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ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



MAR 8 2002

Chairman, Intelligence Oversight Board  
Old Executive Office Building, Room 494  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period January through March 2001 is attached.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

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CODEWORDS AND CAVEATS

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Department of Defense Intelligence Oversight Report  
January - March 2001

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention at this time: None.
- ~~(FOUO)~~ No significant Intelligence Oversight violations during this period. ATSD(IO) monitored 27 cases; none require SECDEF/IOB attention at this time.
- (U) Intelligence Oversight Inspections:

~~(FOUO)~~ (b)(1) Met with Ambassador and staff. (b)(1) did not have an Intelligence Oversight program until notified of our inspection; had developed a satisfactory program by the time inspection team arrived. (b)(1) remains a "hard target" for intelligence collection.

~~(FOUO)~~ Air Force Intelligence Training School, Goodfellow AFB, TX, and Army Intelligence Training School, Fort Huachuca, AZ: At both schools, Intelligence Oversight training is incorporated into each course module and reinforced throughout the instruction programs. Result is effective initial training in Intelligence Oversight for our young Air Force and Army intelligence professionals.

~~(FOUO)~~ Air Force Inspection Agency (AFIA), Kirtland AFB, NM: ATSD(IO) met with Commander and discussed AFIA Intelligence Oversight training responsibilities. AFIA will resume their compliance inspections, including Intelligence Oversight, of AF field agencies and direct reporting units after a year suspension while performing other directed missions.

~~(FOUO)~~ Homestead ARB, FL: Inspected AF Office of Special Investigations (AFOSI) Detachment and Naval Criminal Investigative Service (NCIS) Office, all located on Homestead ARB. OSI and NCIS units worked well together; both had satisfactory Intelligence Oversight programs.

~~(FOUO)~~ Naval Air Station Key West, FL: Joint Southern Surveillance Reconnaissance Operations Center (JSSROC) had excellent Intelligence Oversight training program, complete with computer based training and on-line testing. Joint Interagency Task Force East (JIATF-E) had internal website with 21 Intelligence Oversight scenarios; excellent training vehicle.

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(b)(1),(b)(3):10 USC §424

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- ~~(FOUO)~~ **Outreach Program in Intelligence Oversight in a Democratic Society at George C. Marshall European Center for Security Studies, Garmisch, Germany:** The purpose of this Outreach Program is to ensure future leaders of emerging democracies understand the concepts, importance, and applicability of Intelligence Oversight. This is accomplished through a proactive education program in concert with the Marshall Center, the NATO School, and the new Western Hemisphere Institute for Security Cooperation (follow-on to the School of the Americas). During this quarter, the ATSD(IO) and staff members taught this elective at the Marshall Center to students from Armenia, Azerbaijan, Bulgaria, Estonia, Turkmenistan, Georgia, Russia, Ukraine, and France.

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ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



21 NOV 2002

Chairman, Intelligence Oversight Board  
Old Executive Office Building, Room 494  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period January - March 2002 is attached. There were no significant Intelligence Oversight issues warranting IOB attention for this period and no significant Intelligence Oversight violations.

*Daniel J. Dell'Orto*  
Daniel J. Dell'Orto  
Principal Deputy General Counsel

*George B. Lotz II*  
George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

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Department of Defense Intelligence Oversight Report  
January - March 2002

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.
- ~~(FOUO)~~ No significant Intelligence Oversight violations during this period. ATSD(IO) monitored 25 cases; none require SECDEF/IOB attention at this time.

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- ~~(FOUO)~~ Intelligence Oversight Inspections and Staff Visits: The Office of the ATSD(IO) conducts Intelligence Oversight inspections of and staff assistance visits to DoD units worldwide. The inspections complement and are in addition to those performed by the intelligence agencies of DoD, Combatant Commands, and the Services. In addition, they provide insight into the effectiveness of Intelligence Oversight training programs throughout the DoD. The ATSD(IO) notes units with benchmark and/or innovative programs and shares this information during subsequent inspections and staff assistance visits. An example is contained in comments on the National Reconnaissance Office on page four.
- ~~(FOUO)~~ Staff Assistance Visit to Army War College (AWC), Carlisle, Pennsylvania, January 8, 2002: The ATSD(IO) and one staff member visited the Army War College to explore how Intelligence Oversight could be addressed within the professional military curriculum at the college. The Commandant, Dean, and faculty members agreed on the need to increase the intelligence focus and educate future senior DoD leaders in Intelligence Oversight principles and practices. The ATSD(IO) is exploring options to add Intelligence Oversight to the War College curriculum, including incorporating examples in AWC's global war gaming.
- ~~(FOUO)~~ Staff Assistance Visit to Joint Task Force (JTF) Olympics, Salt Lake City, Utah, January 15-18, 2002: The Deputy ATSD(IO) and one staff member made staff assistance visits to DoD and National Guard activities that were supporting the Olympics in Salt Lake City, Utah. The team met with the Utah Assistant to The Adjutant General and the Special Agent in Charge of the Olympic Intelligence Center and discussed with them the DoD Intelligence Oversight program. A DoD National

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Dated: 24 FEB 98  
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Intelligence Support Team was present in the FBI-run Olympic Intelligence Center, as was a 24-hour liaison element from Joint Forces Command (JFCOM). The JFCOM liaison team consisted of an intelligence element from the Joint Forces Intelligence Command (operating under the provisions of DoD 5240.1-R), and a Naval Criminal Investigative Service (NCIS) special agent representing DoD law enforcement. The team found adequate Intelligence Oversight programs and observed no Intelligence Oversight improprieties during the visits to DoD activities.

- ~~[redacted]~~ **Intelligence Oversight Staff Assistance Visit, Bad Aibling Station, Germany, February 2002:** The ATSD(IO) and staff members conducted a staff assistance visit at Bad Aibling Station (BAS), Germany. BAS's closing has been delayed from September 30, 2002, until September 30, 2004; the ATSD(IO) wanted to see how the Station was handling the delay, particularly as some of the mission was already in transition. The Intelligence Oversight program was exceptionally strong and thoroughly integrated into all aspects of BAS Operations.

- (b)(1)

- ~~[redacted]~~ **Intelligence Oversight Staff Visit, NSA/CSS Europe (NCEUR), Patch Barracks, Vaihingen (Stuttgart), Germany, February 2002:** The ATSD(IO) and one staff member visited the NSA/CSS Europe (NCEUR), located at HQ EUCOM. NCEUR's mission is to provide SIGINT, Information Assurance, and technical services to NSA customers in the European Theater, to include EUCOM and NATO. The ATSD(IO) briefed the majority of employees on Intelligence Oversight and answered questions. The NCEUR Intelligence Oversight program was adequate; suggestions recommended by the ATSD(IO) team to improve the program have since been successfully incorporated.

- (b)(1),(b)(3):10 USC §424

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The team also met with the (b)(3):10 USC §424 (b)(3):10 USC §424 All reported excellent working relations with the (b) The Intelligence Oversight training program was well documented and comprehensive.

- ~~(FOUO)~~ Intelligence Oversight Inspections, Air Force Offices of Special Investigations (AFOSI) at Patrick AFB (DET 802) and Melbourne, Florida (OLB 102), February 2002: The Deputy ATSD(IO) and one staff member inspected Air Force Offices of Special Investigations (AFOSI) at Patrick AFB (DET 802) and Melbourne, Florida (OLB 102). Each organization had an Intelligence Oversight program commensurate with its intelligence operations. Detachment 802 special agents briefed the team on a recent case in which they resolved a post-9/11 possible threat to AFTAC/Patrick AFB. They believed they had a force protection issue, collected information, and passed it to law enforcement. Working with the local police, a portion of Highway A1A, the main highway that runs right through Patrick AFB, was closed for several months, and only recently reopened. Their Intelligence Oversight Program was very good.

- ~~(S)~~ Intelligence Oversight Inspection (b)(1) (b)(1) Patrick AFB, Florida, February 2002: The Deputy ATSD(IO) and one staff member inspected (b)(1) Patrick AFB, Florida. (b)(1)

(b)(1)

(b)(1)

- ~~(FOUO)~~ Staff Visit to the Baltimore-Washington High Intensity Drug Trafficking Area (B/W HIDTA), February, 2002: An OATSD(IO) staff member participated in a staff visit to the B/W HIDTA with representatives from Joint Task Force (JTF) 6, Joint Forces Command (JFCOM), and the Army Inspector General Office. DoD is presently supporting the B/W HIDTA with two commissioned intelligence analysts, a Navy Reserve Lieutenant Commander and an Army Reserve Captain, serving 179 day tours, who provide research and analytical support to the HIDTA. Both were professional intelligence officers serving 179 day tours. They received Intelligence Oversight training from JTF-6 prior to reporting to the HIDTA for duty and reflected excellent practical knowledge of their responsibilities.

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- ~~(S)~~ Intelligence Oversight Staff Visit, Headquarters, National Reconnaissance Office, Virginia, February 2002: The ATSD(IO) and two staff members conducted a staff visit to Headquarters, National Reconnaissance Office, Westfields, Virginia. The purpose of the visit was to meet with the new NRO leadership, receive an update on NRO current operations and future plans, and discuss Intelligence Oversight training initiatives with the NRO Intelligence Oversight Program Manager. NRO has developed several innovative Intelligence Oversight training programs including a computer-assisted program on CD and a lively training video that combines film clips and news broadcasts with practical examples of Intelligence Oversight issues. NRO is currently updating their E.O. 12333 training program.
- ~~(FOUO)~~ Staff Assistance Visits, Shaw Air Force Base, Sumter, South Carolina, March 2002: The Deputy ATSD(IO) and one staff member conducted staff assistance visits at Shaw AFB, Sumter, South Carolina. All USAF intelligence elements visited demonstrated compliance with DoD Regulation 5240.1-R and AFI 14-104, as well as an acceptable level of Intelligence Oversight awareness.
- ~~(FOUO)~~ Intelligence Oversight Inspection, Missile Defense Agency, Arlington, Virginia, March, 2002: Two OATSD(IO) staff members conducted an Intelligence Oversight inspection of intelligence elements of the Missile Defense Agency (MDA), Arlington, Virginia. MDA organizationally separates its intelligence and CI functions. Although neither the Intelligence Directorate nor the CI element had Intelligence Oversight programs before our inspection was announced, personnel demonstrated an adequate knowledge of Intelligence Oversight principles and no Intelligence Oversight violations were uncovered. The ATSD(IO) has sent a letter to the Director, MDA, informing him of the requirement for Intelligence Oversight programs for MDA intelligence and counterintelligence and that MDA would be re-inspected in the near future.
- ~~(FOUO)~~ Outreach Program in Intelligence Oversight in the Defense Department, George C. Marshall European Center for Security Studies, Garmisch, Germany, February 2002: At the invitation of the Director, George C. Marshall European Center for Security Studies, on February 1, 2002, the ATSD(IO) gave a presentation on Intelligence Oversight in the Defense Department to the 85 students from Central and Eastern Europe attending the Executive Program in International and Security Affairs and engaged in a follow-on question and answer session. This was followed by a detailed training program to students from Bulgaria, Estonia, Georgia, and Lithuania. The success of this on-going program has led to requests from countries such as Romania and Croatia to DoD for assistance in establishing Intelligence Oversight safeguards in their own countries.

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

MAR 28 2007

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period October-December 2005 is attached. Included in the Report are the results of the ATSD(IO) review of the National Security Agency process for releasing the identities of US Person. Also included are summaries of a number of Intelligence Oversight investigations and incidents that have been reported to us.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

William R. Dugas, Jr.  
Acting ATSD(IO)

Attachment a/s

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Department of Defense Intelligence Oversight Report  
October-December 2005

**ATSD(IO) Review of the National Security Agency Process for Releasing the Identities of US Persons:** In October 2005, the Acting Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)) and a member of his staff completed an Intelligence Oversight Review of the process by which National Security Agency (NSA) releases the identities of United States Persons, minimized in NSA products, to intelligence and law enforcement consumers at their request. We concluded the process complies with Intelligence Oversight requirements. The United States Person identity release process starts with the USSID 18 policy that all United States Person identities in the first instance be "masked." "Masking" means NSA reports containing United States Person identities refer to them as "United States Person One" and "United States Person Two," etc. If the customer needs the identity of the United States Person to do his job, he must fill out a questionnaire, providing the rationale that would qualify as an exception to the masking process. To gain approval, the customer must have a need for the identity for the performance of his official duties and must meet one of three approved criteria in USSID 18. The most frequently-used criteria is [REDACTED]

(b)(3)-P.L. 86-36

[REDACTED] Each request is examined individually and a decision made on a case-by-case basis. Approvals are made by the head of the Division responsible for examining the requests. The Director, NSA must approve releases for law enforcement purposes. The Director of National Intelligence must approve requests for release of names of Members of Congress. The responsible NSA office receives [REDACTED] requests

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(b)(3)-P.L. 86-36

[REDACTED] Requests are prioritized [REDACTED] We made a recommendation to the responsible NSA office to revise the NSA Identity Release Request form found on JWICS to make the request process more intuitive and it was accepted.

(b)(3)-P.L. 86-36

• **(U) Improper Collection and Retention of US Person Information at the United States Alaskan Command, Anchorage Alaska:** During an Intelligence Oversight inspection of intelligence units assigned to the US Alaskan Command (ALCOM), inspectors from the OATSD(IO), discovered material which specifically identified a US Person organization that the Command believed was planning to take part in demonstrations at Elmendorf AFB and Ft Greely, Alaska, in an archive file of the Joint Task Force-Alaska J2 (JTF-AK J2). The information in question had been downloaded from the Internet (NIPRNET), by the ALCOM Anti-Terrorism/Force Protection Officer (AT/FP), and disseminated by email throughout the Command. The JTF-AK J2 included the information in a briefing to the J2 and subsequently retained the information in their files. The ATSD(IO) inspectors determined that collection and retention of this information constituted a possible Procedure 15 violation. Consequently, the ATSD(IO)

Derived From: Multiple Sources  
Declassify On: 23 Mar 2031

inspectors formally notified the Joint Staff, Office of the Inspector General and requested a formal investigation. An investigation was conducted by the U.S. Northern Command IG (N-NC IG). Based upon the results of the investigation, JTF-AK was directed to conduct refresher Intelligence Oversight training for all assigned personnel. The training will have emphasis placed on the proper use and understanding of constitutional constraints, and the laws and directives that govern the collection, dissemination and storing of sensitive information. Additionally, all JTF subordinate offices have been briefed about the related risk, sensitive handling and appropriate references associated with the use of Force Protection Information in intelligence channels.

