

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

<b>UNITED STATES OF AMERICA</b>	)	
	)	
<b>v.</b>	)	<b>Cr. No.: 10-225 (CKK)</b>
	)	
<b>STEPHEN JIN-WOO KIM,</b>	)	
<b>also known as Stephen Jin Kim,</b>	)	
<b>also known as Stephen Kim,</b>	)	
<b>also known as Leo Grace,</b>	)	
	)	
<b>Defendant.</b>	)	

**GOVERNMENT’S UNOPPOSED MOTION FOR  
FIRST SUPPLEMENT CIPA PROTECTIVE ORDER**

The United States of America by and through its attorney, the United States Attorney for the District of Columbia, hereby respectfully moves this Court, pursuant to Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 (2006) (“CIPA”); the Security Procedures established pursuant to Pub. L. 96-456, 94 Stat. 2052, by the Chief Justice of the United States for the Protection of Classified Information (reprinted following CIPA Section 9); Rules 16 and 57 of the Federal Rules of Criminal Procedure; the general supervisory authority of the court; and to protect the national security, to enter the attached First Supplemental CIPA Protective Order regarding the disclosure and dissemination of classified national security information and documents to the defendant. In support thereof, the government states as follows:

Defendant Stephen Jin-Woo Kim has been indicted for Unauthorized Disclosure of National Defense Information in violation of 18 U.S.C. § 793(d) and False Statements in violation of 18 U.S.C. § 1001. During this case, at the Government’s election or by order of this Court under paragraph 20(f) of the CIPA Protective Order issued by this Court on October 13,

2010 (ECF Docket No. 10), the defendant will be provided access to certain United States government documents and information that have been classified for reasons of national security. Such documents and information will be classified at the “Top Secret,” “Secret,” or “Confidential.” “Top Secret” information is information the unauthorized disclosure of which reasonably could be expected to cause exceptionally grave damage to the national security. Exec. Order 13526, § 1.2(a)(1). “Secret” information is information the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security. *Id.* at § 1.2(a)(2). “Confidential” information is information the disclosure of which reasonably could be expected to cause damage to the national security. *Id.* at § 1.2(a)(3). Accordingly, it is necessary that there be no disclosure or dissemination of classified documents or information except as provided by order of this Court.

The Court is advised that, in connection with his prior work for the United States government, the defendant held “Secret” and “Top Secret” security clearances. The defendant’s security clearances are presently suspended. As a condition precedent for the defendant to have had authorized access to classified information, however, he signed multiple Classified Information Nondisclosure Agreements. These Agreements are referenced in Paragraph 4 of the attached First Supplemental CIPA Protective Order. As a consequence of these Agreements, the defendant has a continuing obligation to the United States government not to disclose to any unauthorized persons any classified documents or information that he possesses.

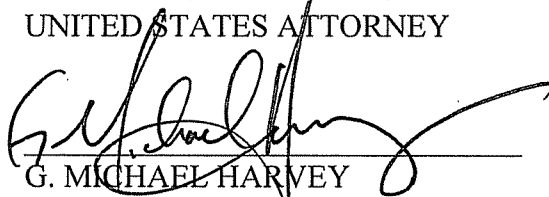
The defense has no objection to this Motion.

WHEREFORE, the government respectfully moves that the Court issue the attached First Supplemental CIPA Protective Order.

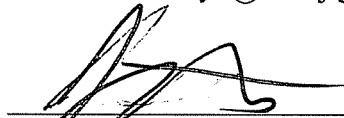
Respectfully submitted,

RONALD C. MACHEN JR.  
UNITED STATES ATTORNEY

By:



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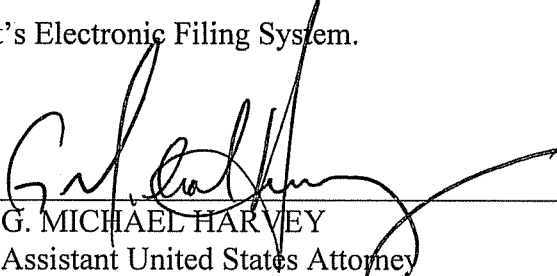
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CERTIFICATE OF SERVICE

On this 18<sup>th</sup> day of November, 2010, a copy of the foregoing was served on counsel of record for the defendant via the Court's Electronic Filing System.



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G. MICHAEL HARVEY  
Assistant United States Attorney

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA )

v. )

Cr. No.: 10-225 (CKK)

STEPHEN JIN-WOO KIM, )

also known as Stephen Jin Kim, )

also known as Stephen Kim, )

also known as Leo Grace, )

Defendant. )

**FIRST SUPPLEMENTAL CIPA PROTECTIVE ORDER**

This matter comes before the Court upon the Government’s Unopposed Motion for First Supplemental CIPA Protective Order to prevent the unauthorized disclosure or dissemination of classified national security documents and information which will be reviewed by, or made available to, or are otherwise in the possession of, defendant Stephen Jin-Woo Kim.

