

INTELLIGENCE OVERSIGHT (IO) REFRESHER BRIEF (SHORT FORM)

Purpose: This information is intended to provide a baseline curriculum for an intelligence unit or staff IO awareness program.

Background: To deter DoD intelligence agencies from infringing upon the Constitutional rights of U.S. persons, all military, civilian, and contractor personnel serving in intelligence and counterintelligence billets or units are required to be knowledgeable of IO policy.

Intelligence Oversight Program:

Intelligence Oversight is the process of ensuring that all DoD intelligence, counterintelligence, and intelligence related activities are conducted in accordance with applicable U.S. law, Presidential Executive Orders, and DoD directives and regulations. The DoD Intelligence Oversight program has two main objectives. The program is designed to ensure that the DoD can conduct its intelligence and counterintelligence missions while protecting the statutory and constitutional rights of U.S. persons. (Basic references: Executive Order 12333, DoD Regulation 5240.1-R, SECNAVINST 3820.3E, and MCO 3800.2B)

The term "U.S. persons" includes U.S. citizens, but it is broader. It also includes permanent resident aliens, unincorporated associations substantially composed of U.S. citizens or permanent resident aliens, and corporations incorporated in the U.S. and not directed and controlled by a foreign government.

The Marine Corps IO program falls within the purview of the Inspector General and applies to all personnel assigned or attached to units or staffs with a designated intelligence mission. These include Active, Reserve, TAD, and contractor personnel.

Generally, Marine Intelligence personnel may not intentionally target, collect, retain, or disseminate information on U.S. persons CONUS or OCONUS. Information pertaining to U.S. persons posing a threat to DoD personnel, resources or activities, is criminal information and falls under the purview of law enforcement and security.

Exceptions do exist which allow intelligence/counterintelligence components to receive, retain, and disseminate information on U.S. persons. Even under these circumstances, military intelligence personnel are limited to the 13 categories of information laid out in Procedure 2 of DoD Regulation 5240.1-R.

Questions: IO related questions should be referred to the Inspector General's and/or SJA's office. Violations and even "questionable activities" (actions that may be violations) must be referred to IGMCO, Oversight Office. Commanders/OICs must ensure no adverse actions are taken against personnel who report questionable activities.

Bottom line caution: Any occasion where our intelligence or counterintelligence Marines seem to require collection, retention, or dissemination of information on U.S. persons should be run by the Inspector General and SJA first.