

UNITED STATES OF AMERICA	:	Hon. William H. Walls
v.	:	Criminal No. 06-
LEANDRO ARAGONCILLO,	:	18 U.S.C. §§ 794(a) and (c)
a/k/a "Juan Miguel"	:	18 U.S.C. § 793(e)
	:	18 U.S.C. § 1030(a)(1)
	:	18 U.S.C. § 2

I N D I C T M E N T

The Grand Jury in and for the District of New Jersey,
sitting at Newark, charges:

COUNT 1

(Conspiracy to Transmit National Defense Information)

The Defendant

1. At all times material to the allegations contained
in this Indictment:

a. Defendant **LEANDRO ARAGONCILLO** was enlisted in
the United States Marine Corps from on or about September 30,
1983 through in or about June 2004, retiring at the rank of
Gunnery Sergeant. From on or about July 26, 1999 through on or
about February 13, 2002, defendant **ARAGONCILLO** served as a Staff
Assistant to the Vice President's Military Advisers in the Office
of the Vice President ("OVP") of the United States.

b. After retiring from the Marine Corps,
defendant **ARAGONCILLO** was employed as an Intelligence Analyst of
the Federal Bureau of Investigation ("FBI") at the Fort Monmouth
Information Technology Center ("FMITC") located in Oceanport, New
Jersey, from on or about July 11, 2004 through in or about
September 2005.

c. In his capacity as a Staff Assistant in the OVP, and as an Intelligence Analyst at the FMITC, defendant **ARAGONCILLO** received security clearances in order to have access to classified documents and information. Defendant **ARAGONCILLO** received a "Top Secret" security clearance on or about July 23, 1999, and maintained that clearance throughout his term of service with the OVP. After entering service with the FBI in or about July 2004, defendant **ARAGONCILLO** received a "Top Secret" security clearance, which he maintained until he was arrested on or about September 10, 2005.

d. On or about August 9, 1999, and again on or about July 12, 2004, defendant **ARAGONCILLO** executed Classified Information Nondisclosure Agreements which provided, in pertinent part, as follows:

- "1. Intending to be legally bound, I hereby accept the obligations contained in this Agreement in consideration of my being granted access to classified information. . . .
2. I hereby acknowledge that I have received a security indoctrination concerning the nature and protection of classified information. . . .
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 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, the provisions of Section 783(b), Title 50, United States Code, and the provisions of the Intelligence Identities Protection Act of 1982. I recognize that nothing in this Agreement constitutes a waiver by the United States of the right to prosecute me for any statutory violation.

11. I have read this Agreement carefully and my questions, if any, have been answered. I acknowledge that the briefing officer has made available to me the Executive Order and the statutes referenced in this Agreement and its implementing regulation (32 CFR Section 2003-20) so that I may read them at this time, if I so choose."

e. At no time during his employment with the OVP or the FBI was defendant **ARAGONCILLO** ever authorized, directly or indirectly, to deliver, communicate, or transmit classified information or documents to representatives, officers, agents, employees, subjects, or citizens of any foreign government, faction or party thereof.

Control of Classified Information and Documents

2. Pursuant to Executive Order 12958, as amended by Executive Order 13292, classified information is defined as information in any form that: (1) is owned by, produced by or for, or under the control of the United States government; (2) falls within one or more of the categories set forth in Section

1.5 of the Order; and (3) is classified by an original classification authority who determines that its unauthorized disclosure reasonably could be expected to result in damage to the national security. Among the categories of information set out in Section 1.5 of the Executive Orders is information concerning military plans, weapons systems, or operations (1.5(a)); foreign government information (1.5(b)); intelligence activities, including intelligence sources and methods (1.5(c)); and foreign relations or foreign activities of the United States, including confidential sources (1.5(d)).

3. Executive Order 12958, as amended by Executive Order 13292, mandates that information requiring protection for reasons of national security be classified at one of three levels: "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 "Sensitive Compartmented Information" ("SCI") categories. Dissemination of

classified information at any level may be further restricted through caveats such as NOFORN ("Not Releasable to Foreign Nationals").

4. 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.

