

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA	:	
	:	Criminal No. 09-150
v.	:	
	:	
GWENDOLYN STEINGRABER MYERS,	:	VIOLATIONS:
a/k/a Agent 123 and Agent E-634	:	
	:	18 U.S.C. § 793(g)
Defendant	:	(Conspiracy to Gather and Transmit
	:	National Defense Information)
	:	
	:	

INFORMATION

The United States Attorney charges that:

COUNT ONE

A. INTRODUCTORY ALLEGATIONS

At all times material to this Information:

1. GWENDOLYN STEINGRABER MYERS (GWENDOLYN MYERS), also known as Agent 123 and E-634, is a United States citizen born in 1938. She has been married to WALTER KENDALL MYERS (KENDALL MYERS), also known as Agent 202, since May 8, 1982.

2. In or around 1980, GWENDOLYN MYERS moved from South Dakota to Washington, D.C., with KENDALL MYERS. Sometime thereafter, GWENDOLYN MYERS was hired by Riggs National Bank as an Administrative Analyst in the Management Information Systems (MIS). In or around 1986, she was promoted to Special Assistant to the MIS Division Director.

3. KENDALL MYERS was an employee of the United States Department of State

from in or about 1977, with one break in service, until his retirement on October 31, 2007.

4. In December 1978, KENDALL MYERS traveled on “unofficial personal travel for academic purposes” to Cuba for approximately two weeks. KENDALL MYERS indicated in Department of State documents that his travel was predicated on an invitation from a Cuban government official (hereinafter conspirator “A”) after conspirator “A” had given a presentation at FSI. Conspirator “A,” a representative of the Cuban Intelligence Service (CuIS), served at Cuban Mission to the United Nations in New York City in the late 1970s and early 1980s. KENDALL MYERS’ trip to Cuba in 1978 provided the CuIS with the opportunity to assess and develop KENDALL MYERS as a Cuban agent.

5. Approximately six months after returning from Cuba, KENDALL MYERS and GWENDOLYN MYERS were visited by conspirator “A,” in South Dakota, where they were living at the time. During that trip, KENDALL MYERS and GWENDOLYN MYERS were recruited by conspirator “A” and agreed to serve as clandestine agents for the Republic of Cuba.

6. “Classified” information is defined by Executive Order 12958, as amended by Executive Order 13292, and their predecessor orders, Executive Orders 12356 and 12065, as information in any form that: (1) is owned by, produced by or for, or under control of the United States Government; (2) falls within one or more of the categories set forth in the Executive Orders; 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. Where such unauthorized release could reasonably result in “serious” damage to the national security, the information may be classified as “SECRET.” Where such damage could reasonably result in “exceptionally grave” damage to the national security, 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.

7. Classified information, of any designation, may be shared only with persons determined by an appropriate United States 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.

8. On or about October 10, 1978, while working as a contract instructor at the Department of State's Foreign Service Institute (FSI), KENDALL MYERS received a SECRET security clearance from the Department of State's Office of Security.

9. KENDALL MYERS further received a TOP SECRET security clearance on or about March 27, 1985, which was increased to TOP SECRET/SCI in or about September 1999, just prior to KENDALL MYERS beginning to work full time at the Department of State's Bureau of Intelligence and Research (INR). During his employment at INR, KENDALL MYERS had daily access to classified information through computer databases and otherwise. KENDALL MYERS maintained his TOP SECRET/SCI clearance until his retirement on October 31, 2007.

10. At no time during his employment with the Department of State, was KENDALL MYERS ever authorized, directly or indirectly, to deliver, communicate, or transmit sensitive or classified information to agents, officers, or employees of CuIS or any other hostile foreign intelligence service, nor were any of the agents, officers, or employees of CuIS entitled to receive

any of the sensitive or classified information provided by KENDALL MYERS and GWENDOLYN MYERS.

11. At no time was GWENDOLYN MYERS ever granted a security clearance by the United States government, or otherwise authorized to receive classified information.

