



**Inspector General
of the Marine Corps**

Intelligence Oversight

**Mr. Les Troudt
Director, Intelligence Oversight Division**



Agenda

- **Purpose of Intelligence Oversight**
- **Criteria**
- **Mission and Organization**
- **Who is a US Person / What is US Person Information**
- **Applicability and Responsibilities**
- **Reporting and Trends**
- **Intelligence Oversight Team**
- **Questions**



Purpose of Intelligence Oversight

To ensure that Department of War (DoW) personnel conduct all intelligence, counterintelligence, and intelligence-related activities in full compliance with applicable laws, regulations, and executive directives while **protecting the constitutional rights, civil liberties, and privacy of U.S. Persons** by preventing unauthorized collection, retention, or dissemination of U.S. Person Information.



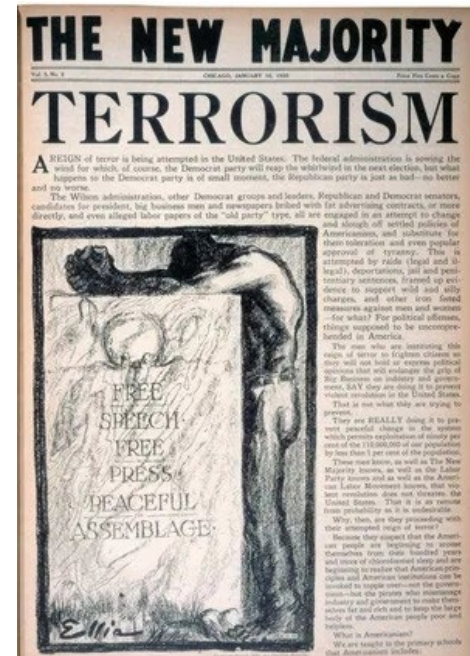
1919-1920 Palmer Raids and the **RED SCARE**



Attorney General
A. Mitchell Palmer

Palmer Raids

- Suspected **Anarchists** (people who oppose government) Socialist, and communists were hunted down and exported without trial by **Attorney General Palmer** and his assistant J. Edgar Hoover.
- **J. Edgar Hoover** would start the FBI, G Men, fight crime and trample on civil rights up to and past the Kennedy administration



Front page of the Chicago Federation of Labor's newspaper, The New Majority, January 10, 1920, featuring an article that describes the Palmer Raids as terrorism



New York Tribune newspaper headlining the Palmer Raids arrests – January 1920



1950s McCarthyism Second **RED SCARE**



*"Any man who has been named by a
either a senator or a committee or a
congressman as dangerous to the
welfare of this nation, his name
should be submitted to the various
intelligence units, and they should
conduct a complete check upon him.
It's not too much to ask."*

- Senator Joseph McCarthy 1953





1960s-1970s Intelligence Community Violations

"All the News That's Fit to Print"

The New York Times

LATE CITY EDITION
SECTION ONE
Weather: Partly sunny today and tonight. Cloudy with rain showers. Temperature range: today 41-47; tomorrow 38-42. Details on Page 18.
40 CENTS

VOL. CXXIV...No. 42,702
NEW YORK, SUNDAY, DECEMBER 22, 1974

ROCKEFELLER GETS KEY JOB GUIDING DOMESTIC COUNCIL

Ford Gives Him Major Role 'Explaining' Domestic and Foreign Programs

2 MEET AT WHITE HOUSE

Vice President Will Study System of Presidential Scientific Advisors

By GORDA CHARLTON
Special to The New York Times
WASHINGTON, Dec. 21—The White House announced today that President Ford was appointing Vice President Rockefeller vice chairman of the Domestic Council and expected him to play a major role in "explaining" the President's domestic and foreign programs "throughout the country."

The first official announcement about Mr. Rockefeller's role was made by the White House press secretary, Ron Rosser, after Mr. Rockefeller and the President met, both alone.

