

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SEALED

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID FRANKLIN SLATER,

Defendant.

8:24CR 42

INDICTMENT
18 U.S.C. § 793(d)
18 U.S.C. § 793(g)

FILED
US DISTRICT COURT
DISTRICT OF NEBRASKA
FEB 21 2024
OFFICE OF THE CLERK

The Grand Jury charges that

GENERAL ALLEGATIONS

At all times relevant to this Indictment, unless otherwise specified:

The Defendant

1. Defendant DAVID FRANKLIN SLATER resided in the District of Nebraska.
2. DAVID FRANKLIN SLATER was a U.S. Department of the Air Force civilian employee assigned to the United States Strategic Command ("USSTRATCOM") located in the District of Nebraska.

The Co-Conspirator

3. Co-Conspirator 1 claimed to be a female living in Ukraine and used an online dating profile to communicate with DAVID FRANKLIN SLATER, including by asking for, and receiving, classified National Defense Information ("NDI").

Classified Information

3. 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.
4. 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.
5. 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.

6. 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.

The Defendant’s Access to Classified National Defense Information

7. DAVID FRANKLIN SLATER signed a TOP SECRET//SCI (“TS//SCI”) nondisclosure agreement (“NDA”) on or about August 23, 2021. The NDA stated, in part, that DAVID FRANKLIN SLATER had been advised that “the unauthorized disclosure, unauthorized retention, or negligent handling of SCI by me could cause irreparable injury to the United States or to be used to advantage by a foreign nation.”

8. DAVID FRANKLIN SLATER retired as a Lieutenant Colonel from the U.S. Department of the Army on or about December 31, 2020.

9. From in or about August 2021 and continuing until in or about April 2022, DAVID FRANKLIN SLATER worked in a classified space at USSTRATCOM.

10. From in or about February 2022 and continuing until in or about April 2022, DAVID FRANKLIN SLATER attended USSTRATCOM briefings regarding Russia’s war against Ukraine that were classified up to TS//SCI.

11. DAVID FRANKLIN SLATER’s trainings on handling classified information included Unauthorized Disclosure of Classified Information on or about August 26, 2021, Mandatory Controlled Unclassified Information on or about August 26, 2021, Initial Security Marking Training on or about August 27, 2021, Counterintelligence Reporting and Awareness on or about August 26, 2021, Joint Staff Counterintelligence Awareness and Reporting on or

about August 26, 2021, Not Releasable to Foreign Nationals (“NOFORN”) Classification Training on or about August 25, 2021, and Derivative Classification Training on or about August 25, 2021.

**Co-Conspirator 1’s Request for, and the Defendant’s Transmission of,
Classified National Defense Information**

12. From in or about February 2022 and continuing until in or about April 2022, in the District of Nebraska and elsewhere, Co-Conspirator 1 and DAVID FRANKLIN SLATER regularly communicated over email and through an online messaging platform. During this time, Co-Conspirator 1 regularly asked DAVID FRANKLIN SLATER to provide her with sensitive, non-public, closely held, and classified NDI, to which DAVID FRANKLIN SLATER had access as a result of his employment with the United States Air Force. For example, Co-Conspirator 1 stated in 2022:

- i. On or about March 7, “American Intelligence says that already 100% of Russian troops are located on the territory of Ukraine. Do you think this information can be trusted?”
- ii. On or about March 11, “Dear, what is shown on the screens in the special room?? It is very interesting.”
- iii. On or about March 15, “By the way, you were the first to tell me that NATO members are traveling by train and only now (already evening) this was announced on our news. You are my secret informant love! How were your meetings? Successfully?”
- iv. On or about March 18, “Beloved Dave, do NATO and Biden have a secret plan to help us?”

- v. On or about March 23, “Dave, it’s great that you get information about [Specified Country 1] first. I hope you will tell me right away? You are my secret agent. With love.”
- vi. On or about April 12, “Sweet Dave, the supply of weapons is completely classified, which is great!”
- vii. On or about April 14, “My sweet Dave, thanks for the valuable information, it’s great that two officials from the USA are going to Kyiv.”
- viii. On or about April 19, “Dave, I hope tomorrow NATO will prepare a very unpleasant “surprise” for Putin! Will you tell me?”
- ix. On or about April 21, “You have a job in the Operations Center today, I remember, I’m sure there is a lot of interesting news there?”

13. In response to these requests, DAVID FRANKLIN SLATER indeed provided classified NDI to Co-Conspirator 1. For example, on or about March 28, 2022, DAVID FRANKLIN SLATER transmitted classified NDI regarding military targets in Russia’s war against Ukraine, and on or about April 13, 2022, DAVID FRANKLIN SLATER transmitted classified NDI regarding Russian military capabilities relating to Russia’s invasion of Ukraine.

COUNT ONE
Conspiracy to Disclose National Defense Information
18 U.S.C. § 793(g)

14. Paragraphs 1-13 of this information are incorporated by reference and realleged as if set forth fully herein.

15. From in or about February 2022 and continuing until in or about April 2022, in the District of Nebraska and elsewhere, the defendant, DAVID FRANKLIN SLATER, having authorized possession of, access to, and control over information relating to the national defense, knowingly and unlawfully conspired with other co-conspirators, known and unknown, to willfully communicate, deliver, and transmit information relating to the national defense, to wit: information regarding Russia's war against Ukraine, which was classified up to the SECRET level, to persons not entitled to receive it, in violation of Title 18, United States Code, Section 793(d).

16. In furtherance of the conspiracy, and to accomplish its objects, DAVID FRANKLIN SLATER and his co-conspirators committed lawful and unlawful overt acts, including but not limited to: (i) attending U.S. military briefings regarding Russia's war against Ukraine; (ii) accessing a foreign dating website; and (iii) communicating information relating to the national defense obtained from the U.S. military briefings through messages on the foreign dating website.

All in violation of Title 18, United States Code, Section 793(g).

COUNT TWO

Unauthorized Disclosure of National Defense Information
18 U.S.C. § 793(d)

17. Paragraphs 1-13 of this information are incorporated by reference and realleged as if set forth fully herein.

18. On or about March 28, 2022, in the District of Nebraska and elsewhere, the defendant, DAVID FRANKLIN SLATER, having authorized possession of, access to, and control over information relating to the national defense, willfully communicated, delivered, and transmitted that information to a person not entitled to receive it with reason to believe such

information could be used to the injury of the United States or to the advantage of any foreign nation: to wit, DAVID FRANKLIN SLATER transmitted SECRET information regarding Russia's war against Ukraine to Co-Conspirator 1.

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

COUNT THREE
Unauthorized Disclosure of National Defense Information
18 U.S.C. § 793(d)

19. Paragraphs 1-13 of this information are incorporated by reference and realleged as if set forth fully herein.

20. On or about April 13, 2022, in the District of Nebraska and elsewhere, the defendant, DAVID FRANKLIN SLATER, having authorized possession of, access to, and control over information relating to the national defense, willfully communicated, delivered, and transmitted that information to a person not entitled to receive it with reason to believe such information could be used to the injury of the United States or to the advantage of any foreign nation: to wit, DAVID FRANKLIN SLATER transmitted SECRET information regarding Russia's war against Ukraine to Co-Conspirator 1.

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

A TRUE BILL.

FOREPERSON

The United States of America requests that trial of this case be held in Omaha, Nebraska, pursuant to the rules of this Court.



DONALD J. KLEINE, #22669
Assistant United States Attorney



EMMA DINAN ELLENRIEDER
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United States Department of Justice