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U.S. Department of Homeland Security
Washington, DC 20528



Homeland
Security

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

Re: United States Coast Guard and Department of Homeland Security Office of Intelligence and Analysis Intelligence Oversight Quarterly Report

Dear Mr. Pointer:

Pursuant to Executive Order (EO) 12863, we are forwarding to you the October 2007 – December 2007 Intelligence Oversight Quarterly Report of the United States Coast Guard (USCG) and information about the intelligence oversight activities of the Office of Intelligence and Analysis (I&A).

I&A reported two questionable activities during the quarter. In late September 2007, an I&A intelligence analyst working at the department's National Operations Center allegedly performed and requested intelligence and law enforcement database checks on an individual for personal reasons. After learning of the alleged activity, the analyst's managers reported the incident to the Department of Homeland Security (DHS) Office of General Counsel (OGC), (b)(6) (b)(7)(c)

In early October 2007, I&A released an intelligence note entitled *Nation of Islam: Uncertain Leadership Succession Poses Risk*. I&A distributed the note by email to 482 addressees, including those of DHS staff, other members of the Intelligence Community, representatives of other federal departments and agencies, congressional staff, and at least one state government entity and one educational institution. Immediately after distribution of the intelligence note, both the Associate General Counsel for I&A and I&A's Intelligence Oversight Officer expressed concerns about the content and dissemination of the intelligence note. In response to these concerns, I&A recalled the intelligence note a few hours after the initial email distribution and requested that recipients delete and destroy their copies of the intelligence note.

After consulting with the Office of Inspector General (OIG), the Associate General Counsel for I&A verbally notified the IOB Acting General Counsel of the incident. I&A's Intelligence Oversight Officer subsequently conducted an inquiry into the matter. He determined that I&A had violated internal intelligence oversight guidelines by collecting and retaining information on the Nation of Islam and other U.S. Persons named in the intelligence note for more than 180 days without making

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Homeland Security

March 28, 2008

Memorandum For: Gus Coribella
Acting General Counsel

Richard Skinner
Inspector General

From: Charles E. Allen 
Under Secretary for Intelligence and Analysis

Subject: Intelligence Oversight Inquiry into the Production and
Dissemination of Office of Intelligence and Analysis
Intelligence Note

I have reviewed the memorandum prepared by Mr. L.A. "Ole" Broughton, the Intelligence Oversight Officer for the Office of Intelligence and Analysis, on the intelligence note prepared on 12 October 2007, entitled, "Nation of Islam: Uncertain Leadership Succession Poses Risk." As Mr. Broughton notes in his memorandum, this intelligence note was recalled almost immediately after dissemination, based on concerns that it violated intelligence oversight rules involved in collecting, retaining, and disseminating information on US persons and on US organizations.

In my view, Mr. Broughton has conducted a thorough review of this matter, and I accept his conclusion that the Extremist and Radicalization Branch (ERB) may have unintentionally and inadvertently violated the "rules" set forth in the referenced "Oversight Memorandum." I endorse the additional protective measures recommended by Mr. Broughton and will direct their implementation. Those protective actions should prevent any issuance of analytic pieces that could raise questions as to whether they meet the rule set contained in the Oversight Memorandum.

(b) (5)

(b) (5)

(b) (5)

This is not surprising
as intelligence organizations prepare intelligence assessments and analytic pieces

on a vast array of issues where there are no "specific tasking." And the Intelligence Community has a long-established practice of disseminating written products widely in order to inform as many readers as possible on important intelligence issues. In fact, Intelligence Community analysts—in an environment of information sharing—are consistently reminded to "write for release" and to prepare analytic pieces at the lowest classification level possible. (b) (5)

(b) (5)

(b) (5) Analysts actually write analytic pieces to inform officials at the federal level as well as those at state, local, and private sector levels on potential threats or on issues that fall directly within homeland security intelligence parameters—including assessing groups or organizations extremist in nature—which may advocate violence or engage in violence.

(b) (5)

(b) (5)

I know of no analyst under my management who operates this way. Good analysts are always alert to the possibility of what I call "abrupt discontinuity" in order to warn of new threats. Analysts who operate only in a linear fashion are certain to fail to discern abrupt changes in the threat environment and thus fail to warn of impending threats that could damage US interests. We know the failure to discern "abrupt discontinuity" has always been an Achilles' heel of the Intelligence Community. This phenomenon, which occurs both strategically and tactically, has cost our country dearly in the past. The failure of 9/11 was not a failure to "connect the dots" but fundamentally a failure to understand al Qaeda's capacities to strike intercontinentally, using asymmetric means.

Nonetheless, I agree that the intelligence note on the Nation of Islam should not have been issued. The organization—despite its highly volatile and extreme rhetoric—has neither advocated violence nor engaged in violence. Moreover, we have no indications that it will change its goals and priorities, even if there is a near-term change in the organization's leadership.

I want to emphasize in my two-plus years in heading DHS Intelligence, my analysts have written thousands of analytic intelligence assessments. During that period, I know of no other case where questions have been raised about the appropriateness of I&A's analysis. We are, moreover, keenly aware of our responsibilities when it comes to the protection of the privacy, civil rights, and civil liberties of all Americans. I remain immensely proud of my analysts and of the quality of their work.

Cc: L. A. "Ole" Broughton
Intelligence Oversight Officer