**(U) DoD General Counsel Activity**

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**(U) On-Going Investigations by DoD Intelligence Components**

• (FOUO) The Office of the ATSD(IG) continues to monitor a number of on-going Intelligence Oversight (IO) investigations, incidents and activities that have been reported to this office for this reporting period. Notable among these reports are the following:

**(U) NSA Activities**

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[Redacted]		(b)(1)	(b)(3)-50 USC 403
[Redacted]		(b)(1)	(b)(3)-18 USC 793
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
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[Redacted]		(b)(1)	(b)(3)-50 USC 403
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
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[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
[Redacted]		(b)(1)	(b)(3)-P.L. 86-36
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(b)(3)-P.L. 86-36

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(b)(3)-P. 88-38

(b)(3)-P.L. 88-36

(U) Army Activities

--(U) Inappropriate Collection and Reporting of Information on the Domestic Activities of a US Organization (DAIG 06-009): Army Intelligence and Security Command (INSCOM) notified Department of Army IG (SAIG-IO) of the questionable activities of a Counterintelligence Special Agent (S/A) assigned to the 902d Military Intelligence (MI) Group, with duty at the Joint Terrorism Task Force, Miami, FL. On November 9, 2004, the S/A may have inappropriately collected information about the plans of a US organization to convene an informational meeting and workshop on military recruiting, the draft and military law, and methods to oppose military recruiting. The information was reported as a Threat and Local Observation Notice (TALON) and submitted through the 902<sup>nd</sup> MI Group to the Counterintelligence Field Activity (CIFA) for analysis and entry into the Cornerstone database. Although the report did not specifically identify the group, the group was identified by name when the S/A reported on the meeting venue, which included the name of the organization. The allegations have been referred to the Deputy Chief of Staff G2 (DCS G2) for resolution.

(U) On January 5, 2006, the INSCOM Commanding General directed the INSCOM/IG to conduct a special investigation of the TALON reporting system in INSCOM, with the following focus: (a) evaluate the strengths and weakness of the existing system, (b) provide a detail assessment of the 902d MI Group's compliance with TALON regulations, policies and procedures, (c) determine conflicts or voids in guidance concerning the reporting, analysis, retention, and dissemination of TALON information; and (d) assess the policies and procedures for submitting TALON reports directly to CIFA without intermediate review process by the chain of command

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Updates of Previously Reported Incidents

--(U) Abuse of Detainee, Shkin, Afghanistan (DAIG 05-013): SAIG-IO reported a US Army Criminal Investigation Command (CIDC) investigation into allegations that a MI Captain, 10<sup>th</sup> Mountain Division, and an individual believed to be a US Army contractor, beat a prisoner at Shkin, Afghanistan. The final CIDC investigation report, dated 16 December 2005, determined the allegations of aggravated assault, maltreatment of a person in US custody, and assault as unfounded.

--(U) Assault and Mistreatment of Detainees, Afghanistan (DAIG 04-006): SAIG-IO reported on a CIDC investigation into allegations of assault and mistreatment against

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interrogators, from A Company, 519<sup>th</sup> MI Battalion, Bagram Detention Facility (BDF), Afghanistan. In October 2005, CIDC notified SAIG-IO of its investigation results. CIDC determined that a detainee died, from blunt force trauma, while in BDF custody. The medical examiner classified the death as a homicide. CIDC substantiated the allegations that the subjects, at various times, assaulted and mistreated the detainee. However, the Staff Judge Advocate determined that there was insufficient probable cause to hold anyone criminally responsible. The investigation results have been referred to the Special Courts Martial Convening Authority, who has accepted jurisdiction.

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Department of Defense Intelligence Oversight Report  
April-June 2005

• ~~(FOUO)~~ We continue to monitor a number of on-going intelligence oversight investigations and incidents that have been reported to this office for this reporting period. Notable among these investigations are the following:

--~~(FOUO)~~ Alleged Misconduct of a Military Intelligence Officer in Iraq (DAIG 05-025): The DoD Inspector General advised the Department of the Army Inspector General - Assistance Division (SAIG-AD) of allegations of misconduct against a Military Intelligence (MI) officer who was assigned to Iraq as the G2, 1<sup>st</sup> Armored Division (1AD). The officer was alleged to have committed adultery, struck subordinates, and engaged in improper intelligence collection operations. Simultaneously, US Army Intelligence and Security Command (USAINSCOM) and the SAIG referred, for investigation to this office, allegations that 1AD personnel had been in contact with a possible terrorist group in Iraq, and may have created a Special Access Program (SAP) without proper authorization. Our investigation, conducted jointly with the Defense Criminal Investigative Service (DCIS), indicated that the 1AD G2 was also involved in these allegations. At our request, SAIG agreed to suspend inquiry into the original allegations pending completion of the joint ATSD(IO)/DCIS investigation.

~~(FOUO)~~ The joint investigation determined that 1AD personnel were not involved in the creation of an unauthorized SAP, but confirmed that the 1AD G2 had conducted unauthorized intelligence collection operations, had failed to register human intelligence sources, had maintained contact with a terrorist organization without authority, had knowingly disobeyed direct orders of two General Officers, and had knowingly lied to at least one General Officer regarding his activities. Upon completion of the joint investigation, the findings were provided to the SAIG for appropriate action.

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• (U) NSA Activities

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(b)(3)-50 USC 403  
(b)(3)-P.L. 86-36

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(b)(1)  
(b)(3)-50 USC 403  
(b)(3)-18 USC 788  
(b)(6)-P.L. 86-36

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(b)(1)  
(b)(3)-50 USC 403  
(b)(3)-18 USC 798  
(b)(3)-P.L. 86-36

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**(U) Updates of Previously Reported Incidents and other Significant Procedure 15 Actions**

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~~(FOUO)~~ This office first learned of this incident via unofficial phone calls from both the Army Inspector General's Intelligence Oversight Division and the Army Intelligence and Security Command. Subsequently, we were able to review both the PACOM and 500th MI Bde investigation reports with the cooperation of the Army Inspector General. However, the OATSD(IO) was not notified of the incident or the investigative findings by PACOM. During a recent Intelligence Oversight staff assistance visit to PACOM and the Philippines, OATSD(IO) personnel discussed with the SOCPAC Chief of Staff, and the JSOTF-P J2 the lack of official reporting of the incident to this office. The discussions resulted in an agreement that future questionable incidents involving Defense intelligence personnel would be reported to the ATSD(IO) by the first professional intelligence officer in the chain of command of the unit involved in the questionable activity.

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period July-September 2005 is attached. We continue to monitor a number of ongoing Intelligence Oversight investigations and incidents that have been reported to us.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

William R. Dugan, Jr.  
Acting ATSD(IO)

Attachment a/s

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**Department of Defense Intelligence Oversight Report  
July-September 2005**

• **(U) Acting Assistant to the Secretary of Defense (Intelligence Oversight) Testifies before Senate Judiciary Committee:** On September 21, 2005, the Acting Assistant to the Secretary of Defense (Intelligence Oversight) (ATSD(IO)) appeared, as a witness, at a Hearing of the Senate Judiciary Committee on Able Danger and Intelligence Sharing (Statement is attached). He appeared at the request of the OSD Office of Legislative Affairs and the DoD Office of the General Counsel and testified regarding the Department of Defense Intelligence Oversight Program.

• **(S) Alleged Secret Establishment of a Special Military Intelligence Unit:** On June 26, 2005 an article in the San Jose Mercury newspaper alleged that the California National Guard (CANG) had secretly established a special military intelligence unit that conducted surveillance on a May 2005 Mother's Day anti-war rally. By memorandum dated June 29, 2005, the ATSD(IO) requested the Army Inspector General (SAIG) to inquire into the allegations and provide findings and recommendations. The SAIG reported that the allegations were unfounded. The SAIG report found that the CANG Civil Support Division Domestic Watch Center, Joint Operations Center and the CANG leadership maintained "situational awareness" through media reporting. The CANG indicated to the SAIG team that awareness of possible civil disturbance events was consistent with their state mission for response to quell civil disturbance and security. The SAIG's inquiry did not reveal indications of an intelligence program or specific collection activity targeting the individuals or groups participating in the Mother's Day rally.

(L) The SAIG inquiry did, however, find infractions of Intelligence Oversight (IO) regulations that require separate National Guard Bureau action; e.g., the lack of an IO training program at the State Headquarters and the inadvertent inclusion of United States person information in several documents. The SAIG inquiry recommended that all CANG Headquarters officers receive initial IO training as part of their officer professional development to ensure leaders understand the legal limitations and processes associated with the collection, retention and dissemination of US person information. The SAIG inquiry also recommended that the anti-terrorism/force protection (AT/FP) information fusion function be transferred from the J2 (Intelligence) to the AT/FP officer in the J3 (Operations). The J2 would continue to provide applicable AT/FP intelligence information that had a foreign nexus.

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Declassify On: 23 Nov 2030

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(U) DoD GC Activity

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~~(FOUO)~~ We continue to monitor a number of on-going Intelligence Oversight investigations and incidents that have been reported to this office for this reporting period. Notable among these reports are the following:

(U) NSA Activities

(b)(1)  
(b)(3)-50 USC 403  
(b)(3)-18 USC 798  
(b)(3)-P.L. 86-36

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(b)(3)-50 USC 403  
(b)(3)-18 USC 798  
(b)(3)-P.L. 86-36

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(U) Army Activities

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United States Senate  
**Committee on the Judiciary**

Committee Information  
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**"Able Danger and Intelligence Information Sharing"**

Senate Judiciary Committee  
Full Committee

DATE: September 21, 2005  
TIME: 09:30 AM  
ROOM: 226 Dirksen

([webcast](#))

OFFICIAL HEARING NOTICE / WITNESS LIST:

September 8, 2005

**NOTICE OF COMMITTEE HEARING  
RESCHEDULED -- Wed., September 21, 2005 at 9:30 a.m.**

The hearing on "Able Danger and Intelligence Information Sharing" scheduled by the Senate Committee on the Judiciary for Wednesday, September 14, 2005 at 9:30 a.m. in Room 226 of the Senate Dirksen Office Building has been rescheduled to take place on Wednesday, September 21, 2005 at 9:30 a.m.

By order of the Chairman

Witness List

Hearing before the  
Senate Judiciary Committee

on

**"Able Danger and Intelligence Information Sharing"**

Wednesday, September 21, 2005  
9:30 a.m. Senate Dirksen Building, Room 226

PANEL I

The Honorable Curt Weldon  
United States Representative (R-PA, 7th District)

PANEL II

Mark Zaid, Esq.  
Attorney at Law  
Washington, DC

Erik Kleinsmith  
former Army Major and  
Chief of Intelligence of the Land Information Warfare Analysis LIWA  
Project Manager for Intelligence Analytical Training  
Lockheed Martin  
Newington, VA

TESTIMONY

THE HONORABLE  
CURT WELDON

MARK ZAID, ESQ.

ERIK KLEINSMITH

GARY BALD

WILLIAM DUGAN

MEMBER  
STATEMENTS

THE HONORABLE  
PATRICK LEAHY

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- Subcommittees
- Heardings
- Media Room
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PANEL III

Gary Bald  
Executive Assistant Director  
National Security Branch  
Federal Bureau of Investigation  
United States Department of Justice  
Washington, DC

William Dugan  
Acting Assistant to the Secretary of Defense for Intelligence Oversight  
United States Department of Defense  
Washington, DC

Testimony  
United States Senate Committee on the Judiciary  
Able Danger and Intelligence Information Sharing  
September 21, 2005

William Dugan  
Acting Assistant to the Secretary of Defense for Intelligence Oversight, United States Department of Defense

Statement of William Dugan  
Acting Assistant to the Secretary of Defense for Intelligence Oversight  
Department of Defense

Before the  
United States Senate  
Committee on the Judiciary

September 21, 2005

Good morning Mr. Chairman, Senator Leahy, and Members of the Committee. It is my privilege to appear before you today. I am Bill Dugan. I am the Acting Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)). I am here to discuss the Intelligence Oversight program of the Department of Defense.

I am responsible to the Secretary and Deputy Secretary of Defense for the Department of Defense Intelligence Oversight program. The purpose of the Intelligence Oversight program is to enable DoD intelligence components to effectively carry out their authorized functions, while at the same time ensuring their activities that affect United States persons are carried out in a manner that protects their Constitutional rights and privacy.

I've used the term "United States persons." It is an important one because it refers to more than just United States citizens. The term also includes lawful permanent residents, corporations incorporated in the United States (unless directed or controlled by a foreign government), and unincorporated associations substantially composed of lawful permanent residents and/or U.S. citizens.

We operate under Executive Order 12333, "United States Intelligence Activities," which was issued by President Reagan in December 1981. The DoD implementing Regulation is DoD 5240.1-R, entitled "Procedures Governing the Activities of DoD Intelligence Components That Affect United States Persons." This DoD regulation was approved by the Attorney General and was issued in December 1982; these are the Attorney General approved guidelines for the DoD intelligence community regarding activities that affect United States Persons.

The Secretary of Defense established the predecessor office to the Office of the Assistant to the Secretary of Defense for Intelligence Oversight (ATSD(IO)) in 1976, to implement the original Executive Order on U.S. Intelligence Activities issued by President Ford. President Ford's executive order was issued in response to the investigations that revealed the misuse of intelligence assets, both DoD and non-DoD, to collect information on civil rights protestors, anti-Vietnam war demonstrators, as well as community and religious leaders and labor leaders during the 1960's and early 1970's. What began as a force protection mission for DoD organizations, evolved, through mission creep, lack of clear rules, and the lack of meaningful oversight, into an abuse of the Constitutional rights of United States persons by Defense intelligence and counterintelligence personnel. These matters were thoroughly investigated by the Congress, including this committee, in the 1970s. I am referring to the

investigations conducted by Senator Ervin, as well as Senator Church - the Church Committee - and Representative Pike - the Pike Committee. Since 1976, the ATSD(IO) has been charged with preventing a recurrence of these types of transgressions and we do this through our Intelligence Oversight program which I will describe.

We are a very small office, by design; I have 10 personnel slots. We sit at the head of a proactive partnership with the intelligence staffs, Inspectors General, and General Counsel and legal advisors of the Joint Staff, Combatant Commands, Military Services, and the Defense intelligence agencies to include the National Security Agency, Defense Intelligence Agency, National Reconnaissance Office, and the National Geospatial-Intelligence Agency in the management and direction of the DoD Intelligence Oversight program.

We seek to ensure DoD intelligence, counterintelligence, and intelligence-related organizations, as well as all intelligence activities performed by non-intelligence units, conduct their activities in accordance with federal law, Executive Order 12333, Presidential directives, and DoD directives, regulations, and policies. We place special emphasis on the protection of information on United States persons. Our second area of emphasis is on ensuring improper activity by intelligence personnel is identified, reported, investigated, and then action taken to keep it from happening again.

Each quarter we prepare the Defense Department's Intelligence Oversight Report. This report describes any significant Defense Intelligence Oversight issues that warrant the attention of the Secretary and Deputy Secretary of Defense and the President's Foreign Intelligence Advisory Board. To prepare it, we receive each quarter the reports of the Joint Staff, the Combatant Commands, the Military Services, and the Defense intelligence agencies. It is reviewed and signed jointly by the DoD General Counsel and the ATSD(IO) and then approved by the Deputy Secretary of Defense. The Quarterly Intelligence Oversight Report is then provided to the Intelligence Oversight Board of the President's Foreign Intelligence Advisory Board.

Personnel in my office also conduct intelligence oversight inspections of DoD intelligence activities worldwide to ensure that DoD intelligence activities are conducted in accordance with law, executive order, DoD regulation and policy. We are assisted in this inspection process by the Inspectors General of the combatant commands, the military services, and the Defense intelligence agencies.

I would like to describe how the process works regarding the collection of United States person information by DoD intelligence components.