B. THE CONSPIRACY

12. From in or about 1979 and continuing to on or about June 4, 2009, within the District of Columbia and elsewhere, the defendant,

**GWENDOLYN STEINGRABER MYERS
also known as Agent 123 and Agent E-634,**

unlawfully combined, conspired, confederated, and agreed with other persons, both known and unknown, including her husband, WALTER KENDALL MYERS, and agents, officers, and representatives of the Republic of Cuba, to commit the following offenses against the United States:

a. for the purpose of obtaining information respecting the national defense with intent and reason to believe that the information is to be used to the injury of the United States and to the advantage of the Republic of Cuba, copies, takes, makes, and obtains and attempts to copy, take, make, and obtain, any document, writing, and note of anything connected with the national defense, a violation of Title 18, United States Code, Section 793(b);

b. lawfully having possession of, access to, control over, and being entrusted with any document, writing, and note relating to the national defense, and information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States and to the advantage of the Republic of Cuba, willfully

communicates, delivers, transmits and causes to be communicated, delivered, and transmitted and attempts to communicate, deliver, transmit and cause to be communicated, delivered and transmitted the same to any person not entitled to receive it, a violation of Title 18, United States Code, Section 793(d); and

c. having unauthorized possession of, access to, and control over any document, writing, and note relating to the national defense, and information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States and to the advantage of the Republic of Cuba, willfully communicates, delivers, transmits and causes to be communicated, delivered, and transmitted, and attempts to communicate, deliver, transmit and cause to be communicated, delivered, and transmitted the same to any person not entitled to receive it, a violation of Title 18, United States Code, Section 793(e).

Manner and Means of the Conspiracy

13. It was a part of the conspiracy that, at the direction of CuIS, KENDALL MYERS would and did attempt to obtain employment in the United States government, seeking positions that would give him access to classified national defense information.

14. It was a further part of the conspiracy that KENDALL MYERS would and did utilize his position at the Department of State to gather, obtain, and retain classified national defense information of intelligence interest to the Republic of Cuba.

15. It was further part of the conspiracy that KENDALL MYERS would and did provide false and misleading information to the Department of State and the United States in order to obtain and maintain access to classified national defense information.

16. It was a further part of the conspiracy that KENDALL MYERS would and did

remove classified national defense information from the Department of State for the purpose of providing it to agents, officers, and representatives of the Republic of Cuba.

17. It was a further part of the conspiracy that GWENDOLYN MYERS would and did process classified national defense information obtained by KENDALL MYERS so that it could be passed to agents, officers, and representatives of the Republic of Cuba.

18. It was a further part of the conspiracy that GWENDOLYN MYERS and KENDALL MYERS would and did travel within the United States and elsewhere for the purpose of passing classified national defense information to agents, officers, and representatives of the Republic of Cuba.

19. It was a further part of the conspiracy that GWENDOLYN MYERS and KENDALL MYERS would and did utilize various methods of tradecraft, such as "dead drops," "brush passes," and switching carts in supermarkets, to clandestinely pass classified national defense information to agents, officers, and representatives of the Republic of Cuba.

20. It was further part of the conspiracy that GWENDOLYN MYERS and KENDALL MYERS would and did travel outside the United States, including traveling to Cuba, to meet with their CuIS handlers.

21. It was further part of the conspiracy that GWENDOLYN MYERS and KENDALL MYERS would and did continue to maintain communications with CuIS representatives through e-mail messages employing code words and phrases sent to an e-mail account employing a false name.

22. It was further part of the conspiracy that beginning in April 2009, and continuing to on or about June 4, 2009, GWENDOLYN MYERS and KENDALL MYERS would and did

meet with, and respond to tasking from, an individual purporting to be a Cuban intelligence officer but who was, in fact, an FBI undercover source.