HUGE C.I.A. OPERATION REPORTED IN U.S. AGAINST ANTIWAR FORCES, OTHER DISSIDENTS IN NIXON YEARS

FILES ON CITIZENS

Helms Reportedly Got Surveillance Data in Charter Violation

By ROSEMARY M. WELSH
Special to The New York Times
WASHINGTON, Dec. 21—The Central Intelligence Agency, allegedly violating its charter, conducted a massive, illegal domestic intelligence operation during the Nixon Administration against the antiwar movement and other dissident groups in the United States, according to widespread government sources.

An extensive investigation by The New York Times has established that intelligence files on at least 10,000 American citizens were maintained by a

Richard Helms James B. Schnitzer William E. Callahan

INFLATION CURBS CHRISTMAS SALES

Extensive Abuses Found In Court-Hiring Practices

A bipartisan US Senate select committee (The Church Committee) investigated abuses by the CIA, NSA, FBI, and the IRS led to the permanent US Select Committee on Intelligence.

The most shocking intelligence abuses included:

- Drugging / torture unwitting US citizens as part of human experimentation on mind control
- Surveillance & infiltration of American political and civil-rights organizations
- A systematic propaganda campaign with domestic / foreign journalists operating as CIA assets and dozens of US news organizations providing cover for CIA activity
- Major telecommunications companies sharing their traffic with the NSA (while officially confirming the existence of the NSA to the public for the first time)

94TH CONGRESS }
2d Session

SENATE

REPORT
No. 94-755

FOREIGN AND MILITARY INTELLIGENCE

BOOK I

FINAL REPORT OF THE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS

WITH RESPECT TO
INTELLIGENCE ACTIVITIES
UNITED STATES SENATE

TOGETHER WITH
ADDITIONAL, SUPPLEMENTAL, AND SEPARATE
VIEWS

APRIL 26 (legislative day, APRIL 14), 1976

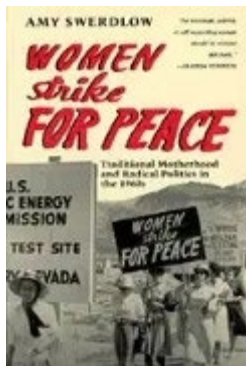
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1976

69-083 O

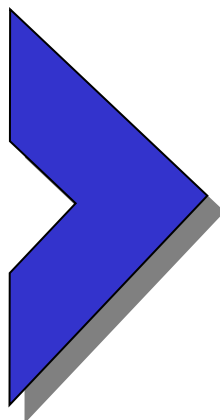


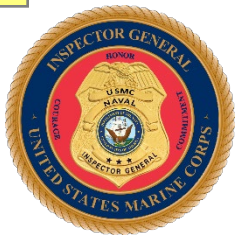
Why Intelligence Oversight

- Gross violations of US Persons rights



- Intelligence Oversight Laws, Executive Orders, and Regulations





Criteria

- Constitution of the United States
- Executive Order (EO) 12333, “Intelligence Activities of the United States”
- Department of Defense (DoD) Directive (DoDD) 5148.13, “Intelligence Oversight”
- DoDD 5240.01, “DoD Intelligence and Intelligence-Related Activities and Defense Intelligence Component Assistance to Law Enforcement Agencies and Other Civil Authorities”
- DoD Manual (DoDM) 5240.01, “Procedures Governing the Conduct of DoD Intelligence Activities”



Criteria

(Continued)

- Secretary of the Navy Instruction (SECNAVINST) 3820.3F, “Intelligence Oversight within the Department of the Navy”
- Marine Corps Order (MCO) 3800.2B, “Oversight of Intelligence Activities”
- Intelligence Community Directive (ICD) 107, “Civil Liberties, Privacy, and Transparency”



DoD Manual 5240.01 – Governance

- Procedure 1: Governs the scope of and provisions for implementing DoDM 5240.01
- **Procedure 2:** Governs how and under what circumstances you may collect U.S. Person Information (USPI)
- **Procedure 3:** Governs the retention of USPI
- **Procedure 4:** Governs the dissemination of USPI
- Procedure 5: Governs the conduct of electronic surveillance
- Procedure 6: Governs the conduct of concealed monitoring
- Procedure 7: Governs the conduct of physical searches
- Procedure 8: Governs the conduct of mail searches & covers
- Procedure 9: Governs the conduct of physical surveillance
- Procedure 10: Governs undisclosed participation in organizations