First, no one in DoD intelligence has a mission to collect information on United States persons. What we have are missions such as foreign intelligence, counterintelligence, counterterrorism, Signals intelligence, and the like.

In the course of performing our mission, we run across or find information that identifies United States persons. That is when the rules in the DoD Regulation, DoD 5240.1-R, kick in. If the information is necessary to the conduct of the mission such as I just described, for example, counterterrorism, and if it falls within one of the 13 categories prescribed by the Executive Order 12333 and DoD regulation, then the intelligence component can collect the information. The 13 categories are:

1. Information obtained with consent.
2. Publicly available information.
3. Foreign intelligence.

4. Counterintelligence.
5. Potential sources of assistance to intelligence activities.
6. Protection of intelligence sources and methods.
7. Physical security. [with a foreign nexus/connection]
8. Personnel security.
9. Communications security.
10. Narcotics. [international narcotics activity]
11. Threats to safety. [with a foreign nexus/connection -- such as international terrorist organizations]
12. Overhead reconnaissance.
13. Administrative purposes. [training records -- a narrowly drawn category]

If the intelligence component is unsure if the information they have obtained is proper for them to keep, the Intelligence Oversight rules allow them to temporarily retain the information for 90 days solely to determine whether it may be permanently retained.

Thus it is possible for DoD intelligence components to have information on United States persons in their holdings.

Finally, if an intelligence component is in receipt of information that pertains to the function of other DoD components or agencies outside DoD, such as the FBI, the intelligence component can transmit or deliver the information to them for their independent determination whether it can be collected, retained, or disseminated in accordance with their governing policy.

Thank you.

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

JUN 30 2006

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period January-March 2006 is attached. There were no significant Intelligence Oversight issues warranting IOB attention for this period and no significant Intelligence Oversight violations.

*Daniel J. Dell'Orto*

Daniel J. Dell'Orto  
Principal Deputy General Counsel

*William R. Dugan, Jr.*

William R. Dugan, Jr.  
Acting ATSD(IO)

Attachment a/s

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

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Department of Defense Intelligence Oversight Report  
January-March 2066

(U) DoD General Counsel Activity

(b)(1)

(U) On-Going Investigations by DoD Intelligence Components

- (FOUO) The Office of the ATSD(IO) continues to monitor a number of on-going Intelligence Oversight (IO) investigations, incidents and activities that have been reported to this office for this reporting period. Notable among these reports are the following:

(U) NSA Activities

(b)(1)  
(b)(3)-P.L. 86-36

(b)(1)  
(b)(3)-18 USC 793  
(b)(3)-50 USC 403  
(b)(3)-P.L. 86-36

[Redacted NSA Activities Section]

Derived From: Multiple Sources  
Declassify On: 23 March 2031

[redacted]

(b)(1)  
(b)(3)-18 USC 798  
(b)(3)-50 USC 403  
(b)(3)-P, 86-36

Other Activities

[redacted]

(b)(1)  
(b)(3)-18 USC 798  
(b)(3)-50 USC 403  
(b)(3)-P, 86-36

(U) DIA

(S) [redacted] (b)(1)  
(b)(1)

(S) [redacted] OIG reported that that a member of the (b)(1) have engaged in questionable intelligence activities consisting of visa fraud and bribery while serving in his capacity as (b)(1), (b)(3):10 USC §424 [redacted] The Department of State and the Army Criminal Investigation Command (CID) are investigating this matter and have coordinated with the U.S. Attorney's Office, which has accepted prosecutorial responsibility.

(U) Army Activities

--(U) Maltreatment of a Foreign Detainee by Military Intelligence Personnel, Bagram, Afghanistan (DAIG 06-013) The Office of the Army General Counsel provided Army IG (SAIG-IG) with a report on an on-going CID investigation into allegations that four Military Intelligence (MI) personnel, assigned to Alpha Company, 519<sup>th</sup> MI Battalion, Bagram Collection Point, Afghanistan, committed acts of "assault" and "maltreatment of a person in US custody." In addition, the Officer-in-Charge for the Collection Point is being investigated for "maltreatment of a person in US custody, false official statement, and conspiracy." The Noncommissioned Officer-in-Charge for the Collection Point, is being investigated for "dereliction of duty and conspiracy." The victim was an Afghan national who died from blunt force trauma.

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(U) Improper Collection and Dissemination of U.S. Person Information by MI Personnel (DAIG 06-019) US Army Intelligence and Security Command reported a questionable intelligence activity involving intelligence analysts assigned to the 902<sup>nd</sup> MI Group (MIC). The questionable intelligence activities concerned an article in the Wall Street Journal (WSJ) newspaper on the collection and dissemination of information concerning participants in a 19 March 2005 anti-war protest in Akron, Ohio. The WSJ article alleged that analysts in the 902<sup>nd</sup> had, for weeks prior to the demonstration, downloaded information from the activist Web site, intercepting emails and cross-referencing this information in police databases. The article also alleged that the 902<sup>nd</sup> MIC provided a two page alert to the Akron Police Department and that the Akron protest was one of seven others monitored by the Army that month that turned out to be nonviolent. Finally, the WSJ report stated that the 902<sup>nd</sup> MIC produced reports on seven other protests and used "data-analysis techniques to look for signs of hidden coordination between the protests." INSCOM is conducting an investigation into the allegations.

-(U) Improper Collection and Dissemination of US Person Information by MI Personnel (DAIG 06-012) On 2 March 2006, during a SAIG-IO inspection of the Headquarters, US Army Forces Northern Command (ARNORTH) (5<sup>th</sup> US Army), Fort Sam Houston, Texas, inspectors discovered US person force protection information in a G2 ARNORTH intelligence briefing. The briefing, which was presented by the G2 to the CG-ARNORTH on 21 February 2006, contained identities of US persons, including a white supremacist group, and their planned domestic activities. An intelligence summary from the FBI was cited as the source. The group and their planned activities did not involve a foreign nexus. G2 attributed the violation to ARNORTH's immature structure and the staff's vague missions and functions. SAIG-IO is coordinating with the Inspector General and the G2 to determine what corrective actions were taken.

Updates of Previously Reported Incidents

(b)(1)

--(U) Allegation of Detainee Abuse by MI Personnel in Shkin, Afghanistan (DAIG 05-013): In January 2004, the SAIG-IO reported on allegations that a MI Captain, 10<sup>th</sup> Mountain Division, and an individual assumed to be a US Army Contractor, abused a prisoner at a detention facility in Shkin, Afghanistan. CID investigated the case and determined the allegations of assault and maltreatment of the prisoner were unfounded.

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--(U) Database Checks on the Foreign National Relatives of an Army G2 Employee (DAIG 06-001): On 17 October 2005, INSCOM reported the Questionable Intelligence Activity of multiple MI officers. Allegedly, on 11 October 2005, officials in Army G2 requested INSCOM G3 conduct "database checks" on an Army G2 US person employee's foreign national relatives living in Egypt. Because G2 officers indicated that the database checks were conducted at the direction of senior officials, the matter was referred to SAIG-Investigations (SAIG-IN). SAIG-IN concluded that the Army G2 has legitimate access to personnel security records and has the authority to grant, deny or revoke security clearances. Additionally, INSCOM has a lawful mission to collect information and maintain databases on foreign threats. Therefore, the information concerning the employee and her foreign relatives were appropriately collected (ensure the employee had no ties to terrorist). The case was closed without further action.

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period April-June 2006 is attached. The report contains summaries of questionable intelligence activities and Intelligence Oversight issues that were reported to the Office of the Assistant to the Secretary of Defense (Intelligence Oversight) this quarter.

  
Daniel J. Dell'Orto  
Principal Deputy General Counsel

  
William R. Dugan, Jr.  
Acting ATSD(IO)

Attachment a/s

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Department of Defense Intelligence Oversight Report  
April - June 2006

(U) ATSD(IO) Activities

--(U) During the quarter, the office of the ATSD(IO) conducted Intelligence Oversight (IO) inspections and staff assistance visits at DoD intelligence units and organizations at Guantanamo Cuba, Soto Cano and Tegucigalpa, Honduras, Sarajevo, Bosnia-Herzegovina, Pristina, Kosovo, Camp Bondsteel, Kosovo, Ankara, Turkey, Izmir AB, Turkey, Incirlik AB, Turkey and the (b)(3):10 USC §424

(b)(3):10 USC §424 All inspected units and organizations had satisfactory IO programs and their personnel demonstrated a knowledge and awareness of IO policy and procedures.

(U) DoD General Counsel Activity

(b)(1)

(U) Notable Reporting From DoD Intelligence Components

--(U) DoD Intelligence Components have reported to the ATSD(IO) on a number of Intelligence Oversight investigations, incidents and activities for this reporting period. Notable among these reports are the following:

(U) NSA Activities

[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

(b)(3)-P.L. 86-36  
(b)(1)  
(b)(3)-50 USC 403  
(b)(3)-18 USC 793  
(b)(3)-P.L. 86-36

Classified By: Multiple Sources  
Declassify On: 20291123

(b)(1)  
(b)(3)-P.L. 86-36

[redacted]

(b)(3)-P.L. 86-36

[redacted]

(b)(1)  
(b)(3)-P.L. 86-36

[redacted]

(b)(3)-P.L. 86-36

Other Activities

[redacted]

(b)(1)  
(b)(3)-P.L. 86-36

(U) DIA Activities

-(U) The DIA Inspector General's Office continues to provide IO training to (b)(2),(b) (b)(2),(b)(3):10 USC §424 This quarter (b)(2),(b) received IO training prior to their deployments. In addition, an attorney from the DIA Office of General Counsel, provided instruction on (b)(2)

(b)(2)

(b)(2)

(U) Update of Previously Report Questionable Intelligence Activities

-(S//NF) Unauthorized Participation in a (b)(1) (DIA/OIG Memo S-0235/IG): DIA/OIG conducted an IO investigation in response to an allegation of a questionable intelligence activity (QIA) involving participation of DIA and US Army personnel in a (b)(1) The investigation report (S-06-0230/IG) concluded that DIA personnel, during the period October 2004 through April 2005, had participated in an unauthorized (b)(1)

(b)(1)

(b)(1) in violation of US intelligence regulations. The report also found that the activity, (b)(1)

was not documented by a (b)(1) nor was it subject to a counterintelligence review. In addition, the report concluded that personnel from the US Army Intelligence and Security Command (INSCOM) had participated in the activity without proper coordination. The report concluded that revelation of the program could

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have "severely exacerbated international tensions with (b)(1) and created a political embarrassment with our (b)(1) allies." The report made several recommendations to include a review of training and a clarification of authorities and requirements. The Army Inspector General (SAIG-IO) conducted its own investigation into the participation of INSCOM personnel.

**(U) Army Activities**

(U) The Army reported 15 new questionable intelligence activities for this quarter. Notable among them were:

--(U) Improper Collection of US Person Information (DAIG 06-017): On 11 April 2006, the G2, US Army Europe (USAREUR) reported the QIA of the Countering Terrorism Branch (CTB), G2-USAREUR, Heidelberg, GM. On 7 April 2006, the CTB produced a Current Threat Report (CTR) containing the identities of numerous US Persons with possible ties to terrorist groups and/or state sponsors of terrorism. The CTR was disseminated to multiple USAREUR consumers, including the USAREUR. When the QIA was discovered, the Intelligence Oversight Officer (IOO) trained the Chief of the CTB on Procedures 1-4, AR 381-10, and the authorized mission scope of the CTR. In addition, all CTB personnel received refresher IO training, and the 7 April 2006 CTR was rescinded. All USAREUR consumers were directed to delete their copies of the rescinded CTR.

--(U) Alleged Improper Collection of US Person Information (DAIG-06-019): According to a 27 April 2006 Wall Street Journal (WSJ) article, "Pentagon Steps Up Intelligence Efforts Inside U.S. Borders," intelligence analysts assigned to the 902d MI Group (MIG), Fort Meade, MD, allegedly collected and disseminated information concerning participants in a 19 March 2005 anti-war protest in Akron, OH. The article specifically alleged that the MIG's analysts downloaded information from activist web sites, intercepted emails and cross-referenced the information with police databases. The MIG allegedly reported the planned protest to the Akron police who, in turn, "followed" the rally. The Akron rally was said to be one of eleven protests "monitored by the Army" in March 2005. On 28 April 2006, after conferring with SAIG-IO and the 902d MIG, INSCOM decided to include these allegations as part of an ongoing "special inspection" of the MIG's implementation and execution of the Threat and Local Observance Notice (TALON) program, which was initially reported as DAIG-06-009. An update to DAIG-06-009 is provided below.

--(U) Questionable Intelligence Activities of Individuals assigned to the 101<sup>st</sup> Airborne Division in Iraq (DAIG 06-022): On 5 and 20 June 2006, SAIG-IO received numerous allegations concerning members of the 101st Airborne Division (101st Abn), 4th Infantry Division (4th ID), and Operational Detachment-Alpha 386 (ODA-386). Some of the allegations were non-IO related and they were referred to Assistance Division, US Army Inspector General Agency (SAIG-AC), for action/resolution as appropriate. However, several other allegations (outlined below) were considered to be QIAs requiring resolution in accordance with (LAW) AR 381-10. The QIAs were referred to the

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appropriate commands and SAIG-IO continues to oversee the progress of the following investigations, being conducted under the provisions of AR 15-6:

(1) (U) Six of the allegations received on 5 June 2006, indicate that an infantry officer, serving as a Company Commander in the 101st Abn, and his linguist, conducted unauthorized source operations, coerced local nationals to serve as sources, forced sources to falsify sworn statements to ensure convictions of alleged insurgents, conducted unauthorized and undocumented detention operations, and assaulted sources and detainees under their control. The allegations were previously reported to the officer's Battalion Executive Officer, but he failed to take appropriate action to resolve them IAW AR 381-10. On 9 June 2006, SAIG-IO referred these allegations to the Inspector General (IG), Multi-National Corps-Iraq (MNC-I), for resolution.

(2) (U) On 5 June 2006, it was alleged that a Category-II interpreter, 4th ID, conducted interrogations without the presence or participation of a Military Intelligence (MI) officer. The interpreter and an Iraqi Army Officer may have also conducted interrogations without the presence of an MI officer. The unauthorized and improper interrogations may have been done at the direction of the S2, 2/9 Cavalry Squadron and/or the Squadron Commander. The allegations were reported to the Squadron S2, but he failed to take appropriate action to resolve them IAW AR 381-10. On 9 June 2006, SAIG-IO referred these allegations to the IG, MNC-I, for resolution.

(3) (U) Also on 5 June 2006, it was alleged that the Team Leader and members of Tactical Human Intelligence Team 676 (THT), 101st Abn, might have falsified interrogation reports concerning the specific interrogation techniques employed during interrogation sessions. Specifically, it was alleged that they would use fear-up techniques (wearing red contact lenses and claiming to be possessed by Satan), yet they reported using different techniques. The allegations were reported to the Squadron S2, but he failed to take appropriate steps to resolve them IAW AR 381-10. On 9 June 2006, SAIG-IO referred these allegations to the IG, MNC-I for resolution.

