OVERWATCH

"The advancement and diffusion of knowledge is the only guardian of true liberty."
-James Madison

THE JOURNAL OF THE MARINE CORPS INTELLIGENCE OVERSIGHT DIVISION

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Photo By: Sgt. Timothy T. Parish

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Inspector General of the Marine Corps

The Inspector General of the Marine Corps (IGMC) will promote Marine Corps combat readiness, institutional integrity, effectiveness, discipline, and credibility through impartial and independent inspections, assessments, inquiries, investigations, teaching, and training.

The Intelligence Oversight Division

To ensure the effective implementation of Marine Corps-wide oversight of Intelligence, Counterintelligence, Sensitive activities (to include USMC support to law enforcement agencies, special operations, and security matters), and Special Access Programs. To establish policy and ensure their legality, propriety and regulatory compliance with appropriate Department of Defense/ Department of the Navy guidance.

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Message from the Director, Intelligence Oversight

Welcome to the latest edition of Over Watch. The Journal of the Intelligence Oversight Division of the Inspector General of the Marine Corps. Thanks to everyone for their comments and feedback regarding this publication. Your interest in the content helps us to provide relevant material to keep everyone thinking oversight. As you will see in this edition, there are several articles that pertain to oversight violations. Some is regarding misuse of PII, the call for a new committee regarding oversight and multi-million dollar misappropriation of funds.

The advent of a Republican Congress is sure to bring about many changes from current policy. Intelligence Oversight and review of how we are currently "doing business" in the intelligence realm is a hot topic for the House and Senate Intelligence committees. With Afghanistan winding down, and Iraq moving back in the forefront, there will surely be more Intel related issues to be addressed in the future.

On a special note, I would like to offer special congratulations to soon to be LtGen Vincent R. Stewart on his January 2015 assumption of Directorship for the Defense Intelligence Agency. This is the first time a Marine Corps officer will lead the Combat Support Agency and he will be the first 3 Star Intelligence Officer in the Marine Corps. He has a big challenge ahead and we look forward to his stewardship

This quarter's feature article, details how the Joint Improvised Explosive Devise Defeat Organization (JIEDDO) was found to have improperly retained information on US corporations and US Persons (both violations of Intel Oversight procedure 3). The article brings to light some of the potential concerns with non-Intelligence Community entities conducting Intelligence activities. We must ensure that our non-intelligence Navy and Marine Corps commands remain vigilant and follow oversight procedures.

As always, in order to continue to provide the information on the most important and relevant oversight issues, I am requesting that our intelligence professionals submit ideas for future topics of interest that you feel would benefit the Marine Corps Intelligence Community as well as comments and feedback. Please provide them directly to my deputy at christopher.l.doyle@usmc.mil.

I continue to be impressed at the professionalism and knowledge of the Intelligence Marines I meet as I travel around the fleet. Please continue to be engaged and keep up the great work.

Semper Fidelis
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Feature Article

Pentagon Anti-Bomb Force 'Improperly Retained' Information on Americans

Spencer Ackerman
Guardian US

The Pentagon's taskforce charged with stopping insurgent bombs has for years inappropriately acted as an intelligence agency, according to a declassified internal report obtained by the Guardian.

The Joint Improvised Explosive Device Defeat Organization (JIEDDO) collected information on American companies and their executives, people inside the United States, US military personnel and Afghan farmers. Despite internal Pentagon criticism, it continues to carry out intelligence functions. JIEDDO used aliases and impersonated US college students to gather information. It pursued US firms doing business with a Pakistani company with no real ties to terrorism. It collected and "improperly retained" US telephone numbers, as well as those from among the US' "Five Eyes" intelligence partners: the UK, Australia, New Zealand and Canada. On at least one occasion, JIEDDO mishandled information it accessed from a National Security Agency database.

