

~~SECRET/NOFORN/X1~~



INTELLIGENCE  
OVERSIGHT

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

UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS AND PHYSICAL REMOVAL OF  
CODEWORDS AND CAVEATS

~~SECRET/NOFORN/X1~~

EFF 1

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:

~~(S/NOFORN)~~ (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.

(b)(1),(b)(3):10 U.S.C. § 424

• (b)(1)

- ~~(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.
- ~~(S)~~ **DoD General Counsel and Foreign Intelligence Surveillance Court:** The General Counsel reviewed ☐ applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification

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

~~SECRET/COMINT/XI~~



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  
Principal Deputy General Counsel

George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

~~SECRET/COMINT/XI~~

EFF 4

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.
- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed ☐ applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification.

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

- ~~(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

Derived From NSA/CSSM  
Dated: 24 FEB 98  
Declassify On: X1

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<del>TOP SECRET CONTROL</del>	
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Case No.	01-1-251
SI No.	1151-060
Document No.	48

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)

- **(S/CSO) 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

The team also met with the

(b)(3):10 USC 424

(b)(3):10 USC 424

All

reported excellent working relations with the The Intelligence Oversight training program was well documented and comprehensive.

(b)(3):10  
USC 424

- ~~(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)
- ~~(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.

- ~~(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.





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:

~~(S//SI)~~ 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.

A handwritten signature in black ink, appearing to read "D. J. Dell'Orto".

Daniel J. Dell'Orto  
Principal Deputy General Counsel

A handwritten signature in black ink, appearing to read "William R. Dugan, Jr.".

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

Attachment a/s

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS



Department of Defense Intelligence Oversight Report  
October-December 2005

• ~~(S//SI)~~ **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 (b)(3):P.L. 86-36

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

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

(b)(1),(b)(3):P.L. 86-36 Requests are prioritized; (b)(3):P.L. 86-36

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

• (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

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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

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

- ~~(S)~~ The DoD General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Act (FISA) Court. All applications met FISA requirements and were certified by the Deputy Secretary of Defense.

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

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

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

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

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

(b)(1),(b)  
(3):P.L. 86-  
36,(b)(3):50  
USC 403

~~(TS//SI)~~ Intentional Collection Against US Persons: During this quarter, the Director, NSA, pursuant to his authority under the US Signals Intelligence Directives, granted approval for consensual collection against [ ] US Persons. The Director also approved non-consensual collection of [ ] US companies openly owned by a foreign government, [ ] US Government employees held captive by [ ] US Persons taken hostage [ ] and [ ] The Director-approved consensual collection against [ ] US Persons was routinely terminated this quarter. The Attorney General granted authority to collect the communications of [ ] US Persons overseas during the quarter.

~~(TS//SI)~~ Unintentional Collection Against US Persons: There were [ ] instances in which analysts inadvertently collected communications to, from, or about US Persons. All of the incidents were reported to responsible oversight officials, and corrective actions were taken. One of the [ ] incidents was compounded by inappropriate action by a NSA [ ] analyst. Upon learning that the collection was of a US Person who works for NSA, the analyst, without authorization, contacted the US Person to enlist his participation in [ ] against [ ] target. Upon learning of the incident, management instructed the analyst to immediately delete the intercept. In addition, the analyst was provided remedial training.

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

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

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

--(~~S//SI~~) Intentional Dissemination of US Identities: In accordance with section 7 of US Signals Intelligence Directive 18, US identities were disseminated  times this quarter.

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

--(~~S//SI~~) Unintentional Dissemination of US Identities: In accordance with the requirements set forth in US Signals Intelligence Directive 18  SIGINT products were cancelled because they contained the identities of US Persons, organizations, or entities.

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

(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.

(b)(1)

(b)(1)

**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

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.

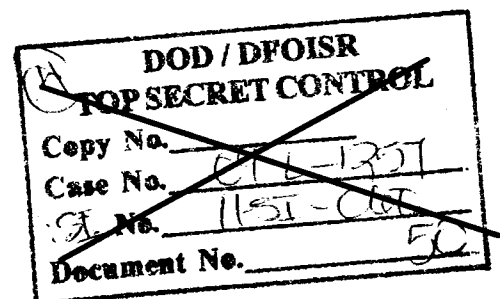
**Department of Defense Intelligence Oversight Report  
April-June 2005**

- ~~(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 (USINSCOM) 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.

Derived From: Multiple Sources  
Declassify On: 1 April 2030



(b)(1),(b)  
(3):P.L. 86-  
36,(b)(3):50  
USC 403

• (U) NSA Activities

(b)(1),(b)  
(3):P.L. 86-  
36,(b)(3):50  
USC 403

--(TS//SI) Misuse of the US SIGINT System: On 28 June 2005, [redacted] auditor found and reported that a [redacted] analyst had abused the NSA collection system on 24 June 2005 by conducting [redacted] unauthorized queries against a raw traffic database for personal reasons. NSA/CSS Office of Inspector General has begun an investigation into the incident.

(b)(1),(b)(3):P.L. 86-36,  
(b)(3):50 USC 403

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

--(S//SI) Authorized Intentional Dissemination of US Identities: In accordance with section 7 of USSID 18, US identities were disseminated [redacted] times during this quarter. Each dissemination was reviewed and justified in accordance with guidance contained in USSID 18.

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

--(S//SI) Unintentional Dissemination of US Identities: During this quarter the Signals Intelligence (SIGINT) Directorate cancelled [redacted] SIGINT products because they contained the identities of US persons, organizations or entities that were included unintentionally. Those products that contained information derived from communications of US persons were not reissued.

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

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

--(TS//SI) Intentional Collection Against US Persons: During this quarter, the Director, NSA (DIRNSA) granted approval for consensual collection against [redacted] US persons. He also approved non-consensual collection of [redacted] US companies openly owned and controlled by a foreign government, [redacted] US Government employees and [redacted] US citizens held captive [redacted] the international communications of [redacted] foreign-originated communications regarding a

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

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

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

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



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

potential threat [redacted] and [redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)  
(b)(1),(b)(3):P.L. 86-36 (3):18 USC 798 The DIRNSA-approved consensual collection against [redacted] US persons was routinely terminated this quarter.

(b)(1),(b)  
(3):10 USC  
424,(b)  
(3):P.L. 86-  
36

--(S//SI//NF) Unintentional Collection Against US Persons: There were [redacted] instances in which analysts inadvertently collected against US persons while pursuing foreign intelligence taskings. All of the incidents were reported to responsible oversight officials and corrective action was taken.

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

• (S) DoD General Counsel and Foreign Intelligence Surveillance Court: The DoD General Counsel reviewed [redacted] applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.

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

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

(b)(1)

(b)(1)

~~(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.



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

THIS PAGE IS UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS AND  
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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.

• ~~(FOUO)~~ 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.

(U) 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.

Derived From: Multiple Sources  
Declassify On: 23 Nov 2030

DOD / DFOISR	
<del>TOP SECRET CONTROL</del>	
Copy No.	
Case No.	09-1-1357
S. No.	11-51-000
Document No.	51

(U) DoD GC Activity

- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The DoD General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.

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

~~(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:

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

(U) NSA Activities

~~(TS//SI//NF)~~ FISA Activities: The Foreign Intelligence Surveillance Act (FISA) Court has issued [ ] orders authorizing the [ ]

(b) foreign powers. As NSA has informed the FISA Court, although the foreign power [ ]

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

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

NSA/CSS has asked for and been granted authority to [ ] surveillance [ ]

(b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 4 [ ] However, [ ] to target the foreign power [ ]

(b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC [ ] necessarily makes it harder to [ ]

(b)(1),(b)(3):P.L. 86-36 [ ] For this reason, NSA/CSS has

also explained to the FISA Court that regular checks will be conducted during the authorization period specifically to ensure that [ ]

[ ] is [ ] being used by the foreign power. To this end, NSA has identified [ ]

instances this quarter that [ ]

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

When NSA/CSS confirmed that [ ] was no longer being used by the authorized foreign power, any inadvertently acquired communications were destroyed, and surveillance [ ] terminated.

~~(TS//SI)~~ Intentional Collection Against US Persons: During this quarter, the Director, NSA, granted approval for consensual collection against [ ] US Persons. The Director approval of non-consensual collection included collection on [ ]

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

[ ] US companies openly owned and controlled by a foreign government, [ ] US government employees held captive by [ ] and [ ] US citizens taken hostage [ ]

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

~~(S//SI//NF)~~ Unintentional Collection Against US Persons: There were [ ] instances in which analysts inadvertently collected against US persons while pursuing foreign intelligence taskings. All of the incidents were reported to responsible oversight officials and corrective action was taken.

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

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

--(S//SI) **Authorized Intentional Dissemination of US Identities:** In accordance with section 7 of USSID 18, US identities were disseminated [ ] times during this quarter. Each dissemination was reviewed and justified in accordance with guidance contained in USSID 18.

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

--(S//SI) **Unintentional Dissemination of US Identities:** During this quarter the Signals Intelligence (SIGINT) Directorate cancelled [ ] SIGINT products because they contained the identities of US persons, organizations or entities that were included inadvertently. Those products that contained information derived from communications of US persons were not reissued.

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

(U) Army Activities

(b)(1)

~~(FOUO)~~ Navy Activity

--~~(FOUO)~~ A Naval Criminal Investigations Service (NCIS) Headquarters review of a Joint FBI/NCIS joint counterespionage operation revealed that an NCIS asset had conducted undisclosed participation in a US organization in violation of Procedure 10 of DoD Regulation 5240.1-R and SECNAVINST 3820.3E. The FBI maintained that under its manuals, no prior authorization was required. This incident reveals differences that may exist among the operating guidelines of different Federal agencies regarding IO procedures and should be considered as part of any Federal inter-agency review of IO issues.

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

--~~(TS//SI)~~ Misuse of the US SIGINT System: NSA Office of the Inspector General (NSA/IG) completed the investigation into an incident reported last quarter. On June 24, 2005, a military language analyst at the [ ] deliberately and without an authorized purpose tasked the collection of a US person's e-mail address. The analyst's database access was immediately suspended and access to Sensitive Compartmented Information was suspended by the Commander. As a result of this violation and other unrelated computer infractions, the analyst received non-judicial punishment from the Navy.

--~~(U//FOUO)~~ In addition, the NSA/IG closed out its August 2004 inspection report of [ ] after having determined that Intelligence Oversight findings, identified in the August inspection report, had been rectified. The NSA/IG determined that they had received adequate reporting feedback and that Intelligence Oversight processes were documented to ensure program sustainability.

--~~(S//NF)~~ Incident of Prisoner Abuse by DIA Employee in Afghanistan (Project 05-2566-MA-056): In April 2005, the DIA Office of Inspector General reported on allegations of two incidents of prisoner abuse by a civilian [ ] assigned to the [ ] with duty in support of [ ]. Based upon the DIA investigation into the matter, the allegations were substantiated. The [ ] resigned from his job rather than receive a letter of termination.



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.

Handwritten signature of Daniel J. Dell'Orto in black ink.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

Handwritten signature of William R. Dugan, Jr. in black ink.

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

Attachment a/s

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS



35

EFF 36



Department of Defense Intelligence Oversight Report  
January-March 2006

(U) DoD General Counsel Activity

- ~~(S)~~ The DoD General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Act (FISA) Court. All applications met FISA requirements and were certified by the Deputy Secretary of Defense.

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

(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

--~~(TS//SI)~~ Intentional Collection Against US Persons: During this quarter, the Director, NSA, pursuant to his authority under the US Signals Intelligence Directives, granted approval for consensual collection against [ ] US Persons. The Director also approved non-consensual collection of [ ] US companies openly owned by a foreign government, [ ] US Government employees held captive by foreign insurgents, [ ] US persons [ ] U.S.

citizens involved in [ ] U.S. citizen who escaped from [ ]  
[ ] The Director-approved consensual collection against [ ] US persons was routinely terminated this quarter. The Attorney General granted authority to collect the communications [ ] US Persons overseas during the quarter.

--~~(TS//SI)~~ Unintentional Collection Against US Persons: There were [ ] instances in which analysts inadvertently collected communications to, from, or about US persons. All of the incidents were reported to responsible oversight officials, and corrective actions were taken.

--~~(S//SI)~~ Intentional Dissemination of US Identities: In accordance with section 7 of US Signals Intelligence Directive 18, US identities were disseminated [ ] times this quarter.

--~~(S//SI)~~ Unintentional Dissemination of US Identities: In accordance with the requirements set forth in US Signals Intelligence Directive 18, [ ] SIGINT products were cancelled because they contained the identities of US Persons, organizations, or entities.

Derived From: Multiple Sources  
Declassify On: 23 March 2031

~~(S)~~ DOD / DFOISR  
~~TOP SECRET CONTROL~~  
Copy No. [ ]  
Case No. 09-L-1251  
SI No. 11-SI-000  
Document No. 53

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

--(S//SI) Through telephone communications to and from [redacted] information was collected and disseminated on [redacted] US persons. The collection, which occurred between 5 and 14 December 2005, was destroyed on 15 December 2005. Training was conducted and procedures were developed to meet the information need without violating US person privacy.

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

#### Other Activities

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

--(TS//SI//NF) [redacted] instances of unintentional collection of US person's information occurred during this quarter as a result of advances in [redacted]

(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798  
[redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798  
[redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798  
[redacted] In all cases the collection was deleted, and there were no reports of the collection issued.

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

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

#### (U) DIA

(b)(1)  
[redacted]

--(S//NF) OIG reported that that a member of the (b)(1) [redacted] have engaged in questionable intelligence activities consisting of visa fraud and bribery while serving in his capacity (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, 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 investigation 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 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.

(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.

--(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.



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.

A handwritten signature in black ink, appearing to read "Daniel J. Dell'Orto".

Daniel J. Dell'Orto  
Principal Deputy General Counsel

A handwritten signature in black ink, appearing to read "William R. Dugan, Jr.". Below the signature is the printed name "William R. Dugan, Jr." and the title "Acting ATSD(IO)".

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

Attachment a/s

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS



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 [redacted] (b)(3):10 USC 424

[redacted] (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

--(S) The DoD General Counsel reviewed [redacted] applications to the Foreign Intelligence Surveillance Act (FISA) Court. All applications met FISA requirements and were certified by the Deputy Secretary of Defense.

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

(U) Notable Reporting From DoD Intelligence Components

--(FOUO) 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

--(TS//SI) Intentional Collection Against US Persons: During this quarter, the Director, NSA, pursuant to his authority under the US Signals Intelligence Directives, granted approval for consensual collection against [redacted] US Persons. The Director also approved non-consensual collection of [redacted] US companies openly owned by a foreign government, [redacted] US organization believed to support terrorist activity, [redacted] agents of foreign powers during travel in the United States, [redacted] US persons taken hostage [redacted] (b)(1),(b)(3):P.L. 86-36, (b)(3):50 USC 403, [redacted] U.S. military members believed to be held captive by a foreign power or group engaged in international terrorist activities. The Director-approved consensual collection against [redacted] US persons was routinely terminated this quarter. The Attorney General granted authority to collect the communications of [redacted] US Persons overseas during the quarter. (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)(1),(b)(3):P.L. 86-36, (b)(3):50 USC 403, (b)(3):18 USC 798

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Declassify On: 20291123

~~TOP SECRET//COMINT//NOFORN~~

DOD / DFOLSR	
TOP SECRET CONTROL	
Copy No.	[redacted]
Case No.	09-1251
X No.	11-51-000
Document No.	54

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

--(S//SI//NF) Unintentional Collection Against US Persons: There were [ ] instances in which analysts inadvertently collected communications to, from, or about US persons. All of the incidents were reported to responsible oversight officials, and corrective actions were taken.