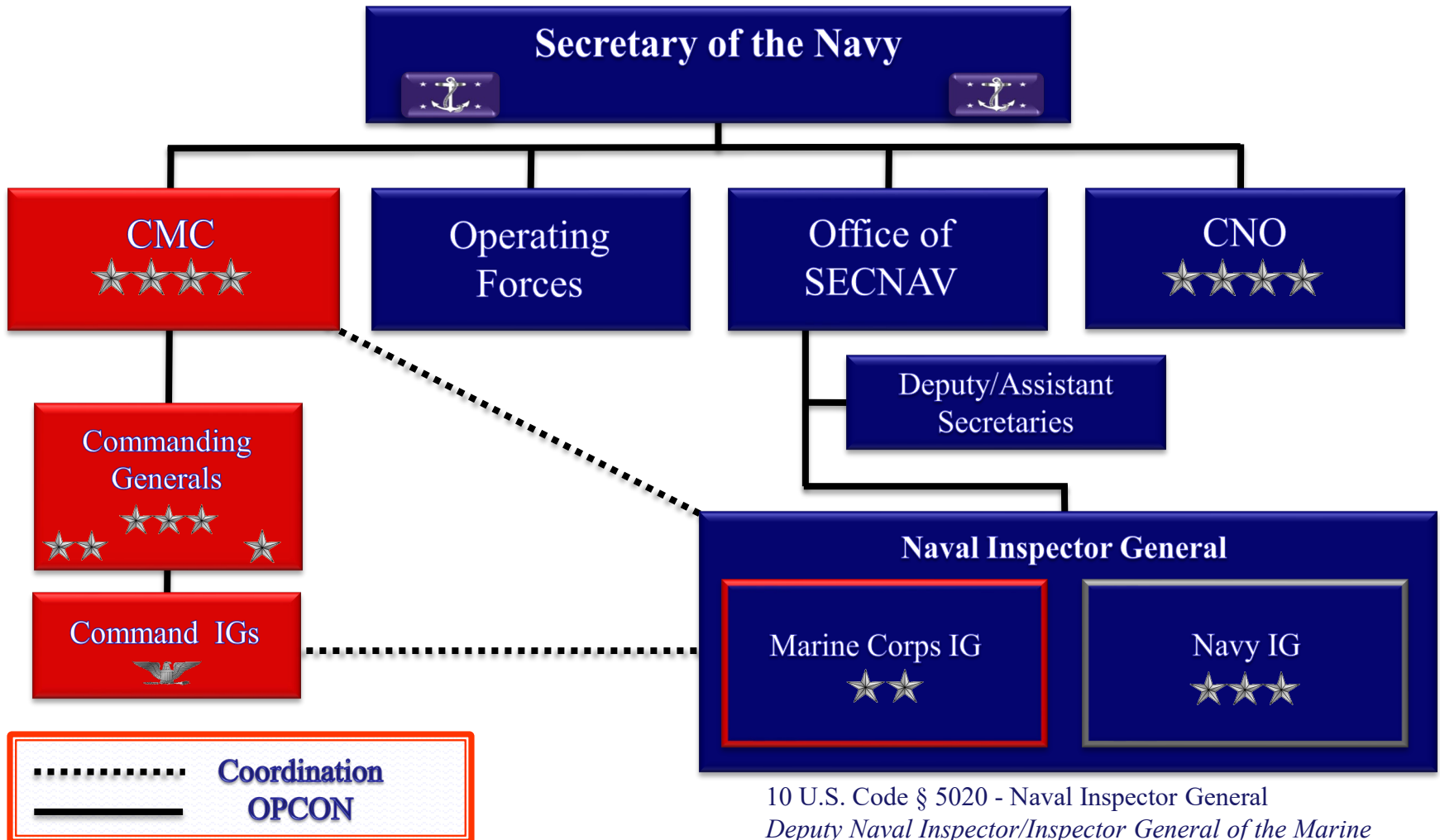
Mission and Vision

- Mission:
 - To enable USMC personnel to effectively carry out their intelligence and intelligence-related legitimate functions, to include non-intelligence sensitive activities, while protecting the constitutional rights and privacy of U.S. Persons