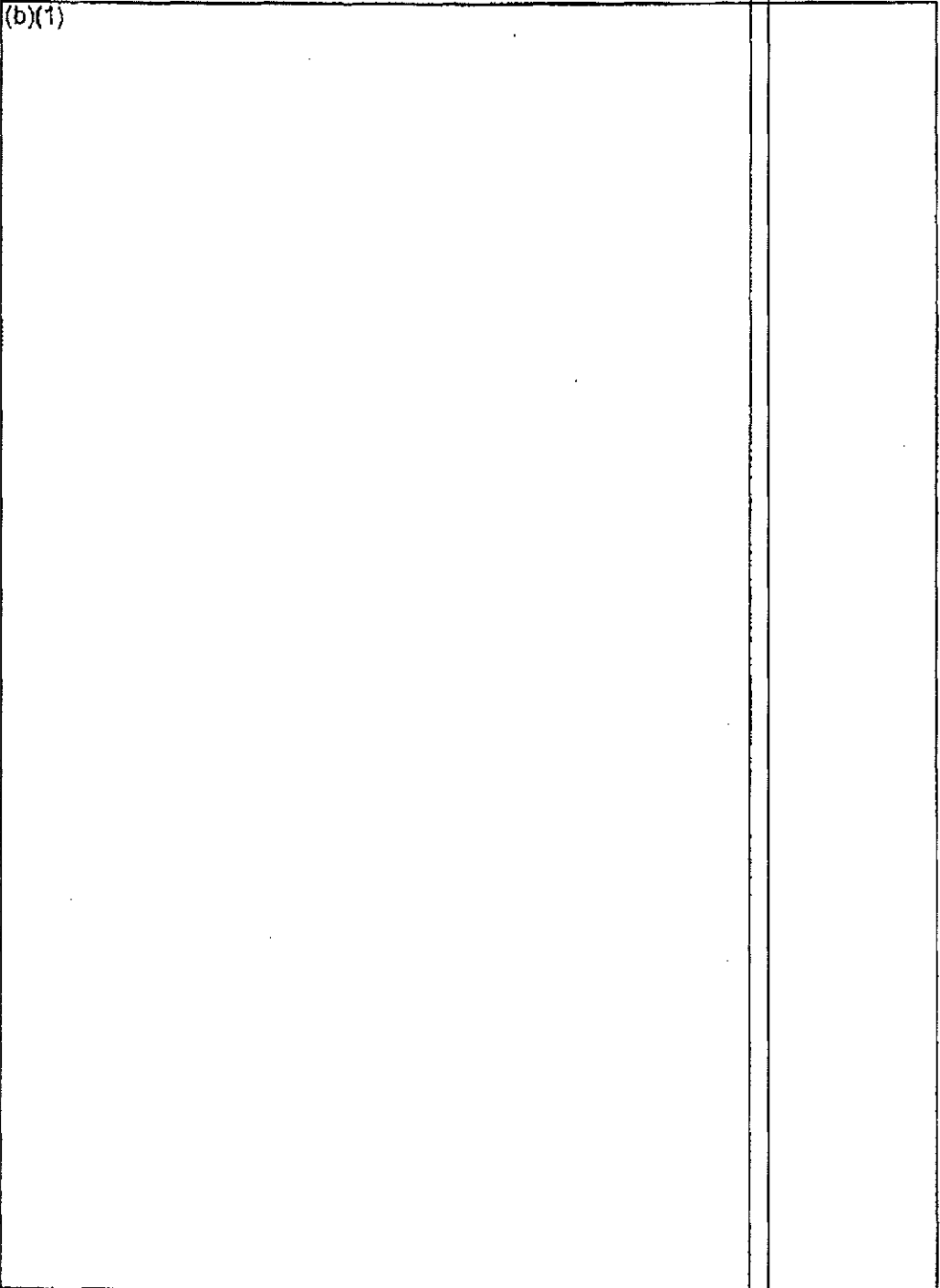
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**Updates of Previously Reported Questionable Intelligence Activities**

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--(U) Improper Collection of US Person Information, Miami, Fla (DAIG-06-009): On 5 January 2006, INSCOM notified SAIG-IO that on 9 November 2004 a CI Special Agent (S/A) assigned to the 902d MIG, with duty at the Joint Terrorism Task Force, Miami, FL (JTTF-Miami) may have inappropriately collected and reported information about a group's (US-person) plan to exercise its constitutional freedoms of assembly and speech. The information was reported as a Threat and Local Observance Notice (TALON) and submitted through the 902d MIG to the Counter Intelligence Field Activity (CIFA) for analysis and entry in the Cornerstone database. The report described the group's plan to convene a meeting titled "Countering Military Recruitment, the Draft and Military Law." The report also described the group's plan to "hold a workshop and planning meeting to discuss countering US Military recruiting in High Schools, as well as efforts to assist recruits in getting out of military contracts." On 15 November 2004, the S/A provided an updated TALON report describing the group's plans to set up "tables at the schools in order to perform 'surveillance' on Military recruiters while on campus." The TALON report did not indicate that either the group or its planned activities had a foreign nexus. Throughout the report, the S/A generically referred to the subject entity as a "group" and a "US Domestic Protest Group." However, when reporting the address of the group's meeting venue, the S/A included the name of the meeting facility, which contained the name of the group.

(1) (U) Until recently, the 902d MIG maintained a database of all or some of the TALON reports submitted by their S/As. The 902d MIG contends that the S/A's reporting was not a violation of AR 381-10, and his collection activities were consistent with the 902d MIG's expanded force protection collection mission, which they base on a 2 May 2003, Deputy Secretary of Defense memorandum, Subject: Collection, Reporting, and Analysis of Terrorist Threats to DoD Within the United States; and a 10 December 2004 Office of the Vice Chief Of Staff memorandum, Subject: Army Implementation Guidance for TALON Suspicious Incident Reporting.

(2) (U) On 5 January 2006, the INSCOM Commanding General directed the INSCOM Inspector General to conduct a special inspection of the TALON reporting system in INSCOM, with the following focus: (a) evaluate the strengths and weakness of the existing system; (b) provide a detailed assessment of 902d MIG's compliance with TALON regulations, policies and procedures; (c) determine conflicts or voids in guidance

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concerning the reporting, analysis, retention, and dissemination of TALON information; and (d) assess the policies and procedures for submitting TALON reports directly to CIFA without an intermediate review process by the chain of command.

(3) (U) On 30 March 2006, the Deputy Secretary of Defense (DEPSECDEF) established an unclassified interim policy memorandum concerning the TALON Reporting System, Subject: Threats to the Department of Defense (DoD). In the memorandum, the DEPSECDEF confirmed the reporting system should only be used to report information regarding possible international terrorism activities and the information should be retained in accordance with DoD 5240.1-R, Activities of DoD Intelligence Components that Affect US Persons, December 1982. SAIG-IO will maintain this case as open until the Deputy Chief of Staff-G2 publishes their implementing guidance and INSCOM publishes its special inspection results and corrective actions (as appropriate). The QIA described in DAIG 06-019 is also being reviewed as part of the INSCOM special inspection.

--(U) Alleged Detainee Abuse, Bagram Detention Facility (DAIG-04-006): In December 2003, Criminal Investigation Command Division (CID) reported a QIA involving military intelligence (MI) interrogators assigned to A Company, 519th MI Battalion, Bagram Detention Facility (BDF), Afghanistan; and supporting Military Police (MP) assigned to 377th Military Police Company, US Army Reserve, BDF. Allegedly, in December 2002, a number of MI and MP soldiers assaulted and mistreated detainees, resulting in the death of one detainee. CID conducted a criminal investigation into the matter and concluded that the subjects assaulted and mistreated the detainee, and that the detainee died while in BDF custody. The medical examiner classified the death as a homicide and the cause of death as blunt force trauma. However, the supporting Staff Judge Advocate (SJAG) opined that there was insufficient probable cause to hold anyone criminally responsible for the death of the detainee. As a result of the SJAG opinion, numerous soldiers were fined with various offenses, including making false official statements, dereliction of duty, and assault and battery. The resulting penalties are as follows:

(1) (U) There was insufficient cause to punish the Officer-in-Charge of the BDF interrogators.

(2) (U) The NCOIC of the BDF interrogators has separated from service. As a result, the case was referred to the Department of Justice for their action.

(3) (U) One MI Soldier is currently pending Court-Martial proceedings for dereliction of duty and assault consummated by battery.

(4) (U) One MP was convicted at a General Court-Martial for aggravated assault, maltreatment, maiming, and false statement. He was acquitted of three assault charges and was reduced to E1.

(5) (U) Three MPs were acquitted.

(6) (U) Four MPs received letters of reprimand.

(7) (U) One MP pled guilty at a Special Court-Martial to assault and false official statement. The Soldier was reduced to E1, forfeited of 2/3 pay for four months, and was confined for four months.

(8) (U) One MP pled guilty at a Special Court-Martial to assault consummated by battery and dereliction of duty. The Soldier was reduced to E1, confined for 75 days, and sentenced to be discharged from service with a Bad Conduct Discharge.

--(U) Alleged Detainee Abuse, Qaim Iraq (DAIG-04-007): In December 2003, CID reported the QIA of soldiers deployed in Qaim, Iraq. On 23 November 2003, a detainee in US custody, died while being interrogated by MI personnel. The CID investigation identified three MI and five non-MI personnel as subjects. In the investigation, all of the alleged abusive acts were directly related to an intelligence function (intelligence interrogation), and therefore reportable under the provisions of Procedure 15, AR 381-10. Punishments against the charged MI and MP personnel are as follows:

(1) (U) A MI warrant officer was convicted at a General Court-Martial of negligent homicide and negligent dereliction of duty. He was sentenced to four months confinement, restriction for 60 days, and forfeiture of \$1500 for four months.

(2) (U) A MI warrant officer received an Article 15, UCMJ.

(3) (U) One MI Senior NCO received a letter of reprimand.

(4) (U) Punishment under Article 15, UCMJ, is pending against one non-MI Soldier.

(5) (U) No action was taken against one non-MI warrant officer, two non-MI NCOs, and one non-MI civilian.

--(U) Alleged Detainee Abuse, Camp Sykes, Iraq (DAIG-05-034): On 28 July 2005, INSCOM reported that a Warrant Officer assigned to the 287th MI Battalion allegedly kicked a detainee during pre-screening activities at Camp Sykes (Tall Afar), Iraq. Concerns of combat related stress were expressed by the Warrant Officer's command. Reportedly, the Warrant Officer was placed on administrative duties and would not likely return to interrogation duties with his team. The Warrant Officer and his team received combat stress counseling and the command provided refresher training on interrogation rules. After conducting an investigation into the incident, in October 2005, CID notified the SAIG-IO that the detainee abuse allegation was substantiated and their case was closed. CID's investigative results were forwarded to the command for action. The command issued the Warrant Officer a letter of reprimand for his abusive actions.

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period January-March 2006 is attached. There were no significant Intelligence Oversight issues warranting IOB attention for this period and no significant Intelligence Oversight violations.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

William R. Dugan, Jr.  
Acting ATSD(IO)

Attachment a/s

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

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(b)(1)  
(b)(3)-50 USC 403  
(b)(3)-18 USC 798  
(b)(3)-P.L. 86-36

Other Activities

(b)(1)  
(b)(3)-50 USC 403  
(b)(3)-18 USC 798  
(b)(3)-P.L. 86-36

(U) DIA

~~(S/NF)~~ (b)(1)  
(b)(1)

~~(S/NF)~~ (b)(1) may have engaged in questionable intelligence activities consisting of visa fraud and bribery, while serving in his capacity as ~~(b)(1), (b)(3):10 USC §424~~. The Department of State and the Army Criminal Investigation Command (CID) are investigating this matter and have coordinated with the U.S. Attorney's Office, which has accepted prosecutorial responsibility.

(U) Army Activities

~~(U)~~ Maltreatment of a Foreign Detainee by Military Intelligence Personnel, Baghram, Afghanistan (DAIG 06-013) The Office of the Army General Counsel provided Army IG (SAIG-IO) with a report on an on-going CID investigations into allegations that four Military Intelligence (MI) personnel, assigned to Alpha Company, 519<sup>th</sup> MI Battalion, Baghram Collection Point, Afghanistan, committed acts of "assault" and "maltreatment of a person in US custody." In addition, the Officer-in-Charge for the Collection Point is being investigated for "maltreatment of a person in US custody, false officials statement, and conspiracy." The Noncommissioned Officer-in-Charge for the Collection Point, is being investigated for "dereliction of duty and conspiracy." The victim was an Afghan national who died from blunt force trauma.

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(U) Improper Collection and Dissemination of U.S. Person Information by MI Personnel (DAIG 06-019) US Army Intelligence and Security Command reported a questionable intelligence activity involving intelligence analysts assigned to the 902<sup>nd</sup> MI Group (MIG). The questionable intelligence activities concerned an article in the Wall Street Journal (WSJ) newspaper on the collection and dissemination of information concerning participants in a 19 March 2005 anti-war protest in Akron, Ohio. The WSJ article alleged that analysts in the 902<sup>nd</sup> had, for weeks prior to the demonstration, downloaded information from the activist Web site, intercepting emails and cross-referencing this information in police databases. The article also alleged that the 902<sup>nd</sup> MIG provided a two page alert to the Akron Police Department and that the Akron protest was one of seven others monitored by the Army that month that turned out to be nonviolent. Finally, the WSJ report stated that the 902<sup>nd</sup> MIG produced reports on seven other protests and used "data-analysis techniques to look for signs of hidden coordination between the protests." INSCOM is conducting an investigation into the allegations.

--(U) Improper Collection and Dissemination of US Person Information by MI Personnel (DAIG 06-012) On 2 March 2006, during a SAIG-IO inspection of the Headquarters, US Army Forces Northern Command (ARNORTH) (5<sup>th</sup> US Army), Fort Sam Houston, Texas, inspectors discovered US person force protection information in a G2 ARNORTH intelligence briefing. The briefing, which was presented by the G2 to the CG-ARNORTH on 21 February 2006, contained identities of US persons, including a white supremacist group, and their planned domestic activities. An intelligence summary from the FBI was cited as the source. The group and their planned activities did not involve a foreign nexus. G2 attributed the violation to ARNORTH's immature structure and the staff's vague missions and functions. SAIG-IO is coordinating with the Inspector General and the G2 to determine what corrective actions were taken.

Updates of Previously Reported Incidents

(b)(1)

--(U) Allegation of Detainee Abuse by MI Personnel in Shkin, Afghanistan (DAIG 05-013): In January 2004, the SAIG-IO reported on allegations that a MI Captain, 10<sup>th</sup> Mountain Division, and an individual assumed to be a US Army Contractor, abused a prisoner at a detention facility in Shkin, Afghanistan. CID investigated the case and determined the allegations of assault and maltreatment of the prisoner were unfounded.

