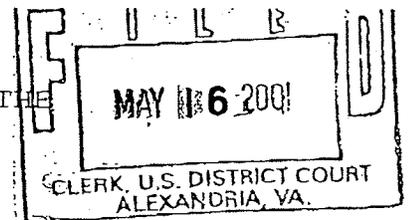


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA) CRIMINAL NO. 01-188-A
)
v.) Count 1: Conspiracy to Commit
) Espionage
ROBERT PHILIP HANSSSEN) 18 U.S.C. § 794(c)
)
) Counts 2-20: Espionage
) 18 U.S.C. § 794(a)
)
) Count 21: Attempted Espionage
) 18 U.S.C. § 794(a)
)
) Forfeiture
) 18 U.S.C. § 794

MAY 2001 TERM - AT ALEXANDRIA

INDICTMENT

THE GRAND JURY CHARGES THAT:

GENERAL ALLEGATIONS

At all times material to this indictment:

1. The defendant ROBERT PHILIP HANSSSEN was a Special Agent of the Federal Bureau of Investigation (FBI), who entered on duty with the FBI on January 12, 1976, and served continuously until February 18, 2001. For most of his FBI career, defendant HANSSSEN worked in the FBI's Intelligence Division, renamed the National Security Division. In that capacity, defendant HANSSSEN worked with, and had access to, classified information relating to the foreign intelligence and counterintelligence activities of the FBI and other United States Intelligence Community agencies,

including the Central Intelligence Agency (CIA), the National Security Agency (NSA), and the Defense Intelligence Agency (DIA).

2. From in or about January 1981 to in or about September 1985, defendant HANSSEN was assigned to FBI Headquarters in Washington, D.C. From in or about September 1985 to in or about August 1987, defendant HANSSEN was assigned to the FBI Field Office in New York, New York. In or about August 1987, he returned to Washington, D.C., where he served in a variety of FBI assignments until February 18, 2001.

3. Upon entering on duty with the FBI on January 12, 1976, defendant HANSSEN signed an Oath of Office in which he swore 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; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God." That same day, he signed the FBI Pledge for Law Enforcement Officers, in which he pledged, in part: "I accept the obligation in connection with my assignments to . . . consider the information, coming into my knowledge by virtue of my position as a sacred trust, to be used solely for official purposes. . . . In the performance of my duties and assignments, I shall not engage in unlawful and unethical practices."

4. 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) or ORCON (Dissemination and Extraction of Information Controlled by Originator), and was formerly likewise restricted through the caveats NOCONTRACT (Not Releasable to Contractors or Contractor/Consultants) and WNINTEL (Warning Notice: Intelligence Sources and Methods Involved).

5. Defendant HANSSEN held TOP SECRET clearances continuously from the time he joined the FBI in 1976, and was indoctrinated for access to a variety of SCI programs. Specifically:

a. Upon entering on duty with the FBI, on January 12, 1976, defendant HANSSEN signed an Employment Agreement in which he acknowledged that:

I understand that Federal Law such as Title 18, United States Code, Sections 793, 794, and 798; . . . (Executive Order 11652); and regulations issued by the Attorney General . . . prohibit loss, misuse, or unauthorized disclosure or production of national security information; other classified information and other nonclassified information in the files of the FBI; . . . I understand that unauthorized disclosure of information in the files of the FBI or information I may acquire as an employee of the FBI could result in impairment of national security, place human life in jeopardy, . . . or prevent the FBI from effectively discharging its responsibilities. . . . I agree that I will never divulge, publish, or reveal either by word or conduct, or by any other means disclose to any unauthorized recipient without official written authorization . . . any information from the investigatory files of the FBI or any information relating to material contained in the files, or disclose any information or produce any material acquired as part of the performance of my official duties or because of my official status . . .

b. On various occasions throughout his FBI employment, defendant HANSSEN signed various iterations of the Nondisclosure Agreement for Sensitive Compartmented Information, 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.

6. The *Komitet Gosudarstvennoy Bezopasnosty*, known as the KGB, was the intelligence service of the Union of Soviet Socialist Republics (USSR). In or about December 1991, the *Sluzhba Vneshney Razvedki Rossi*, known as the SVR, assumed the foreign intelligence functions of the former KGB for the principal successor state of the USSR, the Russian Federation. In this indictment, term "KGB/SVR" refers to activities of either the KGB or the SVR.

7. As used by those who engage in espionage activities:

a. The term "dead drop" site refers to a prearranged hidden location used for the clandestine exchange of packages, messages, and payments, which avoids the necessity of an intelligence officer and an agent being present at the same time.

b. A "signal site" is a prearranged fixed location, usually in a public place, on which an agent or an intelligence

officer can place a predetermined mark in order to alert the other to operational activity.

c. An "accommodation address" is a "safe" address, not overtly associated with intelligence activity, used by an agent to communicate with the intelligence service for which he is working.