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

--(S//SI) Intentional Dissemination of US Identities: In accordance with section 7 of US Signals Intelligence Directive 18, US identities were disseminated [ ] times this quarter.

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

--(S//SI) Unintentional Dissemination of US Identities: In accordance with the requirements set forth in US Signals Intelligence Directive 18, [ ] SIGINT products were cancelled because they contained the identities of US Persons, organizations, or entities.

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

#### Other Activities

--(TS//SI//OC//NF) On 29 May 2006, [ ] (b)(3):P.L. 86-36 reported a computer security violation to the NSA/CSS [ ] In the conduct of their mission, [ ] analysts accessed NSA sensitive databases without training or proper authorization. At least one of the databases that may have been accessed contains US Person information. An investigation by the NSA Information System Incident Report Team is ongoing.

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

#### (U) DIA Activities

--(U) The DIA Inspector General's Office continues to provide IO training to [ ] (b)(3):10 USC 424 This quarter, [ ] received IO training prior to their deployments. In addition, an attorney from the DIA Office of General Counsel, provided instruction on [ ] (b)(3):10 USC 424 DoD Regulation 5240.1-R, [ ] (b)(3):10 USC 424 [ ] (b)(3):10 USC 424

(b)(3):10  
USC 424

#### (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 (OIA) involving participation of DIA and US Army personnel in [ ] (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) 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

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 (IAW) AR 381-10. The QIAs were referred to the



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 Calvary 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.

(b)(1)

#### **Updates of Previously Reported Questionable Intelligence Activities**

(b)(1)

(b)(1)



(b)(1)

--(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

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 titled 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 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.



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

THIS PAGE IS UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS AND  
PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS



## Department of Defense Intelligence Oversight Report January-March 2006

### (U) DoD General Counsel Activity

- ~~(S)~~ The DoD General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Act (FISA) Court. All applications met FISA requirements and were certified by the Deputy Secretary of Defense.

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

### (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:

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

### (U) NSA Activities

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

--~~(TS//SI)~~ Intentional Collection Against US Persons: During this quarter, the Director, NSA, pursuant to his authority under the US Signals Intelligence Directives, granted approval for consensual collection against [ ] US Persons. The Director also approved non-consensual collection of [ ] US companies openly owned by a foreign government. [ ] US Government employees held captive by foreign insurgents, [ ] US persons taken hostage by [ ] U.S. citizens involved in [ ] U.S. citizen who escaped from [ ]

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

[ ] The Director-approved consensual collection against [ ] US persons was routinely terminated this quarter. The Attorney General granted authority to collect the communications of [ ] US Persons overseas during the quarter.

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

--~~(TS//SI)~~ Unintentional Collection Against US Persons: There were [ ] instances in which analysts inadvertently collected communications to, from, or about US persons. All of the incidents were reported to responsible oversight officials, and corrective actions were taken.

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

--~~(S//SI)~~ Intentional Dissemination of US Identities: In accordance with section 7 of US Signals Intelligence Directive 18, US identities were disseminated [ ] times this quarter.

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

--~~(S//SI)~~ Unintentional Dissemination of US Identities: In accordance with the requirements set forth in US Signals Intelligence Directive 18, [ ] SIGINT products were cancelled because they contained the identities of US Persons, organizations, or entities.

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

Derived From: Multiple Sources  
Declassify On: 23 March 2031

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

~~TOP SECRET//COMINT//NOFORN~~

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

--(S//SI) Through telephone communications to and from [redacted] information was collected and disseminated on [redacted] US persons. The collection, which occurred between 5 and 14 December 2005, was destroyed on 15 December 2005. Training was conducted and procedures were developed to meet the information need without violating US person privacy.

#### Other Activities

--(TS//SI//NF) [redacted] instances of unintentional collection of US person's information occurred during this quarter as a result of advances in [redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798

[redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798

(b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798 In all cases the collection was deleted, and there were no reports of the collection issued.

#### (U) DIA

(b)(1)

(S//NF) OIG reported that that a member of the (b)(1) [redacted] 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 [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, 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.

~~TOP SECRET//COMINT//NOFORN~~

EFF 60



(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.

--(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.



INTELLIGENCE  
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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.

Handwritten signature of Daniel J. Dell'Orto.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

Handwritten signature of William R. Dugan, Jr.

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

Attachment a/s

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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 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

--(S) The DoD General Counsel reviewed applications to the Foreign Intelligence Surveillance Act (FISA) Court. All applications met FISA requirements and were certified by the Deputy Secretary of Defense.

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

(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:

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

(U) NSA Activities

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

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

--(TS//SI) Intentional Collection Against U.S. Persons: During this quarter, the Director, NSA, pursuant to his authority under the U.S. Signals Intelligence Directives, granted approval for consensual collection against U.S. persons. The Director also approved non-consensual collection of U.S. companies openly owned and controlled by a foreign government, U.S. organization believed to support terrorist activity, agents of foreign powers during travel in the United States, U.S. persons believed to be against their will U.S. citizen taken hostage U.S. military member believed to have been taken hostage The Director-approved consensual collection against U.S. persons was routinely terminated this quarter. The Attorney General granted authority to collect the communications of U.S. persons overseas during the quarter.

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

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

--(S//SI//NF) Unintentional Collection Against U.S. Persons: There were instances in which SIGINT analysts inadvertently collected communications to, from, or about US persons. All of the incidents were reported to responsible oversight officials, and corrective actions were taken.

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

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

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--(S//SI) Intentional Dissemination of U.S. Identities: In accordance with section 7 of US Signals Intelligence Directive 18, US identities were disseminated [ ] times this quarter.

--(S//SI) Unintentional Dissemination of US Identities: In accordance with the requirements set forth in U.S. Signals Intelligence Directive 18, [ ] SIGINT products were cancelled because they contained the identities of US Persons, organizations, or entities.

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

NSA/IG Inspection

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

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

--(S//REL) Inspectors from the Naval Network Warfare Command

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

(b)(1),(b)(3):P.L. 86-36 [ ] the NSA/IG conducted a joint inspection of the [ ]  
(b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 [ ] Analysis of a sample of training records revealed that only 64% of the newly arrived employees received initial training. An inspection finding by the joint inspection team documented the need for internal controls in the facility's oversight training.

(U) DIA Activities

--(U) The DIA Inspector General's Office continues to provide IO training to (b)(3):10 USC 424

(b)(3):10  
USC 424

(b)(3):10 USC 424 [ ] This quarter, [ ] received IO training prior to their deployments. In addition, an attorney from the DIA Office of General Counsel provided instruction on (b)(3):10 USC 424

DoD Regulation 5240.1-R, (b)(3):10 USC 424

(b)(3):10 USC 424

(U) Army Activities

--(U) Questionable Intelligence Activities of Individuals Assigned to the 101<sup>st</sup> Airborne Division in Iraq (DAIG 06-022) UPDATE: As reported in the June -September 2006 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)(3):10  
USC §424,  
(b)(3):50  
USC §403g

[ ] 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.

(b)(3):10  
USC §424,  
(b)(3):50  
USC §403g

--(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 members of the USAREUR G2 staff. During his visit in Germany, the officer telephoned his unit in 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 further stated that according to USAREUR G3 Aviation Operations, the 9 February 2006 flight was not cancelled and that there were numerous other flights available prior to 14 February 2006. During the officer's eight-day visit in Germany, the wife vacationed with 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.

(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), 650th MI Group (MIG), Belgium, reported the following QIAs concerning the activities of a Sergeant First Class (SFC) and a Master Sergeant (MSG), Counterintelligence (CI) Special Agents (S/As), assigned to the Afghanistan Detachment (ADET), 650th MIG, Kabul, Afghanistan.

(1)(U) On 12 July 2005, the SFC allegedly used ICF (\$300-\$500) 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.



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~~TOP SECRET//COMINT//NOFORN~~  
ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

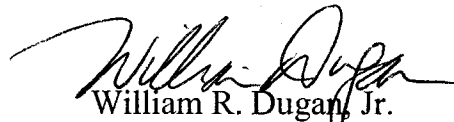
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MEMORANDUM FOR THE RECORD

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

~~(FOUO)~~ 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.

~~(FOUO)~~ 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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EFF 68



INTELLIGENCE  
OVERSIGHTASSISTANT 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)

69





~~TOP SECRET//COMINT//NOFORN//TK~~

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

INTELLIGENCE  
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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.

(TS//SI//REL) 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 (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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Document No.	51

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DEPARTMENT OF THE ARMY  
OFFICE OF THE INSPECTOR GENERAL  
1700 ARMY PENTAGON  
WASHINGTON DC 20310-1700

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: ~~TS//COMINT~~ Memorandum, ATSD (IO), Subject: Referral of Intelligence Oversight Incident for Investigation (U), 16 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~~) The FBI, seeking evidence for possible criminal prosecution, reportedly contacted elements of MND-N (b)(6), (b)(7)(C), (b)(7)(E) (b)(6), (b)(7)(C), (b)(7)(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 the FBI (b)(6), (b)(7)(C), (b)(7)(E) (b)(6), (b)(7)(C), (b)(7)(E)

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SAIG-IO

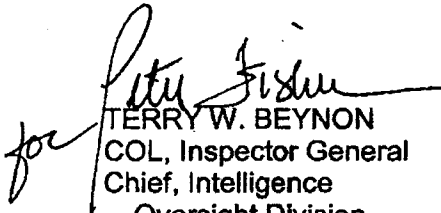
SUBJECT: Update to Referral of Intelligence Oversight Incident for Investigation (DAIG-07-018) (U)

e. (U//~~FOUO~~) MND-N was reportedly unable to obtain any clarifying information from FBI elements in the Iraqi Theater of Operation that would determine what was known by whom, and when, relative to (b)(6),(b)(7)(C)

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) 692-9716.

  
TERRY W. BEYNON  
COL, Inspector General  
Chief, Intelligence  
Oversight Division

CF:  
DCS G2  
OGC



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).

Handwritten signature of Daniel J. Dell'Orto.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

Handwritten signature of William Dugan.

William Dugan  
Acting ATSD(IO)

Attachment a/s

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REMOVAL OF CODEWORDS AND CAVEATS



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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).

~~(TS//SI//REL)~~ 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 <sup>(b)(1)</sup> 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 <sup>(b)(1)</sup> 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.

~~(TS//SI//REL)~~ 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.

(b)(3):50  
U.S.C. 3024

(b)(3):50  
U.S.C. 3024

~~(TS//SI//REL)~~ The ATSD(IO) requested the <sup>(b)(1)</sup> IG review the actions of <sup>(b)(3):50</sup> personnel <sup>(b)(3):50</sup> in this matter and report his conclusions. Based on timely notification of the incident by <sup>(b)(3):50</sup> <sup>(b)(1)</sup> on input from the <sup>(b)(3):50</sup> <sup>(b)(3):50</sup> and on an interview of the Chief <sup>(b)(1),(b)(3):50</sup> the <sup>(b)(3):50</sup> IG has <sup>(b)(3):50</sup>

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Case No. 09-1357

SI No. 11-51-006

Document No. 58

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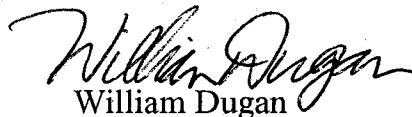
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(b)(1)

~~(TS//SI//REL)~~ 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//<sup>(b)(1)</sup>



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).

~~(TS//SI//REL)~~ **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 <sup>(b)(1)</sup> 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 the <sup>(b)(1)</sup> 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.

~~(TS//SI//REL)~~ 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.

(b)(3):50  
U.S.C. 3024

(b)(3):50  
U.S.C. 3024

~~(TS//SI//REL)~~ The ATSD(IO) requested the <sup>(b)(1)</sup> IG review the actions of <sup>(b)(1)</sup> personnel in this matter and report his conclusions. Based on timely notification of the incident by <sup>(b)(3):50 U.S.C. 3024</sup>

<sup>(b)(3):50 U.S.C. 3024</sup>

<sup>(b)(1)</sup> on input from the <sup>(b)(1), (b)(3):50 U.S.C. 3024</sup> of <sup>(b)(3):50 U.S.C. 3024</sup> and on an interview of the Chief <sup>(b)(3):50 U.S.C. 3024</sup> the <sup>(b)(3):50 U.S.C. 3024</sup> IG has

<sup>(b)(1)</sup>

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(b)(3):50  
U.S.C. 3024

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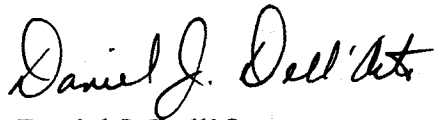


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(b)(1)

~~(TS//SI//REL)~~ 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



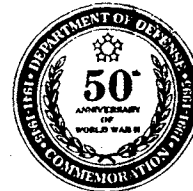
William Dugan  
Acting ATSD(IO)

Attachments a/s

~~TOP SECRET/COMINT/NOFORN/X1~~

ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



MAY 20 2002

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

Dear Mr. Chairman:

(U) The Department of Defense Intelligence Oversight Report for the period July through September 2001 is attached.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

DERIVED FROM: NSA/CSSM 123-2  
DATED: 24 FEB 98  
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Report No.	06-SI-035
Document No.	1

**Department of Defense Intelligence Oversight Report**  
**July - September 2001**


- ~~(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 21 cases; none require SECDEF/IOB attention at this time.
- ~~(FOUO)~~ **September 11, 2001 related actions:** In the aftermath and confusion of the September 11, 2001, terrorist attacks, rumors were rife that the rules governing Intelligence Oversight were going to be suspended. As a result of these rumors, several minor Intelligence Oversight incidents occurred. Fortunately, the checks and balances established within the affected organizations, to include NSA, quickly identified and corrected the situation--a reflection of the strong emphasis on Intelligence Oversight education and training by DoD Intelligence units. In the case of NSA, the NSA General Counsel made an Agency-wide appearance on NSA's secure television network to inform workers that rumors the "rules governing SIGINT collection were going to be suspended" were not true.

~~(FOUO)~~ **NSA Establishes a** (b)(1),(b)(3):P.L. 86-36 **in SIGINT Directorate to Provide Support to Federal Law Enforcement Agencies and Intelligence Community Partners Following September 11 Attacks:** Following the September 11 terrorist attacks, NSA received numerous requests for (b)(1),(b)(3):P.L. 86-36 support from federal law enforcement agencies and Intelligence Community partners. To facilitate the requests and ensure the integrity of the work, the SIGINT Directorate established a (b)(1),(b)(3):P.L. 86-36 Operations personnel will log, track, and task (b)(1),(b)(3):P.L. 86-36 for analysis and will ensure that the proper procedures are followed when the responses are sent back to an external agency. Both the NSA Office of General Counsel and the FBI Office of General Counsel are closely reviewing this process.

- ~~(FOUO)~~ **ATSD(IO) Policy Guidance on the Impact of the USA PATRIOT Act of 2001 on DoD Intelligence Activities and Intelligence Oversight in November, 2001:** The ATSD(IO), in coordination with the DoD Deputy General Counsel for Intelligence, issued a message on November 15, 2001, which provided policy guidance to commanders, supporting DoD intelligence organizations, and intelligence professionals on how the USA PATRIOT Act of 2001 impacted the conduct of DoD intelligence activities and Intelligence Oversight. A copy of the message is at TAB A.
- ~~(FOUO)~~ **Intelligence Oversight Inspections:** The Office of the ATSD(IO) conducts Intelligence Oversight inspections of and staff assistance visits to DoD units

worldwide. These inspections complement and are in addition to those performed by Defense Intelligence Agencies, Combatant Commands, and the Services. In addition, they provide insight into the effectiveness of Intelligence Oversight training programs throughout the DoD.