~~TOP SECRET~~ [ ] ~~NOFORN~~

--(U) Database Checks on the Foreign National Relatives of an Army G2 Employee (DAIG 06-001): On 17 October 2005, INSCOM reported the Questionable Intelligence Activity of multiple MI officers. Allegedly, on 11 October 2005, officials in Army G2 requested INSCOM G3 conduct "database checks" on an Army G2 US person employee's foreign national relatives living in Egypt. Because G2 officers indicated that the database checks were conducted at the direction of senior officials, the matter was referred to SAIG-Investigations (SAIG-IN). SAIG-IN concluded that the Army G2 has legitimate access to personnel security records and has the authority to grant, deny or revoke security clearances. Additionally, INSCOM has a lawful mission to collect information and maintain databases on foreign threats. Therefore, the information concerning the employee and her foreign relatives were appropriately collected (ensure the employee had no ties to terrorist). The case was closed without further action.

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

MAR 30 2007

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period July-September 2006 is attached. The report contains summaries of questionable intelligence activities and Intelligence Oversight issues that were reported to the Office of the Assistant to the Secretary of Defense (Intelligence Oversight) this quarter.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

William R. Dugan, Jr.  
Acting ATSD(IO)

Attachment a/s

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

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~~NOFORN~~

Department of Defense Intelligence Oversight Report  
July-September 2006

(U) ATSD(IO) Activities

—(U) During the quarter, the Office of the ATSD(IO) conducted Intelligence Oversight (IO) inspections and staff assistance visits at DoD intelligence units and organizations in Afghanistan, and the Horn of Africa and (b)(3):10 USC §424

(b)(3):10 All inspected units and organizations had satisfactory IO programs and their personnel demonstrated a knowledge and awareness of IO policy and procedures.

(U) DoD General Counsel Activity

(b)(1) [REDACTED]

(U) Notable Reporting From DoD Intelligence Components

—(FOUO) DoD Intelligence Components have reported to the ATSD(IO) on a number of Intelligence Oversight activities, investigations, and incidents for this reporting period. Notable among these reports are the following:

(U) NSA Activities

(b)(1)  
(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36

(b)(3)-P.L. 86-36

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(b)(3)-P.L. 86-36

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Classified By: Multiple Sources  
Declassify On: 20291123

(b)(1)  
(b)(3)-P.L. 86-36

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(b)(1)  
(b)(3)-P.L. 86-36

[redacted]  
[redacted]  
[redacted]  
[redacted]

(b)(3)-P.L. 86-36

NSA/IG Inspection

(b)(1)  
[redacted]

(b)(1)  
(b)(3)-P.L. 86-36

(U) DIA Activities

--(U) The DIA Inspector General's Office continues to provide IO training to (b)(2),(b)(3):10  
(b)(2),(b)(3):10 USC §424 [redacted] This quarter, (b)(2),(b) received IO training prior to their  
deployments. In addition, an attorney from the DIA Office of General Counsel provided  
instruction on (b)(2)

(b)(2)

(b)(2)

*On [redacted] in [redacted]  
all - Jan. Mar 2007  
Report for  
update, still [redacted]*

(U) Army Activities

~~(S)~~ Questionable Intelligence Activities of Individuals Assigned to the IO  
Division in Iraq (DAIG 06-022) UPDATE: As reported in the June -Septen  
Quarterly Report, the Army is currently investigating numerous allegations of  
questionable intelligence activity (QIA) concerning members of the 101<sup>st</sup> Airborne  
Division. The on-going investigations have yielded evidence to support the following  
allegations: unauthorized source operations by non MI soldiers and interpreters (b)(1)

(b)(1),(b)(2)

unauthorized sources may have used threats of torture to extract confessions;  
unauthorized use of captured equipment to support unauthorized source operations;  
unauthorized detention, interrogation and prisoner transfer operations; and unauthorized  
fear-up approached during interrogations. The investigations are on-going.

--(U) Alleged Misuse of Intelligence Contingency Funds (DAIG-06-029): On 23 March  
2006, the DoD Inspector General (DoD/IG) received an anonymous complaint  
concerning a Military Intelligence (MI) officer's alleged misconduct in the performance  
of his intelligence duties while he was assigned to the US Army Task Force (TF) in

Kosovo. On 15 June 2006, the DoD/IG referred the case to the Assistance Division, US Army Inspector General Agency (SAIG-AC). On or about 17 July 2006, after notifying the Intelligence Oversight Division (SAIG-IO), SAIG-AC further referred the case to the TF Inspector General for resolution. The salient points of the Questionable Intelligence Activity (QIA) allegations and status of the investigation are provided below:

(1)(U) An MI officer assigned as the TF Counterintelligence Coordinating Authority (TFCICA), Kosovo, was responsible for accountability of TF intelligence contingency funds (ICF). The officer allegedly misused his position as a TF MI officer and ICF custodian/agent to travel monthly to Headquarters, US Army Europe (USAREUR), Heidelberg, Germany, under the possible guise of reconciling the ICF account with USAREUR. According to the anonymous allegation, the officer's supervisor "finessed things" to make sure the officer was able to spend time in Germany with the officer's wife. The supervisor would "cover" for the officer and say the trips were needed for "intelligence purposes."

(2)(U) The complainant alleged that on Tuesday, 7 February 2006, the officer flew to Germany to conduct approximately four hours of business with the USAREUR G2 staff. During his visit in Germany, the officer telephoned Kosovo and stated that his scheduled 9 February 2006 return flight was cancelled and he would not be able to return until Tuesday, 14 February 2006. The complainant stated that according to USAREUR G3 Aviation Operations, the 9 February flight was not cancelled and that there were numerous other flights available prior to 9 February 2006. During the officer's eight-day visit in Germany, the wife visited him, he remained on Temporary Duty (TDY) status and he subsequently claimed reimbursements for travel expenses and per diem. The complainant stated that a similar abuse occurred in March 2006.

*Still ok*

(3)(U) The TF command investigation continues and once complete, the TF will report their results to SAIG-AC and SAIG-IO. SAIG-AC will also provide a copy of the investigative results to DOD/IG, who received the original allegation anonymously.

-(U) Alleged Misuse of Intelligence Contingency Funds, Kabul, Afghanistan (DAIG-06-032): On 17 August 2006, the Intelligence Oversight Officer (IOO), 1st MI Group (MIG), Belgium, reported the following QIAs concerning the activities of a First Class Sergeant (SFC) and a Master Sergeant (MSG), Counterintelligence (CI), assigned to the Afghanistan Detachment (ADET), 650th MIG Afghanistan.

*Added in Oct-Dec 2006 report*

(1)(U) On 12 July 2005, the SFC allegedly used ICF (\$300-\$400) to purchase an AK-47 assault rifle from an intelligence source. The SFC allegedly falsified operational reports to conceal the AK-47 purchase. The SFC then terminated contact with the source. He then recommended no further attempts be made by ADET personnel to contact the source, presumably to conceal the illicit transaction.

(2)(U) On 2 August 2005, the MSG allegedly used ICF (\$600) to purchase an AK-47 assault rifle from an intelligence source. The MSG allegedly falsified operational reports to disguise the AK-47 acquisition as a "gift" from the source. The MSG may have concealed the unauthorized ICF expenditure by reporting (artificially) inflated source payments over the course of several meetings with the source.

(3)(U) Both the SFC and MSG also allegedly conspired with a third person to ship the AK-47 rifles back to their home station (Belgium) via US military aircraft. The locations of the AK-47 rifles are unknown.

(4)(U) The Commander, 650th MIG, reported the matter to the local office of the US Army Criminal Investigations Division (CID) and a criminal investigation ensued. The IOO reported that the criminal investigation has been completed and the 650<sup>th</sup> MIG will incorporate the CID findings in the command's final report.

**(U) Update of Previously Reported Questionable Intelligence Activities:**

--(U) Investigation of Allegations of Intelligence Misconduct in Iraq (DAIG-05-025): In May 2005, SAIG-IO learned that SAIG-AC received information from the Defense Criminal Investigative Service (DCIS) alleging misconduct of an MI officer performing unauthorized intelligence operations while assigned as the G2, 1st Armored Division in Iraq. The officer was alleged to have conducted improper intelligence collection operations. He is further alleged to have disobeyed direct orders of general officers by failing to terminate contact with informants and failing to register informants. Lastly, the officer allegedly made a false official statement when he told a general officer that he had registered all of his Human Intelligence (HUMINT) sources when he knew that his statement was false.

(U) The officer is currently assigned to US Army Intelligence Center and School (USAICS), Fort Huachuca. As such, the US Army Training and Doctrine Command (TRADOC) conducted a command investigation, which did not incorporate the results of the DCIS investigation. TRADOC concluded that the officer failed to comply with the directives from his superiors, but the investigating officer mitigated the issue by suggesting the officer believed he had tacit approval by officials positioned above his superiors. Regarding the unauthorized conduct of source operations, TRADOC mitigated the issue by suggesting he did not have sufficient guidance from higher headquarters to appropriately conduct intelligence activities.

(U) Subsequently, SAIG-AC completed its investigation, which considered the results of the DCIS and TRADOC investigations. The Inspector General sent a letter to the TRADOC Commanding General outlining the results of SAIG-AC's investigative findings. SAIG-AC substantiated four allegations of disobeying direct orders, one allegation of improperly conducting intelligence operations, and one allegation of making false official statements to a General Officer. The officer received a letter of counseling from the Commanding General, Combined Arms Center, and a verbal reprimand from the Commanding General, USAICS.



INTELLIGENCE  
COMMUNITY

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ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200


DEC 7 2006

MEMORANDUM FOR THE RECORD

SUBJECT: Quarterly Intelligence Oversight Reports Submitted by DoD  
Intelligence Components and Summary of ATSD(IO) Inspections for the Quarter  
July - September 2006 (FCIO)

(FCIO) This memorandum contains, as attachments, the Intelligence Oversight reports of the Defense Intelligence Agency (DIA), National Security Agency (NSA), Joint Staff (includes Combatant Commands), military services, National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), the DoD Inspector General (IG), and the Defense Threat Reduction Agency (DTRA). Included under Tab A, is a list of DoD Intelligence Components visited by the Office of the Assistant to the Secretary of Defense (Intelligence Oversight), during compliance inspections or staff assistance visits, and a summary of those visits.

(FCIO) The reports of the DIA (TAB B), NSA (TAB C), DoD IG (TAB D), NRO (TAB E), DTRA (TAB F), NGA (TAB G), Joint Staff (TAB H), U.S. Army (TAB I), U.S. Air Force (TAB J), and the Navy (TAB K) are enclosed.

  
William R. Dugan, Jr.  
Acting ATSD(IO)

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INTELLIGENCE  
OVERSIGHT

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ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

APR 23 2008

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period October-December 2007 is attached (TAB 1). The report consists of the Intelligence Oversight reports of the Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), DoD Inspector General (IG), Defense Threat Reduction Agency (DTRA), Joint Staff (includes Combatant Commands), military services, and the Counterintelligence Field Activity (CIFA).

Also included with the Report for this quarter is a copy of the Congressional Notification memorandum of the facts surrounding the handling of the DIA interrogation recordings of Ali Salch Kahlah Al-Marri (TAB 2). The ATSD(IO) provided a copy of this notification to the General Counsel, President's Foreign Intelligence Advisory Board on February 1, 2008. The ATSD(IO) will continue to monitor the outcome of the on-going investigation into this matter.

  
Daniel J. Dell'Orto  
Acting General Counsel

  
William Dugan  
Acting ATSD(IO)

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INTELLIGENCE  
OVERSIGHT

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(b)(1)

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

DEC 11 2007

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

(U) The Department of Defense Intelligence Oversight Report for the period July-September 2007 is attached. The report consists of the Intelligence Oversight reports of the Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), DoD Inspector General (IG), Defense Threat Reduction Agency (DTRA), Joint Staff (includes Combatant Commands), military services, and the Counterintelligence Field Activity (CIFA). In addition, we have attached an update to DAIG investigation 07-018 which we first reported to you on April 23, 2007 and subsequently updated on September 28, 2007.

~~(b)(1)~~ Update on Questionable Intelligence Activity Previously Reported to the Intelligence Oversight Board UOB. On April 23, 2007, we first reported to the IOB information concerning an unauthorized ~~(b)(1)~~ against a U.S. Person that occurred in Mosul, Iraq, on March 23, 2007, in support of the Federal Bureau of Investigation (FBI). In addition to FBI personnel, U.S. Army personnel may have been involved in the incident.

(U) The matter of the Army's involvement has been referred to the Army IG for investigation. We have been advised that the investigation, which is being conducted by Army personnel in Iraq, is nearing completion. After the investigative report is prepared and approved it will be forwarded through Army channels to this office. The attached memorandum from the DAIG, dated November 9, 2007, provides an update on the status of the investigation.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

William Dugan  
Acting ATSD(IO)

Attachment a/s

(b)(1)

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DEPARTMENT OF THE ARMY  
OFFICE OF THE INSPECTOR GENERAL  
1700 ARMY PENTAGON  
WASHINGTON DC 20315-1700

SAIG-IO (20-1b)

9 November 2007

MEMORANDUM FOR ASSISTANT TO THE SECRETARY OF DEFENSE  
(INTELLIGENCE OVERSIGHT)

SUBJECT: Update to Referral of Intelligence Oversight Incident for Investigation (DAIG-07-018) (U)

1. (U) References: (b)(1) Memorandum, ATSD (IO), Subject: Referral of Intelligence Oversight Incident for Investigation (U), 18 April 2007.

2. (U//FOUO) This responds to the ATSD-IO's referenced request to investigate a reported Intelligence Oversight incident involving elements of Multi-National Division North (25<sup>th</sup> ID) while supporting the Federal Bureau of Investigation (FBI) in and around Mosul, Iraq in February 2007.

3. (U//FOUO) C2, Multi-National Corps Iraq, advised Intelligence Oversight Division (SAIG-IO), Army Inspector General Agency, that MND-N completed a commander's investigation and confirmed that questionable intelligence activities did occur - i.e. the collection of information on US persons (USP) by intelligence assets supporting MND-N.

a. (U//FOUO) According to MND-N's investigation, an American citizen (DETAINEE), allegedly fighting with Anti-Iraqi Forces (AIF) was detained by Coalition Forces (CF) in February 2007..

b. (U//FOUO) (b)(2) seeking evidence for possible criminal prosecution, reportedly contacted elements of MND-N (b)(2) (b)(6) (b)(7)(c)(e)  
(b)(2) (b)(6) (b)(7)(c)(e)

c. (U//FOUO) MND-N elements attempted to determine the citizenship of the DETAINEE's father prior to employing CF collection capabilities, according to MND-N's investigating officer.

d. (U//FOUO) MND-N's investigation included one interview with an officer who indicated (b)(2) (b)(6) (b)(7)(c)(e)  
(b)(2) (b)(6) (b)(7)(c)(e)

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SAIG-IO

SUBJECT: Update to Referral of Intelligence Oversight Incident for Investigation (DAIG-07-018) (U)

3. (U//~~FOUO~~) MND-N was reportedly unable to obtain any clarifying information from (b)(2) in the Iraq Theater of Operation that would determine what was known by whom, and when, relative to (b)(7)(e)

4. (U//~~FOUO~~) in addition to the findings above, MND-N's investigation report included procedural recommendations to positively document the citizenship identity of individuals targeted for collection.