JIEDDO disputes that it actually "collected" intelligence, preferring to say it "aggregated" already-existing intelligence and public data. Some of JIEDDO's intelligence work, particularly the collection of data on US companies, occurred "at the behest of [JIEDDO] leadership". All of it violated a raft of Defense Department and executive-branch regulations, up to and including Executive Order 12333, a foundational intelligence guideline. Those violations led to the first-ever establishment of an inspector general within JIEDDO, William Rigby.

JIEDDO's previously unknown intelligence activities are detailed in an 80-page investigation conducted by the Pentagon inspector general, issued secretly in April and acquired by the Guardian and other news organizations through the Freedom of Information Act. It is the latest example of a post-9/11 proliferation of intelligence operations by unapproved US government organizations. JIEDDO continues collecting and retaining intelligence, including intelligence on Americans. One analyst told the inspector general that when the organization acquires Americans' data, its officials "tuck it to the side". As of April 2014, the inspector general wrote: "We remain concerned about JIEDDO conducting activities that fall out of the scope of its original charter."

That mission creep first led JIEDDO to view expansively its minimal intelligence authorities related to foreign IED threats. Then, confusion amongst the workforce about what intelligence activities were permissible "allowed contract analysts and government supervisors to collect information about US persons that fell outside of [a JIEDDO component's] foreign intelligence function". As far back as February 2007 – barely a year into JIEDDO's existence – the director of the Defense Intelligence Agency warned that JIEDDO should be properly reclassified as an intelligence enterprise to remove dangerous ambiguity about the organization's true activities.

David Small, a JIEDDO spokesman, said that while JIEDDO is a "non-intelligence community" entity, it retains the ability to gather ostensibly public information, including on Americans, so long as it is not collecting the intelligence itself in the first instance.

"What JIEDDO analysts failed to do in the cited incidents was properly label and compartmentalize the information on US Persons while conducting work that involved US Persons data. So the violation wasn't that JIEDDO 'collected info' on US Persons. The issue is in how JIEDDO analysts stored that information. Storing that information can also be referred to as 'collection' in the temporal sense," Small said.

JIEDDO also retains access to "hundreds" of databases maintained by US intelligence agencies, Small said, but cannot task those agencies to collect intelligence for JIEDDO.

Under US law and executive order, intelligence operations can only be conducted by authorized agencies. Those agencies follow a defined oversight chain, detailing who in the executive branch can approve intelligence operations and who in the legislature must be informed about them.

JIEDDO is not one of those agencies. It was established in 2006 to overcome the lethal battlefield threat of insurgents' homemade bombs in Iraq and Afghanistan. It was never an intelligence entity – though it has received tens of billions of dollars from lawmakers eager to mitigate the signature weapon of post-9/11 insurgent wars. "It is not illegal to collect information on US Persons, and JIEDDO has the authority to aggregate information collected by others within the intelligence community, including info that may have data on US Persons," Small said.

From its inception, JIEDDO's charter permitted one narrow band of intelligence activities. It was to establish a "joint common intelligence picture" of the global threat of improvised explosive devices, or IEDs. JIEDDO's "sole intelligence component" was called the COIC, which ultimately stood for Counter-IED Operations/Intelligence Integration Center. The COIC would comprise 1,359 people, all but 58 of whom were contractors.

According to the Pentagon inspector general, the COIC would open a floodgate of inappropriate data collection, despite assurances to the contrary by JIEDDO leadership. COIC leadership was described as "comfortable using a liberal understanding of an IED connection for accepting outside tasks". In 2012, the Government Oversight Agency cited the agency for "redundancy" in supporting some 70 "electronic data collection and analysis tools" at a cost of at least $184m.

COIC documents reviewed by the inspector general state that it has no intelligence collection role. JIEDDO's vice director told the inspector general in August 2012 that neither "JIEDDO nor the COIC collects information on US persons". Yet COIC would indeed collect information on, among others, American companies that did business with a Pakistani fertilizer firm.

