



JONATHAN and DIANA TOEBBE

- Jonathan Toebe, age 43 at time of sentencing
- Nuclear engineer working for U.S. Navy
- Worked in the Reactor Engineering Division
- Held an active Top Secret Security Clearance
- Held an active Q clearance from the United States Department of Energy
- Diana Toebe, age 46 at time of sentencing



CDSE

Center for Development
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CASE STUDY

Espionage

WHAT HAPPENED

In April 2020, Jonathan Toebe sent a package to a foreign government, listing a return address in Pittsburgh, Pennsylvania, containing a sample of Restricted Data and instructions for establishing a covert relationship to purchase additional Restricted Data. Toebe began corresponding via encrypted email with an individual whom he believed to be a representative of the foreign government. The individual was really an undercover FBI agent. Toebe continued this correspondence for several months, which led to an agreement to sell Restricted Data in exchange for thousands of dollars in cryptocurrency.

On June 8, 2021, the undercover agent sent \$10,000 in cryptocurrency to Toebe as a “good faith” payment. On June 26, Toebe concealed an SD card containing military sensitive design elements relating to submarine nuclear reactors inside one half of a peanut butter sandwich. Toebe placed the “sandwich” at a pre-arranged dead drop location while his wife, Diana, served as a lookout. After retrieving the SD card, the undercover agent sent Toebe a \$20,000 cryptocurrency payment. In return, Toebe emailed the undercover agent a decryption key for the SD Card. A review of the SD card revealed that it contained Restricted Data related to submarine nuclear reactors.

On August 28, Toebe made another “dead drop” of an SD card in eastern Virginia, this time concealing the card in a chewing gum package. After making a payment of \$70,000 in cryptocurrency to Toebe, the FBI received a decryption key for the card. It, too, contained Restricted Data related to submarine nuclear reactors. The FBI arrested Toebe and his wife on October 9 after he placed yet another SD card at a pre-arranged “dead drop” at a location in West Virginia.

INDICATORS

- **Access Attributes** - Toebe held a Top Secret clearance and a Q clearance from the Department of Energy (DOE). He had access to information concerning naval nuclear propulsion, including design elements, operating parameters, and performance characteristics.
- **Security and Compliance Incidents** – Toebe smuggled documents past security checkpoints a few pages at a time over several years to avoid attracting attention.
- **Financial Considerations** – Toebe was paid \$100,000 in cryptocurrency by FBI agents posing as co-conspirators.

IMPACT

- Jonathan and Diana Toebbe each plead guilty to one count of Conspiracy to Communicate Restricted Data. Jonathan was sentenced to 232 months in prison. Diana Toebbe was sentenced to 262 months.
- "Among the secrets the U.S. Government most zealously protects are those related to the design of its nuclear-powered warships," said Assistant Attorney General Matthew G. Olsen of the Justice Department's National Security Division. "[Toebbe] was entrusted with some of those secrets, and instead of guarding them, he betrayed the trust placed in him and conspired to sell them to another country for personal profit. The Department of Justice will vigilantly protect the American people and our nation's security by investigating and prosecuting those who violate their constitutional oath and abuse their positions for personal gain."

ADDITIONAL INFO

- Jonathan Toebbe was assigned to the Naval Nuclear Propulsion Program, also known as Naval Reactors. He held an active national security clearance through the Department of Defense, giving him access to "Restricted Data" within the meaning of the Atomic Energy Act.
- Restricted Data concerns design, manufacture or utilization of atomic weapons, production of Special Nuclear Material (SNM), or use of SNM in the production of energy – such as naval reactors.
- Jonathan Toebbe worked with and had access to information concerning naval nuclear propulsion, including information related to military sensitive design elements, operating parameters, and performance characteristics of the reactors for nuclear powered warships.
- A dead drop is a method of espionage tradecraft used to pass items or information between two individuals using a secret location.
- A Q clearance is the DOE security clearance required to access Top Secret Restricted Data.

Questions to consider:

- What security procedures are used by your organization to prevent illegal removal of sensitive information?
- Do you know where to report any Potential Espionage Indicators you may observe?

Resources for further exploration:

- [DoD Instruction 5210.42 - DoD Nuclear Weapons Personnel Reliability Assurance](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/521042p.pdf)
(<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/521042p.pdf>)
- [Understanding Espionage and National Security Crimes Job Aid](https://www.cdse.edu/Portals/124/Documents/jobaidseries-understandingespionage.pdf?ver=BBKwTvmDXsNCowb_6vloGQ%3d%3d)
(https://www.cdse.edu/Portals/124/Documents/jobaidseries-understandingespionage.pdf?ver=BBKwTvmDXsNCowb_6vloGQ%3d%3d)
- [Countering Espionage, International Terrorism, and the Counterintelligence \(CI\) Insider Threat](https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/524026p.pdf)
(<https://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/524026p.pdf>)

IF YOU SEE SOMETHING, SAY SOMETHING!

Contact the appropriate POC to report any observed potential risk indicators:

Name: _____ Agency/Department: _____
Title: Supervisor/Security Officer/ITP Senior Official/ITP Manager