COUNT ONE

(18 U.S.C. § 794(a) and (c))
(Conspiracy to Commit Espionage)

THE GRAND JURY FURTHER CHARGES THAT:

A. THE CONSPIRACY

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

2. From on or about October 1, 1985, through on or about February 18, 2001, in the Eastern District of Virginia and elsewhere, the defendant ROBERT PHILIP HANSSEN did knowingly and unlawfully combine, confederate, and agree with other persons, both known and unknown to the Grand Jury, including officers of the KGB/SVR, to knowingly and unlawfully communicate, deliver, and transmit to foreign governments, specifically the Union of Soviet Socialist Republics (USSR) and its successor, the Russian Federation, and to those foreign governments' representatives, officers, and agents, directly and indirectly, documents and information relating to the national defense of the United States, with intent and reason to believe that the same would be used to the injury of the United States and to the advantage of the USSR and its successor, the Russian Federation, such communication, delivery and transmission resulting in the identification by a foreign power (as defined in Section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and

consequently in the death of that individual, and directly concerning satellites, early warning systems, means of defense or retaliation against large-scale attack, communications intelligence, and major element of defense strategy, in violation of Title 18, United States Code, Section 794(a).

B. WAYS, MANNER, AND MEANS OF THE CONSPIRACY

1. It was a part of the conspiracy that defendant HANSSEN would and did use his position as a Special Agent of the FBI, and his official access to classified information relating to the national defense, to acquire, accumulate, and transmit such information, including information classified SECRET and TOP SECRET, some of which was designated as SCI, to the KGB/SVR.

2. It was a further part of the conspiracy that defendant HANSSEN would and did secretly remove classified information relating to the national defense from United States Government facilities in order to provide such information to the KGB/SVR.

3. It was a further part of the conspiracy that defendant HANSSEN would and did write letters to the KGB/SVR conveying information of interest to the KGB/SVR, including classified information relating to the national defense, that he had learned or otherwise obtained in the course of his official FBI duties.

4. It was a further part of the conspiracy that defendant HANSSEN would and did write letters to the KGB/SVR proposing communications plans, locations for signal sites and dead drop

exchange sites, and schedules for operational activity.

5. It was a further part of the conspiracy that defendant HANSSEN would and did select signal sites and dead drop exchange sites in public areas, including parks near his home in the Eastern District of Virginia, and along routes he would drive in the ordinary course of his daily business.

6. It was a further part of the conspiracy that in their communications to each other defendant HANSSEN and the KGB/SVR would and did use a code for dates and times of operational activity.

7. It was a further part of the conspiracy that defendant HANSSEN would and did mail letters and packages to the KGB/SVR through "accommodation addresses" in the Eastern District of Virginia and elsewhere.

8. It was a further part of the conspiracy that defendant HANSSEN would and did exchange packages with the KGB/SVR at "dead drop" sites in the Eastern District of Virginia, and thereby avoided personal meetings, in order to continue to conceal his true identity from the KGB/SVR and help ensure his continued safety.

9. It was a further part of the conspiracy that defendant HANSSEN would and did wrap his materials for the KGB/SVR in plastic garbage bags, secured with clear tape.

10. It was a further part of the conspiracy that, in their

communications regarding operational activity, defendant HANSSEN and the KGB/SVR would and did use code names including "PARK", "LEWIS", "ELLIS" and "V" to refer to established dead drop and signal sites.

11. It was a further part of the conspiracy that defendant HANSSEN and the KGB/SVR would and did use, and in their communications would and did refer to, standard ADC maps of Northern Virginia and other areas, to identify with specificity locations for operational activity.

12. It was a further part of the conspiracy that defendant HANSSEN would and did maintain and use apparently innocuous materials, such as adhesive tape, thumbtacks, colored chalk, and plastic garbage bags in conducting his operational activity with the KGB/SVR.

13. It was a further part of the conspiracy that defendant HANSSEN would and did use a code in the return address of items he mailed to the KGB/SVR, in order to indicate that a dead drop operation should occur on a particular day.

14. It was a further part of the conspiracy that defendant HANSSEN and the KGB/SVR would and did communicate by telephone, and would and did use a classified advertisement in order to make specific telephone call arrangements.

15. It was a further part of the conspiracy that defendant HANSSEN would and did provide correspondence and other

information, including classified information relating to the national defense, to the KGB/SVR in the form of computer disks.

16. It was a further part of the conspiracy that defendant HANSSEN would and did arrange with the KGB/SVR to use special computer programs, called keys, to encrypt and decrypt the correspondence and other information they exchanged in the form of computer diskettes.

17. It was a further part of the conspiracy that the KGB/SVR would and did pay substantial amounts of money to defendant HANSSEN in the form of cash payments for his espionage-related activities.

18. It was a further part of the conspiracy that the KGB/SVR would and did place additional sums of money in escrow for defendant HANSSEN, representing additional payments for defendant HANSSEN's espionage-related activities.

19. It was a further part of the conspiracy that defendant HANSSEN would and did ask the KGB/SVR for additional payment in the form of diamonds, and that the KGB/SVR would and did pay him in diamonds on several occasions.

20. It was a further part of the conspiracy that defendant HANSSEN would and did propose to the KGB/SVR that a Swiss bank account be used for the receipt of payments from the KGB/SVR.