The vast majority of Taliban IEDs rely for their explosives on ammonium nitrate, an ingredient in certain fertilizers, prompting a US effort to halt the influx of those fertilizers and related material into Afghanistan. One Pakistani fertilizer company that attracted JIEDDO's attention was a subsidiary of the Lahore-based Fatima Group. Yet according to the inspector general's report, not even JIEDDO possessed sufficient suspicion to link the Fatima Group to IEDs, nor did the DIA find any evidence of illicit activity by Fatima after a "deep-dive study". Still, in 2012, a JIEDDO senior official, whose name is redacted in the report seen by the Guardian, instructed the COIC to "collect information on US companies that did business with Fatima". The goal was to find firms that could be enlisted to "pressure" Fatima.

The data sought was on the order of a "mergers and acquisitions analysis", the sort of due diligence that another firm interested in buying Fatima might conduct, including "an abundant amount of financial and investor data that would illuminate with whom Fatima interacted". That data could, if necessary, give JIEDDO "options" for taking action against Fatima, including leaning on the Pakistani firm's US business partners.

But under surveillance law and practice, "US persons", including companies, are supposed to be a protected class. The CIA, according to the inspector general, refused a JIEDDO request for aid, saying JIEDDO had failed to establish Fatima's links to terrorism. An analyst tasked with researching Fatima blew the whistle to the Defense Department inspector general in 2012, after saying that an intelligence oversight officer at the COIC verbally communicated that US companies had to be off-limits "due to a lack of derogatory information". But data collection on US companies proceeded. The specific names of the companies JIEDDO investigated are blacked out in the report. JIEDDO used "open-source" methods of gathering and analyzing publicly available information. But some of the easiest-to-access data were insufficient to JIEDDO's purposes. It began using webcrawling software called Halogen to trawl the internet and retrieve the names of leaders of companies doing business with Fatima, the services provided and the

depths of their business connections to the Pakistani firm.

An August 2012 internal JIEDDO document explained: "By approaching these partner companies – and their shareholders – and making them aware that they are associated with a company whose product is being misappropriated, causing 10,840 casualties in 2011 alone, Fatima may be encouraged to be more cooperative …" JIEDDO senior leadership "personally contacted and met with US company CEOs" and told them Fatima was involved in IEDs that killed US troops.
A subsequent briefing JIEDDO prepared on US companies tied to Fatima inappropriately disseminated information on at least several US persons. A different briefing, this one about Bosnian Islamist extremist networks, disseminated information on at least eight US citizens and a permanent resident.

The Fatima incident was not the only illicit intelligence effort on Americans that JIEDDO conducted. The inspector general found that JIEDDO ordered analysts to investigate Yonathan Melaku, a Marine Corps reservist who was arrested in 2011 in Arlington National Cemetery on bomb-making suspicions. (Melaku later pleaded guilty to unrelated crimes.) The organization also traded information with special-operations personnel about Sergeant Bowe Bergdahl, the soldier formerly held hostage by the Taliban, and apparently aided a law-enforcement investigation into Iraqi refugees in the US suspected of being bomb makers. None of these functions are related to JIEDDO's mandate, nor permissible by Defense Department regulation.
A JIEDDO contractor even posed in 2009 as a US college student to call Afghan farmers, using the unauthorized cover story of working on a scholastic research project, to "ask about their crops and opinions on the Coalition war effort in that country". The contractor said a co-worker suggested using the fake cover, and the contractor, discomfited by the practice, stopped calling after two days.
JIEDDO also evidently used aliases in a broader manner, mined Facebook and Twitter to collect information and inappropriately accessed an NSA database, but sections on those practices are blacked out of the declassified report. So is nearly an entire page on what "US person's information" JIEDDO retained beyond a 90-day regulatory limit to establish relevance or purge. One contractor told the investigator that "no record existed to indicate that any US Persons information had ever been deleted". Small said JIEDDO now conducts a "weekly" review over what material to retain or purge. He said that American data considered relevant to JIEDDO's expanding mission can be retained and disseminated beyond the 90-day limit, once examined by the organization's lawyers and approved by a senior official.