Pursuant to the authority granted under Section 3 of the Classified Information Procedures Act, 18 U.S.C. App. 3 (“CIPA”); the Security Procedures Established Pursuant to Pub. L. 96-456, 94 Stat. 2025, by the Chief Justice of the United States for the Protection of Classified Information (reprinted following CIPA Section 9; hereinafter referred to as the “Security Procedures”); Rules 16(d) and 57 of the Federal Rules of Criminal Procedure; the general supervisory authority of the Court; and in order to protect the national security, it is this \_\_\_\_\_ day of November, 2010, hereby

**ORDERED** that the Government’s Unopposed Motion for First Supplemental CIPA Protective Order is **GRANTED**; and it is

**FURTHER ORDERED** that:

1. The purpose of this First Supplemental CIPA Protective Order is to establish the procedures that must be followed by the defendant, who does not presently possess an active security clearance, prior to his being granted authorized access to any classified documents and information in connection with this case.

2. This Order incorporates by reference the terms of the CIPA Protective Order issued on October 13, 2010 (hereinafter, "CIPA Protective Order").

3. The procedures set forth in this First Supplemental Protective Order shall apply to all pre-trial, trial, post-trial, and appellate aspects of this case, and may be modified from time to time by further order of the Court acting under Fed. R. Crim. P. 16(d); Sections 3 and 9 of CIPA; and the Court's inherent supervisory authority to ensure a fair and expeditious trial.

4. At the Government's election or by order of this Court under paragraph 20(f) of the CIPA Protective Order, the defendant may be given access in discovery to certain classified national security documents and information. As set forth in the Government's Motion, pursuant to the Nondisclosure Agreements that the defendant signed when he was granted authorized access to classified documents and information as part of his work for the United States government, the defendant has a continuing contractual obligation to the government not to disclose to any unauthorized person any classified documents or information known to him or that he possesses. The government is entitled to enforce its Nondisclosure Agreements with the defendant to maintain the secrecy of the classified documents and information that the defendant may obtain as a result of this case. Consequently, pursuant to federal common law and the ordinary principles of contract law, the defendant shall fully comply with his Nondisclosure

Agreements and shall not disclose any classified documents or information to any unauthorized person unless authorized to do so by order of this Court.

5. Further, the defendant shall comply with all terms of the CIPA Protective Order not inconsistent with the terms set forth herein, as well as the requirements of CIPA and any other orders issued by this Court pursuant to CIPA.

6. A copy of this First Supplemental CIPA Protective Order shall be issued forthwith to counsel for the defendant, who shall be responsible for advising the defendant of its contents. Prior to his being given access to any classified documents or information in this matter, the defendant shall execute the Memorandum of Understanding appended to this Order, and defense counsel shall file executed originals with the Court and the Court Security Officer and serve an executed original of such document upon the United States. The execution and filing of the Memorandum of Understanding is a condition precedent for the defendant to have access to classified documents and information in this matter.

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Colleen Kollar-Kotelly  
Judge  
United States District Court  
for the District of Columbia

copied to:

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*Counsel for Defendant Stephen Kim*



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	)	
<b>Defendant.</b>	)	

**MEMORANDUM OF UNDERSTANDING**

1. Having familiarized myself with the applicable laws, I understand that I may have already received, and may be the future recipient of information and documents, that pertain to the national security of the United States and which are the property of the United States, and that such information and documents, together with the methods of collecting such information and documents, are classified according to security standards set by the United States government.

2. I agree that I shall never divulge, publish, or reveal, either by word, conduct, or any other means, such classified information or documents unless specifically authorized in writing to do so by an authorized representative of the United States government, or as authorized by the Court pursuant to the Classified Information Procedures Act ("CIPA"), the CIPA Protective Order issued on October 13, 2010 ("CIPA Protective Order"), or as otherwise ordered by the Court.

3. I understand that this Memorandum of Understanding and any other Nondisclosure Agreements previously signed by me as a condition of my access to classified

documents and information as part of my work for the United States government, will remain forever binding upon me.

4. I received, read and understand the CIPA Protective Order and the First Supplemental CIPA Protective Order entered by the United States District Court for the District of Columbia in the above-captioned case, and I agree to comply with the provisions contained therein.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge, information, and belief.

Name \_\_\_\_\_  
Stephen Jin-Woo Kim

Date and Place of Birth: \_\_\_\_\_

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness Name

\_\_\_\_\_  
Witness Signature