.

(In violation of Title 18, United States Code, Section 793(d))

COUNT FOUR

Communication of National Defense Information

On or about June 26, 2003, in Arlington, Virginia, within the Eastern District of Virginia, defendant LAWRENCE ANTHONY FRANKLIN, lawfully having possession of, access to, control over, and being entrusted with information relating to the national defense, which information the defendant had reason to believe could be used to the injury of the United States and to the advantage of a foreign nation, did unlawfully, knowingly, and willfully communicate, deliver, and transmit such information to another person not entitled to receive it.

(In violation of Title 18, United States Code, Section 793(d))

COUNT FIVE

Communication of Classified Communication Intelligence Information

On or about June 26, 2003, in Arlington, Virginia, within the Eastern District of Virginia, defendant LAWRENCE ANTHONY FRANKLIN did unlawfully, knowingly, and willfully communicate, furnish, transmit, and otherwise make available to an unauthorized person, classified information obtained by the processes of communication intelligence from the communication of a foreign government, knowing the same to have been obtained by such processes.

(In violation of Title 18, United States Code, Section 798(a)(4))

COUNT SIX

Conspiracy to Communicate Classified Information to Foreign Official

General Allegations

1. The Grand Jury realleges and incorporates by reference paragraphs 1-6 of the General Allegations section on pages 1-4 of this indictment.
2. The below-referenced Foreign Official (FO) is a diplomatic staff member of the Embassy of Foreign Nation A located in Washington, D.C. He is not a United States citizen.
3. At no time relevant to this indictment was defendant FRANKLIN assigned or instructed to meet with the FO in the Washington, D.C. area as part of his OSD or USAFR employment. At no time relevant to this indictment was defendant FRANKLIN authorized to disclose classified information to the FO.

The Offense

Between on or about August 15, 2002, and continuing until on or about June 30, 2004, in the Eastern District of Virginia and elsewhere, defendant LAWRENCE ANTHONY FRANKLIN, an employee of the United States, did unlawfully and knowingly conspire, confederate, and agree, with persons known and unknown to the Grand Jury, to commit the following offense against the United States: to communicate in a manner and by a means, to a person whom defendant FRANKLIN knew and had reason to believe was an agent or representative of a foreign government, information of a kind which had been classified by the President or by the head of a United States agency with the approval of the President, as affecting the security of the United States, said defendant having known and having had reason to know

that such information had been so classified, in violation of Title 50, United States Code, Section 783(a).

WAYS, MANNER AND MEANS OF THE CONSPIRACY

A. It was part of the conspiracy that defendant LAWRENCE ANTHONY FRANKLIN would and did use his position as a desk officer in the Office of the Secretary of Defense to gather information, classified as affecting the security of the United States, for subsequent unlawful communication to the FO from Foreign Nation A.

B. It was further part of the conspiracy that defendant FRANKLIN would communicate by telephone with the FO to arrange meetings, share information, set agendas for meetings and act upon requests for additional information. It was part of the conspiracy to develop a trustworthy relationship between the conspirators and foster an environment in which the defendant felt free to disclose classified information.

C. It was further part of the conspiracy that defendant FRANKLIN and the FO would and did meet at locations in the Eastern District of Virginia and elsewhere, to exchange information, including classified information affecting the security of the United States.

D. It was further part of the conspiracy that defendant FRANKLIN would and did communicate classified information to the FO in an effort to enhance his own standing, advance his own personal foreign policy agenda, and influence persons within and outside the United States government.

OVERT ACTS

In furtherance of the conspiracy and to effect the object thereof, defendant LAWRENCE ANTHONY FRANKLIN and the FO did commit overt acts in the Eastern District of Virginia and elsewhere, including but not limited to the following:

1. On or about August 15, 2002, defendant FRANKLIN met with the FO at a restaurant in Washington, D.C. The FO explained to FRANKLIN that he was the "policy" person at the embassy and he would be the appropriate person with whom the defendant should talk.

2. On or about September 13, 2002, FRANKLIN communicated with one of his contacts at Foreign Nation A's embassy. That contact directed him to the FO. The defendant and the FO exchanged phone calls in September, October, and November in an effort to set up a meeting. FRANKLIN called the FO at his office located at the embassy, and the FO called the defendant at his office at the Pentagon.