The Pentagon inspector general recommended that JIEDDO stop all intelligence collection activities unless specifically authorized by the Department of Defense. Yet the JIEDDO director, Army Lt Gen John D Johnson, responded that doing so would jeopardize the anti-IED fight in Afghanistan – a position Small said Johnson still holds.
Johnson, in an addendum to the report, partially concurred with many of the inspector general's findings, though he disputed several. "JIEDDO COIC's legal authority to collect intelligence is very clear. However, the nature and scope of its intelligence mission under which it accomplishes its collection activities should be clarified," he wrote in December 2013.

Johnson did not dispute that JIEDDO collected information on US persons, and said that the COIC's internal procedures on retaining and disseminating US data had "improved".
JIEDDO's recent, surreptitious move into the intelligence world is not the first by a US defense agency that does not have an intelligence mandate. The Defense Advanced Research Projects Agency (DARPA) ran a "population-centric" data analysis program in Afghanistan, called Nexus 7 that sought to divine trends in the war through examining fluctuations in the prices of daily goods – a sprawl in DARPA's mission that discomfited intelligence veterans.

Unlike DARPA, JIEDDO has a host of Capitol Hill critics who consider its success at stopping IEDs meager compared to the $22bn Congress has provided it over its lifespan. As recently as last year,

lawmakers asked the Pentagon to phase JIEDDO out of existence entirely.

In a statement, Small said JIEDDO "appreciate[d]" the inspector general review. "The IG substantiated the allegation that JIEDDO's COIC illegally or inappropriately collected info about US persons. The incidents involved regarded technicalities of policy and process and were corrected as soon as it was recognized. Many of the IG's recommendations to assure such actions do not occur in the future have already been acted upon," he said in the statement.

Groups Call for House to Shake Up Spy Oversight

Julian Hattem
The Hill

Dozens of anti-secrecy groups are urging House leaders to create a new committee to examine federal intelligence programs among other steps to beef up oversight of the nation's spies.
In a letter on Wednesday, groups including the Center for Democracy and Technology, Sunlight Foundation and Citizens for Responsibility and Ethics in Washington (CREW) joined with whistleblowers and government leakers such as Daniel Ellsberg to call for a change.

Current rules make it too hard for lawmakers to find out details about the nation's intelligence work, they said, which prevents Congress from exercising effective oversight.

When Congress returns to session in January, the House should write new rules to "enhance opportunities for oversight" of the intelligence sector, such as by declassifying intelligence reports and allowing leaders of congressional committees to designate a member to serve on the Intelligence Committee, they wrote.

The advocates also asked House leaders to allow federal employee whistleblowers to speak with lawmakers without fear of reprisal and give all legislators as well as their staff better access to government documents.

In addition, the groups urged Speaker John Boehner (R-Ohio) and Minority Leader Nancy Pelosi (D-Calif.) to consider creating a "distinct, broad-based review of the activities of the Intelligence Community since 9/11," which would be modeled after the 9/11 Commission and similar panels.
The letter was signed by groups usually on opposite ends of the political spectrum, such as the free-market Competitive Enterprise Institute and the left-leaning Demand Progress.

In conjunction with the letter, CREW released a new document detailing policy positions and calling current congressional oversight "broken" and unable to check what intelligence and national security agencies are up to.
"When the 114th Congress convenes in January 2015, the House of Representatives should implement commonsense reforms to empower intelligence oversight by members of [the House Intelligence Committee], other committees of jurisdiction, and all elected representatives," CREW said.

The US Needs a New Church Committee

Michael German
Defense One

In the early 1970s, a series of intelligence leaks gave Americans their first glimpses into the U.S. government's secret intelligence operations: illegal FBI and CIA surveillance and intimidation of innocent Americans based upon their political views; military leaders hiding the truth about a war gone wrong; and a White House turning national security tools against its political enemies.