Overt Acts

23. In furtherance of the conspiracy, and to effect the objects thereof, GWENDOLYN MYERS and other co-conspirators, including her husband, WALTER KENDALL MYERS, and agents, officers, and representatives of the Republic of Cuba, did commit overt acts in the District of Columbia and elsewhere, including but not limited to, the following:

a. In or about 1979, GWENDOLYN MYERS and KENDALL MYERS agreed to serve as clandestine agents of CuIS after being recruited by conspirator "A.."

b. On or about September 1, 1981, at the direction of CuIS, KENDALL MYERS applied for an analyst position with the Central Intelligence Agency. Such a position would have provided KENDALL MYERS with access to a broad range of classified national security information.

c. On or about May 9, 1983, at the direction of CuIS, KENDALL MYERS applied for a two-year appointment as a Training Instructor and Chairperson for West European Studies at the Department of State's FSI.

d. On or about May 9, 1983, KENDALL MYERS filled out a Form SF-86, "Security Investigation Data for Sensitive Position" and submitted the same to the Department of State. Completing this form was a necessary initial step towards KENDALL MYERS obtaining a TOP SECRET security clearance.

e. From a date after 1983 to at least on or about June 4, 2009, GWENDOLYN MYERS and KENDALL MYERS maintained possession in their home of a shortwave radio

which could be used to receive clandestine shortwave broadcasts from CuIS.

f. In or about January 1995, GWENDOLYN MYERS and KENDALL MYERS traveled to Cuba via Mexico under false names for the purpose of meeting with their CuIS handlers and representatives.

g. In or about January 1995, while staying in a small house in Cuba, GWENDOLYN MYERS and KENDALL MYERS were visited by Fidel Castro. Fidel Castro spent the evening with them and spoke through an interpreter.

h. From in or about January 2002, until in or about December 2005, GWENDOLYN MYERS and KENDALL MYERS traveled from Washington, D.C. to various locations outside the United States for the purpose of clandestine meetings with CuIS handlers and representatives.

i. From in or about December 2008, until in or about March 2009, GWENDOLYN MYERS and KENDALL MYERS exchanged e-mail messages with a CuIS representative in which they both used coded language to discuss potential operational travel.

j. From in or about May 1983, until in or about January 2007, KENDALL MYERS provided materially false and misleading information on forms submitted to the Department of State and in response to questions asked by United States government investigators for the purpose of obtaining employment and acquiring and maintaining a security clearance so as to have access to classified information.

k. From on or about August 22, 2006, until his retirement on or about October 31, 2007, while employed at INR, KENDALL MYERS viewed in excess of 200 intelligence reports which dealt with the subject of Cuba.

l. From in or about August 2006 until in or about October 2006, KENDALL

MYERS gathered and retained, for the benefit of CuIS, United States government information concerning sources and methods of gathering intelligence, which information related to the national defense and was classified TOP SECRET.

m. On or about April 15, 2009, KENDALL MYERS accepted written tasking from an undercover source of the FBI (UCS) who purported to be a CuIS intelligence officer.

n. On or about April 16, 2009, GWENDOLYN MYERS agreed to use a parole (or pass phrase) for future meetings with the UCS.

o. On or about April 16, 2009, GWENDOLYN MYERS and KENDALL MYERS received from the UCS, and were trained in the use of, an e-mail account for future communication with the UCS.

p. On or about April 30, 2009, GWENDOLYN MYERS and KENDALL MYERS received, and were trained in the use of, an encryption device for purposes of encrypting future email communications with the UCS.

q. On or about June 4, 2009, GWENDOLYN MYERS and KENDALL MYERS met with the UCS in a hotel room. During the meeting, KENDALL MYERS disclosed to the UCS United States government information concerning sources and methods of gathering intelligence, which information related to the national defense, and which was classified TOP SECRET. KENDALL MYERS admitted to the UCS that he knew the information was classified TOP SECRET and that he had previously disclosed it to CuIS.

**(Conspiracy to Gather and Transmit National Defense Information in violation of Title 18,
United States Code, Section 793(g))**

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