



8A Inspector General Newsletter

“Strength through Standards and Discipline”

Volume X, Issue 6



U.S. Army Intelligence Oversight

Army Regulation 381–10 “Military Intelligence The Conduct and Oversight of U.S. Army Intelligence Activities” implements DoDD 5148.13, DoDM 5240.01 and establishes policy and procedures for the conduct and oversight of Army intelligence and intelligence-related activities. Army intelligence activities include intelligence activities conducted under Secretary of the Army (SECARMY) authorities and the training to conduct intelligence activities by Army personnel. These policies are intended to ensure Army intelligence activities are conducted in a manner that uses all reasonable and lawful means to gain timely, accurate, and insightful information about the activities, capabilities, plans, and intentions of foreign powers, organizations, and persons, and their agents, and protects the constitutional and legal rights and the privacy and civil liberties of **U.S. persons**. This regulation also imposes reporting requirements for Army personnel conducting intelligence activities under the authority of a combatant commander.

What is a “US Person”?

- US Citizens (includes US Commonwealth)
- Permanent Resident Aliens, (“Green card”); a student visa does not confer US Person status and illegal aliens are not US Persons.
- Unincorporated associations substantially composed of US Persons.
- US corporations incorporated in the US (even if incorporated by non-US Persons) Note: The company is the US Person.
- CONUS**: Presume they are a US Person unless there is specific information to the contrary*.
- OCONUS**: Presume NOT to be a US Person unless there is specific information to the contrary*.



“Information to the contrary” includes passports, drivers licenses, and other forms of official identification.

What is a “US Person” on the Internet?

- IP Address**: Not considered “collected” until processed into intelligible form; no restrictions on its retention. If URL is deciphered/analyzed, then a reasonable & diligent inquiry is done to determine its association with a US Person using web tools or external information. If unable to determine, assume it is not associated with a US Person. Document efforts taken to make the determination.
- URL**: Since URLs are almost always publicly available, even if they identify US Persons, lists of URLs may be collected if within the scope of a lawful, authorized intelligence function.
- Email address**: Email addresses are almost always associated with an individual, although identifying the individual is difficult. Email addresses may be retained if unanalyzed. If analyzed, then attempt to determine if it is associated with a US Person. If that is not possible, then presume it is not.
- Website**: (corporation, university, club, church, other association) If the domain is commonly associated with a foreign country (e.g. *.uk, *.fr) and there is no information to the contrary, presume it is not a US Person. Use of a universal domain (*.com) does not automatically mean it is associated with a US Person. To determine affiliation, consider: geographic location and nature of underlying organization, its incorporation status, rules of participation, formal membership process, and so on.

Intelligence Oversight responsibility usually follows the operational chain of command.



The Korean Peninsula’s Intelligence Oversight program is managed by the 8A G2 Intelligence Oversight Officer at the 8A HQs Building, Camp Humphreys.

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Questionable Intelligence Activities (QIA)

Conducted during or related to an intelligence activity that may violate the law, Executive Order or Presidential Directive, or applicable DoD or Army policy, including AR 381-10.

(“We have deviated from our authorities”)

- MUST be reported promptly. Do so as soon as you learn about a possible violation – the report must reach DAIG within five days.
- Report the WHAT, WHEN, WHERE, WHY, HOW, and HOW MUCH (as appropriate) to at least one of the appropriate IO authorities: Your unit Intelligence Oversight officer; 8A Intelligence Oversight Advisor.
- Rule of thumb: When in doubt, REPORT. Partial reports/preliminary reporting is OK!
- **Example:** An S2 retaining information in an intelligence file or database about threats made by a Virginia militia group with no foreign threat links. This information should be kept by the MPs, not by an intelligence component.

QIA process is NOT intended to:

- Be punitive.
- Question or criticize the skills or abilities of a person or unit.
- Take a great deal of time or distract from operations.



8A IOO Points of Contact

Preferred method is through the Chain of Command via electronic means (email), IAW INSCOM Policy Letter 41.

- 8A Intelligence Oversight Officers: DSN 755-2110/2150
- 8A Inspector General: DSN 755-4307
- 8A Staff Judge Advocate: DSN 755-8308
- May also go to HQDA (DAIG-IO, Army G2, or Army General Counsel)
- As a last resort, report to DoD (ATSD-IO, DoDIG or DoD General Counsel)

8th Army

Commanding General

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CSM Robert H. Cobb

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References

- Army Regulation 381-10 “Military Intelligence The Conduct and Oversight of U.S. Army Intelligence Activities”