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



~~(FOUO)~~ **Joint Task Force (JTF) – 6, El Paso, Texas:** Very thorough, four pronged program designed to ensure appropriate familiarity with Intelligence Oversight regulations and to prevent unintentional violations. The inspectors met with local FBI and DEA senior officials and the military Reservists who had been assigned to their respective organizations. Military personnel are detailed for 6 months to provide analysis and analytical training--they are prohibited from participating in law enforcement activities. The inspection team also visited the El Paso Intelligence Center, Operation Alliance, and the Border Patrol Special Coordination Center, and toured U.S. Mexico border and observed U.S. Customs operations at Paso Del Norte

port of entry. Texas Army and Air National Guard, under Title 32 authority and direction of the Governor, were observed assisting in customs inspections.

~~(FOUO)~~ Georgia National Guard (GANG), Atlanta, Georgia; South East Army Reserve Intelligence Support Center (SEARISAC) and Joint Reserve Intelligence Support Element (JRISE), Fort Gillem, Georgia. GANG Intelligence Oversight program had improved dramatically due to two events: a 1999 violation, which pointed up the need for oversight and was turned into a teaching tool, and appointment of an Intelligence Oversight officer in May 2000. SEARISC and JRISE Intelligence Oversight programs were adequate. Of note, the JRISE provides integrated, all source, intelligence production to the Joint Analysis Center (JAC) at Molesworth, United Kingdom. Their performance was highlighted during a previous inspection of JAC, Molesworth.

- ~~(FOUO)~~ Intelligence Oversight Training at the Western Hemisphere Institute for Security Cooperation (WHINSEC), Fort Benning, Georgia: ATSD(IO) and staff members presented the Intelligence Oversight training course to 60 Latin American and U.S. students attending the Command and General Officers Course at the WHINSEC. This program provides future Latin American leaders keen insights into how military and civilian leaders in the U.S. balance national security needs with constitutionally guaranteed rights of U.S. persons. Feedback from the students was positive; they were most impressed that our instruction admitted past mistakes on the part of the U.S. Intelligence Community and that the Intelligence Oversight program proactively sought to avoid such incidents in the future.
- ~~(TS/COMINT)~~ NSA reported inadvertent violations of NSA Foreign Intelligence Surveillance Act (FISA) minimization procedures: NSA reported that it had disseminated foreign intelligence information inconsistent with NSA FISA minimization procedures on [ ] occasions from December 1998 to August 2000. They were discovered as a result of routine interaction between NSA's personnel responsible for operations and those responsible for oversight. After an investigation, the NSA General Counsel determined the incidents arose through human error. The rules contained in the minimization procedures were discussed with the individuals involved. In addition, the NSA Office of General Counsel routinely conducts briefings for agency personnel who process these communications and has issued guidance on the handling of domestic communications.
- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification.

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

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

~~SECRET/XI~~



ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200




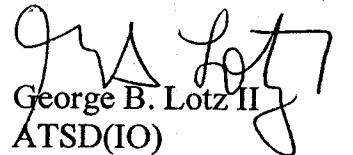
JUL 19 2002

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  
October through December 2001 is attached.

  
Daniel J. Dell'Orto  
Principal Deputy General Counsel

  
George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

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~~SECRET/XI~~

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Department of Defense Intelligence Oversight Report  
October – December 2001

- ~~(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 20 cases; none require SECDEF/IOB attention at this time.

- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification.

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

- ~~(FOUO)~~ Intelligence Oversight Inspections: 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 Defense Intelligence Agencies, Combatant Commands, and the Services. In addition, they provide insight into the effectiveness of Intelligence Oversight training programs throughout the DoD.

~~(FOUO)~~ DoD Intelligence Organizations in Bonn, Germany: The ATSD(IO) and several staff members conducted an Intelligence Oversight inspection at the [ ] (b)(1),(b)(3):10 USC 424 AFOSI, and the USAREUR Liaison Office, Bonn, Germany, on November 2, 2001. All organizations inspected displayed acceptable familiarity (b)(1),(b)(3):10 USC 424 with Intelligence Oversight concepts and had acceptable programs. The DAO is (b)(1),(b)(3):10 USC 424 divided between [ ] (b)(1),(b)(3):10 USC 424 presenting significant but manageable administrative and practical problems. (We reported on the [ ] office in the previous quarter.) (b)(1),(b)(3):10 USC 424

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

[ ] (b)(1),(b)(3):10 USC 424 This problem has existed at the last four [ ] we have inspected; we have identified it to the [ ] and will continue to check that local [ ] (b)(1),(b)(3):10 USC 424 future inspections.

~~(FOUO)~~ DoD Intelligence Organizations in Korea: U.S. Forces Korea Headquarters; Special Operations Command, Korea; 501st Military Intelligence Brigade units; 7 Air Force units; Air Force Office of Special Investigations Detachments; Naval Criminal Investigative Service units; and the Special U.S. Liaison Advisor, Korea all had satisfactory Intelligence Oversight programs. We found several units whose Intelligence Oversight programs had declined because the

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monitor had departed; we find this occurs regularly in short tour (one-year assignment) areas. We inspect short tour areas like Korea frequently because of this problem. We also encourage commanders to use transition books and other management initiatives so that their Intelligence Oversight programs don't decline due to high rotation rates.

~~(FOUO)~~ Robins AFB, Georgia and Fort McPherson, Georgia: Warner-Robins Air Logistics Center, 93rd Air Control Wing (JOINT STARS), and other Air Force units at Robins AFB had satisfactory Intelligence Oversight programs. Minor suggestions for program clarity were made and accepted. U.S. Forces Command Headquarters and U.S. Army Reserve Command, Fort McPherson, Georgia, had satisfactory Intelligence Oversight programs.

- ~~(FOUO)~~ Outreach Program in Intelligence Oversight in a Democratic Society at George C. Marshall European Center for Security Studies, Garmisch, Germany: The purpose of the Outreach Program is to ensure future leaders of emerging democracies understand the concepts, importance, and applicability of Intelligence Oversight as they develop their own democratic institutions. During this quarter, the ATSD(IO) and staff members taught this elective at the Marshall Center to students from Armenia, Azerbaijan, Georgia, Kazakhstan, Lithuania, Russia, Slovenia, and Uzbekistan.
- ~~(FOUO)~~ Seminars on Intelligence Oversight at National Defense University, Fort McNair, DC: In October and again in November 2001, the ATSD(IO) presented seminars on Intelligence Oversight to two groups of U.S. and foreign students attending the National Defense University at Fort McNair. The seminars presented the principles of Intelligence Oversight and emphasized the importance and need for such a system to these future senior leaders.
- ~~(FOUO)~~ Internet Based Intelligence Oversight Training Program Under Development: We have proposed and are working appropriate contractual documents to develop an Internet, web-based, learning module that will provide an overview of Intelligence Oversight, its history, goals, requirements, and procedures. The initial module will be interactive; available both on the Internet and on CD-ROM; and contain videos, vignettes, and questions to reinforce Intelligence Oversight knowledge. Upon completion of this initial training module, tailored modules on Signals Intelligence and Human Intelligence will be developed in collaboration with NSA and DIA.



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ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



APR 15 2003

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 April - June 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  
Principal Deputy General Counsel

George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

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1198

Department of Defense Intelligence Oversight Report  
April - June 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 27 cases; none require SECDEF/IOB attention at this time.
- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed ☐ applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification.
- ~~(FOUO)~~ Third International Intelligence Review Agencies Conference: The ATSD(IO) attended the Third International Intelligence Review Agencies Conference in London, England, on May 13 and 14, 2002. Previous meetings were in Canberra, Australia (1997) and Ottawa, Canada (1999). This conference was to have been in Washington in 2001, shortly after September 11; however, following the terrorist attacks, the United Kingdom Intelligence and Security Committee of Parliament offered to host it. The other U.S. attendees were from CIA, NRO, DIA, NSA, NIMA, and the DoD IG. Other countries represented were Canada, Belgium, New Zealand, Australia, and South Africa. Poland and Slovakia attended for the first time. The conference agenda reviewed the oversight functions, how they are accomplished in the several countries, and common challenges. Two themes surfaced throughout the discussions. One was the difference between the major challenges facing the new democracies who are in the process of developing effective oversight mechanisms, and the relatively minor problems in that regard of the others with well-established oversight structures. The second theme was the impact of the terrorist attacks of September 11 which kick-started legal developments in several countries. This brought focus and extensive discussion of the increased powers of intelligence agencies under new anti-terrorism legislation and the balance between national security requirements and individual rights. Members

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

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and staff of the United States Congressional intelligence committees were invited to the conference but did not attend. The next conference will be in the U.S. in 2004 and co-sponsored by the CIA Inspector General and the ATSD(IO).

- ~~(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.

~~(FOUO)~~ During this quarter, this office conducted 42 inspections and staff visits of intelligence and counter-intelligence units located both stateside and in Europe, to include the Balkans. All organizations demonstrated compliance with DoD and Service Intelligence Oversight regulations with the following three exceptions:

~~(FOUO)~~ The U.S. intelligence portion of a combined unit under a NATO Command lacked an Intelligence Oversight program. The unit was under the erroneous perception that NATO regulations superseded national laws and regulations; whereas in reality, NATO regulations state national laws and regulations take precedence in all cases. The unit now has an active Intelligence Oversight program in place.

~~(FOUO)~~ A Defense Attaché Office was under the impression that only U.S. person information that is derogatory in nature should be reported in

(b)(3):10 USC 424

The DIA IG was notified of this confusion in the field for corrective action.

(b)(1)

(b)(1)

- ~~(S//SI//NF)~~ **NSA SIGINT Collection Against U.S. Persons:** As part of their quarterly submission, NSA reports on both the intentional and unintentional collection of U.S. person information from their raw traffic files.

~~(S//SI//NF)~~ During this reporting period, the Director, NSA, granted approval for consensual collection against [ ] U.S. persons. In addition, the U.S. Attorney General granted authority to collect communications of [ ] U.S. persons.

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

~~(S//SI//NF)~~ During this same period, there were [ ] incidents where, despite the use of approved retrieval strategies, information about U.S. persons was unintentionally collected. All incidents were reported to responsible oversight officials and corrective actions taken.

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

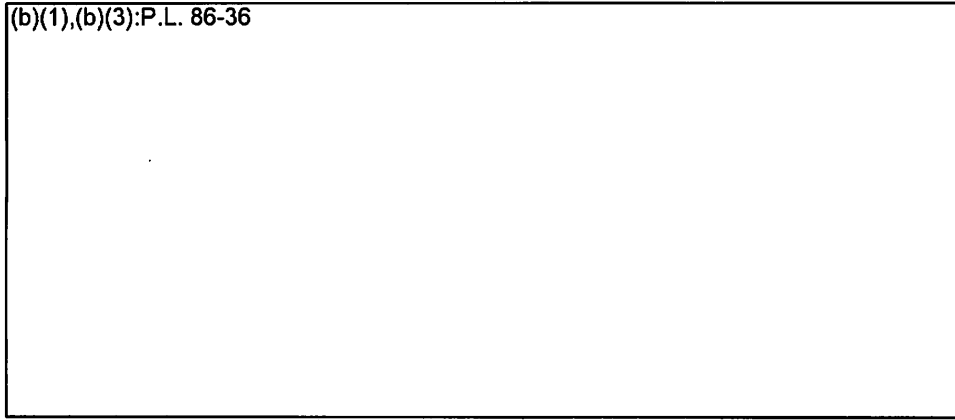
- ~~(S//SI//NF)~~ **NSA Dissemination of U.S. Identities:** Under the rules that govern NSA operations, foreign intelligence information about U.S. persons must be disseminated, except in certain limited circumstances, in such a way that their identities are not revealed or else the information must either be destroyed or cancelled. During this quarter, [ ] SIGINT products were canceled because they contained the identities of U.S. person, organizations, or entities.

~~(S//SI//NF)~~ The limited circumstances under which U.S. identities can be revealed are set forth in section 7.2 of U.S. Signals Intelligence Directive (USSID) 18, and include such circumstances as when the identities are necessary to understand foreign intelligence or assess its importance, when the persons identified are serving as officials of a foreign government, when the persons identified are engaged in criminal activity, or the information identifies the position of a senior executive branch official. During this reporting period, [ ] U.S. identities were disseminated in a serialized product, a process referred to as unmasked, or to a user at the user's request.


~~(S//SI//NF)~~ In the following matrix, the justifications for disseminating the U.S. person identities are mapped to the specific authorizing subparagraph of Section 7.2 of USSID 18.

~~SECRET/COMINT/NOFORN/X1~~

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



(b)(3):10

USC 424 (U) **Intelligence Oversight Training and Awareness:** DoD organizations continue to exhibit active Intelligence Oversight programs, e.g., DIA trained over  employees, contractors, and students during this period. The results of these programs are reflected in inspection reports, the low number of active Intelligence Oversight cases, and database access audits such as NSA performs.

~~SECRET/COMINT/NOFORN/X1~~



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

JUN 3 2003

INTELLIGENCE  
OVERSIGHT

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

Dear Mr. Chairman:

(U) The Department of Defense Intelligence Oversight Report for the period July – September 2002 is attached. There were no significant Intelligence Oversight issues warranting IOB attention for this period and no significant Intelligence Oversight violations.

A handwritten signature in black ink, appearing to read "D J Dell'Orto".

Daniel J. Dell'Orto  
Principal Deputy General Counsel

A handwritten signature in black ink, appearing to read "George B. Lotz II".

George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

THIS PAGE IS UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS AND PHYSICAL  
REMOVAL OF CODEWORDS AND CAVEATS



Department of Defense Intelligence Oversight Report  
July - September 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 27 cases; none require SECDEF/IOB attention at this time.
- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed ☐ applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification.
- ~~(FOUO)~~ Intelligence Oversight Inspections and Staff Visits: A total of 158 DoD Intelligence units received Intelligence Oversight inspections or staff assistance visits (SAVs) during this quarter. These worldwide inspections/SAVs were conducted by the ATSD(IO) and the inspection arms of the intelligence agencies of DoD, the Combatant Commands, and the Military Departments. Although minor administrative issues were identified and corrected during these inspections/SAVs, no violations of Intelligence Oversight guidance were identified. These results provide insight into the effectiveness of Intelligence Oversight training programs throughout the DoD.
- ~~(S//SI//NF)~~ NSA--Global War on Terrorism--Integrees in Analysis and Production: Personnel from several intelligence, counterintelligence, and law enforcement organizations were integrated into NSA SIGINT Directorate (SID) Analysis and Production spaces by detail, and provided access to raw traffic. In all cases, these individuals were provided with USSID 18 training.

Organizations included:	(b)(3):P.L. 86-36
(b)(3):P.L. 86-36	

Derived From NSA/CSSM  
Dated: 24 FEB 98  
Declassify On: X1

DOD / DFOISR	
TOP SECRET CONTROL	
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SI No.	06-81-035
Document No.	3

- (U) **Intelligence Oversight Conference:** United States Forces Korea hosted a Peninsula-wide Intelligence Oversight Conference with the office of the ATSD(IO) in early September. The conference was followed by staff assistance visits to almost every U.S. intelligence and counterintelligence unit in theater. The central theme of the conference and the assistance visits was the application of Intelligence Oversight guidance regarding both force protection and the global war on terrorism. Conference participants, over 70, included commanders, Intelligence Oversight officers, legal advisors, and Inspectors General.