3. On or about January 30, 2003, the defendant and the FO met near Foreign Nation A's embassy in Washington, D.C. The subject of the discussion at this meeting was a Middle Eastern country's nuclear program.

4. In or about February, March, and April of 2003, FRANKLIN and the FO spoke by telephone and set up appointments to meet. The defendant called the FO from his office in the Pentagon.

5. On or about May 2, 2003, FRANKLIN met with the FO at the Pentagon Officer's Athletic Club (POAC), located adjacent to the Pentagon, within the Eastern District of Virginia.

At this meeting, the two discussed foreign policy issues and senior United States government officials.

6. On or about May 23, 2003, FRANKLIN again met the FO at the POAC. At this meeting, the two discussed issues concerning a Middle Eastern country and its nuclear program and the views held by Europe and certain United States government agencies with regard to that issue. Following this meeting, the defendant drafted an Action Memo to his supervisors, incorporating suggestions made by the FO during the meeting.

7. On or about June 3, 2003, FRANKLIN met with the FO at the POAC, and the discussion centered on a specific person, not in the United States government, and her thoughts concerning the nuclear program of the Middle Eastern country and, separately, certain charity efforts in Foreign Nation A.

8. On or about July 11, 2003, FRANKLIN met with the FO at the POAC and discussed certain charity work being done in a foreign nation.

9. On or about August 8, 2003, the defendant met with the FO.

10. On or about August 29, 2003, the defendant met with the FO at the POAC.

11. On or about October 9, 2003, FRANKLIN met with the FO at a sandwich shop near the United States Department of State headquarters. The defendant asked the FO to provide him with a letter for his daughter, to aid her in her travels to the Middle East and Foreign Nation A.

12. On or about January 15, 2004, FRANKLIN met the FO and again asked the FO to provide some type of letter for his daughter for her travel to the Middle East, including Foreign Nation A.

13. On or about February 13, 2004, FRANKLIN met the FO at the POAC. At this meeting, the FO suggested to the defendant that he should meet with a person previously associated with an intelligence agency of Foreign Nation A who was then running a think tank in Foreign Nation A. The FO also gave the defendant a gift card.

14. On or about February 20, 2004, FRANKLIN met in the cafeteria at the Pentagon with this person previously associated with an intelligence agency of Foreign Nation A and discussed a Middle Eastern country's nuclear program.

15. In or about late February 2004, the defendant and the FO exchanged telephone calls about certain foreign organizations.

16. On or about May 13, 2004, the FO faxed a letter from his Embassy office to FRANKLIN's Pentagon fax relating to the defendant's daughter's travel to Foreign Nation A.

17. On or about June 8, 2004, FRANKLIN and the FO met at a coffee house in Washington, D.C. At this meeting, the defendant provided the FO with classified information he had learned from a classified United States government document related to a Middle Eastern country's activities in Iraq. The defendant was not authorized to disclose this classified information to the FO.


18. On June 23, 2004, FRANKLIN met the FO and another official from Foreign Nation A at the Pentagon. The parties discussed the military situation in Iraq. The defendant provided the FO with an unclassified copy of a speech and list of questions that a senior United States government official was to give that day or the next before the Congressional Foreign Affairs Committee.

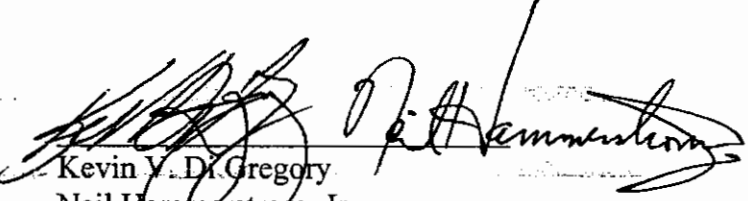
19. Between December 2003 and June 2004, at an unknown location, FRANKLIN disclosed to the FO classified United States government information relating to a weapons test conducted by a Middle Eastern country.

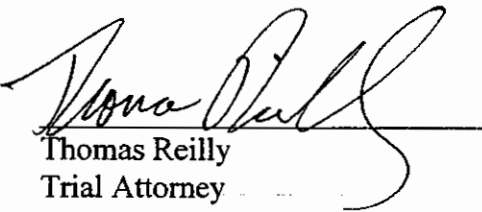
(In violation of Title 18, United States Code, Section 371.)

A TRUE BILL:


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