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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

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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 Counterintelligence 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)

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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