5. (U//~~FOUO~~) MND-N's cooperation with the FBI relates to the broader, systemic issue of Military Intelligence cooperation with Civilian Law Enforcement (CLEA). Procedure 12, AR 381-10, i.e. - Military Intelligence assistance to US civilian law enforcement authorities - requires Secretary of Defense approval through the DCS G2 for MI assistance to CLEA. The operational tempo in Iraq and Afghanistan, coupled with the now routine engagement of the FBI with MI in those theaters of operation, has created an environment that argues for the delegation of approval for MI assistance to CLEA to the operational commander and a re-examination of intelligence sharing regulations, policies and agreements between MI and the FBI (CLEA).

6. (U) POC is Mr. Peter Fisher (703) 692-0716.

*for Peter Fisher*  
TERRY W. BEYNON  
COL, Inspector General  
Chief, Intelligence  
Oversight Division

CF:  
DCS G2  
OGC

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

JUL 15 2007

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period January-March 2007 is attached. The report consists of the Intelligence Oversight reports of the Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), DoD Inspector General (IG), Defense Threat Reduction Agency (DTRA), Joint Staff (includes Combatant Commands), military services, and the Counterintelligence Field Activity (CIFA).

Daniel J. Dell'Orto  
Principal Deputy General Counsel

William Dugan  
Acting ATSD(IO)

Attachment a/s

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REMOVAL OF CODEWORDS AND CAVEATS

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(b)(1)



INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

SEP 28 2007

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

(U) The Department of Defense Intelligence Oversight Report for the period April-June 2007 is attached. The report consists of the Intelligence Oversight reports of the Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), DoD Inspector General (IG), Defense Threat Reduction Agency (DTRA), Joint Staff (includes Combatant Commands), military services, and the Counterintelligence Field Activity (CIFA).

~~(S)~~ (b)(1) Update on questionable intelligence activity previously reported to the Intelligence Oversight Board (IOB). On April 23, 2007, we reported to the IOB information concerning an unauthorized (b)(1) against a U.S. Person that occurred in Mosul, Iraq, on March 23, 2007, in support of the Federal Bureau of Investigation (FBI). According to (b)(1) the target, despite assurances from the FBI that the target was an Iraqi national, produced a U.S. passport upon capture. In addition to FBI personnel, U.S. Army personnel may have been involved in the incident.

~~(S)~~ (b)(1) The matter of the Army's involvement has been referred to the Army IG for investigation. We have been advised that the investigation, which is being conducted by Army personnel in Iraq, is nearing completion. After the investigative report is prepared it will be forwarded through Army channels to this office.

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(b)(1)

(b)(1) Finally, the ATSD(IO) has been in contact with investigators from the FBI who are reviewing FBI actions in this matter. We have offered to put them in contact with the Army investigators in Mosul, Iraq, but the FBI investigators have declined to do so at this time. We will update the IOB on this incident as further information becomes available.

*Daniel J. Dell'Orto*

Daniel J. Dell'Orto  
Principal Deputy General Counsel

*William Dugan*

William Dugan  
Acting ATSD(IO)

Attachments a/s

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(b)(1)



INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

SEP 28 2007

Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Chairman:

(U) The Department of Defense Intelligence Oversight Report for the period April-June 2007 is attached. The report consists of the Intelligence Oversight reports of the Defense Intelligence Agency (DIA), National Security Agency (NSA), National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), DoD Inspector General (IG), Defense Threat Reduction Agency (DTRA), Joint Staff (includes Combatant Commands), military services, and the Counterintelligence Field Activity (CIFA).

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(S) ~~(b)(1)~~ The matter of the Army's involvement has been referred to the Army IG for investigation. We have been advised that the investigation, which is being conducted by Army personnel in Iraq, is nearing completion. After the investigative report is prepared it will be forwarded through Army channels to this office.

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(b)(1)



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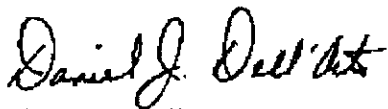
76

~~TOP SECRET~~

(b)(1)

(b)(1)

(b)(1) Finally, the ATSD(IO) has been in contact with investigators from the FBI who are reviewing FBI actions in this matter. We have offered to put them in contact with the Army investigators in Mosul, Iraq, but the FBI investigators have declined to do so at this time. We will update the IOB on this incident as further information becomes available.



Daniel J. Dell'Orto  
Principal Deputy General Counsel



William Dugan  
Acting ATSD(IO)

Attachments a/s

~~TOP SECRET~~

(b)(1)

2

EFF

77

~~SECRET//NOFORN//X1~~



DEFENSE INTELLIGENCE AGENCY

WASHINGTON, D.C. 20340-



S-0056/IG

25 February 2002

To: Assistant to the Secretary of Defense for  
Intelligence Oversight  
7200 Defense Pentagon  
Washington, DC 20301-7200

Subject: (U) Quarterly Intelligence Oversight Report for the Period Ending 31 December 2001

References: a. (U) DoD Directive 5240.1, "DoD Intelligence Activities"

b. (U) DoD 5240.1-R, "Procedures Governing the Activities of DoD Components that Affect U.S. Persons"

c. (U) DIAR 60-4, "Procedures Governing DIA Intelligence Activities that Affect U.S. Persons"

d. (U) Executive Order 12333, "United States Intelligence Activities"

e. (U) Executive Order 12863, "President's Foreign Intelligence Advisory Board"

(U) As required by references above, the Quarterly Intelligence Oversight Report for the Defense Intelligence Agency for the period 1 September through 31 December 2001 is enclosed. If further information is required, please contact the Office of the General Counsel at [redacted]

(b)(2),(b)(3):  
10 USC 424

[redacted] or the Office of the Inspector General at [redacted]

(b)(2),(b)(3):1  
0 USC 424

(b)(2),(b)(3):10  
USC 424

Thomas R. Wilson  
Vice Admiral, U.S. Navy  
Director

1 enclosure  
Quarterly Intelligence Oversight  
Report, 1 Sep through 31 Dec 01  
~~(S//NF)~~, 1 cy

REGRADED UNCLASSIFIED WHEN SEPARATED  
FROM CLASSIFIED ENCLOSURE

~~SECRET//NOFORN//X1~~

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78

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(U) QUARTERLY INTELLIGENCE OVERSIGHT REPORT

1 September through 31 December 2001

1. (U) The Office of the Inspector General (IG) conducted the following intelligence oversight (IO) activities:

a. (U) Defense Intelligence Agency (DIA) message 031930Z DEC 01, subject: IG IO Brief 1-02, (enclosure 1) was dispatched to all DIA field elements.

b. ~~(S//NF)~~

[REDACTED]

(b)(1), 1.4 (c)

c. ~~(U//FOUO)~~ The IG conducted an inspection of [REDACTED]

(b)(3):10  
USC 424

[REDACTED] No questionable activities were found. Findings were made that both offices had not documented IO training. Recommendations were made for corrective action.

(b)(3):10  
USC 424

d. ~~(S//NF)~~ IG memorandum S-0276/IG, 27 July 2001, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that the [REDACTED] may have violated [REDACTED]

(b)(1), 1.4 (c)

[REDACTED] An IO investigation was initiated and field work commenced in November 2001. The project is ongoing. (IG Project No. 01-1954-MA-056)

(b)(1), (b)(3):  
10 USC  
424, 1.4 (c)

e. ~~(S//NF)~~ IG memorandum S-0073/IG, 12 March 2001, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that a civilian assigned to the Directorate for Intelligence Operations (DO) may have violated Procedure 15 through the unauthorized funding of a federal law enforcement project. An IO investigation has been initiated. No change from last report. (IG Project No. 01-1935-MA-056)

f. ~~(S//NF)~~ IG memorandum S-0045/IG, 8 February 2001, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that an [REDACTED]

(b)(3):10 USC 424  
(b)(1), 1.4 (c)

[REDACTED] may have violated DIA procedures through the [REDACTED]. An IO investigation was conducted which found that [REDACTED] DO has taken corrective action. The DIA case is closed. (IG Project No. 01-1934-MA-056)

(b)(1), (b)(3):10  
USC 424, 1.4 (c)  
(b)(1), 1.4 (c)  
(b)(1), 1.4 (c)

Derived From: DHS SCG  
Declassify On: X1  
Date of Source: October 1997

~~SECRET//NOFORN//X1~~



g. ~~(S//NF)~~ IG memorandum S-0429/IG, 17 November 2000, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that the [redacted] Directorate for Information Systems and Services (DS), may have violated Procedure 12 through the unauthorized provision of intelligence support to a federal law enforcement agency. An IO investigation has been initiated. No change from last report. (IG Project No. 01-1919-MA-056)

(b)(3):10  
USC 424

h. ~~(S//NF)~~ [redacted]

(b)(1),(b)(3):  
10 USC  
424,(b)(3):50  
USC 403,1.4  
(c)

i. ~~(S//NF)~~ [redacted]

(b)(1),(b)(3):10  
USC  
424,(b)(3):50  
USC 403,1.4  
(c)

j. ~~(S//NF)~~ IG memorandum S-0102/IG, 17 March 2000, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that an [redacted] may have violated [redacted]

(b)(2),(b)(3):1  
0 USC 424

(b)(2) [redacted] The [redacted] has the matter under investigation in concert with the Federal Bureau of Investigation and the [redacted] The subject has been returned to his parent service and the investigation continues. No change since last report. (IG Project No. 00-1884-MA-056) (b)(2)

(b)(3):10  
USC 424

(b)(3):10  
USC 424

k. ~~(S//NF)~~ IG memorandum S-0421/IG, 4 November 1999, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that [redacted] may have violated [redacted] in connection with [redacted] The matter has been referred to the IG investigations unit. No change since last report. (IG Project No. 00-1864-MA-056)

(b)(1),(b)(3):10  
USC 424,1.4 (c)

(b)(1),1.4 (c)

(b)(1),(b)(3):10  
USC 424,1.4 (c)

(b)(1),1.4 (c)

l. ~~(S//NF)~~ [redacted]

(b)(1),(b)(3):1  
0 USC  
424,(b)(3):50  
USC 403,1.4  
(c)

m. ~~(S//NF)~~ IG memorandum U-0022/IG, 26 January 1998, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that a [redacted] might have resulted in questionable activities. The IG completed an investigation and the Department of Justice (DoJ) has accepted the case for prosecution. (IG Project No. 98-1731-HQ-056)

(b)(1), 1.4 (c)

(b)(1), 1.4 (c)

n. ~~(S)~~ An investigation into criminal misconduct by several current and former DIA personnel continues as reported in IG memorandum U-7641-95/IGI, 3 October 1995, subject: Referral of Allegation Against [redacted] Agencies involved in the investigation are the Defense Criminal Investigative Service; the U.S. Customs Service under the supervision of the Eastern District of Virginia, DoJ; and the Program Integrity Office, DoD IG. DoJ has declined to prosecute. The DIA case is closed. (IG Project No. 96-4289-OI-064)

(b)(2), (b)(6)

2. (U) Within the Office of the General Counsel (GC), [redacted] attorneys, a secretary, a staff assistant, and a paralegal specialist review GC files on a continuing basis as they are used in day-to-day operations. All files are reviewed for regulatory compliance when they are periodically considered for destruction, retention, or storage. The following specific actions were taken:

(b)(2), (b)(3): 10 USC 424

(b)(2), (b)(3): 10 USC 424

a. ~~(U//FOUO)~~ [redacted] attorneys review ongoing [redacted] assure compliance with oversight responsibilities. One attorney assures compliance for corporate DIA activities not involving DHS. One attorney made presentations to intelligence community level conferences and the National Security Agency special operations course. One attorney addressed oversight issues with [redacted] elements of the agency and provided advice on [redacted]

(b)(2)

b. ~~(U//FOUO)~~ GC reported no incidents of criminal activity to DoJ during the quarter.

3. (U) The Directorate for Administration was involved in the following oversight activities:

a. (U) IO reviews were conducted in each of the major elements to ensure that prohibited material was not retained in files. During this quarter [redacted] personnel reviewed IO procedures. Additionally, [redacted] students, [redacted] DIA and [redacted] non-DIA) received IO instruction as part of the following [redacted]

(b)(2), (b)(3): 10 USC 424

NUMBER

COURSE

(b)(3): 10 USC 424

[redacted]

- National Intelligence Course
- Collection Management for Analysts Course
- Intelligence Collection Manager Course
- Sensitive Compartmented Information Control Officer Course
- Mobile Collection Managers Course
- Mobile SCI Security Officer's Course

33 Defense Community Counterintelligence Course

b. (U) The Office for Procurement did not initiate any contract actions that fell under Procedure 11, DoD 5240.1-R, during this reporting period. There were no contracts that required contractor performance under DIAR 60-4.

c. (U) The Office for Human Resources briefed [redacted] new civilian and military employees. Each new employee was:

- Informed in writing of the existence and importance of DIAR 60-4
- Provided copies of the documents cited in paragraph 7.c.(2), DIAR 60-4
- Advised to review DIAR 60-4 for information which may pertain to their specific duty assignments
- Informed of their responsibilities to report questionable activities to GC or IG

(b)(2),(b)(3):10  
USC 424

4. (U//FOUO) The Directorate for Policy Support reviewed all files during the reporting period and found no prohibited material. DP organizational files located in the Pentagon office suite were secured immediately following the 11 September 2001 attack on the Pentagon and remain secured at a temporary location. Consequently, no files review was accomplished during this reporting period. Specific actions follow:

(b)(3):10  
USC 424

a. (U//FOUO) The [redacted] attended the [redacted] working group meeting, submitted the draft annual report for all DIA [redacted] to the Office of the Secretary of Defense, and conducted the DIA [redacted] Oversight Committee for the annual revalidations for each program. There was no [redacted] training bulletin for the quarter.

(b)(2)

(b)(2),(b)(3):10  
USC 424

b. (U//FOUO) A total of [redacted] personnel assigned to [redacted] were confirmed to be in receipt of IO regulations and guidance. [redacted] specific issues are noted in paragraph 1.c., above.

(b)(3):10  
USC 424

5. (U) The Directorate for Analysis and Production (DI) did not report any IO training this quarter for assigned personnel. DI tailored training was provided to [redacted] contractors during this period.

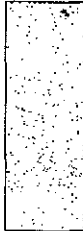
(b)(2),(b)(3):10  
USC 424

6. (U) The Directorate for Intelligence, Joint Staff, reported that [redacted] personnel received IO training during this quarter.

7. (U) The Joint Military Intelligence College provided IO instruction to personnel in the courses noted below. Additionally, [redacted] faculty members reviewed IO directives.