(U) The ATSD(IO) and staff continue to make Intelligence Oversight presentations to intelligence related conferences, e.g., Combatant Command attaché conferences.

- ~~(FOUO)~~ **Discussions on Intelligence Oversight with Romanian and Croatian Defense Officials:**

~~(FOUO)~~ **Background.** The ATSD(IO) sponsors an Intelligence Oversight elective at the George C. Marshall European Center for Security Studies in Garmisch, Germany. The focus of the elective is to assist future military and civilian leaders of emerging democracies to understand the importance of Intelligence Oversight. Feedback from the program has led to requests for additional information on developing a program similar to DoD's in a number of countries.

~~(FOUO)~~ **Romania.** Under the aegis of the Marshall Center, the ATSD(IO) met in Bucharest, Romania, on July 15 and 16, 2002, with the Defense Minister, Presidential National Security Advisor, and Chief of the Military Intelligence and Foreign Representation Directorate. The (b)(3):10 USC 424 and the Embassy's Political-Military Officer were also present. The Defense Minister was interested in exploring the applicability of the DoD Intelligence Oversight program to Romania as part of their democratization/rule-of-law process and establishing their democratic bona fides for NATO membership. The ATSD(IO) discussed the DoD Intelligence Oversight program in detail and offered to assist Romania in developing rules, regulations and training on Intelligence Oversight. The Director General of Defense Intelligence was unavailable and subsequently visited with the ATSD(IO) in Washington in September 2002. Note: A number of Romanian military and civilians have



taken the elective course in Intelligence Oversight taught by the OATSD(IO) at the Marshall Center.

~~(FOUO)~~ Croatia. The ATSD(IO) met with and briefed the Croatian Ministry of Defense Inspector General and members of his staff in Washington on July 24, 2002, on Intelligence Oversight and the inspection activities of our office. The Croatian Inspector General had recently been assigned the mission of exercising oversight of Croatian defense intelligence organizations and wanted to understand the operations of the ATSD(IO) to serve as a foundation for the evolution of his own program. The ATSD(IO) volunteered to assist the Croats in the development of their own Intelligence Oversight program for the Ministry of Defense.

- ~~(FOUO)~~ Intelligence Oversight Training Initiative: The Office of Naval Intelligence (ONI) is producing an Intelligence Oversight training video focusing on Intelligence Oversight issues likely to arise in maritime settings. This tailored training will complement earlier Intelligence Oversight training aids produced by ONI.



INTELLIGENCE  
OVERSIGHT

~~TOP SECRET/COMINT/NOFORN/XX~~  
ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

JUN 25 2003

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 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  
Principal Deputy General Counsel

George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS AND  
PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

~~TOP SECRET/COMINT/NOFORN/XX~~

SI-0036-03



EFF 1207

1207

Department of Defense Intelligence Oversight Report  
October-December 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) is monitoring 27 cases; none require SECDEF/IOB attention at this time.

- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification.

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

- ~~(CONF)~~ Allegations of Threat of Torture by U.S. Intelligence Personnel: In October 2002, individuals assigned to [ (b)(1),(b)(3):10 USC 424 ] were alleged to have threatened a Bosnian Muslim detainee with torture if he did not cooperate during questioning. The allegation stated no torture took place. The interrogation team included [ (b)(3):10 USC 424 ] assigned to [ (b)(3):10 USC 424 ]

and [ (b)(1),(b)(3):10 USC §424 ] The case is currently open and with the U.S. Army Criminal Investigation Command. In addition, the Defense Intelligence Agency IG is monitoring the investigation since the [ (b)(3):10 USC 424 ] is also a career [ ] civilian employee.

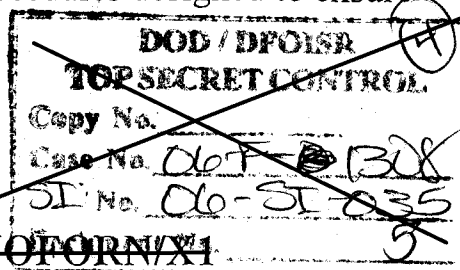
(b)(3):10  
USC 424

- ~~(FOUO)~~ Raw SIGINT Traffic:

~~(S//SI)~~ Raw Traffic Dissemination Outside the SIGINT Production Chain: NSA's [ (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798 ]

provided raw traffic electronically to unauthorized USCENTCOM personnel during November 2002. Once it was realized that this activity was occurring, it was immediately terminated. A concept of operations has since been developed detailing strict handling and dissemination procedures designed to ensure protection of raw data.

Derived From NSA/CSSM  
Dated: 24 FEB 98  
Declassify On: X1



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

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

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

(TS//SI)

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

The [redacted] site in [redacted]

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

entered the cell phone identifiers of the [redacted] into the site's [redacted]

[redacted] directory without the proper authorization. As soon as the error was identified by [redacted] Headquarters, it informed the site, and all identifiers related to both persons were removed prior to any hits on either.

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

(TS//SI) In an effort to target foreign intelligence officers, a [redacted] team that was on temporary duty to the [redacted] site, conducted an [redacted]

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

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

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

[redacted] was downloaded in [redacted] processing system for target development. Identifiers found to belong to U.S. persons were removed immediately upon recognition.

- (S//SI/NF) Unintentional Retrieval Strategies: During this quarter unintentional retrieval strategies using the [redacted] raw traffic files resulted in [redacted] incidents against U.S. persons. All incidents were reported to responsible oversight officials and corrective actions taken.

(b)(1),(b)  
(3):P.L. 86-  
36,(b)(3):18  
U.S.C. § 798  
(Espionage  
Act)

- (FOUO) Intelligence Oversight Inspections and Staff Visits: The limited number of Intelligence Oversight related cases we are monitoring and the five incidents highlighted above reflect the effectiveness of Intelligence Oversight training programs throughout DoD. When inappropriate activities take place, whether intentional or unintentional, our intelligence professionals know what to do. This point was reiterated during Intelligence Oversight inspections or Staff Assistance Visits (SAVs) to approximately 100 organizations during this quarter. These worldwide inspections/SAVs were conducted by the OATSD(IO) and the inspection arms of the intelligence agencies of DoD, the Combatant Commands, and the Military Departments. Although minor administrative issues were identified and corrected during these inspections/SAVs, no violations of Intelligence Oversight guidance were identified. Most importantly, these intelligence professionals know where to go when they have questions and/or to report questionable activities.
- (FOUO) DARPA's Total Information Awareness (TIA) Program: The ATSD(IO) and staff are involved in an on-going review of DARPA's TIA program. To date, this review, which was initiated prior to the Congressionally directed DoD IG investigation and the DoD internal and external TIA Review

~~TOP SECRET/COMINT/NOFORN/X1~~

Boards, has revealed nothing that raises concerns in relation to Executive Order 12333. Visits to organizations working with TIA, such as the Army's Intelligence and Security Command and the DoD Counter Intelligence Field Activity, are being accomplished on a reoccurring basis. In addition, this office and a representative of the DoD GC are working with DARPA personnel to facilitate their understanding of the Executive Order and applicable DoD regulations and guidance. This is a key point, since the TIA program is primarily in the conceptual phase at this time.

- ~~(FOUO)~~ **Tailored Training for USMC:** The Marine Corps is facing increased off-base training in civilian environments. In response to questions from the field, the Marine Corps' Inspector General has developed a planning aid for commanders titled, "Considerations for Conducting Training and Exercises in an Off-Base Civilian Environment" to enhance their preparation. A key component of the aid is Intelligence Oversight. This is just one of a number of recent examples of how the Marine Corps is proactively integrating Intelligence Oversight into operational planning.

- **(U) ATSD(IO) Outreach Program:**

**(U) Intelligence Oversight Conference:** The Geneva Centre for the Democratic Control of Armed Forces conducted a two day workshop on "Democratic and Parliamentary Oversight of Intelligence Services" in October 2002. The objectives of the program were to identify the structures and processes of democratic and parliamentary oversight of intelligence services in emerging, as well as, mature democracies; to assess their effectiveness; to examine the role of parliaments within the oversight process; and to identify concrete recommendations for strengthening intelligence oversight. A paper on the DoD Intelligence Oversight system was presented by an ATSD(IO) representative, the sole U.S. presenter. Workshop participants, who included several parliamentarians, were from Eastern Europe, as well as the UK, Belgium, Switzerland, Canada and the U.S.

~~(FOUO)~~ **Intelligence Oversight Courses at the George C. Marshall European Center for Security Studies in Garmisch, Germany:** In October and November 2002, the office of the ATSD(IO) conducted two Intelligence Oversight courses. The first course was for the "Leaders for the 21st Century" program, which consisted of middle grade military officers and civilians from Bulgaria, Estonia, Serbia, Georgia, Poland, Romania, Hungary, along with three U.S. officers. The second course was for the "Executive Program in

International and Security Affairs" program, which consisted of senior level military officers and civilians from Albania, Bulgaria, Kazakhstan, Mongolia, Romania, and Russia.

- (U) **Center for Hemispheric Defense Studies (CHDS), National Defense University:** The Center's mission is to develop academic programs for educating primarily civilians in defense and security planning management; to familiarize civilians with the military profession and military affairs; and for studying the defense policy making process in general. This Washington based course consists of students from North, Central, and South America as well as the Caribbean. It consists of students from national and city governments, industry, the press, and the military.

(U) In November, the office of the ATSD(IO) presented a program on DoD's Intelligence Oversight program to students from 19 countries. In many of these countries "intelligence" organizations/activities have only derogatory connotations. The students, especially the press and judicial representatives, were interested in the Intelligence Oversight program, including the role of the President's Intelligence Oversight Board.



INTELLIGENCE  
OVERSIGHT

~~TOP SECRET//COMINT~~ (b)(3):P.L. 86-36 ~~NOFORN//XI~~

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

August 12, 2003

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 2003 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

George B. Lotz II  
ATSD(IO)

Attachment a/s

Derived From NSA/CSSM  
Dated: 24 Feb 98  
Declassify On: X1

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

~~TOP SECRET//COMINT~~ (b)(3):P.L. 86-36 ~~NOFORN//XI~~

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

~~NOFORN//X1~~

~~TOP SECRET CONTROL~~

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Case No. 06-F-1308

Report No. 06-3L-035

Document No. \_\_\_\_\_

Department of Defense Intelligence Oversight Report  
January-March 2003

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.

- ~~(FOUO)~~ No significant Intelligence Oversight violations during this period. ATSD(IO) is monitoring 11 cases; none require SECDEF/IOB attention at this time.

- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed ☐ applications to the Foreign Intelligence Surveillance Court during the quarter, prior to Secretary or Deputy Secretary of Defense Certification.

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

- ~~(FOUO)~~ Intelligence Oversight Inspections and Staff Assistance Visits (SAVs): The Office of the ATSD(IO) and the Inspectors General of DoD components conducted 64 Intelligence Oversight inspections or SAVs of intelligence units located worldwide. Although minor administrative issues were identified and corrected during these inspections/SAVs, no violations of Intelligence Oversight guidance were identified. These results provide insight into the effectiveness of both Intelligence Oversight training and senior-level focus on these programs. Two exemplary programs are highlighted below:

- ~~(FOUO)~~ OATSD(IO) Inspection of the Naval Criminal Investigative Service: The NCIS Intelligence Oversight program is fully integrated into daily operations of both the Counter Terrorism and Counter Intelligence Directorates. A key aspect of the program is the role played by the NCIS' Office of General Counsel's National Security Law Office. This office and its recent expansion, reflect the high level of attention given this program by both the NCIS Director and the Department of the Navy's General Counsel. This dedicated legal team works seamlessly with the operational staff and field agents to ensure training, awareness and understanding of Intelligence Oversight requirements; a fact reflected by NCIS personnel at all levels during inspection interviews and discussions. In addition, the legal team is on call around the clock to resolve operational issues during planning and execution of NCIS missions, to work FISA related issues, and when required, to deploy to provide on scene support of on-

~~TOP SECRET//COMINT~~

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

~~NOFORN//X1~~

1

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1213



going operations. NCIS' Intelligence Oversight program is an exemplary benchmark for others to emulate.

- ~~(FOUO)~~ **OATSD(IO) SAV to US Northern Command (USNORTHCOM):**

The unique and evolving mission of USNORTHCOM involves Intelligence Oversight challenges few organizations have faced. As a result, the ATSD(IO) with the strong support of the Commander of USNORTHCOM, General Eberhart, initiated a series of SAVs of the headquarters and its three subordinate commands.

~~(FOUO)~~ Prior to the arrival of the OATSD(IO) SAV team in February 2003, the deputy commander formed an Intelligence Oversight "Tiger Team" to devise procedures and policies to address these challenges. As a result of the Tiger Team, the Command enjoys close staff cooperation between the Director of Intelligence (J2), the Inspector General (IG) and the Staff Judge Advocate (SJA) on Intelligence Oversight issues. The proactive nature of this program and its profile as a Command interest item are key characteristics of a strong Intelligence Oversight program. Historically, weak Intelligence Oversight programs are reactive, i.e., the J2, IG, and SJA work in isolation until a problem occurs.

~~(FOUO)~~ The SAV team paid particular attention to USNORTHCOM's Combined Intelligence and Fusion Center, which is responsible for fusing intelligence and relevant law enforcement data. The team found excellent procedures in place to ensure the proper handling of US person-related law enforcement data, and where warranted, it's incorporation into fused threat warning products. The OATSD(IO) and USNORTHCOM continue to work closely to address new and emerging Intelligence Oversight challenges.

- ~~(FOUO)~~ **NSA SIGINT ACTIVITIES**

- ~~(TS//SI)~~ **Unintentional Collection Against US Persons:** NSA's aggressive oversight of SIGINT collection activities continues to capture anomalies. Once identified, problems are corrected via a technical or procedural mechanism and all unauthorized traffic collected is destroyed. Three examples follow:

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

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

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

(TS//SI) (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798

determined that a

tasked telephone number belonged to a US person. The site confirmed no dissemination of information from this number and the number was immediately removed from all databases.

(TS//SI) (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798

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

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

- (S//SI) Assistance to Law Enforcement: NSA received requests for assistance from law enforcement agencies. It also received a request from the Department of Justice under Section 105a of the National Security Act of 1947, which allows NSA to provide support to law enforcement if the target is foreign and located overseas. In accordance with standard practice for such requests, the Signals Intelligence Directorate forwarded the results directly to the Office of General Counsel for vetting before dissemination. NSA support included

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

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

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

(S//SI) In January 2003, FBI special agents requested NSA acquire

calls made to and from who, the

FBI believed, was in contact with a US person fugitive

Although collection assets were activated, no data was collected based upon a NSA General Counsel opinion that the collection satisfied law enforcement rather than intelligence requirements. As a result of the incident, several new procedures were developed and implemented to ensure Signals Intelligence Directorate law enforcement account managers, National Intelligence Support Teams and FBI representatives to NSA have specific guidelines and understand the scope of NSA authorities.

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

TOP SECRET//COMINT-

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

/NOFORN//X1

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EFF 1215

- (U) **Training Initiatives:** United States Southern Command has incorporated Intelligence Oversight training objectives into Exercise FUERTES DEFENSAS/ UNIFIED ENDEAVOR 2003. The exercise injects will evaluate the ability of intelligence personnel to recognize and appropriately respond to US person related events in a training environment.

