

Navy says sailor in brig stole laptop, gave out classified info

By KATE WILTROUT, The Virginian-Pilot
© August 9, 2006
Last updated: 11:51 PM

Background Coverage:
[Petty officer held in secret for 4 months](#)

NORFOLK - After refusing to release full details on a pending espionage case involving a petty officer held in the Norfolk brig, the Navy on Tuesday provided some specifics about the charges.

THE CHARGES

Petty Officer 3rd Class Ariel J. Weinmann, a fire control technician, had an Article 32 hearing July 26 in Norfolk:

The Navy's charges depict Petty Officer 3rd Class Ariel J. Weinmann as a sailor who stole a Navy laptop computer, deserted his ship for more than eight months and traveled the globe, both attempting to give and actually delivering classified defense information to an undisclosed foreign government.

The first count alleges that in March 2005, Weinmann attempted to communicate classified information relating to national defense to a representative of a foreign government.

Weinmann, a fire control technician previously assigned to the submarine Albuquerque, had an Article 32 hearing July 26 in Norfolk, said Ted Brown, a spokesman for the Navy's Fleet Forces Command in Norfolk.

Brown said Weinmann is represented by two Navy attorneys, Lt. Cmdr. Karen Somers and Lt. William Tansey.

Two subsequent charges allege that months later Weinmann communicated information classified as confidential and secret to a representative of a foreign government.

"At this point in the proceedings, it is not in my client's best interest to comment on the case," Somers said Tuesday through a spokeswoman.

Brown's supervisor, Capt. James Taylor, the command's public affairs officer, on Tuesday provided a copy of the six charges Weinmann faced at his Article 32 hearing, the military equivalent of a preliminary hearing.

The Navy has also charged him with failing to properly safeguard and store classified information, making an electronic copy of classified information related to national defense, communicating classified information to a person not entitled to receive it, and stealing and destroying a government computer.

Arguably the most serious charges are three counts of espionage in violation of the Uniform Code of Military Justice. The first count alleges that in March 2005, in or near Manama, Bahrain, Weinmann did "attempt to communicate, deliver or transmit" classified information relating to national defense to "a representative, officer, agent or employee of a foreign government."

The two subsequent charges allege that months later - after purportedly deserting his Connecticut-based submarine - Weinmann did "communicate, deliver or transmit" information classified as confidential and secret to a representative of a foreign government.

THE PENALTY

While espionage carries a maximum punishment of death, it's too soon to know whether Weinmann will be court-martialed on the charges.

According to the charges, those events occurred in Vienna, Austria, around Oct. 19, 2005, and around March 19, near Mexico City, Mexico.

Weinmann was picked up at the Dallas/Fort Worth International Airport days after the incident in Mexico, according to the charges. Brown said the Naval Criminal

Investigative Service was involved in the case.

It is not known to whom Weinmann is believed to have given classified information; Brown said he could not comment on further specifics.

Brown said Weinmann is a native of Oregon who enlisted in July 2003.

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As is standard in the Navy court system, an investigating officer who attended the Article 32 hearing must first issue a recommendation on whether there is enough evidence to refer the charges to court-martial.

That report is then sent to the convening authority - in this case, Adm. John B. Nathman, Fleet Forces commander -

who ultimately decides how to proceed.

The Navy had refused to release specifics of the charges against Weinmann or even the date of his hearing.

[An article published in The Virginian-Pilot on Friday](#) highlighted the lack of public information about Weinmann's case.

In that article, Brown was quoted as saying that the command "is attempting to provide as much unclassified information as is reasonable, while maintaining an appropriate concern for the privacy of the individual involved."

Tuesday, Brown said that "in view of the public interest generated by Friday's story, the decision to release the document was made."

Eugene R. Fidell, a Washington-based lawyer and president of the National Institute of Military Justice, said he wasn't satisfied with that explanation.

Although it may be necessary to close part of a hearing for testimony about classified information, Fidell said the military can't arbitrarily waive public access.

"I thought the right to a public trial and open legal proceedings in general was something that federal agencies had an obligation to do whether people hammered on their door about it or not," Fidell said. "The notion that fundamental legal documents would only be made available as a matter of grace, after a significantly loud howl, is deeply disturbing."

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