

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENDRA KINGSBURY,
[DOB: 10/4/1972]

Defendant.

Case No. _____

COUNTS ONE AND TWO:

***Willful Retention of National Defense
Information***

18 U.S.C. § 793(e)

NMT: 10 years' imprisonment

NMT: \$250,000 fine

NMT: 3 years' supervised release

Class C felony

\$100 mandatory special assessment per count

INDICTMENT

THE GRAND JURY CHARGES THAT:

At all times relevant to this Indictment:

General Allegations

1. From in or about June 2004, up to and including on or about December 15, 2017, KENDRA KINGSBURY, the defendant, was employed by the Federal Bureau of Investigation ("FBI"), Kansas City Division, in the position of Intelligence Analyst. In her position as Intelligence Analyst, the defendant was assigned to a sequence of different FBI "squads," each of which had a particular focus, such as, illegal drug trafficking, violent crime, violent gangs, and counterintelligence. In connection with her FBI employment, and in furtherance of her duties as an Intelligence Analyst, the defendant held a TOP SECRET//SCI security clearance and had access to national defense and classified information.

Classified Information

2. Pursuant to Executive Order 12958 signed on April 17, 1995, as amended by Executive Order 13292 on March 25, 2003, and Executive Order 13526 on December 29, 2009,

national security information was classified as “TOP SECRET,” “SECRET,” or “CONFIDENTIAL.” National security information was information owned by, produced by, produced for, and under the control of the United States government that was classified as follows:

A. Information was classified as TOP SECRET if the unauthorized disclosure of that information reasonably could be expected to cause exceptionally grave damage to the national security that the original classification authority was able to identify and describe.

B. Information was classified as SECRET if the unauthorized disclosure of that information reasonably could be expected to cause serious damage to the national security that the original classification authority was able to identify and describe.

C. Information was classified as CONFIDENTIAL if the unauthorized disclosure of that information reasonably could be expected to cause damage to the national security that the original classification authority was able to identify and describe.

2. Access to national security information classified at any level could be further restricted through compartmentation in Sensitive Compartmented Information (“SCI”) categories. Only individuals with the appropriate security clearance and additional SCI permissions could have authorized access to such classified national security information.

3. Classified information, including SCI, was marked according to its classification and applicable SCI compartments, following standard formats for different types of media, including headers and footers stating the highest classification level and SCI compartments of information a document contained and individual classifications markings for each paragraph.

4. Information classified at any level could only be lawfully accessed by persons determined by an appropriate United States government official to be eligible for access to classified information, who had signed an approved non-disclosure agreement, who received a security clearance, and who had a “need to know” the classified information. Classified information could only be stored in an approved facility and container.

Relevant Government Agencies

5. The U.S. Intelligence Community (“USIC”) consisted of U.S. executive branch agencies and organizations that worked separately and together to conduct intelligence activities necessary for the conduct of foreign relations and the protection of the national security of the United States.

6. The FBI was a U.S. government law enforcement and intelligence agency with various offices and facilities, and was a component of the USIC. The FBI’s headquarters was located in Washington, D.C. The FBI’s mission was to protect the American people and uphold the Constitution of the United States. Priorities of the FBI, among other things, included: protecting the United States from terrorist attacks; protecting the United States against foreign intelligence operations and espionage; and protecting the United States against cyber-based attacks and high-technology crimes.

7. Another government agency (“OGA”) was a U.S. government intelligence agency with various offices and facilities in the Washington, D.C. metropolitan area, and was a component of the USIC. The OGA was responsible for, among other things, analysis, collection, foreign intelligence, and counterterrorism capabilities against urgent and important mission needs and threats that were aligned with national intelligence priorities used to inform U.S. policy-makers; and building a legacy of professional rapport of intelligence sharing with foreign partners worldwide.

The Defendant’s Access to National Defense and Classified Information

8. Over her many years of FBI employment holding a TOP SECRET//SCI security clearance, the defendant received training regarding classified information, including the definitions of classified information, the levels of classification, and SCI, as well as the proper

handling, marking, transportation, and storage of classified materials. The defendant received training on her duty to protect classified materials from unauthorized disclosure, which included complying with handling, transportation, and storage requirements. The defendant knew that unauthorized removal of classified materials and transportation and storage of those materials in unauthorized locations risked disclosure and transmission of those materials, and therefore could endanger the national security of the United States and the safety of its citizens. In particular, the defendant was advised that unauthorized disclosure of SECRET information reasonably could be expected to cause serious damage to the national security of the United States, and that violation of rules governing the handling of classified information could result in criminal prosecution.