The Defendant's Co-conspirators

5. At times material to the allegations contained in this Indictment:

a. "Executive Branch Official #1" was a senior member of the executive branch of the government of the Republic of the Philippines ("ROP") from on or about June 28, 1998 through on or about January 20, 2001. After resigning from this position, Executive Branch Official #1 was a leading official of a party and faction opposed to the current head of the executive branch of the ROP government, Gloria Macapagal-Arroyo.

b. "Senator #1" has served in the Senate of the ROP since approximately June 2001. During this period, Senator #1 was a leading official of a party and faction opposed to Gloria Macapagal-Arroyo. Senator #1 previously served as the

head of the Philippines National Police ("PNP") and Presidential Anti-Organized Crime Task Force ("PAOCTF") during Executive Branch Official #1's term in office.

c. "Representative #1" served as a member of the House of Representatives of the ROP beginning in or about 1998 to in or about 2001, and again beginning in or about 2004.

d. "Representative #2" served as a member of the House of Representatives of the ROP beginning in or about 1992 to in or about 2001, and again beginning in or about 2004.

e. "Mayor #1" served as a Mayor of one of the municipalities located near Metro Manila, Philippines. Mayor #1 was also the son of Executive Branch Official #1.

f. Michael Ray Aquino was a citizen of the Philippines who resided in Queens, New York. Aquino previously served as a Senior Superintendent (colonel-equivalent) of the PNP and PAOCTF until in or about January 2001. During his tenure, Aquino served as the concurrent Deputy Director of the PNP - Intelligence Group, and Chief of the PAOCTF - Operations Division. Aquino served in those positions under the supervision, direction and control of Senator #1.

Conspiracy

6. From in or about July 2000 through on or about September 10, 2005, at Monmouth County, in the District of New Jersey, and elsewhere, defendant

**LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel"**

did knowingly and willfully conspire with Executive Branch Official #1, Senator #1, Representative #1, Representative #2, Mayor #1, Aquino, and others to communicate, deliver and transmit, directly and indirectly, to a foreign government, faction and party thereof, and to representatives, officers, agents, employees, citizens and subjects thereof, documents, writings and information relating to the national defense, with the intent and reason to believe that they would be used to the injury of the United States and to the advantage of a foreign nation, contrary to Title 18, United States Code, Section 794(a).

Object of the Conspiracy

7. It was a principal goal of the conspiracy that defendant **LEANDRO ARAGONCILLO** would gather documents and information classified for reasons of national security, including documents relating to the national defense and foreign relations, from the OVP and the FMITC, and transmit these materials to Executive Branch Official #1, Senator #1, Representatives #1 and #2, Mayor #1, Aquino, and others (sometimes collectively referred to as the "Co-conspirators"), in order to advance and support the goals of these individuals and others to variously maintain, and later destabilize and regain control of, the government of the ROP.

Means and Methods

8. It was part of the conspiracy that defendant **ARAGONCILLO** sought positions within the OVP, the FBI, the Central Intelligence Agency ("CIA") and the National Security Agency ("NSA") in order to maintain regular access to documents and information classified for reasons of national security that would be of use and interest to his Co-conspirators.

9. It was further part of the conspiracy that defendant **ARAGONCILLO** used his position as a Staff Assistant to the Vice President's Military Advisors in the OVP, and as an Intelligence Analyst of the FBI at the FMITC, to acquire, gather, accumulate, and retain documents and information classified "Top Secret" and "Secret" for reasons of national security, some of which contained the "SCI" designation.

10. It was further part of the conspiracy that defendant **ARAGONCILLO** searched computer databases located at the OVP and the FMITC for documents and information classified for reasons of national security from various federal agencies and departments that would be of use and interest to his Co-conspirators. After identifying such documents and information, defendant **ARAGONCILLO** downloaded them to floppy diskettes that he concealed on his person and in a personal bag.

11. It was further part of the conspiracy that defendant **ARAGONCILLO** secretly removed documents and information classified for reasons of national security from the OVP and the

FMITC that would be of use and interest to his Co-conspirators.

12. It was further part of the conspiracy that defendant **ARAGONCILLO** communicated, delivered and transmitted documents and information that had been classified for reasons of national security (including documents and information relating to the national defense and foreign relations), to his Co-conspirators by telephone, facsimile, and e-mail from, among other places, his home in Woodbury, New Jersey.

13. It was further part of the conspiracy that defendant **ARAGONCILLO** obtained internet-based e-mail accounts utilizing the name "Juan Miguel" to transmit documents and information classified for reasons of national security to his Co-conspirators, and to conceal his activities from security personnel.

14. It was further part of the conspiracy that certain of defendant **ARAGONCILLO**'s Co-conspirators obtained internet-based e-mail accounts using aliases to receive documents and information classified for reasons of national security from defendant **ARAGONCILLO**.

15. It was further part of the conspiracy that defendant **ARAGONCILLO** and his Co-conspirators used various code words and code names to conceal their activities.