- Vision:
 - Intelligence oversight law, executive orders, and policies and regulations are carried out by USMC personnel performing intelligence and intelligence-related activities, to include non-intelligence sensitive activities



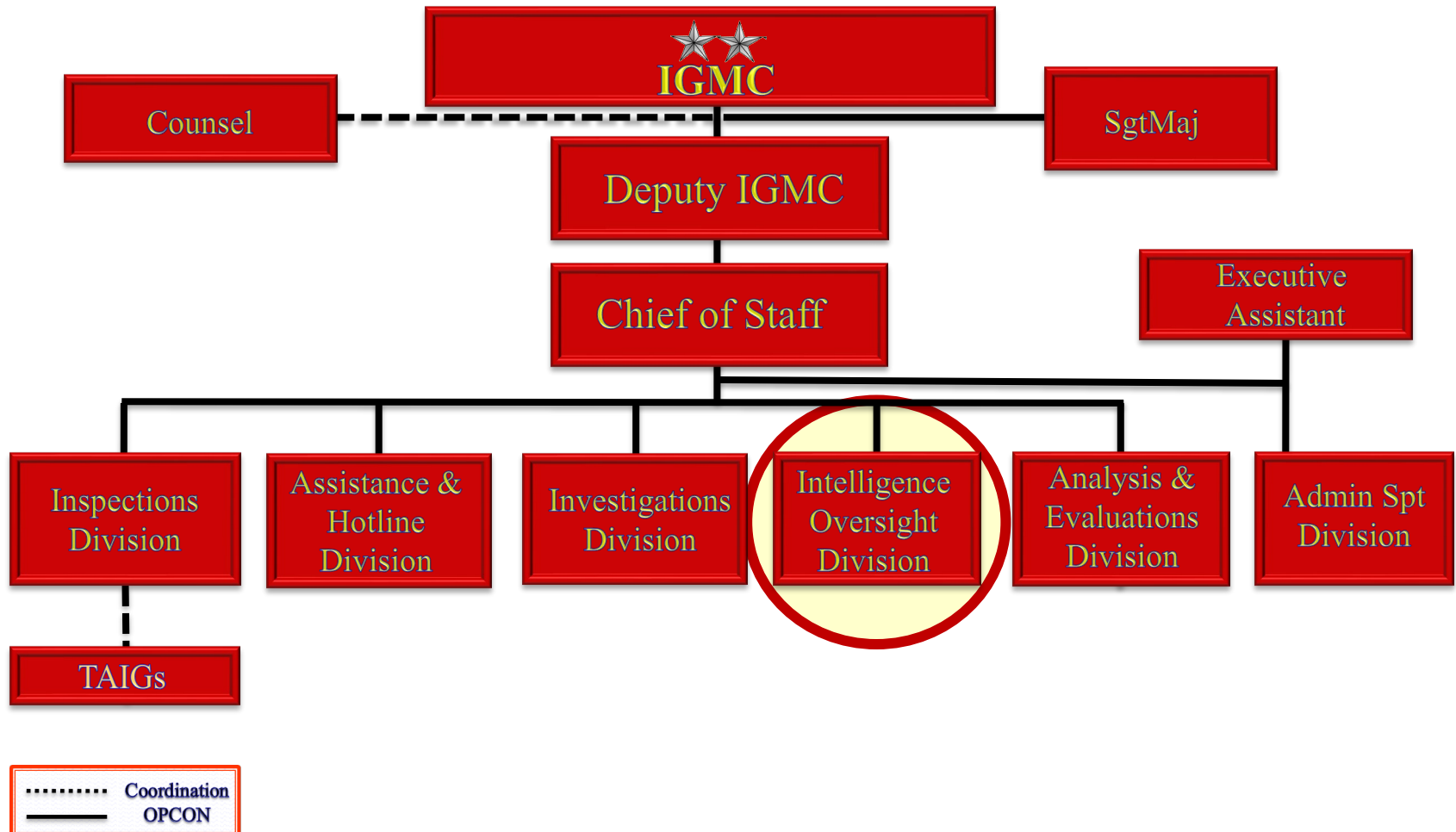
IGMC Organizational Structure



10 U.S. Code § 5020 - Naval Inspector General
Deputy Naval Inspector/Inspector General of the Marine Corps



IGMC Organizational Structure





Presidential Intelligence Advisory Board

Policy & Guidance



Inspections



Reporting



Intelligence Oversight Board



Senior Intelligence Oversight Official



Deputy Under Secretary of the Navy for Intelligence and Security



Quarterly Report

Quarterly report will open during submission time.



Who is a US Person / What is US Person Information

U.S. Persons (USP) are:

- All U.S. Citizens
- Lawful Permanent Residents
- Certain unincorporated associations (composed of substantially U.S. citizens and/or lawful permanent residents)
- Corporations incorporated in the U.S. (unless controlled by a foreign government)

Much of this intersects with efforts and reasons to protect PII

Note: Determination of USPI may require case-by-case assessment by trained Intelligence Professionals

USP Information (USPI)

IS:

- Reasonably likely to identify one or more specific USP
- A single item of information, or information that when combined with other information, is likely to identify one or more specific USP

Is NOT:

- Reference by brand or manufacturer's name
- Overhead reconnaissance imagery
- Transportation information that does not link to other information that may connect to a specific USP



Retention of U.S. Person Information

- If the primary objective of collection is a person **INSIDE** the United States, incidentally collected U.S. Person Information **may be retained for 5 years**
- If the primary objective of collection is a person **OUTSIDE** the United States, incidentally collected U.S. Person Information **may be retained for 25 years**



Applicability

- **All** federal employees (intelligence and non-intelligence):
 - Military
 - Civilians
 - Contractors
- When conducting intelligence/intelligence-related activities under DoW authority.
- Intelligence Oversight does not apply to:
 - Law Enforcement