- ~~(FOUO)~~ **Meeting of the Steering Committee of the Intelligence Review Agencies, London, England, March 2003:** The intelligence review agencies of the US, UK, Canada, Australia, New Zealand and other selected countries, have held a conference, approximately every two years since 1997, to discuss issues of mutual interest. The Steering Committee is planning for the first US-hosted conference in 2004. Representing the US were the ATSD(IO) and a representative of the CIA/IG. Proposed panel discussions for the US-hosted conference include Intelligence Oversight and the global war on terrorism, and the impact of information technology systems on Intelligence Oversight. The October 2001 conference had been planned for Washington DC, but was changed to the UK following the September 11, 2001 terrorist attacks.

- ~~(S)~~ **Intelligence Oversight Outreach to** (b)(3):10 USC 424 **March 2003:** Following a Staff Assistance Visit to the Defense Attaché (b)(3):10 USC 424 and a meeting with (b)(3):10 USC 424 the ATSD(IO) met with senior officials of the (b)(3):10 USC 424 Government. During preparatory discussions with the Ambassador, he stressed the importance of our Intelligence Oversight meeting with the (b)(3):10 USC 424 especially as they progress with democratic reforms required by NATO accession. He highlighted that CIA would be addressing oversight with the (b)(3):10 USC 424 in a follow up meeting at a later date.

~~(FOUO)~~ The meeting with the (b)(3):10 USC 424 was very productive. Key participants included the Minister of Defense, (b)(3):10 USC 424 the State Secretary of the Ministry of Defense, the Commander of the Armed Forces, the Chief of Military Counterintelligence and the Acting Director of the Armed Forces Intelligence Department. Minister (b)(3):10 USC 424 noted that Parliament was reviewing legislation that would restructure the intelligence services. Additionally, his staff was preparing an Intelligence Oversight structure for incorporation into the legislative language. The ATSD(IO) offered his assistance on the (b)(3):10 USC 424 Intelligence Oversight program. The Minister was appreciative and noted that he has reviewed the ATSD(IO) website and intends to try and adapt certain provisions of EO 12333 and DoD Regulation 5240.1-R to the (b)(3):10 USC 424 military.

~~TOP SECRET//COMINT-ECI~~

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

~~NOFORN//X1~~

(b)(1),(b)(3):10 USC 424 For the meeting, the (b)(1),(b)(3):10 USC 424 learned that (b)(1),(b)(3):10 USC 424 was formally establishing an office with Intelligence Oversight authority over Ministry of Defense intelligence organizations. In addition, the Minister requested that representatives from the US Department of Defense or Intelligence Community review the (b)(1),(b)(3):10 USC 424 Intelligence Oversight language to be added to the legislation under review in Parliament. The ATSD(IO) is assisting in this process.

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

~~TOP SECRET//COMINT-ECI~~

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

~~NOFORN//X1~~

/ 5

EFF 1217

1217



INTELLIGENCE  
OVERSIGHT

~~TOP SECRET/COMINT/NOFORN/XT~~  
ASSISTANT TO THE SECRETARY OF DEFENSE  
7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200

JAN 6 2004

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 2003 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

George B. Lotz II  
ATSD(IO)

Attachment:  
As stated

THIS PAGE IS UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS AND  
PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

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DOD / DFOLSA  
TOP SECRET CONTROL (A)  
Copy No.  
Case No. 067-1308  
Ref No. 06 SI-035  
17

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

Department of Defense Intelligence Oversight Report  
April - June 2003

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.

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

~~(FOUO)~~ No significant Intelligence Oversight violations during this period. ATSD(IO) is monitoring 16 cases; none require SECDEF/IOB attention at this time. The following are three representative cases:

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

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

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

~~(C/SI)~~ Joint NSA [redacted] Investigation: The [redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798 employee, has admitted targeting the communications of his [redacted] girlfriend, a Foreign Service National, [redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798 was recalled to [redacted] headquarters by the [redacted] where he has been assigned other duties while the NSA and [redacted] Inspectors General investigate. Thus far, the joint investigation has revealed the [redacted] conducted electronic surveillance on at least, nine other women during assignments at other [redacted] sites. The investigation is still ongoing. We will provide an update in the next Quarterly Report.

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

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

(b)(1),(b)(5)

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

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

~~TOP SECRET//COMINT//NOFORN//XI~~

~~(S//NF)~~ Investigation of Civilian Assigned

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

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

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

Based on allegations that [ ] had violated two procedures of DoD Regulation 5240.1-R, *Procedures Governing the Activities of Defense Intelligence Components that Affect United States Persons*, the DIA IG conducted an IO investigation, an audit, and a criminal investigation. During this process a third violation was discovered; the three are as follows: (1) misuse of intelligence funds; (2) improper collection on U.S. persons; and, (3) intelligence support to a federal law enforcement agency without DIA General Counsel (GC) approval. The misuse of funds is still an ongoing criminal case. The DIA IG and DIA GC directed corrective measures to bring the database project into compliance with Intelligence Oversight procedures and recommended DIA take appropriate management action. At the request of [ ] operations have been suspended and [ ] are reevaluating the program.

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

- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.

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

- ~~(FOUO)~~ Intelligence Oversight Inspections and Staff Assistance Visits (SAVs): The Office of the ATSD(IO) and the Inspectors General of DoD components conducted 73 Intelligence Oversight inspections or SAVs of intelligence units located worldwide. No violations of Intelligence Oversight guidance were identified during the inspections and SAVs; although numerous administrative issues were identified and corrected. There is one problem area that continues to exist, i.e., units that place undue emphasis on the restrictive vice permissive nature of DoD Intelligence Oversight guidance. The ATSD(IO) hopes to correct this recurring problem with the introduction of its computer based Intelligence Oversight training program, which finished beta testing in September 2003, and will be distributed later this Fall.

- ~~(FOUO)~~ **Intelligence Oversight Outreach Program--U.S. Northern Command (USNORTHCOM):** The challenges of Homeland Defense vice the traditional roles of the military services have introduced unique challenges for USNORTHCOM from an Intelligence Oversight perspective. The ATSD(IO) and the Commander of USNORTHCOM, General Eberhardt, have established a

close working relationship between their two organizations to address these challenges. This quarter saw the completion of staff assistance visits to all USNORTHCOM components. USNORTHCOM understands the importance for all of its personnel--not just intelligence--to understand the purpose of DoD's Intelligence Oversight program. As a result, USNORTHCOM has incorporated Intelligence Oversight training into "USNORTHCOM 101", an introductory training course on the command's organization and mission for all incoming personnel. The training familiarizes command personnel with Intelligence Oversight and its application to the USNORTHCOM mission and area of responsibility. In addition, USNORTHCOM is planning to incorporate Intelligence Oversight training objectives into future Homeland Defense exercises.

- ~~(TS//SI)~~ **NSA SIGINT Activities--Unintentional Collection Against US Persons:** NSA's aggressive oversight of SIGINT collection and dissemination activities continues to capture anomalies. Once they discover that a report has been collected or issued in violation of USSID 18, that report is destroyed; a new, properly minimized report may be issued, and procedures are taken to ensure that the same errors do not occur in the future. Several examples are provided below:

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

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

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

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

~~(TS//SI)~~ **U.S. Internet Service Providers (ISPs):** During routine oversight, Signals Intelligence Directorate oversight officials identified a total of [redacted] local support reports (LSR) issued by [redacted] different [redacted] sites between July 2002 and May 2003 that contained the identities of U.S. ISPs. Upon instruction from [redacted] headquarters, the sites cancelled the LSRs and reissued them with the proper minimization. In addition, [redacted] Headquarters e-mailed all [redacted] sites reminding them that U.S. ISPs are considered U.S. entities and must be minimized in LSRs.

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

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

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

~~(S//SI//NF)~~ **Unintentional U.S. Person Retrievals:** Unintentional retrievals using the NSA's raw traffic files resulted in [redacted] incidents against U.S. persons. All incidents were reported to responsible oversight officials and corrective actions were taken. All unauthorized traffic collected has been destroyed.

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



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

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

(TS//SI) U.S. Forces [redacted] Morale Calls: [redacted]  
[redacted] was tasked to collect the communications or members of the [redacted]  
[redacted] After a member of [redacted] was captured, the capturing U.S.  
forces used his telephone to make morale calls. Upon recognition of the  
new users, the Signals Intelligence Directorate (SID) advised [redacted] to  
destroy all collection and detask the relevant numbers.

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

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

• ~~(S//SI)~~ NSA SIGINT Activities--Attorney General Collection Approval:

The Attorney General granted NSA authority to collect the communications of  
[redacted] U.S. persons during this quarter. Additionally, in accordance with the  
Classified Annex to DoD Regulation 5240.1-R, he orally approved the targeting  
of communications associated with [redacted]

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



INTELLIGENCE  
OVERSIGHT

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

APR 12 2004

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 2003 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

George B. Lotz II  
ATSD(IO)

Attachment a/s

Derived From Multiple Source  
Dated: OADR  
Declassify On: X1

THIS PAGE IS UNCLASSIFIED UPON REMOVAL OF ATTACHMENTS AND  
PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS



SECRET//COMINT//NOFORN//X1

DOD / DFOISR	
TOP SECRET CONTROL	
Copy No.	
Case No.	267-1308
File No.	06-31-035
Document No.	13

Department of Defense Intelligence Oversight Report  
July – September 2003

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.
- ~~(FOUO)~~ No significant Intelligence Oversight violations during this period. ATSD(IO) is monitoring 15 cases; none require SECDEF/IOB attention at this time. The following are two representative cases:

~~(C/NF)~~ Allegations of Misconduct and Violations of Intelligence

Oversight (IO) Regulations in Iraq: U.S. Army Intelligence Command forwarded two emails messages from Counter Intelligence (CI) soldiers attached to the 205th MI Brigade, V Corps, deployed to Iraq, in which the soldiers, both activated reservists from the 323d Military Intelligence (MI) Battalion, allege numerous incidents of misconduct and violations of IO regulations by members of the 223d MI Battalion, California National Guard. The allegations include the conduct of unauthorized/unapproved collection operations, the employment of questionable means in the course of intelligence activities, the conduct of a stop and search operation during which personal property and money was seized from Iraqi citizens and kept by members of the unit, and the treatment of walk-ins as recruited sources to include undocumented tasking and compensations. One Special Agent in the unit is specifically accused of representing himself as a commissioned officer to local officials and creating the impression with local officials that the U.S. was "executing" Iraqi citizens. The matter has been forwarded to the V Corps Inspector General (IG) for investigation. The investigation has been completed and the results are being forwarded through CJTF 7 to the SAIG-IO.

(b)(1),(b)  
(3):P.L. 86-  
36,(b)(3):50  
USC 403,(b)

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

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

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

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

~~(C//SI)~~ Joint NSA [redacted] Investigation: Last quarter this office reported on a joint NSA [redacted] investigation into the activities of the [redacted] employee, at the [redacted]

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

The subject of the investigation admitted to targeting the communications of his [redacted] girlfriend. The investigation revealed that the [redacted] had conducted electronic surveillance on, at least, nine other women during assignments at other [redacted]. The [redacted] has been

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

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

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

- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court (FISA): The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court. All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense. (b)(1),(b)(3):P.L. 86-36
- ~~(FOUO)~~ Intelligence Oversight Inspections and Staff Assistance Visits (SAVs): The Office of the ATSD(IO) and the Inspectors General of DoD components conducted Intelligence Oversight inspections or SAVs of over 80 intelligence units located worldwide. No violations of Intelligence Oversight guidance were identified during the inspections and SAVs, although numerous administrative issues were identified and corrected.
- ~~(FOUO)~~ OATSD(IO) Outreach Program: In conjunction with overseas inspections, the OATSD(IO) continued to be actively engaged in an initiative to encourage recognition of the importance of Intelligence Oversight in emerging democracies. In this effort, the ATSD(IO), and members of his staff, conducted seminars, in Intelligence Oversight, for students at the George C. Marshall European Center for Security Studies, and the Western Hemisphere Institute for Security and Cooperation. In addition, the ATSD(IO) delivered a keynote address, on Intelligence Oversight to the NATO Senior Officers Policy Course at the NATO School, Oberammergau, Germany. During this quarter, the ATSD(IO) also participated at an international conference in Oslo, Norway, in the examination of the merits of creating a generic Intelligence Oversight law for emerging democracies. At each venue, discussions on Intelligence Oversight were well received and often stimulated questions and ideas on new approaches on IO for the international community to consider. (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798
- ~~(S//SI)~~ Director, National Security Agency Approves New SIGINT Guidance: On July 29, 2003, the DIRNSA approved the use of the U.S. SIGINT System (USSS) to collect, process, and disseminate SIGINT and SIGINT reports on [ ] within current legal authorities and within established tasking priorities, in response to critical foreign intelligence requirements. The USSS may target and [ ] that have no expectation of privacy, such as [ ] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403,(b)(3):18 USC 798

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

- ~~(EOUO)~~ **Expanded USNORTHCOM IO Training:** Continuing their proactive approach to IO training and awareness, NORAD/USNORTHCOM IG has instituted IO training at the NORTHCOM Command introductory training course for all incoming USNORTHCOM personnel. This training familiarizes command personnel with IO and its application to the USNORTHCOM mission area. The OATSD(IO) has worked closely with USNORTHCOM in the development of an effective IO program. IO training, in the introductory course, reflects the continued importance that the Command Staff attributes to IO training and awareness.



INTELLIGENCE  
OVERSIGHT

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

AUG 27 2004

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 2003 is attached. Significant intelligence issues warranting SECDEF attention were provided out-of-cycle on May 19, 2004 and are an attachment to this report. A summary of these issues, which involved allegations of participation of U.S. military intelligence personnel in alleged mistreatment and abuse of Iraqi, and in one case, Afghani, detainees while in the custody of U.S. Armed Forces, were briefed to the IOB by the ATSD(IO) on May 25, 2004. In addition, other items requested during the ATSD(IO) briefing, to the IOB, have been incorporated into this report as well.

- S -

Daniel J. Dell'Orto  
Principal Deputy General Counsel

- S -

George B. Lotz II  
ATSD(IO)

Attachment a/s

Derived From NSA/CSSM  
Dated: 24 Feb 98  
Declassify On: X1

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS



DOD / DFOISA (5)	
<del>TOP SECRET CONTROL</del>	
Copy No.	
Case No.	06-1208
SI No.	06 SI 225
Department No.	11

Department of Defense Intelligence Oversight Report  
October-December 2003

- ~~(FOUO)~~ **Significant Intelligence Oversight (IO) issues** warranting SECDEF attention were provided out-of-cycle on May 19, 2004 (attachment 1--still current as written). In response to IOB questioning, the ATSD(IO) provided a summary of these events to the IOB on May 25, 2004. The issues addressed involved allegations of participation by U.S. military intelligence personnel in alleged mistreatment and abuse of Iraqi, and in one case, Afghani, detainees while in the custody of U.S. Armed Forces.
- ~~(FOUO)~~ January 1, 2003 to December 31, 2003: USSOUTHCOM (Guantanamo) and USCENTCOM (Iraq and Afghanistan) provided no IO reporting on detainee abuse issues to this office. Likewise, none of our other reporting elements (Navy, Air Force, DIA, NSA, DoD/IG, NRO, NGA, DTRA, and the Joint Staff on behalf of the Combatant Commands) provided any detainee abuse reports to this office during this period. The Department of the Army reported four alleged detainee abuse incidents: three occurred during the October-December 2003 reporting period (attachment 1), and the fourth was closure of an investigation of an interrogation related incident which occurred in the Balkans in October 2002. This latter investigation by the U.S. Army's Criminal Investigation Command determined that no criminal activity occurred. However, the initial inquiry led to the following conclusions by the DAIG which are summarized below:

(b)(1)
--------

- ~~(FOUO)~~ **New Reporting:** On June 2, 2004, the ATSD(IO) requested (attachment 2) that all DoD Inspectors General provide immediate reporting, vice normal quarterly reporting, on any Questionable Intelligence Activity (Procedure 15s) and other reports concerning misconduct or abuse of detainees

by Defense intelligence personnel or assigned contractor personnel. As of June 18, 2004, the only substantive responses received were from the Department of the Army Inspector General (DAIG) and the Inspector General of the U.S. Marine Corps. These and two earlier reports from both DIA and DAIG are summarized below:

-- (U) DIA: The Department of the Army Inspector General reported that Commander, Combined Joint Task Force 7 (CTJF-7) is conducting an investigation into all the relevant facts and circumstances surrounding the alleged misconduct on the part of personnel assigned and/or attached to the 205<sup>th</sup> MI Brigade, to include civilian interrogators and/or interpreters, from 15 August 2003 to 1 February 2004 at Abu Gharib Detention Facility. The investigation will attempt to determine whether personnel of the 205<sup>th</sup> requested, encouraged, condoned, or solicited Military Police personnel to abuse detainees as preparation for interrogation operations and/or complied with established interrogation procedures and applicable laws and regulations when questioning Iraqi security internees at the Joint Interrogation and Debriefing Center.