The Defendant's Removal and Retention of National Defense Information

9. Because the defendant held a security clearance, had received training regarding the protection of classified information, and was employed by the FBI as an Intelligence Analyst, the U.S. government entrusted the defendant with access to sensitive government materials, including information relating to the national defense that was closely held by the U.S. government ("National Defense Information") and other classified documents and materials. The defendant had access to these sensitive government materials at a secure area of the FBI's Kansas City Division and otherwise through secure government computer systems and programs.

10. Beginning at a time unknown, but no earlier than in or about June 2004, and continuing through on or about December 15, 2017, the defendant improperly removed and unlawfully and willfully retained, in her personal residence, sensitive government materials, including National Defense Information and classified documents. The defendant was not authorized to remove and retain these sensitive government materials, including the National Defense Information and classified documents. Nor did the defendant have a "need to know"

most, if not all, of the information contained in those materials, including the National Defense Information and classified documents. The defendant knew that she was not authorized to remove and retain the materials, including the National Defense Information and classified documents.

The Charges

11. Paragraphs 1 through 10 of this Indictment are incorporated by reference and realleged as if set forth fully herein.

COUNT ONE

12. From in or about June 2004, up to and including on or about December 15, 2017, in the Western District of Missouri, and elsewhere, KENDRA KINGSBURY, the defendant, having unauthorized possession of, access to, and control over documents relating to the national defense, did willfully retain the documents and failed to deliver them to the officer or employee of the United States entitled to receive them, to wit, the defendant without authorization retained documents relating to the national defense at her personal residence, including the following:

Numerous documents classified at the SECRET level from the FBI that describe intelligence sources and methods related to U.S. government efforts to defend against counterterrorism, counterintelligence, and cyber threats. The documents include details on the FBI's nationwide objectives and priorities, including specific open investigations across multiple field offices. In addition, there are documents relating to sensitive human source operations in national security investigations, intelligence gaps regarding hostile foreign intelligence services and terrorist organizations, and the technical capabilities of the FBI against counterintelligence and counterterrorism targets. These documents include:

| Doc. No. | Description | Classification Level |
|----------|----------------------------------|----------------------|
| 1 | Feb. 2013 (approx.) presentation | S//NF |

| | | |
|----|---|---------------|
| 2 | Jan. 15, 2014 e-mail | S//NF/FISA |
| 3 | Sep. 2014 (approx.) evaluation document | S//NF |
| 4 | Jan. 22, 2014 intelligence note | S//OC/NF/FISA |
| 5 | Mar. 2, 2009 intelligence bulletin | S//OC/NF/FISA |
| 6 | Mar. 2010 (approx.) document | S//OC/NF/FISA |
| 7 | Apr. 3, 2009 intelligence note | S//OC/NF/FISA |
| 8 | Jul. 31, 2008 assessment | S//NF |
| 9 | Dec. 29, 2014 intelligence note | S//NF/FISA |
| 10 | Dec. 4, 2014 intelligence note | S//NF |

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

COUNT TWO

13. From in or about June 2004, up to and including on or about December 15, 2017, in the Western District of Missouri, and elsewhere, KENDRA KINGSBURY, the defendant, having unauthorized possession of, access to, and control over documents relating to the national defense, did willfully retain the documents and failed to deliver them to the officer or employee of the United States entitled to receive them, to wit, the defendant without authorization retained documents relating to the national defense at her personal residence, including the following:

Numerous documents classified at the SECRET level from the OGA that describe intelligence sources and methods related to U.S. government efforts to collect intelligence on terrorist groups. The documents include information about al Qaeda members on the African continent, including a suspected associate of Usama bin Laden. In addition, there are documents regarding the activities of emerging terrorists and their efforts to establish themselves in support of al Qaeda in Africa. These documents include:

| Doc. No. | Description | Classification Level |
|----------|--|----------------------|
| 11 | Mar. 8, 2006 internal correspondence containing SCI | S//NF |
| 12 | Feb. 3, 2006 internal correspondence | S//NF |
| 13 | Nov. 29, 2006 internal correspondence | S//NF |
| 14 | Nov. 24, 2006 internal correspondence | S//NF |
| 15 | Nov. 29, 2006 internal correspondence | S//NF |
| 16 | Nov. 24, 2006 internal correspondence | S//NF |
| 17 | Jul. 7, 2005 internal correspondence | S//NF |
| 18 | Mar. 24, 2006 internal correspondence | S//NF |
| 19 | Dec. 21, 2006 memo to FBI | S//NF |
| 20 | Nov. 22, 2006 internal correspondence containing SCI | S//NF |

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

A TRUE BILL.

5/18/2021
DATE

/s/ Pamela Carter-Smith
FOREPERSON OF THE GRAND JURY

/s/ Patrick C. Edwards
Patrick C. Edwards
David Raskin
Assistant United States Attorneys