 - Administrative processes such as pay roll and other employment requirements
 - Security clearance request and update forms



Responsibilities Commanders

- Commanders of any Marine Corps units conducting intelligence or intelligence-related activities will:
 - Monitor his/her intelligence components' compliance with applicable, law, EOs, DoD, Military Department, and Service policies, regulations, and procedures
 - Appoint an Intelligence Oversight Officer (IOO). The Senior Intelligence Officer is usually the IOO because he/she is of appropriate grade and intelligence experience commensurate with the oversight responsibilities and who has the necessary clearance to include special access programs, alternative compensatory control measures, or other security compartmentalization
 - Be responsible for non-intelligence personnel when used for intelligence purposes
 - Ensure legal and policy reviews are conducted prior to the initiation of intelligence activities



Responsibilities

Intelligence Oversight Official (IOO)

- The IOO is responsible for:
 - Being proactive and responsive
 - Conducting self-inspections and staff-assist visits to subordinate commands, when applicable
 - Ensuring training is tailored specifically to the unit's mission
 - Managing intelligence oversight training
 - Submitting quarterly intelligence oversight reports to the Marine Corps Intelligence Oversight Official



Responsibilities

Command Inspectors General (CIGs)

- CIGs, per MCO 3800.2B are responsible:
 - To the Commanders to monitor and oversee the implementation and management of intelligence oversight programs at the command element and subordinate command levels
 - Conduct intelligence oversight inspections in accordance with the Commanding General's Inspection Program and perform inquiries and investigations into questionable intelligence activities
 - Receive and forward required Intelligence Oversight reports
- Per SECNAVINST 5430.57H, at a minimum, one IG will hold a security clearance equal to the highest security level in the assigned activity
- Per DoDD 5148.13, IGs to have access to all information necessary to perform their oversight responsibilities, including special access programs, alternative compensatory control measures, or other security compartmentalization