21. It was a further part of the conspiracy that defendant HANSSEN would and did respond to specific requests for classified

information which the KGB/SVR asked him to obtain or otherwise provide.

22. It was a further part of the conspiracy that defendant HANSSEN's espionage relationship with the USSR was converted into an espionage relationship with the Russian Federation after the USSR dissolved and the Russian Federation came into existence.

23. It was a further part of the conspiracy that the KGB/SVR would and did use codenames to refer to defendant HANSSEN in its internal files, and limited access to those files by KGB/SVR personnel, in order to protect the operation involving defendant HANSSEN.

24. It was a further part of the conspiracy that defendant HANSSEN would and did sign his letters to the KGB/SVR, if at all, with a name other than his true name.

25. It was a further part of the conspiracy that defendant HANSSEN and the KGB/SVR would and did take steps to conceal and maintain the secrecy of his espionage activities in order to protect himself from prosecution and to permit him to engage in additional espionage activity.

C. OVERT ACTS

In furtherance of the conspiracy and to effect the objects thereof, defendant HANSSEN and unindicted co-conspirators did commit overt acts in the Eastern District of Virginia and elsewhere, including but not limited to the following:

1. On or about October 1, 1985, defendant HANSSEN mailed a letter to the KGB, addressed to the residence of a Soviet Embassy official in the Eastern District of Virginia, which letter contained classified information relating to the national defense, the transmission of a portion of which resulted in the identification by a foreign power (as defined in Section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of two individuals acting as agents of the United States and consequently in the deaths of these individuals, and the transmission of another portion of which concerned communications intelligence.

2. On or about October 15, 1985, defendant HANSSEN mailed a package to the KGB, addressed to the residence of a Soviet Embassy official in the Eastern District of Virginia, which package contained classified documents.

3. On or about October 24, 1985, defendant HANSSEN mailed a message to the KGB, addressed to the residence of a Soviet Embassy official in the Eastern District of Virginia.

4. Between on or about November 2 and November 8, 1985, defendant HANSSEN retrieved from a dead drop site in Nottoway Park in the Eastern District of Virginia a package from the KGB containing \$50,000 cash and a message.

5. On or about November 8, 1985, defendant HANSSEN mailed a letter to the KGB, addressed to the residence of a Soviet Embassy

official in the Eastern District of Virginia, which letter contained classified information relating to the national defense the transmission of a portion of which resulted in the identification by a foreign power (as defined in Section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual; such individual also being one of the subjects of Overt Act 1.

6. On or about June 30, 1986, defendant HANSSEN mailed a letter to the KGB, addressed to the residence of a Soviet Embassy official in the Eastern District of Virginia, which letter contained classified information relating to the national defense a portion of which directly concerned satellites.

7. On or about June 30, 1986, defendant HANSSEN signed a letter to the KGB in the name of "Ramon."

8. From on or about July 14, 1986, to on or about July 18, 1986, the KGB placed the following advertisement in The Washington Times:

DODGE - '71, DIPLOMAT, NEEDS ENGINE WORK, \$1000. Phone (703) 451-9780 (CALL NEXT Mon., Wed., Fri. 1 p.m.)

9. On or about Monday, July 21, 1986, defendant HANSSEN placed a call to the telephone number given in the KGB's Washington Times advertisement, and gave a phone number to a KGB officer with whom he spoke.

10. On or about Monday, July 21, 1986, about an hour after

the conversation described in the foregoing paragraph, the KGB officer placed a call to the number defendant HANSSEN had given him, and informed defendant HANSSEN that the Nottoway Park dead drop site was being loaded for him.

11. On or about August 7, 1986, defendant HANSSEN mailed a letter to the KGB, addressed to the residence of a Soviet Embassy official in the Eastern District of Virginia.

12. On or about August 18, 1986, defendant HANSSEN placed a telephone call to the telephone number given in the KGB's Washington Times advertisement, and spoke to a KGB officer.

13. On or about August 19, 1986, defendant HANSSEN retrieved from the Nottoway Park dead drop site in the Eastern District of Virginia a package from the KGB containing \$10,000 cash and a letter.

14. On or about August 19, 1986, defendant HANSSEN mailed a note to the KGB, addressed and delivered to the residence of a Soviet Embassy official in the Eastern District of Virginia.

15. On or about September 8, 1987, defendant HANSSEN mailed a letter to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

16. On or about September 14, 1987, defendant HANSSEN mailed a package to the KGB containing classified documents.

17. On or about September 15, 1987, defendant HANSSEN retrieved from the Nottoway Park dead drop site in the Eastern

District of Virginia a package from the KGB containing \$10,000 cash and a message.

18. On or about September 26, 1987, defendant HANSSEN placed at the Nottoway Park dead drop site in the Eastern District of Virginia a package for the KGB containing a letter and a classified document.

19. On or about September 29, 1987, the KGB deposited \$100,000 in a Moscow bank account for defendant HANSSEN.

20. On or about November 7, 1987, defendant HANSSEN mailed a letter to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

21. On or about November 17, 1987, defendant HANSSEN mailed a letter to the KGB.

22. On or about November 23, 1987, defendant HANSSEN placed at the Nottoway Park dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents relating to the national defense.