NUMBER

COURSE



National Security Structure and Policy  
Information Technologies in the Cyber Era  
Intelligence Collection: Evidence for Analysis  
Imagery Intelligence (IMINT)  
U.S. Intelligence Organizations  
History of U.S. Intelligence Organizations  
Leadership, Management and Coordination in the Intelligence Community

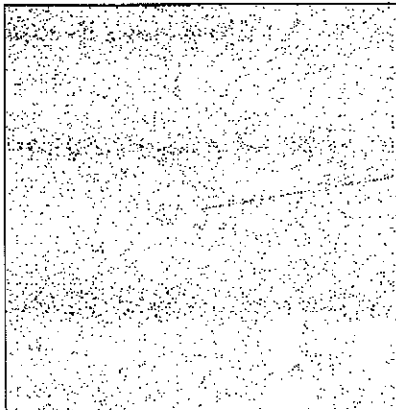
(b)(2),(b)(3):  
10 USC 424

8. ~~(S//NF)~~ DO reported that [redacted] personnel received IO training, including new personnel processed by the [redacted]. Additionally, [redacted] personnel performed files review during the quarter. (b)(1),(b)(3):10 USC 424,1.4 (c)
9. (U) The Central Measurement and Signature Intelligence Office did not report any IO related activities this quarter.
10. (U/~~FOUO~~) DS reported that [redacted] personnel reviewed IO procedures this quarter. The materials reviewed included E.O. 12333, DoD 5240.1-R, and DIAR 60-4.
11. (U) The Diversity Management and Equal Opportunity Office did not conduct IO related training this quarter.
12. (U) The Office of the Comptroller did not conduct IO training this quarter. (b)(3):10 USC 424
13. (U) The [redacted] Information Technologies in the C reported that [redacted] personnel received IO training this quarter and conducted a review of PO files. No prohibited material was found.
14. (U) The Directorate for Military Intelligence (DM) reported that [redacted] personnel participated in IO files review during this reporting period. DM conducted a review of hardcopy and softcopy files to ensure compliance with IO regulations. (b)(3):10 USC 424
15. (U) The [redacted] reviewed holdings for compliance. No violations were noted. Copies of IO regulations were disseminated to all subordinate offices.
16. (C) DIA management continued to emphasize the importance of personnel being familiar with IO regulations. A total of [redacted] personnel were reported to have received training in

~~SECRET//NOFORN//XI~~

DIAR 60-4 and DoD 5240.1-R and/or reviewed files for IO content during the period 1 July through 30 September 2001.

1 Enclosure  
DIA msg 031930Z DEC 01,  
Subj: IG Intelligence Oversight  
Brief 1-02, ~~(S//NF)~~; 1 cy



(b)(3):10 USC 424

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~~SECRET~~

FILE

01 01 031930Z DEC 01 RR SSSS ZYUW DIA IG  
NO

DIA WASHINGTON DC//DIA-IG//

[Redacted]

(b)(2)

[Redacted]

(b)(2),(b)(3):10 USC 424

USCINCEUR VAHINGEN GE

USCINCPAC HONOLULU HI

USCINCCENT MACDILL AFB FL

CINCUSACOM NORFOLK VA

USCINTRANS SCOTT AFB IL

USCINCSOC MACDILL AFB FL

USCINCSpace PETERSON AFB CO

USSTRATCOM OFFUTT AFB NE

[Redacted]

SAFE WASH DC

~~SECRET~~

SUBJ: IG INTELLIGENCE OVERSIGHT BRIEF 1-02

[Redacted]

(b)(2),(b)(3):10 USC 424

~~SECRET~~

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85

~~SECRET~~

01 01 031930Z DEC 01 RR SSSS ZYUW DIA IG  
NO

1. ~~(S//NF)~~ USE OF INTERNET FOR INTELLIGENCE RESEARCH. IG  
INTELLIGENCE OVERSIGHT BRIEF 2-01 PROVIDED DOD GENERAL COUNSEL (GC)  
GUIDANCE ON THE PRINCIPLES GOVERNING [REDACTED]

[REDACTED] IN THE WAKE  
OF THE 11 SEPTEMBER TERRORIST ATTACKS THE INTELLIGENCE COMMUNITY IS  
LOOKING TO INCREASED USE OF THE [REDACTED]  
[REDACTED] ORGANIZATIONS. THE  
PROCEDURES CONTAINED IN DOD 5240.1-R ARE NOT AN IMPEDIMENT TO SUCH  
INTELLIGENCE ACTIVITIES, BUT DIA EMPLOYEES SHOULD BE COGNIZANT OF THE  
RULES OF ENGAGEMENT.

(b)(1), 1.4 (c)

A. (U//~~FOUO~~) THE FIRST TEST IS ALWAYS MISSION AUTHORITY (PROCEDURE

1). DIA HAS THE CLEAR MISSION AUTHORITY TO [REDACTED] (b)(2)  
[REDACTED] IN SUPPORT OF NATIONAL AND DEFENSE  
REQUIREMENTS. THE PRINCIPAL RESPONSIBILITY FOR [REDACTED]  
[REDACTED] RESIDES WITH THE DEPARTMENT OF JUSTICE  
(DOJ), BUT THERE ARE PROVISIONS FOR DIA TO SUPPORT LAW ENFORCEMENT  
ORGANIZATIONS SUBJECT TO PROJECT SPECIFIC AUTHORIZATION BY THE  
DIA GC.

(b)(2)

[REDACTED]  
(b)(2),(b)(3):10 USC 424

~~SECRET~~

031930ZDEC01

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86

~~SECRET~~

01 01 031930Z DEC 01 RR SSSS ZYUW DIA IG  
NO

B. (U//~~FOUO~~) PROCEDURES 2, 3, AND 4 PROVIDE BROAD AUTHORITY FOR

[REDACTED] IF YOU ARE  
UNCERTAIN ABOUT RETENTION OF SUCH INFORMATION PROCEDURE 3 ALLOWS  
TEMPORARY RETENTION FOR A PERIOD NOT TO EXCEED 90 DAYS FOR THE SOLE  
PURPOSE OF DETERMINING IF THE INFORMATION IS ALLOWABLE FOR PERMANENT  
RETENTION.

(b)(2)

C. (S//~~MP~~) [REDACTED] OPERATIONAL

SECURITY CONCERNS DICTATE THAT DIA EMPLOYEES BE PARTICULARLY CAREFUL  
ABOUT [REDACTED]

(b)(1), 1.4 (c)

[REDACTED] THEY REQUIRE THE APPROVAL OF [REDACTED] PLAN TO  
ENSURE THAT LEGAL AUTHORITY AND ADEQUATE PROTECTION IS ESTABLISHED TO  
CONDUCT AND SUSTAIN INTELLIGENCE ACTIVITIES WHERE THERE IS A NEED TO  
[REDACTED] QUESTIONS SHOULD BE DIRECTED TO THE  
DIA GC.

2. (U) PROPERTY ACCOUNTABILITY. THE IG HAS NOTED SIGNIFICANT LAPSES  
IN THE INTEGRITY OF PROPERTY ACCOUNTABILITY AT SEVERAL ORGANIZATIONAL  
LEVELS. THIS LACK OF ACCOUNTABILITY INCREASES THE PROBABILITY OF

[REDACTED]  
(b)(2),(b)(3):  
10 USC 424

~~SECRET~~ 031930ZDEC01

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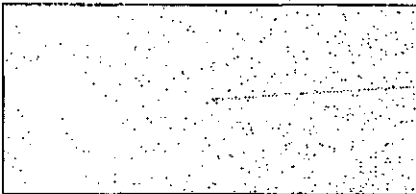
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NO

EQUIPMENT LOSS WITH A RESULTING IMPACT ON MISSION EFFECTIVENESS AND WASTE OF FINANCIAL RESOURCES. LISTED BELOW ARE POSITIVE STEPS WHICH WE HAVE FOUND CONTRIBUTE TO A SOUND AND RESPONSIBLE PROPERTY ACCOUNTABILITY SYSTEM. WE STRONGLY URGE ALL SUPERVISORS TO REVIEW THEIR PROPERTY ACCOUNTABILITY PROCEDURES AND MAKE CHANGES WHERE NECESSARY. THE FOLLOWING ITEMS ARE CONSIDERED THE MINIMUM STANDARD FOR EFFECTIVE PROPERTY MANAGEMENT:

- A. (U) EACH ORGANIZATION MUST ANNUALLY CONDUCT A 100 PERCENT INVENTORY OF PROPERTY.
- B. (U) DD FORM 1348-1 (HAND RECEIPT) MUST BE USED TO ISSUE PROPERTY TO EMPLOYEES.
- C. (U) ALL PROPERTY TRANSFERRED OUTSIDE OF DIA MUST HAVE THE CONSENT AND AUTHORIZATION OF THE PROPERTY BOOK OFFICER.
- D. (U) DD FORM 1149 (REQUISITION AND INVOICE/SHIPPING DOCUMENT) MUST BE USED TO SEND PROPERTY FROM ONE LOCATION TO ANOTHER.
- E. (U) A REPORT OF SURVEY MUST BE PREPARED FOR ALL MISSING, STOLEN, OR UNACCOUNTED FOR PROPERTY.



(b)(2),(b)(3):10  
USC 424

~~SECRET~~

031930ZDEC01

~~SECRET~~

01 01 031930Z DEC 01 RR SSSS ZYUW DIA IG  
NO

F. (U) ALL PURCHASED PROPERTY MUST BE ADDED TO THE PROPERTY BOOK AND CONTROLLED BY HAND RECEIPT.

3. (U/~~SECRET~~) IG ANNUAL PLAN. THE IG FISCAL YEAR 2002 ANNUAL PLAN WAS APPROVED ON 24 SEPTEMBER 2001. THE FOLLOWING INSPECTION PROJECTS ARE NOTED BELOW ALONG WITH TENTATIVE TIME FRAMES. KEY COMPONENTS HAVING COGNIZANCE OVER INSPECTED ORGANIZATIONS AND/OR PROGRAMS WILL RECEIVE INSPECTION NOTIFICATIONS AT LEAST 30 DAYS PRIOR TO THE COMMENCEMENT OF INSPECTION WORK.

A. (U/~~SECRET~~) MILITARY INTELLIGENCE DIGEST COORDINATION AND PRODUCTION PROCESS (DI). COMMENCED 4Q01.

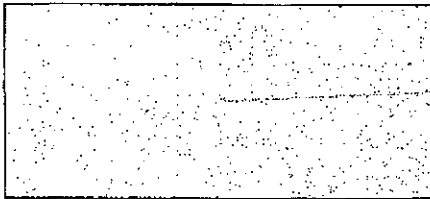
B. (S/~~SECRET~~) [REDACTED] COMMENCED 4Q01. (b)(1), 1.4 (c)

C. (U) [REDACTED] (DI) 2Q02. (b)(3):10 USC 424

D. (S/~~SECRET~~) [REDACTED] (DO) 2Q02. (b)(1), 1.4 (c)

E. (U) CIVILIAN STAFFING PROCESS (DA). 2Q02.

F. (U) MANAGEMENT DIVERSITY OFFICE FOLLOW UP INSPECTION (MD).



(b)(2),(b)(3):10 USC 424

~~SECRET~~ 031930ZDEC01

~~SECRET~~

01 01 031930Z DEC 01 RR SSSS ZYUW DIA IG

NO

2Q02.

G. (U) [REDACTED] FOLLOW UP INSPECTION (b)(3):10  
(DO). 2Q02. USC 424

H. (U) [REDACTED] (DO). 3Q02. (b)(2)

I. (U) [REDACTED] (DO). 3Q02. (b)(3):10  
USC 424

J. (U) [REDACTED] (b)(2),(b)(3):  
[REDACTED] (DI). (3Q02). 10 USC 424

K. (U) [REDACTED] (DO). (b)(2)  
4Q02.

L. (U/~~FOUO~~) [REDACTED] (b)(2),(b)(3):10  
SCHEDULE USC 424

[REDACTED]

1Q02  
2Q02  
2Q02  
3Q02  
3Q02

[REDACTED]

(b)(2),(b)(3):10 USC 424

~~SECRET~~ 031930ZDEC01

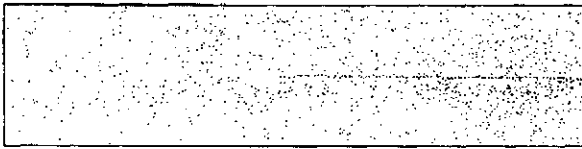
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01 01 031930Z DEC 01 RR SSSS ZYUW DIA IG

NO

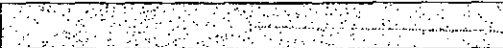


4Q02

4Q02

(b)(3):10  
USC 424

4Q02

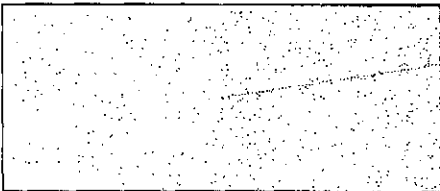
4. (U//~~FOUO~~) INTELLIGENCE OVERSIGHT (IO) INSPECTION PROGRAM. IN ADDITION TO THE ORGANIZATIONAL INSPECTION PROGRAM, THE IG WILL CONDUCT AN IO INSPECTION OF  DURING 4Q02.

(b)(3):10  
USC 424

CLASSIFIED BY: DHS SCG

DECLASSIFY ON: X1

DATE OF SOURCE: OCTOBER 1997



(b)(2),(b)(3):10  
USC 424

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031930ZDEC01

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**DEFENSE INTELLIGENCE AGENCY**

WASHINGTON, D.C. 20340

20 August 2001



S-0277/IG

**MEMORANDUM FOR ASSISTANT TO THE SECRETARY OF DEFENSE  
(INTELLIGENCE OVERSIGHT)**

**Subject:** (U) Quarterly Intelligence Oversight Report for the Period Ending 30 June 2001

**References:** a. (U) DoD Directive 5240.1, "DoD Intelligence Activities"

b. (U) DoD 5240.1-R, "Procedures Governing the Activities of DoD Components that Affect U.S. Persons"

c. (U) DIAR 60-4, "Procedures Governing DIA Intelligence Activities that Affect U.S. Persons"

d. (U) Executive Order 12333, "United States Intelligence Activities"

e. (U) Executive Order 12863, "President's Foreign Intelligence Advisory Board"

(U) As required by references above, the Quarterly Intelligence Oversight Report for the Defense Intelligence Agency for the period 1 April through 30 June 2001 is enclosed. If further information is required, please contact the Office of the General Counsel at [redacted] or the Office of the Inspector General at [redacted]

(b)(2),(b)(3):1  
0 USC 424

(b)(2),(b)(3):1  
0 USC 424

Thomas R. Wilson  
Vice Admiral, U.S. Navy  
Director

1 enclosure  
Quarterly Intelligence Oversight  
Report, 1 April - 30 June 2001  
(S//NF), 1 cy

**REGRADE AS UNCLASSIFIED WHEN  
SEPARATED FROM ENCLOSURE**

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~~SECRET//NOFORN//X1~~

(U) QUARTERLY INTELLIGENCE OVERSIGHT REPORT

1 April through 30 June 2001

1. (U) The Office of the Inspector General (IG) conducted the following intelligence oversight (IO) activities:

a. (U) Defense Intelligence Agency (DIA) message 141312Z JUN 01, subject: IG IO Brief 3-01, (enclosure 1) was dispatched to all DIA field elements. This message was retransmitted to the field as 141312Z JUL 01.

b. (U) The IO Coordinating Committee held its quarterly meeting on 6 April 2001.

c. ~~(S//NF)~~ [REDACTED] (b)(1), 1.4 (c)

d. (U//FOUO) IG conducted an IO inspection of [REDACTED] (b)(2), (b)(3); 0 USC 424  
[REDACTED] All three were performing their operational activities in a satisfactory manner and were in compliance with IO procedures. There were no findings.

e. (U//FOUO) IG conducted a general inspection of [REDACTED] (b)(3); 10 USC 424  
[REDACTED] No questionable activities were found.