Responsibilities

Staff Judge Advocate / Office of General Counsel

- The Counsel for the Commandant (CL) and Staff Judge Advocate (SJA) will jointly:
 - Determine whether activities conducted by Marine Corps intelligence components are legal and consistent with applicable policies
- The DoW Component heads conducting intelligence or intelligence-related activities will:
 - Provide the DoW Component legal counsel, ... access to all information necessary to perform their oversight responsibilities, including information protected by special access programs, alternative compensatory control measures, or other security compartmentalization
- All QIAs and S/HSMs referred to a DoW Component IG will be reviewed by the corresponding DoW Component legal counsel to determine whether the activity is legal and consistent with applicable policy



Reporting – Violations

- Everyone within the DoW is responsible to report questionable activities, even if not directly involved in intelligence or collection activities
- All suspected violations must be IMMEDIATELY reported. Do not wait to develop facts or investigate locally
- Not reporting is reportable
- Inspector General/SJA (Counsel)/IOO will have proper classification level
- Every report MUST be investigated





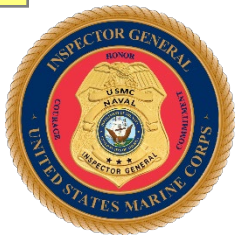
Reporting Requirements

Questionable Intelligence Activity (QIA)

- Refers to any intelligence or intelligence related activity when there is a reason to believe such activity may violate the law, Executive Orders, or applicable DoD policy. Such as:
 - Alleged abuse and mistreatment of detainees and prisoners by or directed by intelligence personnel
 - Tasking intelligence personnel to conduct intelligence activities that are not part of the organization's approved mission
 - Providing intelligence services and/or products without proper authorization
 - Failure to file proper use statements for imagery collection associated with U.S. Persons

Examples:

- Unauthorized use of government intelligence systems to access and monitor private cell phone activity belonging to a current or former partner
- Failing to blur out identifying features of U.S. Persons captured in surveillance photos



Reporting Requirements

Significant or Highly Sensitive Matter (S/HSM)

- Refers to any development or circumstance involving an intelligence or intelligence related activity that could impugn the reputation or integrity of the Marine Corps or otherwise call into question the propriety of intelligence activities. Examples include:
 - Serious criminal activity by intelligence personnel
 - Intelligence official meeting with and garnering official-like understandings with foreign officials without approval
 - Reportable without waiting for substantiation, completion of investigation, formal adjudication, or final resolution
- Such matters might involve actual or potential:
 - Congressional inquiries or investigations
 - Adverse media coverage

Note: An S/HSM does NOT include the reporting of routine security violations



Reporting Requirements

Quarterly Intelligence Oversight Report

- Quarterly IO Report will:
 - Follow IGMC Intelligence Oversight Division template
 - Report (Notify Immediately) new incidents (QIAs and S/HSMs)
 - Report updates on previously reported incidents
 - Report Crimes by intelligence personnel
 - Report trends in QIAs and S/HSMs
 - Report significant inspection findings:
 - Identify units inspected during reporting period
 - Identify the results of inspection such as pass or fail and any supporting findings
 - Report significant IO program developments, such as IO Training Conducted to include:
 - Initial
 - Annual
 - If none state None and why none was conducted



Trends

- Inspections
 - Execution of Intelligence Activities is generally good.
 - Intelligence oversight training adequate
 - Retention of out-of-date intelligence oversight references
- Questionable Intelligence Activities
 - Occurring under other command operational authorities
 - Publicly Available Information / Commercially Available Information



Sensitive Activities

- Lethal support/training to Non-USMC/DoD agencies
- Use of Marines in law enforcement undercover operations
- Loan of gear/training support to civilian law enforcement agencies
- Covert, clandestine, or use of cover activities
- CONUS off-base training – Realistic Military Training (RMT)
Off Federal real property – in civilian environments
- Intelligence collection on US Persons
- Special Access Programs
- Support/Agreements to certain US Government (DoS, OGA) or Non-US Government agencies (bilateral intelligence sharing arrangements / transfer funds/equipment to foreign governments)