It wasn't a pretty picture, and the resulting political climate of the post-Watergate era allowed reform-minded members of Congress to initiate broad investigations of intelligence activities. In the Senate, a bipartisan select committee led by Sen. Frank Church, D-Idaho, was established in 1975 to investigate the intelligence agencies.

I sat down with two Church Committee staff members to discuss their investigation and the lessons that might be applicable to those seeking similar reforms during today's leaks revealing secret intelligence excesses, abuses, and misfeasance.

Frederick A.O."Fritz" Schwarz served as the Church Committee's chief counsel, and is currently chief counsel to the Brennan Center for Justice at New York University Law School. Schwarz discussed the Church Committee's work in uncovering government abuse.

The Church Committee protected legitimate secrets while exposing the abusive intelligence activities that had taken place under the orders of sequential presidential administrations. The committee's caution engendered cooperation with the agencies amid an already bi-partisan consensus for reform.

In the years that followed, Congress established permanent select intelligence committees to oversee intelligence activities and passed the Foreign Intelligence Surveillance Act, which placed domestic electronic surveillance for national security purposes under judicial supervision for the first time. A legislative charter limiting the investigative powers of the FBI failed, however, after Attorney General Edward Levi issued Justice Department guidelines serving that same purpose.

While these reforms certainly didn't prevent every future intelligence abuse and overreach, there can be no doubt that they made the intelligence agencies more deliberative and accountable. The Church Committee report warned that a new national security crisis would test its recommended reforms, and the terrorist attacks of September 11, 2001 have done just that. The 2013 leaks by National Security Agency contractor Edward Snowden revealed that the intelligence committees and the FISA Court had been complicit in expanding the intelligence agencies' power to collect excessive amounts of information about Americans not suspected of any wrongdoing, shocking even members of Congress who voted on these authorities. New questions are now being asked not only about the conduct of the intelligence agencies, but the competence of the post-Church Committee oversight structures to identify and curb abuses.

Dr. John Elliff, the Church Committee's domestic intelligence task force leader, argued that while oversight doesn't prevent errant intelligence activities — it exposes them after the fact — the resulting criticism creates a lasting bureaucratic chilling effect that inhibits abuse. In short, this phenomena, called "anticipated reaction" means that an agency that gets in trouble will seek to avoid that trouble in the future.

Elliff, who went on to serve on the Senate Intelligence and Judiciary Committees as well as in intelligence positions within the FBI, CIA and Defense Department, describes the current oversight system as "inadequate."

Elliff's concerns regarding the expansion of the FISA Court's role in approving programs of mass surveillance, rather than individualized warrants as FISA originally contemplated, mirrors criticism from former FISA Court Judge James Robertson. Judge Robertson argued that the FISA Court has turned "into something like an administrative agency which make and approves rules for others to follow," and that this role was outside the proper scope of the judiciary.

Schwarz agrees with Elliff that the post-Church Committee intelligence oversight mechanisms have lost force over time, as complacency, politics, administrative rules imposed by the executive branch, as well as human nature, conspired to weaken congressional resolve to serve as an effective check against abuse. Schwarz highlights several reforms that could help Congressional committee oversight.

However, because so little is publicly known about how oversight by intelligence committees and the FISA Court work in practice, it is difficult to know whether fixing problems that lead to weaker congressional oversight would really improve the results we receive from our intelligence agencies. Asking the questions, then, becomes just as important as finding solutions. It is more important

than ever to start evaluating what is needed to create meaningful and lasting intelligence oversight.

The U.S. has reinitiated military engagement in Iraq, and started a new one in Syria. The president and intelligence officials have acknowledged this military intervention was necessary because the intelligence agencies were slow to recognize the growing threat the Islamic State posed to the U.S. Rigorous oversight is essential to ensuring our intelligence agencies operate at peak efficiency and effectiveness.