16. It was further part of the conspiracy that defendant **ARAGONCILLO** accepted tasking from his Co-Conspirators to seek documents and information classified for reasons of national security that would be of use and interest to them.

17. It was further part of the conspiracy that defendant **ARAGONCILLO** traveled to the ROP to meet with his Co-conspirators, and to hand-deliver to them documents and information classified for reasons of national security that would be of use and interest to them.

18. It was further part of the conspiracy that certain of the Co-conspirators traveled to the United States and obtained, and attempted to obtain, documents and information classified for reasons of national security from defendant **ARAGONCILLO**.

19. It was further part of the conspiracy that defendant **ARAGONCILLO** warned his Co-conspirators not to disseminate the classified documents and information that he had provided to them and to protect his identity as the source of the documents and information.

20. It was further part of the conspiracy that defendant **ARAGONCILLO** asked certain Co-conspirators to obtain employment for his relatives living in the ROP.

21. It was further part of the conspiracy that certain of the Co-conspirators obtained employment for defendant **ARAGONCILLO's** relatives living in the Philippines in positions within the legislative branch of the government of ROP, and in private industry.

Overt Acts

22. In furtherance of the conspiracy, and to effect its objects, defendant **ARAGONCILLO**, his Co-Conspirators and others, committed, and caused to be committed, the following overt acts in the District of New Jersey and elsewhere:

a. On or about January 12, 2001, defendant **ARAGONCILLO** traveled to the ROP to meet Executive Branch Official #1 at the Malacanang Palace (the official residence of the president of the ROP) using an official U.S. passport.

b. On or after April 17, 2001, defendant **ARAGONCILLO** gathered and removed a document from the OVP containing information relating to the national defense classified "Top Secret" and containing the "SCI" designation.

c. On or about June 1, 2001, defendant **ARAGONCILLO** gathered and removed documents and information from the OVP that had been classified for reasons of national security.

d. On or about June 1, 2001, defendant

ARAGONCILLO transmitted the documents and information referenced in paragraph 22(c) to Representative #1.

e. On or about June 1, 2001, defendant **ARAGONCILLO** requested that Representative #1 obtain a position for one of defendant's relatives within the government of the ROP.

f. On or about January 29, 2002, defendant **ARAGONCILLO** gathered and removed a document from the OVP containing information relating to the national defense classified "Secret" and containing the "SCI" designation.

g. On or about February 6, 2002, defendant **ARAGONCILLO** gathered and removed a document from the OVP containing information relating to the national defense classified "Secret" and containing the "SCI" designation.

h. Sometime in or after February 2002, defendant **ARAGONCILLO** transported the documents referenced in paragraphs 22(b), 22(f), and 22(g) to his home in Woodbury, New Jersey, and retained the documents therein until his arrest on or about September 10, 2005.

i. On or about November 14, 2003, defendant **ARAGONCILLO** submitted an application for employment with the NSA.

j. On or about July 11, 2004, defendant **ARAGONCILLO** began working as an FBI Intelligence Analyst at the FMITC.

k. On or about September 14, 2004, defendant **ARAGONCILLO** accessed, viewed, downloaded and printed documents and information classified for reasons of national security, exceeding his authorization, from the FBI's internal computer system.

l. On about January 2, 2005, Aquino sent an e-mail to Senator #1 reporting that defendant **ARAGONCILLO** worked in an FBI intelligence unit and was willing to provide information to Senator #1.

m. On or about January 17, 2005, defendant **ARAGONCILLO** transmitted by e-mail documents and information classified for reasons of national security to Senator #1.

n. On or about February 22, 2005, defendant **ARAGONCILLO** transmitted from his home in Woodbury, New Jersey, a document to Aquino containing information relating to the national defense classified "Secret" and containing the further "NOFORN" caveat.

o. On or about February 28, 2005, defendant **ARAGONCILLO** transmitted a document to Aquino containing information relating to the national defense classified "Secret" and containing the "NOFORN" caveat.

p. On or about March 10, 2005, defendant **ARAGONCILLO** submitted an application for employment with the CIA.

q. On or about May 25, 2005, Representative #2

traveled to Washington, D.C.

r. On or about May 27, 2005, defendant **ARAGONCILLO** transmitted to Representative #2 by e-mail documents and information classified for reasons of national security.

s. On or about May 27, 2005, Representative #2 sent defendant **ARAGONCILLO** an e-mail acknowledging receipt of the documents and information referenced in paragraph 22(r).