Relevance of Intelligence Oversight in the Current Environment



Marine Corps Modernization Force Design 2030

Training & Education
Talent Management
Installations & Logistics



Force Protection

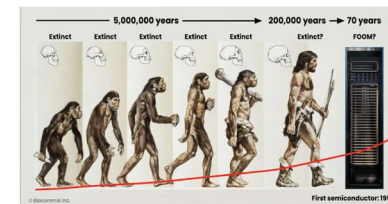


Information Sharing & Intelligence Fusion



Evolving Capabilities

Evolution of Intelligence: 5 million years + 70 years



The closest living species to Homo sapiens (Human) are Pan troglodytes (Chimpanzee) and Gorilla beringei (Eastern gorilla) and Gorilla gorilla (Western gorilla). Homo neanderthalensis (Neanderthal) went extinct 40,000 years ago.

Open source collection



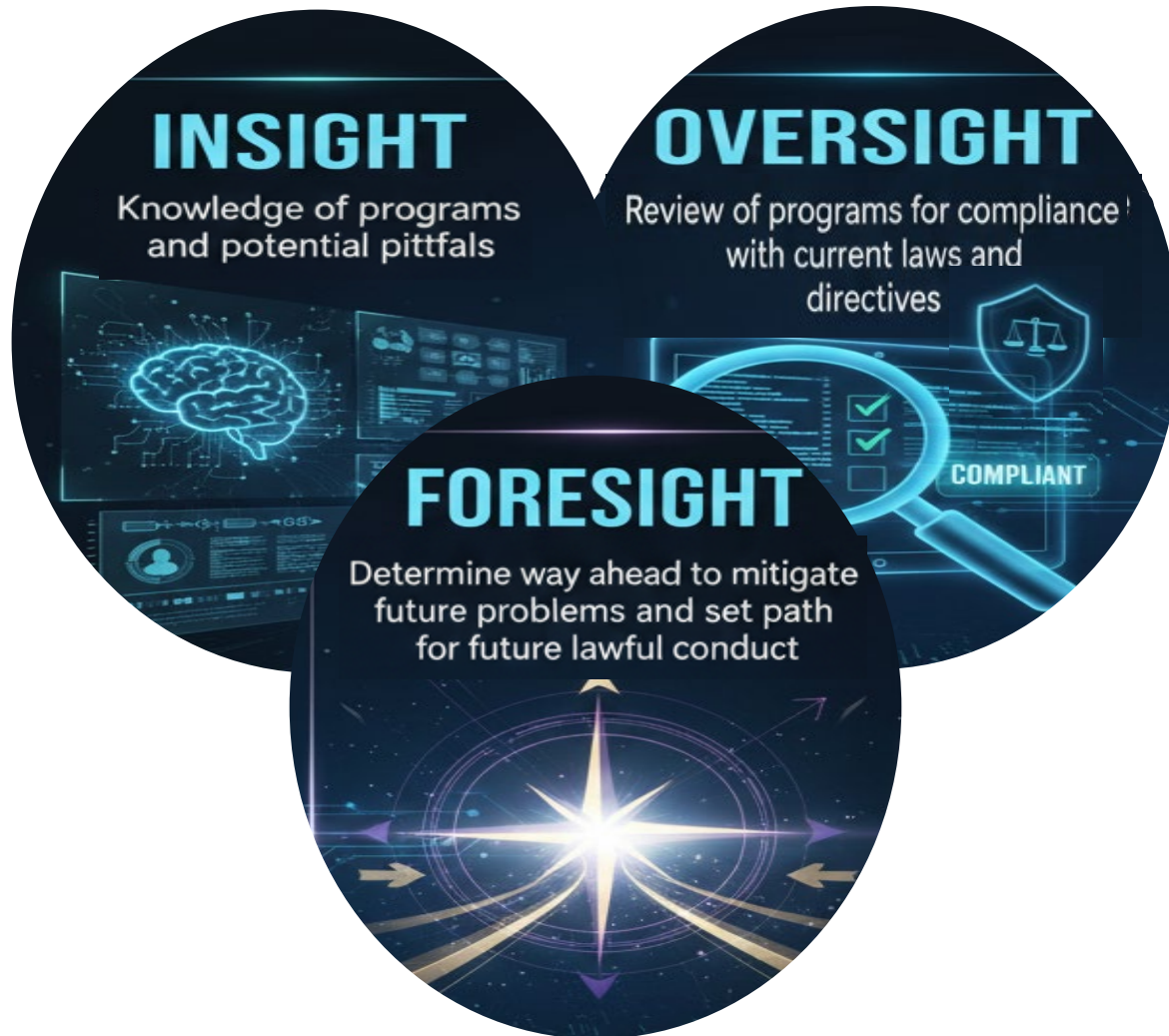


Good Indicators of an Intelligence Oversight Program

- Command and Leadership Emphasis
- Codified Responsibilities and Requirements
- Formally appointed an Intelligence Oversight Official
(everyone in the command knows)
- Solid Training Program
 - Routinely Occurs
 - Mission Focused



Components of a Good Intelligence Oversight Program





Getting Started in Your Unit

- Take the initiative and read the regulations
 - Conduct routine (Biannually) Self-assessments
 - Seek guidance when needed
- Identify subordinate intelligence units and activities:
 - Conduct Staff Assist Visits
 - Inspect as a part of the Commanding Generals Inspection Program
- Know your Command Inspector General and Staff Judge Advocate and coordinate with them regularly
- Report incidents timely



Know Your Intelligence Oversight Team

Intelligence Professional / Intelligence Oversight Official



Inspector General of the Marine Corps:
Toll Free: 1-866-243-3887
Commercial: (703) 614-1348 DSN 224
<https://hotline.usmc.mil/complaint-web/#/consentform>



Staff Judge Advocate
to the Commandant of the Marine Corps
Office of the Counsel
for the Commandant



Conclusion