23. On or about November 23, 1987, defendant HANSSEN retrieved from the Nottoway Park dead drop site in the Eastern District of Virginia a package from the KGB containing \$20,000 cash and a letter.

24. On or about November 23, 1987, the KGB informed defendant HANSSEN that \$100,000 had been placed in a bank on his behalf.

25. On or about February 3, 1988, defendant HANSSEN mailed a note to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

26. On or about February 8, 1988, defendant HANSSEN placed at the Nottoway Park dead drop site in the Eastern District of Virginia a package for the KGB containing a letter, classified documents, and a computer diskette, including classified information relating to the national defense a portion of which directly concerned communications intelligence.

27. On or about February 8, 1988, defendant HANSSEN retrieved from the Nottoway Park dead drop site in the Eastern District of Virginia a package from the KGB containing \$25,000 cash and a letter.

28. On or about March 15, 1988, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

29. On or about March 16, 1988, defendant HANSSEN mailed a note to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

30. On or about March 24, 1988, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

31. On or about March 28, 1988, defendant HANSSEN placed at the Nottoway Park dead drop site in the Eastern District of

Virginia a package for the KGB containing classified documents relating to the national defense and a computer diskette.

32. On or about March 28, 1988, defendant HANSSEN retrieved from the Nottoway Park dead drop site in the Eastern District of Virginia a package from the KGB containing \$25,000 cash and a letter.

33. On or about March 31, 1988, defendant HANSSEN mailed a note to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

34. On or about April 5, 1988, in the Eastern District of Virginia, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia, which computer diskette contained classified information.

35. On or about April 5, 1988, in the Eastern District of Virginia, defendant HANSSEN asked the KGB for diamonds.

36. On or about May 17, 1988, in the Eastern District of Virginia, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address, which computer diskette contained classified information.

37. On or about July 13, 1988, defendant HANSSEN mailed a letter to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

38. On or about July 18, 1988, defendant HANSSEN placed at

the Nottoway Park dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents relating to the national defense, including a document directly concerning early warning systems and other means of defense or retaliation against large-scale attack.

39. On or about July 18, 1988, defendant HANSSEN retrieved from the Nottoway Park dead drop site in the Eastern District of Virginia a package from the KGB containing \$25,000 cash and a letter.

40. On or about July 29, 1988, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia, which computer diskette contained classified information.

41. On or about August 22, 1988, the KGB deposited \$50,000 in a Moscow bank account for defendant HANSSEN.

42. On or about September 20, 1988, defendant HANSSEN mailed a note and computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia, which computer diskette contained classified information.

43. On or about September 26, 1988, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents.

44. On or about September 26, 1988, defendant HANSSEN

retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing a diamond and a letter.

45. On or about September 26, 1988, the KGB advised defendant HANSSEN that \$50,000 had been deposited in defendant HANSSEN's account.

46. On or about November 30, 1988, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia, which computer diskette contained classified information.

47. On or about December 26, 1988, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing documents and a computer diskette, which computer diskette contained classified information relating to the national defense and directly concerning communications intelligence.

48. On or about December 26, 1988, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$10,000 cash, a diamond, and a message.

49. On or about January 31, 1989, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing a note, a classified document, and a computer diskette which contained classified information.

50. On or about January 31, 1989, defendant HANSSEN placed an emergency call-out signal for the KGB at a pre-designated signal site.

51. On or about March 16, 1989, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

52. On or about March 20, 1989, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia two packages for the KGB containing classified documents relating to the national defense and a computer diskette which contained classified information.

53. On or about March 20, 1989, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$18,000 cash, a diamond, and a letter.

54. On or about May 17, 1989, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

55. On or about May 22, 1989, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents, two of the three diamonds that he had previously received from the KGB and which he was returning for cash, and a computer diskette which contained classified information relating to the national defense including information directly concerning communications intelligence.

56. On or about May 22, 1989, defendant HANSSEN suggested to the KGB that an account in Switzerland be used for the receipt of payments from the KGB.

57. On or about May 22, 1989, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing a letter and a classified document relating to the national defense that HANSSEN had previously provided to the KGB and had asked the KGB to return to him.

58. On or about August 1, 1989, defendant HANSSEN placed two simultaneous call-out signals for the KGB at pre-designated signal sites.

59. On or about August 7, 1989, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing a computer diskette which contained classified information, and rolls of undeveloped film depicting the contents of a classified document relating to the national defense which directly concerned means of defense or retaliation against large-scale nuclear attack and other elements of defense strategy.

60. On or about August 7, 1989, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$30,000 cash and a letter.

61. On or about August 17, 1989, the KGB deposited \$50,000

in a Moscow bank account for defendant HANSSEN.

62. On or about September 22, 1989, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

63. On or about September 25, 1989, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents relating to the national defense which directly concerned communications intelligence, and a computer diskette which contained classified information.

64. On or about September 25, 1989, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$30,000 cash, a letter, and a KGB computer diskette.