Last year, Schwarz and Elliff joined 13 other former Church Committee staff members in calling for a new comprehensive examination of the intelligence agencies. This examination must certainly include an evaluation of how we can exist strengthen oversight structures or whether new mechanisms need to be created.

Incoming Senate Intel Chair: Get Ready For an Oversight Overhaul

Ali Watkins
Huffington Post

Sen. Richard Burr (R-N.C.) usually arrives discreetly to the Senate Intelligence Committee's weekly briefings. He often shuffles down the hallway solo, issuing a polite nod to the waiting press and slips quietly into the panel's secret committee spaces.

Lately, though, he's had an extra spring in his step. And for good reason. The two-time senator is about to take the helm of one of the Hill's most powerful, secret panels, and after years of watching and waiting, he'll finally be taking intelligence oversight into his own hands.

"I'd like to rip down the rearview mirror that seems to be the motivating tool for the committee, and do oversight in real time," Burr told The Huffington Post on Tuesday. "Force the [intelligence community] to show us their metrics so that we can hold them accountable for progress."

The comment was no doubt an ever-so-subtle jab at current Intelligence Chair Dianne Feinstein (D-Calif.), particularly as she leaves behind a tenure of hefty committee reports based primarily on hindsight, including her highly anticipated finale, the CIA torture report.

It's that tendency toward retrospect that Burr suggested has hamstrung the committee, turning it from active participant to sideline observer in the intelligence community -- a trend he intends to reverse.

"The committee has to have, I think, greater granularity to what it is we're doing," Burr said. "Which means possibly members doing a little more traveling, actually getting on the ground talking to people that are carrying out some of our operations, feeling, touching things, seeing what the lay of the land is."

And think Feinstein ran a tight ship? Don't expect Burr to loosen the reins.

"I'm not sure that the functions of the committee are meant to be transparent," he said when asked about the relationship between reporters and the panel, an accord that is naturally riddled with tension. Though, he added, he still intends to do nominations in a transparent fashion.

Open-government advocates have shuddered at what intelligence oversight could look like with Burr in the driver's seat. Long considered a bedfellow of the CIA and the nation's other clandestine organizations, he once said that, if he ever were to get the intelligence committee's reins, the panel would stop holding its already-scarce open hearings.

But he seems to be backing off that declaration, at least for the moment.

"There has to be a compelling reason. And I think that where anybody in the [intelligence community] can make the case that a public hearing is educational for the American people, that it helps them understand the threat, or understand the capabilities to minimize the threat, I'm more than open to open hearings," he said.

The problem, he said, is that certain colleagues tend to ask loaded questions that often hint at covert programs.

"I think there's always a tendency for a member to ask a question that can't be asked in open session, intentionally or unintentionally," Burr said, perhaps alluding to Sens. Ron Wyden (D-Ore.) and Mark Udall (D-Colo.). "And I think that any time that happens it jeopardizes sources and methods, personnel, and I don't think the function of the committee is to do that."
A telling indicator will be Burr's handling of the committee's annual Worldwide Threat Assessment Hearing, a traditionally open hearing where key intelligence community leaders appear before the panel. In the past, that hearing has been a platform for lawmakers to ask just those types of questions to which Burr was referring.
Under Feinstein's leadership, the annual hearing usually occurred toward the beginning of each calendar year. A Worldwide Threat Assessment Hearing for 2015 has not yet been announced.

Burr will replace retiring Sen. Saxby Chambliss (R-Ga.), the panel's ranking member, and take the helm of the Intelligence Panel from Feinstein in January.

Probe of Silencers Leads to Web of Pentagon Secrets

Craig Whitlock
Washington Post

The mysterious workings of a Pentagon office that oversees clandestine operations are unraveling in federal court, where a criminal investigation has exposed a secret weapons program entwined with allegations of a sweetheart contract, fake badges and trails of destroyed evidence.