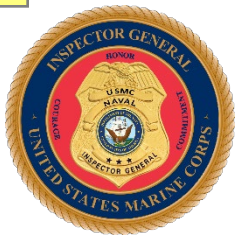
“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

– Fourth Amendment



Questions

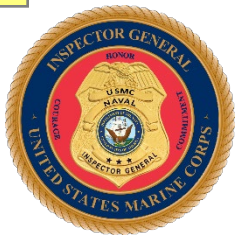
- Q: Who is responsible to report questionable intelligence activities?
 - All DoW personnel, to include contractors, must identify any QIA (or S/HSM) to their chain of command or supervision immediately.
- Q: True or False: Accessing government intelligence systems to monitor private cell phone activity belonging to a current or former partner is a questionable intelligence activity.
 - A. True.
 - B. False.
- Q: Select the descriptions below that qualify as a U.S. Person.
 - A: U.S. citizens (born or naturalized).
 - B: Lawful Permanent Residents (Green Card Holder).
 - C: An unincorporated association substantially composed of U.S. citizens or permanent resident aliens.
 - D: A corporation incorporated in the United States, except for a corporation directed and controlled by a foreign government or governments.
 - E: A, B, and C.
 - F: A, B, and D.
 - G: All of the above.



Questions

(Continued)

- Q: True or False: A person or organization outside the U.S. is presumed to be a non-U.S. person, unless information to the contrary is obtained?
 - A. True.
 - B. False.
- Q: Who is responsible for establishing intelligence oversight awareness training and reporting procedures?
 - A: Commander.
 - B: Intelligence Oversight Official.
- Q: What type of report, if any, needs to occur when the Senior Intelligence Officer is arrested for Driving While Intoxicated?
 - A: Questionable Intelligence Activity.
 - B: Significant or Highly Sensitive Matter.
 - C: None of the above.



Contact Information

Mr. Les Troudt
Director Intelligence Oversight

Office: (703) 571-6246

NIPRNet: leslie.d.troudt.civ@usmc.mil

SIPRNet: leslie.troudt@usmc.smil.mil