-- (U) USMC: A counterintelligence specialist was alleged to have kicked and struck a detainee during screening. An official inquiry found evidence limited and sketchy. A serious incident report indicated an immediate medical examination of the detainee found no associated injury. The case was closed.

-- (U) DAIG: A 313th Military Intelligence Battalion interrogator is under investigation concerning a digital photo showing the interrogator gesturing with a broomstick toward one of three Iraqi detainees all of whom were in stress positions with empty sand bags over their heads and their hands flexed-cuffed over their heads. The photo taken at the 82d Airborne Division Central Collection Point, Forward Operating Base Saint Mere, Iraq, in December 2003, came to the attention of the chain of command on/about March 27, 2004. Both the 82d and the Army Criminal Investigation Command are investigating the incident. Those present during the incident have all provided sworn statements that the detainee was never struck or touched by the broomstick.

-- ~~(S//NF)~~ DIA: The DIA IG provided the following information on May 28, 2004. A (b)(1),(b)(3):10 USC §424,(b)(6) assigned to (b)(1),(b)(3):10 USC §424 (b)(1),(b)(3):10 USC §424 may have been involved in the abuse of detainees while assigned in support of tactical operations (b)(1),(b)(3):10 USC 424 (b)(1),(b)(3):10 USC 424 conducted an investigation in



accordance with Army Regulation 15-6, and determined that there is probable cause to believe that the subject (b)(6) did assault several detainees. The DIA IG is awaiting further information and will determine the need for further investigative action after receipt and review of that information.

-- (U) DAIG: The 650th Military Intelligence Group forwarded a Procedure 15 on May 6, 2004 concerning the interrogation of a Kosovo Serbian male on April 22, 2004 by a military intelligence officer assigned to the U.S. Army Task Force Falcon, Kosovo. The event took place during the conduct of a cordon and search operation. Unbeknownst to those who took part in the operation, the alleged victim was an established (b)(3):10 USC 424. Reportedly, the intelligence officer threatened the detainee with physical harm and death. Since the initial report, the Deputy ASTD(IO), as part of a previously scheduled inspection, has discussed the incident with the reporting officer and Staff Judge Advocate at Camp Bondsteel. The USACIDC is investigating this case; however, the case has not progressed because U.S. military personnel involved in the incident have, on the advice of counsel, invoked their right against self-incrimination.

- (U) **Major General Fay Investigation for Commander CJTF-7:** Based on a request from the Commander of U.S. Central Command, the Secretary of Defense has directed the Secretary of the Army to appoint a new authority and new investigating officer for MG Fay's investigation into alleged misconduct by personnel assigned and/or attached to the 205th Military Intelligence Brigade at Abu Ghraib Detention Facility. Attachment 3 is copy of the June 14, 2004 memorandum.
- ~~(S)~~ **DoD General Counsel and Foreign Intelligence Surveillance Court:** The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.
- ~~(FOUO)~~ **Intelligence Oversight Inspections and Staff Assistance Visits:** The Office of the ATSD(IO) and the Inspectors General of DoD components conducted Intelligence Oversight inspections or staff assistance visits (SAVs) of 126 intelligence units located worldwide, during this reporting period. No violations of IO regulations were identified during the inspections and SAVs, although administrative issues were identified and corrected. A representative example of one inspection is provided below:

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

~~(S//SI)~~ National Security Agency Inspector General Activities—Joint Inspection of Ft Gordon Regional Security Operations Center

~~(GRSOC)~~. Inspectors from the (b)(3):P.L. 86-36

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

(b)(3):P.L. 86-36 and National Security Agency Inspector General, completed a joint inspection of the GRSOC. The inspectors concluded that all newcomers to the site receive IO training from the Security Services Directorate, GRSOC, during initial security indoctrination. The inspectors tested 22 percent of the personnel at the site to gauge general IO knowledge and the ability to apply it to site operations. The test results indicated a good understanding of the regulations governing IO, but a weakness in practical application.

- ~~(S//SI)~~ Unintentional Collection against U.S. Persons: NSA's aggressive oversight of SIGINT collection activities continues to capture anomalies. Once it is discovered that a report has been collected or issued in violation of USSID 18, the report is destroyed; a new, properly minimized report may be issued, and procedures are taken to ensure that the same error does not occur in the future. If no report has been produced, other corrective action is identified and implemented. Some examples are provided below:

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

~~(TS//SI)~~ The Signals Intelligence Directorate (SID) inappropriately targeted a U.S. person located in [ ] after receiving a copy of an NSA request to the Attorney General (AG) to target the individual. The analysts handling the request were unfamiliar with the process for requesting AG authorization, and incorrectly assumed that the signed NSA package, prepared to obtain the authorization, was the final AG approval. Upon recognizing the mistake, SID immediately terminated all selected targeting and destroyed all related intercepts. Because collection resulted in no reportable foreign intelligence, no reports were prepared. The Office of Inspector General is investigating the incident to ascertain the extent of shortcomings in NSA's process for obtaining and implementing AG-authorized collection.

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

~~(TS//SI//NF)~~ The SID inadvertently targeted the telephone number of a U.S. person located in [ ]. The number used by the U.S. person had been in contact with other numbers in a network of [ ] extremists who were involved in operational planning. After discovering the individual U.S. person's status, the SID discontinued the targeting, but retained significant foreign intelligence obtained during the targeting under the provisions of

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

USSID-18 that permit the retention of U.S. person information necessary to maintain technical databases and for traffic analytic purposes.

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

- (S//SI) **Unintentional U.S. Person Retrievals:** During this quarter [redacted] SIGINT products were canceled because they contained the identities of U.S. persons, organizations, or entities. Those products that contained information derived from communications of U.S. persons were not reissued.

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

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

(S//SI) [redacted] (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403, (b)(3):18 USC 798 The NSA/OIG completed a review of the [redacted] The review determined that all [redacted] sites [redacted] sites) had appropriately reported compliance issues to the NSA/OIG. Regarding IO training, the [redacted] has initiated mandatory online training for all personnel, eliminating the previous separate and cumbersome IO training process for field and headquarters personnel. The on-line training module documents training completion in a central database.

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

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

(S//SI) **NSA Assistance to Law Enforcement:** During this reporting period, the Signals Intelligence Directorate approved requests for technical assistance from the following law enforcement agencies: [redacted] (b)(3):P.L. 86-36 [redacted] (b)(3):P.L. 86-36 The technical assistance provided included transcription, translation, data retrieval, and [redacted] (b)(3):P.L. 86-36 support.

- (U) **Sarajevo, Bosnia and Herzegovina: Seminar to Draft a Proposed Law Establishing the Intelligence and Security Agency of Bosnia and Herzegovina (ISABH), November 2003:** The ATSD(IO) and a member of his staff participated in the subject seminar which was sponsored by the Geneva Center for the Democratic Control of Armed Forces, Geneva, Switzerland, and the Center for Security Studies, Bosnia-Herzegovina. The object of the seminar was to examine, in a public forum for the first time, the draft law, propose revisions, and to stimulate the Federal Parliament into approving the law. The OATSD(IO) participants presented briefings on Executive Oversight of Intelligence and Intelligence Oversight Training. Members of the Federal Parliament, and the Ministry of Defense and Police attended, as well as, representatives from several European nations. In February 2004, the High Representative for Bosnia Herzegovina approved the draft and submitted it to the Parliament. Action on the draft is still pending in Parliament.

~~SECRET/COMINT/XI~~



INTELLIGENCE  
OVERSIGHT

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

OCT 25 2004

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 2004 is attached. There were no significant Intelligence Oversight issues warranting IOB attention for this period and no significant Intelligence Oversight violations.

A handwritten signature in dark ink, appearing to read "D J Dell'Orto".

Daniel J. Dell'Orto  
Principal Deputy General Counsel

A handwritten signature in dark ink, appearing to read "George B. Dotz II".

George B. Dotz II  
ATSD(IO)

Attachment a/s

Derived From NSA/CSSM  
Dated: 24 Feb 98  
Declassify On: X1

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<del>DOD / DFOISR</del>	
<del>TOP SECRET CONTROL</del>	
Copy No.	<del>_____</del>
Case No.	<del>06-F-1308</del>
<del>SI</del> No.	<del>06-SI-035</del>
Document No.	<del>21</del>

Department of Defense Intelligence Oversight Report  
January-March 2004

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.
- ~~(FOUO)~~ Detainee Abuse Out-of-Cycle Reporting (per IOB request): There is nothing new to report since the Kern Report of Investigation Briefing to the IOB September 8, 2004.
- ~~(FOUO)~~ Intelligence Oversight violations during this period. The ATSD(IO) is monitoring six investigations in addition to evolving investigations related to the Kern Report of Investigation. None of these cases require SECDEF/IOB attention at this time. The following are representative cases in which the investigations have been completed:

--~~(FOUO)~~ Misuse of Intelligence Badge and Credentials by Counter Military Intelligence Warrant Officer--Camp Doha, Kuwait: The U.S. Army has substantiated the following allegations against a counterintelligence officer while he was deployed to Iraq: (1) he misused his Intelligence Badge and Credentials to transport a weapon on a commercial airline without authorization; and (2) he possessed and used a DoD contractor identification card, as part of his operational cover, without authorization. As a result, the officer, who had been attached to the Kuwait Resident Office at Camp Doha, was re-deployed from theatre, removed from counterintelligence duties, and issued non-judicial punishment for rendering a false statement during the investigation.

--~~(FOUO)~~ Inappropriate Activity by U.S. Army Counterintelligence Personnel on U.S. Campus--University of Texas Law School: In February 2004, two U.S. Army lawyers attended a conference on Islamic Law at the University of Texas Law School. Although not in uniform, some participants discovered they were military lawyers and challenged why they were there. In response to what they felt were "inappropriate questions" the lawyers reported the incident to Special Agents assigned to Company C, 308th MI Battalion, 902d MI Group. Subsequently, two Special Agents--one of which was the unit commander and new to the counterintelligence field--without proper

~~SECRET/COMINT/X1~~

investigative authority went to the school to make inquiries about conference attendees. The investigation concluded that the Special Agents, had:

"improperly conducted investigative activity directed against three civilians, within the U.S., who were outside Army counterintelligence investigative jurisdiction and failed to refer the matter to the FBI as they were required to do so."

The requirement to refer the matter to the FBI is based on the February 1979 "Agreement Governing the Conduct of Defense Department Counter-intelligence Activities in Conjunction with the Federal Bureau of Investigation." As a result of this incident:

-- All 902d subordinate commanders were directed to retrain all Special Agents regarding procedures and regulations concerning U.S. Army intelligence activities on college campuses.

-- A mobile training team was dispatched to Company C to provide training on Intelligence Oversight and U.S. Army policies and procedures for counterintelligence Special Agents in the U.S.

-- An experienced senior civilian Special Agent was reassigned to Company C to provide oversight of operations and investigations.

--(FOUO) **National Geospatial-Intelligence Agency (NGA) Employee Conducting Unauthorized Collection:** The NGA Office of the Inspector General has concluded that an NGA employee, using his private aircraft, conducted unauthorized photographic collection against public and private facilities. The purpose of the unauthorized collection was solely for a government purpose and use. (b)(6)

(b)(6)

(b)(6)

According to the investigation, the employee had been doing this since 2001 with the knowledge of his supervisor and other NGC instructors. His activity came to light after he notified personnel at a Pennsylvania airport that he planned to do a low-level fly over of a local refinery. The airport personnel notified the police who contacted the refinery. The refinery personnel had no record of any fly over request and contacted NGA. NGA stated it had no missions planned and as a result, the refinery officially complained to the Pennsylvania Emergency

Management Agency, which in turn, contacted the Federal Emergency Management Agency. As a result of the investigation NGA OIG concluded:

- The employee had violated Intelligence Oversight authorities, as an employee of an intelligence component, by intentionally targeting and collecting U.S. person information, without proper authorization.
- The NGC staff and management, together, as an element within an intelligence component, were negligent in failing to implement DoD and Agency Intelligence Oversight policies and procedures.

As a result of the investigation, the following actions have been taken:

- The employee received an immediate, verbal reprimand, and was instructed to take his required Intelligence Oversight training.
- The employee's immediate supervisor received a verbal reprimand.
- All personnel in the employee's direct line of supervision at NGA received in-person Intelligence Oversight Training from the NGC Intelligence Oversight Officer.
- NGC has reviewed and removed--with some exceptions--all inappropriately acquired imagery by the employee from NGC instructional material. NGC is contacting the private property owners for permission to use imagery NGC wishes to retain.
- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed ☐ applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.

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

- ~~(FOUO)~~ Intelligence Oversight Inspections and Staff Assistance Visits (SAVs): The Office of the ATSD(IO) and the IGs of DoD components conducted approximately 96 Intelligence Oversight inspections or staff assistance visits (SAVs) of intelligence units located worldwide. No violations of Intelligence Oversight guidance were identified during the inspections and SAVs; although administrative issues were identified and corrected.

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

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- ~~(S//SI)~~ NSA: Unintentional U.S. Person Retrievals: During this reporting period, [ ] SIGINT products were cancelled by the Signals Intelligence Directorate because they contained the identities of U.S. persons, organizations, or entities; [ ] of these related to [ ] targets determined to be U.S. persons. Those products that contained information derived from communications of U.S. persons were not reissued.

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

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

- ~~(FOUO)~~ International Intelligence Review Agencies' Conference (IIRAC), Chantilly Virginia, October 3-4, 2004: The IIRAC was initiated in 1997 by Intelligence Oversight officials from the United States, United Kingdom, Canada, Australia, New Zealand, and South Africa. The primary purpose of the IIRAC is to provide a forum for delegates to share their experiences in establishing oversight systems, discussing more efficient ways of conducting oversight and accountability, and meeting new challenges. Previous conferences (Australia 1997, Canada 1999, England 2002) have addressed operating policies and procedures, resource and recruitment challenges, and relationships with the executive, judicial, and legislative oversight bodies as well as the media.