65. On or about September 28, 1989, defendant HANSSEN mailed a letter to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

66. On or about October 16, 1989, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

67. On or about October 23, 1989, defendant HANSSEN placed at a dead drop site in Foxstone Park in the Eastern District of Virginia a package for the KGB containing a computer diskette which contained classified information relating to the national

defense, including information which directly concerned communications intelligence.

68. Between on or about October 31 and November 3, 1989, defendant HANSSEN retrieved from the Foxstone Park dead drop site in the Eastern District of Virginia a package from the KGB containing \$55,000 cash and a KGB computer diskette.

69. Between on or about October 31 and November 3, 1989, the KGB advised defendant HANSSEN that \$50,000 had been deposited into his account in Moscow.

70. On or about December 20, 1989, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

71. On or about December 25, 1989, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents relating to the national defense which included information directly concerning communications intelligence, and a computer diskette which contained classified information.

72. On or about December 25, 1989, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$38,000 cash and two KGB computer diskettes.

73. On or about March 1, 1990, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

74. On or about March 5, 1990, defendant HANSSEN placed at

a dead drop site in the Eastern District of Virginia a package for the KGB containing a document and a computer diskette which contained classified information relating to the national defense.

75. On or about March 5, 1990, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$40,000 cash and a KGB computer diskette.

76. On or about May 3, 1990, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

77. On or about May 7, 1990, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents and a computer diskette which contained classified information.

78. On or about May 7, 1990, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$35,000 cash and a KGB computer diskette.

79. On or about May 17, 1990, defendant HANSSEN mailed a letter and a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia.

80. On or about May 21, 1990, defendant HANSSEN retrieved from the Foxstone Park dead drop site in the Eastern District of

Virginia a package from the KGB containing two KGB computer diskettes.

81. On or about August 20, 1990, defendant HANSSEN mailed a computer diskette to the KGB, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia, which computer diskette contained classified information.

82. On or about September 3, 1990, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$40,000 cash and a KGB computer diskette.

83. On or about February 2, 1991, defendant HANSSEN placed an emergency call-out signal for the KGB.

84. On or about February 2, 1991, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing a computer diskette which contained classified information relating to the national defense.

85. On or about February 18, 1991, the KGB placed at a dead drop site in the Eastern District of Virginia a package containing \$10,000 cash and a KGB computer diskette.

86. On or about April 10, 1991, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

87. On or about April 15, 1991, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents and a computer

diskette.

88. On or about April 15, 1991, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$10,000 cash and a KGB computer diskette.

89. On or about July 9, 1991, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

90. On or about July 15, 1991, defendant HANSSEN placed at the Foxstone Park dead drop site in the Eastern District of Virginia a package for the KGB containing classified documents and a computer diskette.

91. On or about July 15, 1991, defendant HANSSEN retrieved from the Foxstone Park dead drop site in the Eastern District of Virginia a package from the KGB containing \$12,000 cash and a KGB computer diskette.

92. On or about August 19, 1991, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB containing a classified document relating to the national defense and a computer diskette containing classified information relating to the national defense, which included information directly concerning communications intelligence.

93. On or about August 19, 1991, defendant HANSSEN retrieved from a dead drop site in the Eastern District of Virginia a package from the KGB containing \$20,000 cash and a

message.

94. On or about October 1, 1991, defendant HANSSEN placed a call-out signal for the KGB at a pre-designated signal site.

95. On or about October 7, 1991, defendant HANSSEN placed at a dead drop site a package for the KGB containing a classified document and a computer diskette which contained classified information.

96. On or about October 7, 1991, defendant HANSSEN retrieved from a dead drop site a package from the KGB containing \$12,000 cash and a KGB computer diskette.

97. On or about December 12, 1991, defendant HANSSEN mailed a note to the KGB/SVR, addressed and delivered to a Soviet accommodation address in the Eastern District of Virginia, which note contained classified information relating to the national defense.

98. On or about December 16, 1991, defendant HANSSEN placed at a dead drop site in the Eastern District of Virginia a package for the KGB/SVR containing classified documents relating to the national defense and a computer diskette which contained classified information relating to the national defense, including information directly concerning communications intelligence.

99. On or about December 16, 1991, defendant HANSSEN retrieved from a dead drop site in the Eastern District of

Virginia a package from the KGB/SVR containing \$12,000 cash and a KGB computer diskette.

100. On or about August 11, 1999, defendant HANSSEN conducted searches of the FBI's collected computerized databases of classified and unclassified investigative files and indices, called the Automated Case Support (ACS) System, for the purpose of determining whether the FBI was aware of operational activity at Foxstone Park.

101. On or about October 6, 1999, defendant HANSSEN maintained, on a computer memory storage device known as a Versa Card, a letter from the KGB/SVR.

102. On or about November 3, 1999, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops in Virginia or of operational activity at Foxstone Park.

103. On or about November 15, 1999, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops in Virginia or of operational activity at Foxstone Park.

104. On or about March 14, 2000, defendant HANSSEN created or last modified a letter to the KGB/SVR.

105. On or about March 31, 2000, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops

involving Russia.

106. On or about June 8, 2000, defendant HANSSEN created or last modified a letter to the KGB/SVR.

107. On or about July 31, 2000, defendant HANSSEN maintained, on the Versa Card described above, a letter from the KGB/SVR.