t. On or about July 5, 2005, defendant **ARAGONCILLO** transmitted, directly or indirectly, an e-mail to Executive Branch Official #1 attaching documents and information classified for reasons of national security.

u. On or about August 4, 2005, defendant **ARAGONCILLO** transmitted by e-mail, directly or indirectly, a document to Executive Branch Official #1 and Mayor #1 containing information relating to the national defense classified "Secret" and containing the "NOFORN" caveat.

v. On or about August 7, 2005, defendant **ARAGONCILLO** transmitted by e-mail documents and information classified for reasons of national security to Senator #1.

w. On or about August 25, 2005, defendant **ARAGONCILLO** transmitted by e-mail, directly or indirectly, documents and information classified for reasons of national security to Executive Branch Official #1.

x. On or about August 25, 2005, defendant

ARAGONCILLO spoke with Executive Branch Official #1 on the telephone about the classified documents and information referenced in paragraph 22(w).

y. On or about August 25, 2005, defendant **ARAGONCILLO** submitted a resume for a staff position in the OVP.

z. On or about September 6, 2005, defendant **ARAGONCILLO** accessed a government computer exceeding his authorization, and downloaded a document relating to the national defense and foreign relations that had been classified "Secret" and contained the "NOFORN" caveat.

aa. On or about September 6, 2005, defendant **ARAGONCILLO** transmitted by e-mail to Senator #1 the document referenced in paragraph 22(z) from his home in Woodbury, New Jersey.

bb. On or about September 6, 2005, defendant **ARAGONCILLO** received a telephone call from Senator #1 during which they discussed the classified document referenced in paragraphs 22(z) and 22(aa).

cc. On or about September 8, 2005, defendant **ARAGONCILLO** received a telephone call from Representative #1 during which they arranged to meet in New York City on or about

September 12, 2005.

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

COUNT 2

(Transmission of National Defense Information)

1. The allegations set forth in paragraphs 1 through 5 and 7 through 22 of Count 1 are realleged as if set forth in full herein.

2. On or about February 22, 2005, at Gloucester County, in the District of New Jersey, and elsewhere, defendant

**LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel"**

did knowingly and willfully communicate, deliver and transmit, directly and indirectly, to a representative, officer, agent, employee, subject and citizen of a foreign government, faction and party thereof, documents, writings and information classified "Secret" relating to the national defense, with the intent and reason to believe that they would 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, Sections 794(a) and 2.

COUNT 3

(Unlawful Retention of National Defense Information)

1. The allegations set forth in paragraphs 1 through 5 and 7 through 22 of Count 1 are realleged as if set forth in full herein.

2. On or about September 10, 2005 and before, at Gloucester County, in the District of New Jersey, and elsewhere, defendant

**LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel"**

did possess, have access to, and control a document and writing classified "Top Secret," without authorization, relating to the national defense, which information he had reason to believe could be used to the injury of the United States and to the advantage of any foreign nation, and knowingly and willfully retained the same and failed to deliver it to the officer or employee of the United States entitled to receive it.

In violation of Title 18, United States Code, Sections 793(e) and 2.

COUNT 4

(Unlawful Use of a Government Computer)

1. The allegations set forth in paragraphs 1 through 5 and 7 through 22 of Count 1 are realleged as if set forth in full herein.

2. On or about September 6, 2005, at Monmouth County, in the District of New Jersey, and elsewhere, defendant

**LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel"**

having knowingly accessed a computer without authorization and exceeding authorized access, and by means of such conduct having obtained a document and information classified "Secret" and determined by the United States Government pursuant to an Executive order and statute to require protection against unauthorized disclosure for reasons of national defense and foreign relations, and having reason to believe that such information so obtained could be used to the injury of the United States and to the advantage of any foreign nation, did knowingly and willfully communicate, deliver, transmit, and cause to be communicated, delivered and transmitted the same to Senator #1, a person not entitled to receive it.

In violation of Title 18, United States Code, Sections 1030(a)(1) and 2.

A TRUE BILL

FOREPERSON

CHRISTOPHER J. CHRISTIE
United States Attorney

CASE NUMBER: 06-

**United States District Court
District of New Jersey**

UNITED STATES OF AMERICA

v.

LEANDRO ARAGONCILLO,
a/k/a "Juan Miguel"

INDICTMENT FOR

18 U.S.C. §§ 794, 793, 1030 & 2

CHRISTOPHER J. CHRISTIE

*U.S. ATTORNEY
NEWARK, NEW JERSEY*

KARL H. BUCH
MICHAEL BUCHANAN
ASSISTANT U.S. ATTORNEYS