The theme of this year's IIRAC is *Balancing National Security and Constitutional Principles in a Democracy*. In addition to the core countries, officials from the Intelligence Oversight bodies of Poland, Slovakia and Nigeria have accepted invitations to attend. It is being sponsored by the ATSD(IO) and the Inspectors General of the Central Intelligence Agency, Department of Defense, National Security Agency, Defense Intelligence Agency, National Reconnaissance Office, and the National Geospatial-Intelligence Agency.

Supreme Court Justice Antonin Scalia and Ms. Joan Dempsey, Executive Director of the Intelligence Oversight Board, among others, have accepted an invitation to address this year's conference.

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INTELLIGENCE  
OVERSIGHT

~~SECRET//COMINT//~~

(b) (1)

~~NOFORN//X1~~

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

MAY 31 2005

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

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report is attached. The first part of the report highlights a significant on-going investigation we believe your office should be aware of. We are tracking this case very closely and will advise your office upon completion of the investigation. In addition, this section includes three previously unreported intelligence-related detainee allegations. Although two of the cases involve actions from 2003, the allegations only recently came to light, and as a result, were not included in a previous Intelligence Oversight Report.

The second part of this report addresses the period April – June 2004. There were no significant Intelligence Oversight issues warranting IOB attention for this period that have not already been addressed in earlier reports.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

  
for George B. Lotz II  
ATSD(IO)

Attachment a/s

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PHYSICAL REMOVAL OF CODEWORDS AND CAVEATS

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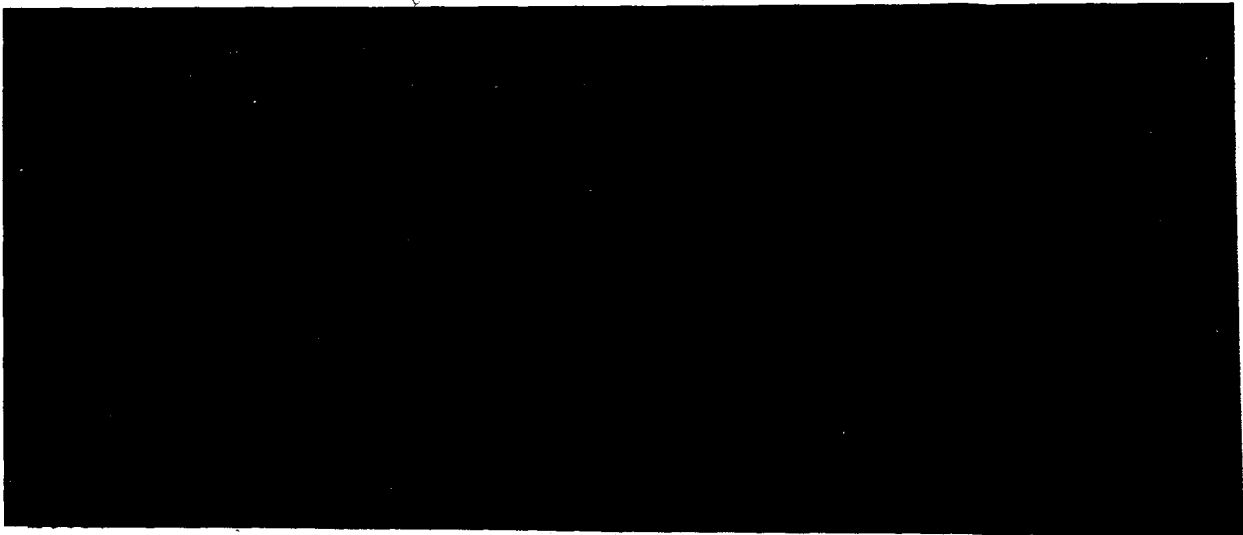
MAY 31 2005

<del>DOD / DFOISR</del>	
<del>TOP SECRET CONTROL</del>	
Copy No.	
Case No.	06-1-1308
Report No.	06-SI-835
Document No.	23

Department of Defense Intelligence Oversight

PART 1--Current Issues

- ~~(FOUO)~~ Significant Intelligence Oversight issue warranting SecDef/IOB attention:



- ~~(FOUO)~~ Detainee Abuse Reporting (per IOB request): The first case listed below is the only know, new activity reported since the release of the Kern Report and briefings to the IOB. The other cases are based on incidents that occurred prior to the release of the report, but were unknown at the time. The Church report has been released.

~~(FOUO)~~ Illegal Incarceration: USASOC Inspector General has initiated an investigation into alleged questionable intelligence activities by the intelligence officer (S2), [redacted] Civil Affairs Battalion (CAB) while deployed in Baghdad, Iraq. The S2 allegedly conducted unapproved Human Intelligence collection operations resulting in the incarceration of a "source" in an Iraqi jail. The S2 also allegedly committed a number of possible security violations with an Iraqi linguist. The Multi-National Corps-Iraq (MNC-I) IG conducted an initial inquiry into the allegations; however, since the unit has rotated back to the U.S., USASOC now has the investigative lead.

(b)(3):10  
USC 424

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(b) (1)

~~/SPECIAL ACCESS~~

~~REQUIRED//NOFORN//X1~~

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--~~(FOUO)~~ **Allegations of Beating Abuse, Afghanistan:** The U.S. Army Criminal Investigation Command is investigating allegations that a contractor working for the U.S. Army and a Military Intelligence Captain assigned to the 10th Mountain Division, were observed beating a prisoner at Shkin, Afghanistan. This is an initial report. Although only recently reported, the incident is alleged to have taken place on March 13, 2004.

--~~(FOUO)~~ **Unreported Incident of Alleged Detainee Abuse:** In November 2003, a Titan Corporation civilian contract linguist is alleged to have struck a detainee during an interrogation by members of the Tactical HUMINT Team (THT) in Karbala, Iraq. On June 10, 2004, Titan reported the incident to the INSCOM Contract office. The linguist, who allegedly struck the detainee, left Titan in February 2004. Office of the Army General Counsel advised Criminal Investigation Command of the allegations, while INSCOM advised MNC-I/CENTCOM. MNC-I had no record of the alleged incident and opened an investigation to determine why the THT had not reported the incident. The investigation report, which was coordinated with CENTCOM, is complete and undergoing legal review at MCN-I.

- ~~(FOUO)~~ **Update: ATSD(IO) Investigation of Questionable Intelligence Activities of Personnel Possibly Associated with the Office of the Secretary of Defense:** The ATSD(IO) informed the IOB of this investigation on August 11, 2004. The investigation, which is being conducted by the ATSD(IO) with assistance from the Defense Criminal Investigative Service, Air Force Office of Special Investigation, and the U.S. Army Criminal Investigation Command is on-going. Investigative activities to date have failed to substantiate any wrongdoing or misconduct by senior civilians in the Department of Defense. We have however, uncovered questionable professional and personal conduct on the part of one Air Force field grade officer and one Army field grade officer. Upon completion of the ATSD(IO) investigation, the results will be provided to the IOB, and at the same time, will be referred to the parent service for appropriate action.

## Part II: April - June 2004

- ~~(FOUO)~~ **Intelligence Oversight violations during this period:** The ATSD(IO) is monitoring investigations reported in Service and Agency Quarterly Intelligence Oversight reports for this period. None of these cases warrant SecDef/IOB attention at this time. Provided below are a sampling of those cases.

-- ~~(S//SI)~~ **NSA Inspector General Activity:** The NSA/IG completed an inquiry into an instance of SIGINT collection against a U.S. person abroad without Attorney General (AG) authorization. The NSA/IG found strong indications of shortcomings in the control environment that allowed this incident to occur and go undetected for almost six months. Based upon the investigation, the following corrective actions have been taken: (1) documentation of procedures for obtaining AG approval; (2) defining rules and responsibilities of each NSA office in the approval process; (3) tailoring training to specifically address requests for AG authorization; and, (4) tracking by the IG Office of Audit, Investigations and Special Studies and necessary follow-up.

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

-- ~~(S//SI//NF)~~ **Unauthorized Collection:** Unlike the case highlighted above, two [redacted] members have admitted to conducting unauthorized electronic surveillance of U.S. and non-U.S. persons abroad for purely personal reasons. Administrative action was taken against both individuals. In response to these incidents the Director NSA and the [redacted] issued a joint message to the [redacted] community warning them of the consequences of misconduct of this type.

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

(b)(1),(b)  
(3):P.L. 86-  
36,(b)(3):18  
USC 798,(b)  
(3):10 USC  
424

-- ~~(FOUO)~~ **Unauthorized Request for Civilian Telephone Transaction and Toll Records:** A Special Agent assigned to a unit under the U.S. Army's Intelligence and Security Command inappropriately requested civilian telephone transaction records/toll records, from a private telecommunication company, in violation of U.S. Code 18, Section 2709. Section 2709 specifically authorizes the FBI to request such records for CI access and prohibits communication companies from notifying anyone, including the customer, that any request was made or that records were provided. The law does not allow the Army to make requests for these records directly to a communication company. The investigation revealed the Special Agent made three direct requests; one was honored and two others were pending-- information that had been provided was destroyed when the violation was discovered. The Army investigation determined the requests had been coordinated with the local FBI field office. However, neither the Army unit nor the FBI Field Offices were aware that these requests had to be made by the FBI. As a result of the investigation, the Army's investigative handbook has been updated to clarify the ambiguity. The Army also provided a copy of its investigation to FBI Headquarters with the recommendation that the FBI advise its offices of the proper procedures for such requests.

Secretary or Deputy Secretary of Defense.

- ~~(FOUO)~~ **Intelligence Oversight Inspections and Staff Assistance Visits (SAVs):**  
The Office of the ATSD(IO) and the IGs of DoD components conducted approximately 85 Intelligence Oversight inspections/SAVs of intelligence units located worldwide. No violations of Intelligence Oversight guidance were identified; although numerous administrative issues were identified and corrected. An ATSD(IO) team, while conducting an Intelligence Oversight inspection at Camp Bondsteel in Kosovo, reviewed the detainee facility--see summary below:

-- ~~(FOUO)~~ **Interrogation Facility, Camp Bondsteel, Kosovo:** There were no individuals being held in the facility at the time of the ATSD(IO) inspection. In fact, the previous facility had been torn down due to the lack of use and need for space; however, with the riots and associated violence in March 2004, a new facility was built.

~~(FOUO)~~ A team member with detainee experience was provided a tour of the unit interrogation and detention spaces and given a step-by-step explanation of detainee processing and handling. A detainee file was viewed at random, as were randomly selected portions of videotapes. No problems were noted. A few weeks prior to the team's visit, representatives of the International Committee of the Red Cross (ICRC) toured the facility, which held one detainee at the time.

~~(FOUO)~~ The 12 soldiers authorized to conduct interrogations were all fully qualified intelligence interrogators. During discussions with the ATSD(IO) team, the soldiers highlighted all detainees were to be treated as Enemy Prisoners of War. The unit had copies of pertinent Field Manuals and recent EUCOM guidance. In addition, the soldiers all carried Multi-National Force (MNF) Rules of Interrogation Cards on their persons. Everyone was very cognizant of what had happened at Abu Ghraib prison, and stressed that they could not see how it could occur at their facility, based on the procedures they had in place.

~~SECRET//NOFORN//X1~~



INTELLIGENCE  
OVERSIGHT

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

15 SEP 05

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 2004 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

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

Attachment a/s

Derived From NSA/CSSM  
Dated: 24 Feb 98  
Declassify On: X1

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Department of Defense Intelligence Oversight Report  
July-September 2004

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.
- ~~(FOUO)~~ Intelligence Oversight violations during this period. This office continues to monitor the resolution of several investigations into allegations of detainee abuse against members of DoD intelligence components. In addition, we monitor the progress of other investigations concerning the conduct of questionable intelligence activities by DoD intelligence personnel. For example:

(b)(1)



- ~~(S)~~ **DoD General Counsel and Foreign Intelligence Surveillance Court:** The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.

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

- ~~(FOUO)~~ **Intelligence Oversight Inspections and Staff Assistance Visits (SAVs):** The Office of the ATSD(IO) and the IGs of DoD Intelligence components conducted approximately 87 Intelligence Oversight (IO) inspections or staff assistance visits (SAVs) of intelligence units located worldwide. No violations of IO guidance were identified during the inspections and SAVs; although administrative issues were identified and corrected.

**(U) NSA Inspector General Activity:**

-- ~~(C)~~ The NSA Office of Inspector General (NSA/OIG) conducted a review of NSA's management of electronic surveillance activities carried out under the Foreign Intelligence Surveillance Act (FISA) of 1978. While concluding that those activities ensure that the rights of US persons are protected, the review also concluded that the Agency's management of the internal FISA process is not completely effective and efficient. The process is sometimes lengthy and often confusing, leading to missed opportunities for timely collection. The NSA/IG recommended improvements in the written guidance that defines authorities and assigns roles and responsibilities, step-by-step instructions to guide FISA process participants, the need for tailored training on FISA operational aspects, and meaningful metrics to gauge the efficiency of the process. NSA management has agreed to implement the recommendations.

-- ~~(C/REL)~~ NSA/OIG, together with [ (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403 ]  
[ (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403 ] inspected [ (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403 ]  
[ (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403 ] While noting that the site's intelligence oversight program manager was "visible and actively involved in training and operations," the report concluded that the program lacked an implementing instruction detailing IO roles, responsibilities and program management procedures. They also found that the program lacked a complete list of raw traffic database auditors. The [ (b)(1),(b)(3):P.L. 86-36,(b)(3):50 USC 403 ] was tasked to prepare an operating instruction to detail IO roles, responsibilities and procedures for the workforce, to designate and publish a list of primary and secondary auditors to review interactive raw traffic databases, and to ensure that the auditors receive appropriate training in database audits. NSA/OIG will monitor their progress.



~~SECRET//NOFORN//X1~~

--(U//FOUO) The NSA/OIG, with (b)(3):P.L. 86-36

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

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

The inspection found that a program strength of the activity was the establishment of an embedded requirements manager who assessed IO implications of all EO 12333 related taskings. The inspection also concluded that employee knowledge levels were satisfactory and there were no violations of applicable laws, executive order, regulations or policies. However, the inspectors did identify weaknesses in program management documentation and training and reporting compliance methods. The NSA/OIG has tasked (b)(3):P.L. 86-36 to develop and document standard operating procedures for IO program and report IO activities quarterly to the NSA/OIG.

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

~~SECRET//NOFORN//X1~~



INTELLIGENCE  
OVERSIGHT

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(b) (1)

~~AR/NOFORN//20291123~~

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

22 SEP 05

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 2005 is attached. While there were no significant Intelligence Oversight violations, there was one US Army investigation this period warranting IOB attention.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

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

Attachment a/s

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<b>DOD / DFOISR</b>	
<b>TOP SECRET CONTROL</b>	
Copy No.	
Case No.	<u>06-F-1308</u>
SI No.	<u>06-SI-035</u>
Document No.	<u>27</u>

Department of Defense Intelligence Oversight Report  
January-March 2005

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period:

(b)(1)

- ~~(FOUO)~~ Intelligence Oversight violations during this period. In addition to the incident reported above, this office continues to monitor an Army investigation into a report, by the Special Operations Command, concerning the inability to account for assigned funds (see July-September 2004 Intelligence Oversight Report). The office is also monitoring several other on-going investigations including:

Derived From: Multiple Sources  
Declassify On: Sources Marked OADR

-- (U) Alleged Abuse of Detainees in Afghanistan (DAIG 05-013): In its January-March 2005 Quarterly Report, the Department of the Army Inspector General (DAIG) reported on an on-going U.S. Criminal Investigation Division Command investigation into allegations that an individual who is identified as possibly being a contractor working for the U.S. Army and a military intelligence captain assigned to the 10<sup>th</sup> Mountain Division, were observed beating a prisoner at Shkin, Afghanistan. The incident is alleged to have taken place on 13 March 2004.