Capping an investigation that began almost two years ago, separate trials are scheduled this month in U.S. District Court in Alexandria, Va., for a civilian Navy intelligence official and a hot-rod auto mechanic from California who prosecutors allege conspired to manufacture an untraceable batch of automatic-rifle silencers.

The exact purpose of the silencers remains hazy, but court filings and pretrial testimony suggest they were part of a top-secret operation that would help arm guerrillas or commandos overseas.

The silencers — 349 of them — were ordered by a little-known Navy intelligence office at the Pentagon known as the Directorate for Plans, Policy, Oversight and Integration, according to charging documents. The directorate is composed of fewer than 10 civilian employees; most of them retired military personnel.

Court records filed by prosecutors allege that the Navy paid the auto mechanic — the brother of the directorate's boss — $1.6 million for the silencers, even though they cost only $10,000 in parts and labor to manufacture.

Much of the documentation in the investigation has been filed under seal on national security grounds. According to the records that have been made public, the crux of the case is whether the silencers were properly purchased for an authorized secret mission or were assembled for a rogue operation.

A former senior Navy official familiar with the investigation described directorate officials as "wanna-be spook-cops." Speaking on the condition of anonymity because the case is still unfolding, he added, "I know it sounds goofy, but it was like they were building their own mini law enforcement and intelligence agency."

The directorate is a civilian-run office that is supposed to provide back-office support and oversight for Navy and Marine intelligence operations. But some of its activities have fallen into a gray area, crossing into more active involvement with secret missions, according to a former senior Defense Department official familiar with the directorate's work.

"By design, that office is supposed to do a little more than policy and programmatic oversight," the former defense official said, speaking on the

condition of anonymity because much of the directorate's work is classified. "But something happened and it lost its way. It became a case of the fox guarding the henhouse, and I suspect deeper issues might be in play."

Navy officials declined to comment, citing the ongoing investigation and prosecution. "The Department of the Navy has fully cooperated with law enforcement since this investigation was initiated . . . and will continue to fully cooperate," Cmdr. Ryan Perry, a Navy spokesman at the Pentagon, said.

Missing evidence

Prosecutors have said that the silencers were acquired for a "special access program," or a highly secretive military operation. A contracting document filed with the court stated that the silencers were needed to support a program code-named UPSTAIRS but gave no other details.

According to court papers filed by prosecutors, one directorate official told an unnamed witness that the silencers were intended for Navy SEAL Team 6, the elite commando unit that killed Osama bin Laden.

But representatives for SEAL Team 6 told federal investigators they had not ordered the silencers and did not know anything about them, according to the court papers.

Sorting out the truth has been made more difficult by the elimination of potential evidence.

At one pretrial hearing, a defense attorney for the auto mechanic, Mark S. Landersman of Temecula, Calif., accused the Navy of impeding the investigation by destroying a secret stash of automatic rifles that the silencers were designed to fit. Prosecutors immediately objected to further discussion in open court, calling it a classified matter.

The destroyed weapons were part of a stockpile of about 1,600 AK-47-style rifles that the U.S. military had collected overseas and stored in a warehouse in Pennsylvania, according to a source familiar with the investigation.

If the foreign-made weapons were equipped with unmarked silencers, the source said, the weapons could have been used by U.S. or foreign forces for special operations in other countries without any risk that they would be traced back to the United States.