f. ~~(S//NF)~~ IG memorandum S-0073/IG, 12 March 2001, subject: Possible Violation of Executive Order (E.O.) 12333 and DoD 5240.1-R, reported that a civilian assigned to the Directorate for Intelligence Operations (DO) may have violated Procedure 15 through the unauthorized funding of a federal law enforcement project. An IO investigation has been initiated. No change from last report. (IG Project No. 01-1935-MA-056)

g. ~~(S//NF)~~ IG memorandum S-0045/IG, 8 February 2001, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that an [REDACTED] may have violated DIA procedures through the [REDACTED] (b)(1), (b)(3); 10 USC 424, 1.4 (c)  
[REDACTED] An IO investigation has been initiated. No change since last report. (IG Project No. 01-1934-MA-056)

Derived From: DHS SCG  
Declassify On: X1  
Date of Source: October 1997

~~SECRET//NOFORN//X1~~

h. (S//NF) IG memorandum S-0441/IG, 17 November 2000, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that a [redacted] may have violated Procedure 15 through failure to identify himself to a U.S. person. An IO investigation was conducted and the report of investigation was issued on 5 June 2001. The investigation substantiated the allegation and the matter has been referred for management action. The DIA case is closed. (IG Project No. 01-1922-MA-056)

(b)(1),(b)(3):10 USC 424

i. (S//NF) IG memorandum S-0429/IG, 17 November 2000, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that the [redacted] Directorate for Information Systems and Services (DS), may have violated Procedure 12 through the unauthorized provision of intelligence support to a federal law enforcement agency. An IO investigation has been initiated. No change from last report. (IG Project No. 01-1919-MA-056)

(b)(3):10 USC 424

j. (S//NF) [redacted]

(b)(1),(b)(3):10 USC 424,(b)(3):50 USC 403,1.4 (c)

k. (S//NF) IG memorandum S-0178/IG, 26 April 2000, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that an [redacted] may have violated Procedure 15 by failing to forward an allegation of IO violations to the IG. An IO investigation failed to substantiate the allegation. The DIA case is closed. (IG Project No. 00-1891-MA-056)

(b)(1),(b)(3):10 USC 424

l. (S//NF) [redacted]

(b)(1),(b)(3):10 USC 424,(b)(3):50 USC 403,1.4 (c)

m. (S//NF) IG memorandum S-0102/IG, 17 March 2000, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that an [redacted] may have violated [redacted]. The [redacted] has the matter under investigation in concert with the Federal Bureau of Investigation and the [redacted]. The subject has been returned to his parent service and the investigation continues. (IG Project No. 00-1884-MA-056)

(b)(2),(b)(3):10 USC 424

(b)(2)

n. (S//NF) IG memorandum C-0029/IG, 28 January 2000, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that an [redacted] may have violated [redacted]. The subject officer has been returned to service and the results of our preliminary investigation have been provided to the [redacted]. The DIA case is closed. (IG Project No. 00-5060-MA-056)

(b)(1),(b)(2),(b)(3):10 USC 424,1.4 (c)

(b)(2)

c. ~~(S//NF)~~ IG memorandum S-0421/IG, 4 November 1999, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that [redacted] may have violated [redacted] in connection with [redacted]

(b)(1),(b)(3):10  
USC 424,1.4 (c)

(b)(1),1.4 (c)

The matter has been referred to the IG investigations unit. No change since last report. (IG Project No. 00-1864-MA-056)

(b)(1),1.4 (c)

d. ~~(S//NF)~~ [redacted]

(b)(1),(b)(3):  
10 USC  
424,(b)(3):50  
USC 403,1.4  
(c)

q. ~~(S//NF)~~ IG memorandum S-0344/IG, 13 September 1999, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that [redacted] may have violated Procedures 12 and 15 through the unauthorized collection of law enforcement information and the possible compromise of operational activities. [redacted] has opened an investigation into the security issues and is cooperating with the IG on the IO issues. No change since last report. (IG Project No. 99-1854-MA-056)

(b)(1),(b)(3):1  
0 USC 424

r. ~~(S)~~ [redacted]

(b)(1),(b)(3)  
:10 USC  
424,(b)(3):5  
0 USC  
403,1.4 (c)

s. ~~(S//NF)~~ IG memorandum U-0022/IG, 26 January 1998, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that [redacted] might have resulted in questionable activities. The IG initiated an investigation and the Department of Justice (DoJ) has accepted the case for prosecution. No change from last report. (IG Project No. 98-1731-HQ-056)

(b)(1),1.4  
(c)

t. ~~(S)~~ IG memorandum S-0412/IGH, 11 August 1997, subject: Possible Violation of E.O. 12333 and DoD 5240.1-R, reported that a civilian [redacted] violated Procedure 15 through questionable activities in connection with [redacted]. The IG investigations unit completed its investigation and referred the case to DoJ for prosecution. The subject entered a plea of guilty and has been sentenced. The criminal investigation is closed. (IG Project No. 97-4695-OL-050)

(b)(1),(b)(3):1  
0 USC  
424,1.4 (c)

u. ~~(S)~~ An investigation into criminal misconduct by several current and former DIA personnel continues as reported in IG memorandum U-7641-95/IGI, 3 October 1995, subject: Referral of Allegation Against [redacted]. Agencies involved in the investigation are the Defense Criminal Investigative Service; the U.S. Customs Service under the supervision of [redacted]

(b)(2),(b)(6)



the Eastern District of Virginia, DoJ; and the Program Integrity Office, DoD IG. The investigation is still in progress. No change from last report. (IG Project No. 96-4289-OI-064)

2. (U) Within the Office of the General Counsel (GC), [redacted] attorneys, a secretary, a staff assistant, and a paralegal specialist review GC files on a continuing basis as they are used in day-to-day operations. All files are reviewed for regulatory compliance when they are periodically considered for destruction, retention, or storage. The following specific actions were taken:

(b)(2),(b)(3):10  
USC 424

a. (U//FOUO) Three attorneys reviewed ongoing [redacted] products to assure compliance with oversight responsibilities. One attorney assures compliance for other DIA elements.

(b)(2)

b. (S//NF) GC lectured at the Military Officer Familiarization Course and participated in a panel regarding legal aspects of intelligence. One attorney made a presentation at the [redacted]

[redacted] One attorney addressed oversight reviews with DIA staff elements and conducted training for security personnel. Two attorneys coordinated several [redacted] IO reviews and consultations were conducted in support of DIA headquarters elements and SAP personnel.

(b)(1),(b)(3):  
10 USC  
424, 1.4  
(c), 1.4 (d)

(b)(1),(b)(2), 1.4 (c)

c. (U//FOUO) GC reported no incidents of criminal activity to DoJ during the quarter.

3. (U) The Directorate for Administration was involved in the following oversight activities:

a. (U) IO reviews were conducted in each of the major elements to ensure that prohibited material was not retained in files. During this quarter [redacted] personnel reviewed IO procedures. Additionally, [redacted] students [redacted] DIA and [redacted] non-DIA) received IO instruction as part of the following Joint Military Intelligence Training Center courses:

(b)(2),(b)(3):10 USC  
424

NUMBER COURSE

[redacted]	National Intelligence Course
[redacted]	Collection Management for Analysts Course
[redacted]	Intelligence Collection Manager Course
[redacted]	Sensitive Compartmented Information Control Officer Course
[redacted]	Mobile Collection Managers Course
[redacted]	Mobile SCI Security Officer's Course
[redacted]	Counterintelligence Analytic Methods Course

b. (U) The Office for Procurement did not initiate any contract actions that fell under Procedure 11, DoD 5240.1-R, during this reporting period. There were no contracts that required contractor performance under DIAR 60-4.

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c. (U) The Office for Human Resources briefed [redacted] new civilian and military employees. Each new employee was: 1) informed in writing of the existence and importance of DIAR 60-4; 2) provided copies of the documents cited in paragraph 7.c.(2), DIAR 60-4; 3) advised to review DIAR 60-4 for information which may pertain to their specific duty assignments; and 4) informed of their responsibilities to report questionable activities to GC or IG. (b)(2),(b)(3); 10 USC 424

4. (U//FOUO) The Directorate for Policy Support reviewed all files during the reporting period and found no prohibited material. Specific actions follow: (b)(3); 10 USC 424

a. (U//FOUO) The [redacted] conducted [redacted] oversight inspections; attended the National Industrial Security Program Manual working group meetings; coordinated two approval packages with the [redacted] oversight committee for two new DIA programs; attended the annual operations security conference; and conducted a [redacted] assistance visit. Additionally, [redacted] submitted four memoranda for agreements for DIA [redacted] for the Director, DIA signature. There was no [redacted] training bulletin for this quarter. (b)(2)

(b)(3); 10 USC 424

b. (U//FOUO) A total of [redacted] personnel assigned to [redacted] received IO refresher training. Additionally, [redacted] conducted an inventory of all hardcopy and softcopy documents held by the office; all were in compliance with DoD 5240.1-R. (b)(3); 10 USC 424

(b)(2),(b)(3); 10 USC 424

(b)(3); 10 USC 424

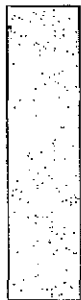
5. (U) The Directorate for Analysis and Production (DI) reported that [redacted] personnel assigned to its [redacted] received refresher training. Additionally, DI tailored training was provided to [redacted] newly assigned personnel and 10 contractors during this period. (b)(2),(b)(3); 10 USC 424

(b)(2),(b)(3); 10 USC 424

6. (U) The Directorate for Intelligence, Joint Staff, reported that [redacted] personnel received IO training during this quarter.

7. (U) The Joint Military Intelligence College provided IO instruction to [redacted] personnel in its courses this quarter and ten faculty members reviewed IO directives.

**NUMBER COURSE**



- Espionage, Intelligence and International Politics
- National Security Structure and Policy
- Information Technologies in the Cyber Era
- Ethics of Intelligence
- Leadership, Management, and Coordination in the Intelligence Community
- Congressional Oversight of Intelligence
- Future of US Foreign Intelligence Community
- The Law and Intelligence
- Congress and US Intelligence

(b)(2),(b)(3):  
10 USC 424

8. (S//NF) DO reported that [redacted] personnel received IO training, including new personnel processed by the [redacted]. Additionally, [redacted] personnel performed files review during the quarter.

(b)(1),(b)(3):10 USC 424,1.4 (c)

(b)(2),(b)(3):  
10 USC 424

(b)(3):10  
USC 424

9. (U) The [redacted] reported that [redacted] personnel and contractors received IO training during the quarter and [redacted] persons were involved in reviewing files for IO compliance.

(b)(2),(b)(3)  
:10 USC  
424

10. (U//FOUO) DS reported that [redacted] personnel reviewed IO procedures this quarter. The materials reviewed included E.O. 12333, DoD 5240.1-R, and DIAR 60-4.

11. (U) The Diversity Management and Equal Opportunity Office did not conduct IO related training this quarter.

12. (U) The Office of the Comptroller did not conduct IO training this quarter.

(b)(3):10  
USC 424

13. (U) The [redacted] reported that [redacted] personnel received IO training this quarter. Additionally, a file review was conducted, and no prohibited material was found.

(b)(2),(b)(3)  
:10 USC  
424

14. (U) The Directorate for Military Intelligence (DM) reported that [redacted] personnel participated in IO files review during this reporting period. DM conducted a review of hardcopy and softcopy files to ensure compliance with IO regulations. Additionally, a DM tailored training memo was provided to all [redacted] assigned personnel.

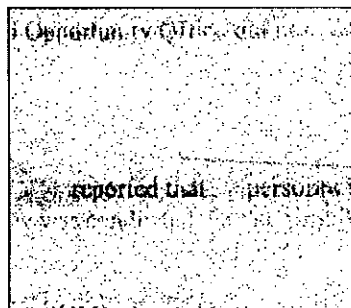
(b)(3):10  
USC 424

15. (U) The [redacted] reviewed holdings for compliance. No violations were noted. Copies of IO regulations were disseminated to all subordinate offices.

(b)(2),(b)(3)  
:10 USC  
424

16. (U) DIA management continued to emphasize the importance of personnel being familiar with IO regulations. A total of [redacted] personnel were reported to have received training in DIAR 60-4 and DoD 5240.1-R and/or reviewed files for IO content during the period April through 30 June 2001.

1 Enclosure  
DIA msg 141312Z JUL 01,  
subject: IG Intelligence  
Oversight Brief 3-01,  
(S//NF), 1 cy



(b)(3):10  
USC 424

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FM DIA WASHINGTON DC//IG//

[Redacted]

(b)(2)(b)(3):10 USC 424

RUPGCIN/USCINCEUR VAHINGEN GE/  
RHHMUNA/USCINCPAC HONOLULU HI/  
RUCJACC/USCINCPAC MACDILL AFB FL/  
RUCBACM/CINCUSACOM NORFOLK VA/  
RHCUAAA/USCINCTRANS SCOTT AFB IL/  
RUCQSOC/USCINCSOC MACDILL AFB FL/  
RUPEUNA/USCINSPACE PETERSON AFB CO/  
RUCUSTR/HQ USSTRATCOM OFFUTT AFB NE/

[Redacted]

BT  
CONTROLS

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BODY

SUBJ: IG INTELLIGENCE OVERSIGHT BRIEF 3-01 (U)  
1. (U) ADDRESSEES ARE REQUESTED TO ENSURE THAT ALL UNIT PERSONNEL ARE INFORMED OF THE CONTENTS OF THIS MESSAGE.  
2. ~~(S)~~ U.S. PERSONS. OUR INSPECTIONS AT VARIOUS LOCATIONS CONTINUE TO FIND THAT MANY DIA EMPLOYEES ARE UNCERTAIN REGARDING THE DEFINITION OF U.S. PERSONS AND HOW INTELLIGENCE OVERSIGHT (IO) PROCEDURES AFFECT THE USE OF SUCH INFORMATION FOR INTELLIGENCE PURPOSES. THE DEFINITIONS SECTION OF DOD 5240.1-R CLEARLY DEFINES A U.S. PERSON FOR THE PURPOSE OF INTELLIGENCE COLLECTION. PROCEDURE 2 OF THE SAME REGULATION ESTABLISHES THE CONDITIONS BY WHICH INTELLIGENCE COMPONENTS MAY COLLECT ABOUT U.S. PERSONS. AN IMPORTANT TERM HERE IS COLLECTION ABOUT U.S. PERSONS.

[Redacted]

(b)(1),(b)(5),1.4 (c)

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PAGE:0002

(b)(1),(b)(2),  
1.4(c)

[REDACTED] MAY BE USED PROVIDED IT WAS [REDACTED]  
COMPLIANCE WITH PROCEDURE 2 AND THE INFORMATION IS DISSEMINATED TO  
THOSE HAVING A NEED FOR IT. AS A GENERAL RULE, THE SPECIFIC NAME OF  
A U.S PERSON (EITHER AN INDIVIDUAL OR A CORPORATION) SHOULD ONLY BE  
USED WHEN THE [REDACTED]  
3. [REDACTED]

[REDACTED]

(b)(1),1.4  
(c)

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ADMIN  
DECLASSIFY ON: X1  
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