-- (U) Unauthorized Destruction of Nondisclosure Agreements (DAIG 05-015): The DAIG reported allegations that the Commander, 902<sup>nd</sup> Military Intelligence Group, exceed his authority by openly destroying nondisclosure agreements (NDA) and then declaring that individuals covered by the NDAs could brief a video teleconference on a FBI investigation (the subject of the NDAs). The allegations stated that then Commander of the 902<sup>nd</sup> did not coordinate his actions with either the FBI or the Army Central Control Office prior to his destruction of the NDAs. It was also alleged that the briefing resulted in the disclosure of the FBI investigation to "a large number of personnel" who did not have a need to know. The allegations have been referred to the INSCOM Inspector General for investigation.

(b)(1)

- ~~(S)~~ DoD General Counsel and Foreign Intelligence Surveillance Court: The General Counsel reviewed ☐ applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.

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

- ~~(FOUO)~~ Intelligence Oversight Inspections and Staff Assistance Visits (SAVs): The Office of the ATSD(IO) and the IGs of DoD components conducted approximately 140 Intelligence Oversight inspections or staff assistance visits (SAVs) of intelligence units located worldwide. No violations of Intelligence Oversight guidance were identified during the inspections and SAVs, although administrative issues were identified and corrected.

- (U) NSA Activities:

-- (U/~~FOUO~~) Joint Inspection of the Kunia Regional Security Operations Center (KRSOC): A joint NSA/IG, ☐ (b)(3):P.L. 86-36

☐ (b)(3):P.L. 86-36 conducted an inspection of the KRSOC, Kunia, Hawaii. The inspection team found that the KRSOC IO program manager lacked the authority to centrally manage the Center's IO program. In addition the team found that IO training materials contained inaccuracies, and the training accounting process was fragmented. Corrective action was recommended by the team and will be monitored by NSA/IG.

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

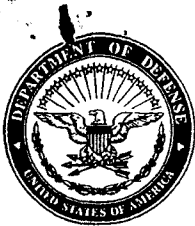
(b)(3):P.L. 86-36

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

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



INTELLIGENCE  
OVERSIGHT

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

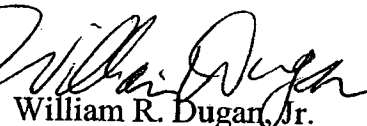
NOV 18 2005

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 2005 is attached. We continue to monitor a number of on-going 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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Page 2 of 6  
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INTELLIGENCE  
OVERSIGHT

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


21 SEP 05

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 2004 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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~~SECRET//COMINT~~ (b) (1) ~~//NOFORN//X1~~



EFF 1257 1257



Department of Defense Intelligence Oversight Report  
October-December 2004

- ~~(FOUO)~~ Significant Intelligence Oversight issues warranting SECDEF/IOB attention for this period: None.
- ~~(FOUO)~~ Intelligence Oversight violations during this period. There were no Intelligence Oversight violations reported during this period that warrant SECDEF/IOB attention. This office continues to monitor an Army investigation into a report, by the Special Operations Command, concerning the inability to account for assigned funds (see July-September 2004 Intelligence Oversight Report). In addition, this office is also monitoring several on-going investigations including:

-- ~~(S//NOFORN)~~ Alleged Abuse of Detainees in Afghanistan (05-2566-MA-056): DIA/IG provided a memorandum of notification to the ATSD(IO) on a DIA investigation into allegations against a civilian assigned to the (b)(1),(b)(3):10 USC 424 The individual is alleged to have abused two detainees on March 21, 2005, while attached for duty with (b)(1),(b)(3):10 USC 424 (b)(1),(b)(3):10 USC 424 The alleged abuse consisted of immersing one detainee up to his neck in cold water, and burning the other detainee with wood. The investigation is on-going.

(b)(1)

Derived From: Multiple Sources  
Declassify On: Sources Marked OADR

<b>DOD / DFOISR</b> (3)	
<b>TOP SECRET CONTROL</b>	
Copy No.	
Case No.	06-F-1308
SI No.	06-SI-035
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-- (U) **Improper Collection and Investigation Activities** (DAIG 05-011):

INSCOM reported that two CI Special Agents (SA) assigned to the 470<sup>th</sup> Military Intelligence Brigade (MIBDE), Fort Sam Houston, Texas, are alleged to have conducted improper collection and investigative activities. The allegations center on the activities of the SAs after they witnessed a suspicious incident. Instead of reporting the activity to their regional office, the SAs requested investigative assistance from the Provost Marshall to conduct a license plate check on the vehicle involved in the incident and, after determining it was a rental car, to obtain identifying information on the driver from the rental company. The Commander, 470<sup>th</sup> MIBDE has initiated an investigation into the actions of the SAs since personnel assigned to the 470<sup>th</sup> do not have CI investigative jurisdiction in the U.S.

- ~~(S)~~ **DoD General Counsel and Foreign Intelligence Surveillance Court:** The General Counsel reviewed [ ] applications to the Foreign Intelligence Surveillance Court (FISA). All applications met FISA requirements and were certified by the Secretary or Deputy Secretary of Defense.

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

- ~~(FOUO)~~ **Intelligence Oversight Inspections and Staff Assistance Visits (SAVs):** The Office of the ATSD(IO) and the IGs of DoD components conducted approximately 121 Intelligence Oversight inspections or staff assistance visits (SAVs) of intelligence units located worldwide. No violations of Intelligence Oversight guidance were identified during the inspections and SAVs, although administrative issues were identified and corrected.
- ~~(FOUO)~~ **International Intelligence Review Agencies' Conference (IIRAC), Chantilly Virginia, October 3-4, 2004:** Intelligence Oversight officials from the United States, United Kingdom, Canada, Australia, New Zealand, and South Africa initiated the International Intelligence Review Agencies' Conference (IIRAC) in 1997. The primary purpose of the IIRAC is to provide a forum for delegates to share their experiences in establishing oversight systems, discussing more efficient ways of conducting oversight and accountability, and meeting new challenges. The theme of this year's IIRAC was *Balancing National Security and Constitutional Principles in a Democracy*. In addition to the core countries, officials from the Intelligence Oversight bodies of Poland, Slovakia and Nigeria attended. The conference was sponsored by the ATSD(IO) and the Inspectors General of the Central Intelligence Agency, Department of Defense, National Security Agency, Defense Intelligence Agency, National Reconnaissance Office, and the National Geospatial-

Intelligence Agency. Supreme Court Justice Antonin Scalia and Ms. Joan Dempsey, Executive Director of the President's Foreign Intelligence Advisory Board, among others, addressed this year's conference.

- (U) NSA Activities:

-- (C) ~~Inspector General~~ Activities: An NSA/IG inquiry into the unintentional collection of U.S. Person communications has resulted in direct action to correct identified shortcomings in the control environment for obtaining, implementing, and terminating Attorney General (AG) authorized collection. Three recommended actions have been implemented; an explanation of the special nature of AG authorized collection; clearly defined roles and responsibilities for obtaining, executing and terminating collection; and clearly defined policies, procedures and instructions for seeking AG authorization for collection. NSA/IG will continue to track progress on a fourth recommendation: supplemental tailored initial and refresher training for all personnel involved in the collection process.

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

-- (S//SI) ~~Unintentional Collection Against U.S. Person~~: The NSA/IG is conducting an inquiry into the circumstances that led to the collection of U.S. Person communications after the expiration of the Attorney General's authorization on [redacted]. Although records indicate [redacted] telephone number has been removed from tasking, a database check on or about December 6, 2004, revealed that [redacted] telephone numbers were on active tasking. They were immediately detasked.

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

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

-- (S//SI) ~~Unintentional Dissemination of U.S. Identities~~: During this quarter the Signals Intelligence Directorate cancelled [redacted] SIGINT products because they contained the identities of U.S. persons, organizations, or entities; those products that contained information derived from communications of U.S. persons were not reissued.

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

-- (U) Intentional Dissemination of U.S. Person Identities: In accordance with section 7 of USSID 18, U.S. Person identities were disseminated [redacted] times. Within the total number of disseminations, [redacted] were disseminated at users request for "necessary" purposes, as set forth under USSID 18, section 7 guidelines.

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

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

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ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



27 FEB 2009

Mr. Homer S. Pointer, Counsel  
Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Pointer:

A summary highlighting Incidents of Interest from the Quarterly Report and the Department of Defense Intelligence Oversight Report for the period October – December 2008 are provided at TABs A through K. 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), and military services.

Daniel J. Dell'Orto  
Principal Deputy General Counsel

  
William Dugan  
ATSD(IO)

Enclosure(s):  
As stated

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No.	11-51-840
Document No.	9

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Incidents of Interest - October – December 2008 Reports  
February 12, 2009

~~(S/NOFORN)~~ The (b)(1) reports on a new case (Project 2008-003211-MA) in which a US company claims it is owed (b)(1) by DIA and/or the FBI for (b)(1) provided between November 8, 2001 and October 15, 2005 in support of (b)(1). The company also claims (b)(1) (b)(1) conducting an intelligence oversight investigation; the DoD IG is investigating the allegations as well in response to a request from a member of Congress on behalf of the company.

~~(S/NOFORN)~~ The (b)(1) reports allegations that a (b)(1) civilian employee, while serving as a military intelligence officer in the US Army in 2004, had prior knowledge of a plan to assassinate an Iraqi national (Project 2008 – 003178 – MA). The allegation is under investigation by the US Army Criminal Investigative Command.

(b)(1)

(b)(1)

(b)(1)

(U) The Air Force report at TAB J identified a trend of intelligence personnel assigned to Air Force Intelligence, Surveillance, Reconnaissance Agency (AF ISR Agency) units not being aware of the circumstances under which intelligence can be collected, retained, and disseminated on US persons and that they are required to report questionable intelligence activities to higher authority. The Commander, HQ AF ISR Agency, has identified this as a major issue and issued two Commander's Emphasis Memoranda to all AF ISR Agency commanders. Note: ATSD(IO) inspectors will inspect the AF ISR Agency at the end of March 2009.

(U) The DoD IG at TAB F reports that as required by FISA Amendments Act of 2008, the DoD IG is performing a comprehensive review of the implementation of the President's Surveillance Program by the Office of the Secretary of Defense.



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

(INTELLIGENCE  
OVERSIGHT)

4 JUN 2009


Mr. Homer S. Pointer, Counsel  
Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Pointer:

A summary highlighting Incidents of Interest from the Quarterly Report and the Department of Defense Intelligence Oversight Report for the period January - March 2009 are provided at TABs A through K. The report consists of the Intelligence Oversight reports of the Defense Intelligence Agency (DIA), National Reconnaissance Office (NRO), National Geospatial-Intelligence Agency (NGA), DoD Inspector General (IG), Defense Threat Reduction Agency (DTRA), Joint Staff (includes Combatant Commands), and military services. The Intelligence Oversight Report from the National Security Agency (NSA) has not yet been received. We will deliver the NSA report, after Deputy Secretary of Defense approval, to your office under separate letter.



Jeh Charles Johnson  
General Counsel



William Dugan  
ATSD(IO)

Enclosure(s):  
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Matters of Interest – January – March 2009

~~(S/NF)~~ (b)(1) an on-going investigation into allegations that (b)(1) of its (b)(1) may have violated Federal or State law (Project 2008-003201 MA). The US Company claims, in seeking (b)(1) in claims from (b)(1) that it had provided (b)(1) to (b)(1) for forwarding to the (b)(1) (b)(1) A review by the (b)(1) determined that the legal notice and privacy statement posted as part of the company's terms of use were sufficient for its owners to believe (b)(1) On that basis, the (b)(1) determined that the activity was not illegal. The final investigative report is still in preparation.

(b)(1)

(U) During its Intelligence Oversight inspections this quarter USNORTHCOM inspectors notice a "systematic misunderstanding" of the Intelligence Community's mission. As a result, USNORTHCOM has determined that emphasis will be placed in future training to clarify and highlight the authorized missions of DoD intelligence Components are Foreign Intelligence (FI) and counterintelligence (CI), and intelligence personnel can only perform FI and CI in support of their unit's overall Mission Statement.

~~(U/FOUO)~~ The Army reported (TAB H) four instances where Army National Guard Intelligence Units prepared intelligence reports or briefings which included information about domestic protest groups and criminal threats. The ATSD(IO) has identified this violation of Intelligence Oversight regulation as an area of interest and is working with the National Guard Bureau (NGB) J2 to clarify NGB guidance and training to their intelligence personnel. The goal will be to train NGB intelligence personnel emphasizing that they can only perform foreign intelligence and counterintelligence in support of their unit's overall mission.

~~(S/NF)~~ The USSOCOM/IG reported (TAB G) that it is investigating an allegation, referred by the Office of the Inspector General, Defense Intelligence Agency, that a

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(b)(1)

USSOCOM (b)(1) staff member was tasked by (b)(1) supervisor to (b)(1)

(b)(1)

(b)(1) without proper authorization. Initial (b)(1)

(b)(1) indicated that it was associated with a (b)(1) As such, (b)(1)

member understood that further justification/authorities would be required under existing

(b)(1) intelligence oversight regulations/policies in order to continue analysis. Upon pointing

this out, (b)(1) supervisor reportedly replied that (b)(1) provided

sufficient authority. However, further research by the staff member indicated that

(b)(1) (b)(1) did not necessarily provide such sufficient authority.

(b)(1) ~~(S//NF)~~ The (b)(1) staffer reported that (b)(1) supervisor has not asked (b)(1) to pursue such (b)(1)

(b)(1) since early (b)(1) although the staffer believes that it had

been done with fairly routine frequency prior to that time. (b)(1) also indicated that (b)(1)

believes current standard operations procedures for (b)(1) may lack sufficient

documentation of intelligence oversight considerations in order to provide standing

guidance on how to deal with such (b)(1) issues.

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INTELLIGENCE  
OVERSIGHT

ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



Mr. Stephen Friedman  
Chairman, Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

29 OCT 2008

Dear Mr. Chairman:

The Department of Defense Intelligence Oversight Report for the period April-June 2008 is enclosed. 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), and military services.

Sincerely,

Daniel J. Dell'Orto  
Principal Deputy General Counsel

William Dugan  
ATSD(IO)

Enclosure(s):  
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ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



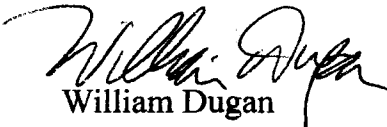
JAN 05 2009

Mr. Steven Friedman, Chairman  
Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Friedman:

The Department of Defense Intelligence Oversight Report for the period July-September 2008 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), and military services.

  
Daniel J. Dell'Orto  
Principal Deputy General Counsel

  
William Dugan  
ATSD(IO)

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ASSISTANT TO THE SECRETARY OF DEFENSE

7200 DEFENSE PENTAGON  
WASHINGTON, DC 20301-7200



Mr. Homer S. Pointer, Counsel  
Intelligence Oversight Board  
New Executive Office Building, Room 5020  
Washington, DC 20500

Dear Mr. Pointer:

A summary highlighting Incidents of Interest from the Quarterly Report and the Department of Defense Intelligence Oversight Report for the period October – December 2008 are provided at TABs A through K. 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), and military services.

Jeh Charles Johnson  
General Counsel

William Dugan  
ATSD(IO)

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