Intelligence Photographs in the News

WHITE BEACH NAVAL FACILITY, Okinawa, Japan - Sgt. Geoffrey P. Mann, from Orlando, Florida, holds on to a combat rubber raiding craft after helocasting to get to an objective Nov. 5 at White Beach Naval Facility during the scout swimmers course. The Marines exercised various amphibious insertion techniques throughout the course. Mann is an intelligence specialist with Expeditionary Operations Training Group, III Marine Expeditionary Force Headquarters Group, III MEF. **Photo By: Lance Cpl. Isaac Ibarra**

Camp Pendleton, California - Private First Class Brian Morales, 19, the mission operator with 2nd Battalion, 5th Marine Regiment launches the RQ-11B Raven (small unmanned surveillance systems), aboard Marine Corps Base Camp Pendleton, Calif., Sept. 8-19. Infantry and intelligence Marines with 1st Marine Division witnessed the capabilities of the aircraft firsthand during a two-week introduction course to the SUASS which is used to pervade timely reliable information. **Photo by: Lance Cpl. Ashton C. Buckingham**

CAMP HANSEN, OKINAWA, Japan - Marines cheer on their teammates during a pugil stick bout Nov. 14 on Camp Hansen's Parade Field during a 3rd Intelligence Battalion field meet. The pugil stick competition served as the main event of the field meet, which drew a lot of excitement from a loud crowd. The Marines are with 3rd Intel. Bn., III Marine Expeditionary Force Headquarters Group, III MEF. **Photo by: Cpl. Drew Tech**

Intelligence Oversight Division

MISSION: To ensure the effective implementation of Marine Corps-wide Oversight of Intelligence, Counterintelligence, Sensitive activities (to include USMC support to law enforcement agencies, special operations, and security matters), and special Access Programs. To establish policy and ensure their legality, propriety and regulatory compliance with appropriate Department of Defense/ Department of the Navy guidance.

Examples of sensitive activities include:

- Military support to Civil Authorities
- Lethal support/training to non-USMC agencies
- CONUS off-base training
- Covered, clandestine, undercover activities
- Intelligence collection of information on U.S. persons

SECNAVINST 5430.57G states:

"...personnel bearing USMC IG credentials marked 'Intelligence Oversight/Unlimited Special Access' are certified for access to information and spaces dealing with intelligence and sensitive activities, compartmented and special access programs, and other restricted access programs in which DON participates. When performing oversight of such programs pursuant to Executive Order, they shall be presumed to have a 'need to know' for access to information and spaces concerning them."

WHAT IS INTELLIGENCE OVERSIGHT?

Intelligence Oversight ensures that intelligence personnel shall not collect, retain, or disseminate information about U.S. persons unless done in accordance with specific guidelines, proper authorization, and within only specific categories (*See References*).

DEFINITIONS

i. **INTELLIGENCE OVERSIGHT (IO):** Ensures that intelligence personnel shall not collect, retain, or disseminate information about U.S. persons unless done in accordance with specific guidelines, proper authorization, and within only specific categories. References: E.O. 12333, DoD Dir 5240.01, DoD Reg 5240.1-R, SECNAVINST 3820.3E, MCO 3800.2B

ii. **SENSITIVE ACTIVITY OVERSIGHT:** Any activity requiring special protection from disclosure which could embarrass compromise or threaten the DON. Any activity which, if not properly executed or administered, could raise issues of unlawful conduct, government ethics, or unusual danger to DON personnel or property. These activities may include support to civilian law enforcement. Reference: SECNAVINST 5000.34E

iii. **SPECIAL ACTIVITIES OVERSIGHT:** As defined by Executive Order 12333, activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the United States Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence United States political processes, public opinion, policies or media, and do not include diplomatic activities or the collection and production of intelligence or related support activities. Reference: SECNAVINST 5000.34E

iv. **SPECIAL ACCESS PROGRAM (SAP):** Any Program imposing need-to-know or access controls beyond those normally required for Confidential, Secret or Top Secret information. Such a program includes but is not limited to a special clearance, more stringent adjudication or investigation requirements; special designation of officials authorized to determine need-to-know; or special lists of persons determined to have a need-to-know. A special access program may be a sensitive activity.

v. **QUESTIONABLE ACTIVITIES:** Any conduct that may constitute a violation of applicable law, treaty, regulation or policy.