108. On or about October 4, 2000, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops.

109. On or about November 13, 2000, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops.

110. On or about November 17, 2000, defendant HANSSEN created or last modified a letter to the KGB/SVR.

111. On or about December 21, 2000, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops.

112. In or about January 2001, defendant HANSSEN possessed a personal PALM III device which contained on it a record referring to "ELLIS" and the date February 18 and the time 8:00.

113. On or about January 16, 2001, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops.

114. On or about January 19, 2001, defendant HANSSEN

conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops.

115. On or about January 22, 2001, defendant HANSSEN conducted searches of the FBI's ACS System for the purpose of determining whether the FBI was aware of recent dead drops or of operational activity at Foxstone Park.

116. On or about January 30, 2001, defendant HANSSEN maintained in the glove compartment of his personal automobile a roll of white Johnson & Johnson medical adhesive tape and a box of Crayola colored chalk.

117. On or about January 30, 2001, defendant HANSSEN maintained in the trunk of his personal automobile a roll of Superior Performance Scotch clear mailing tape and a number of dark colored Hefty garbage bags.

118. On or about February 12, 2001, defendant HANSSEN maintained in the glove compartment of his personal automobile a box containing thumbtacks of various colors, including yellow and white.

119. On or about February 18, 2001, defendant HANSSEN possessed classified documents relating to the national defense in the trunk of his personal automobile.

120. On or about February 18, 2001, defendant HANSSEN wrapped classified documents relating to the national defense and a computer diskette in a plastic garbage bag secured with clear

tape.

121. On or about February 18, 2001, defendant HANSSEN went to Foxstone Park in the Eastern District of Virginia.

122. On or about February 18, 2001, at Foxstone Park in the Eastern District of Virginia, defendant HANSSEN placed a piece of white adhesive tape on a pole.

123. On or about February 18, 2001, at Foxstone Park in the Eastern District of Virginia, defendant HANSSEN placed a package, wrapped in a plastic garbage bag secured with clear tape, and containing classified documents relating to the national defense and a computer diskette, under a footbridge in a manner which concealed the package from view.

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

COUNTS TWO THROUGH TWENTY

(18 U.S.C. § 794(a))
(Espionage)

THE GRAND JURY FURTHER CHARGES THAT:

1. The Grand Jury realleges and incorporates by reference the GENERAL ALLEGATIONS of this Indictment.
2. On or about the following specified dates, in the Eastern District of Virginia and elsewhere, defendant ROBERT PHILIP HANSSSEN, 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 Union of Soviet Socialist Republics (USSR), did knowingly and unlawfully communicate, deliver, and transmit, and attempt to communicate, deliver, and transmit, to representatives of a foreign government, specifically the USSR, and to representatives, officers, agents, and employees thereof, directly and indirectly, documents and information relating to the national defense of the United States, specifically the following documents and information:

COUNT

DATE

MATERIAL OR INFORMATION TRANSMITTED

MEANS AND PLACE OF TRANSMITTAL

2 October 1, 1985

(a) The fact that Valeriy Martynov, a KGB officer, had been recruited by the United States intelligence services, which information was classified SECRET, and the transmission of which information resulted in the identification by a foreign power (as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual.

Letter mailed to an address in the City of Alexandria, Virginia.

(b) The fact that Sergey Motorin, a KGB officer, had been recruited by the United States intelligence services, which information was classified SECRET, and the transmission of which information resulted in the identification by a foreign power (as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual.

(c) The fact that Boris Yuzhin, a KGB officer, had been recruited by the United States intelligence services, which information was classified SECRET.

MEANS AND PLACE OF TRANSMITTAL

MATERIAL OR INFORMATION TRANSMITTED

COUNT DATE

2
cont'd

(d) The existence of an FBI technical penetration of a particular Soviet establishment, as well as the specific location of the penetration device, and the methods and technology utilized, which information was classified TOP SECRET, and directly concerned communications intelligence.

MEANS AND PLACE OF TRANSMITTAL

Letter mailed to an address in the City of Alexandria, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

(a) The fact that Valeriy Martynov used a particular and described concealment device, which information was classified SECRET, and the transmission of which information resulted in the identification by a foreign power (as defined in section 101(a) of the Foreign Intelligence Surveillance Act of 1978) of an individual acting as an agent of the United States and consequently in the death of that individual.

(b) The existence of a successful intelligence collection operation against a specific Soviet target, which information was classified TOP SECRET/SCI.

COUNT DATE
3 November 8, 1985

COUNT DATE MATERIAL OR INFORMATION TRANSMITTED MEANS AND PLACE OF TRANSMITTAL

4	June 30, 1946	The fact that the United States knew of a particular technical vulnerability in Soviet satellite transmissions and was actively exploiting the vulnerability, which information was classified TOP SECRET/SCI, and directly concerned satellites.	Letter mailed to an address in the City of Alexandria, Virginia.
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COUNT DATE MATERIAL OR INFORMATION TRANSMITTED MEANS AND PLACE OF TRANSMITTAL

5 November 23, 1987 A report about a recent FBI/CIA meeting with a Soviet intelligence officer who was an FBI/CIA recruitment target, which report was classified SECRET. Dead drop in Nottoway Park, in Fairfax County, Virginia.

MEANS AND PLACE OF TRANSMITTAL

MATERIAL OR INFORMATION TRANSMITTED

COUNT DATE

Dead drop in Nottoway Park, in Fairfax County, Virginia.

6 February 8, 1988
(a) Specific information about a recruited KGB officer who had secretly defected to the United States, which information was classified SECRET.

(b) The identity, by KGB codename and recent specific assignment, of a KGB agent who was currently operating as an illegal in a particular United States city and who had been recruited by the FBI to serve as a double agent, which information was classified SECRET.

(c) A particular limitation of the National Security Agency's ability to read certain Soviet communications, which information was classified TOP SECRET/SCI, and directly concerned communications intelligence.

MEANS AND PLACE OF TRANSMITTAL

Dead drop in Nottoway Park, in Fairfax County, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

A version of a TOP SECRET document entitled "The FBI's Double Agent Program", which contained a detailed evaluation of FBI double agent operations, including joint operations with other United States intelligence agencies, conducted worldwide over a ten-year period.

COUNT DATE

7 March 28, 1988

8 July 18, 1988

(a) A TOP SECRET United States intelligence analysis of the effectiveness of Soviet intelligence collection efforts against certain United States nuclear weapons capabilities, which analysis directly concerned early warning systems and other means of defense or retaliation against large-scale attack.

(b) A TOP SECRET/SCI document entitled "Compendium of Future Intelligence Requirements: Volume II", dated September 1987, prepared for the Director of Central Intelligence by the Staff of the Intelligence Producers Council, containing a comprehensive listing of specific current intelligence information, including information about military capabilities and preparedness, sought by the United States regarding the Soviet Union and other nations.

(c) A TOP SECRET comprehensive historical FBI review of allegations from recruitments and defectors over a period of years that the Soviet intelligence services had penetrated the FBI, which identified Soviet recruitments and defectors with specificity, and described particular information they provided.

MEANS AND PLACE OF TRANSMITTAL

MATERIAL OR INFORMATION TRANSMITTED

COUNT DATE

8
cont'd
(d) A SECRET Central Intelligence
Agency Counterintelligence Staff
Study entitled "The Soviet
Counterintelligence Offensive: KGB
Recruitment Operations Against
CIA", dated March 1988.

MEANS AND PLACE OF TRANSMITTAL

MATERIAL OR INFORMATION TRANSMITTED

COUNT. DATE

Dead drop in Eakin Community Park in Fairfax County, Virginia.

The fact that the United States was targeting a particular category of Soviet communications, which information was classified TOP SECRET/SCI, and directly concerned communications intelligence.

9 December 26, 1988

MEANS AND PLACE OF TRANSMITTAL

Dead drop in Eakin Community Park in Fairfax County, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

A TOP SECRET/SCI document entitled "DCI Guidance For the National MASINT Intelligence Program (FY1991-FY2000)", prepared by the Measurement and Signature Intelligence (MASINT) Committee and dated November 1988, which represented the United States Intelligence Community's consensus as to specific MASINT objectives and studies leading to needed capabilities, and whose contents were highly specific and technical, and which document defendant HANSSSEN requested be returned to him.

COUNT DATE

10 March 20, 1989

MEANS AND PLACE OF TRANSMITTAL

Dead drop in Idylwood Park in Fairfax County, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

(a) The existence, and details of, an ongoing FBI espionage investigation of United States Department of State officer Felix Bloch, which information was classified SECRET, and which transmission led the Soviet Union to warn Bloch of the investigation and thereby prevent the FBI from concluding its investigation.

(b) The fact that the United States was targeting a particular category of Soviet communications, which information was classified TOP SECRET/SCI and directly concerned communications intelligence.

COUNT DATE

11 May 22, 1989

MEANS AND PLACE OF TRANSMITTAL

Dead drop in Eakin Community Park in Fairfax County, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

A highly-restricted TOP SECRET/SCI analysis, dated May 1987, of the Soviet intelligence threat to a specific and named highly-compartmented United States Government program to ensure the continuity of government in the event of a Soviet nuclear attack, which analysis directly concerned means of defense or retaliation against large-scale nuclear attack and other elements of defense strategy.

COUNT DATE

12 August 7, 1989

MEANS AND PLACE OF TRANSMITTAL

Dead drop in Foxstone Park in Fairfax County, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

The fact that the United States had the capability to read certain Soviet communications, which information was classified TOP SECRET/SCI and directly concerned communications intelligence.

COUNT DATE

14 October 21, 1989

MEANS AND PLACE OF TRANSMITTAL

Dead drop in Idylwood Park in Fairfax County, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

(a) Documentary material containing details of a United States program of technical penetration of a particular Soviet establishment, which information was classified TOP SECRET/SCI and directly concerned communications intelligence.

(b) A Director of Central Intelligence National Intelligence Estimate (NIE) entitled "The Soviet System in Crisis: Prospects for the Next Two Years", dated November 1989 and classified SECRET.

COUNT DATE

15 December 25, 1989

COUNT DATE MATERIAL OR INFORMATION TRANSMITTED MEANS AND PLACE OF TRANSMITTAL

16 March 5, 1990

(a) Confirmation that a particular Soviet person was a recruited intelligence asset of the FBI, which information was classified SECRET.

(b) The fact that a particular named Soviet Embassy employee in the United States was a recruited intelligence asset of the FBI, which information was classified SECRET.

Dead drop in Eakin Community Park in Fairfax County, Virginia.

COUNT DATE MATERIAL OR INFORMATION TRANSMITTED MEANS AND PLACE OF TRANSMITTAL

17 February 2, 1991 (a) Confirmation of the true identity of a Soviet person in the United States who was operating as an FBI recruitment-in-place, which information was classified SECRET.
(b) The fact that a particular Soviet person in the United States was a recruited reporting asset of the FBI, which information was classified SECRET.

Dead drop in Eakin Community Park in Fairfax County, Virginia.

MEANS AND PLACE OF TRANSMITTAL

Dead drop in Lewinsville Park in Fairfax County, Virginia.

MATERIAL OR INFORMATION TRANSMITTED

(a) The fact that the National Security Agency was reading the communications of a specific foreign country, and the specific methods used to do so, which information was classified TOP SECRET/SCI and directly concerned communications intelligence.

(b) A document, classified SECRET, disclosing details of a proposed FBI technical surveillance operation against a Soviet person in the United States.

(c) The fact that the FBI was initiating a "dangle" operation against the Soviets at a particular named United States military facility, which information was classified SECRET.

COUNT DATE

18 August 19, 1991

COUNT DATE MATERIAL OR INFORMATION TRANSMITTED MEANS AND PLACE OF TRANSMITTAL

19	December 12, 1991	The fact that approval had been given for a device the FBI was to implant in a technical surveillance operation against a Soviet person in the United States, about which defendant HANSEN had first reported to the KGB on August 19, 1991, which information was classified SECRET.	Note mailed to an address in the City of Alexandria, Virginia.
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MEANS AND PLACE OF TRANSMITTAL

MATERIAL OR INFORMATION TRANSMITTED

COUNT DATE

20 December 16, 1991 Dead drop in Idylwood Park in Fairfax County, Virginia.

(a) The fact that the United States Intelligence Community was obtaining especially sensitive material derived from the communications of a specific foreign country, which fact was classified TOP SECRET/SCI and directly concerned communications intelligence.

(b) A SECRET document entitled "The KGB's First Chief Directorate: Structure, Functions, and Methods", produced by the Director of Central Intelligence Counterintelligence Center, dated November 1990.

(c) A SECRET document entitled "Director of Central Intelligence FY 1992 Congressional Budget Justification, Volume X: Federal Bureau of Investigation Foreign Counterintelligence Program."

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

COUNT TWENTY-ONE

THE GRAND JURY FURTHER CHARGES THAT:

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

2. On or about February 18, 2001, in the Eastern District of Virginia, defendant ROBERT PHILIP HANSSSEN, 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 Russian Federation, did knowingly and unlawfully attempt to communicate, deliver, and transmit, to representatives of a foreign government, that is the Russian Federation, and to representatives, officer, agents, and employees thereof, directly and indirectly, the following documents relating to the national defense of the United States:

seven internal FBI documents classified SECRET, disclosing details of ongoing and proposed FBI counterintelligence operations against Russian persons in the United States.

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

FORFEITURE

Defendant ROBERT PHILIP HANSSEN, if convicted of any of the violations charged in this Indictment, shall forfeit to the United States any property constituting, or derived from, any proceeds he obtained, directly or indirectly, as the result of such violation; and any of the defendant's property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation. This property includes, but is not limited to \$1,437,000 received from the Soviets and/or Russians, directly or indirectly, in proceeds of the charged espionage and espionage conspiracy of which he is charged, which \$1,437,000 itself includes, but is not limited to:

1. Approximately \$800,000, plus applicable interest, maintained on the behalf of the defendant by or through the KGB and SVR and which may have been deposited, at one point, in the Vneshtorg Bank in Moscow;
2. Approximately \$600,000 in cash and diamonds obtained by the defendant from the KGB and SVR;
3. \$50,000 recovered by the FBI from the "Lewis" drop site in Long Branch Nature Center; and
4. Two Rolex watches, bearing the serial numbers L859772 and R16710A30B9315/E458859.

(Pursuant to Title 18, United States Code, § 794 (incorporating provisions of Title 21, United States Code, § 853).)

A TRUE BILL:

Loren Wade De Graf
FOREPERSON

Kenneth E. Melson
KENNETH E. MELSON
United States Attorney

Randy I. Bellows
Randy I. Bellows
Assistant United States Attorney

Justin W. Williams
Justin W. Williams
Assistant United States Attorney

Gordon D. Kromberg
Gordon D. Kromberg
Assistant United States Attorney

Laura A. Ingersoll
Laura A. Ingersoll
Senior Trial Attorney
Internal Security Section
Criminal Division
United States Department of Justice