

U.S. ARMY INTELLIGENCE ACTIVITIES BRIEFING SYNOPSIS

Reference: AR 381-10, U.S. Army Intelligence Activities.

This synopsis of the regulation outlines the procedures, restrictions, and requirements for the collection of information by intelligence activities regarding United States Persons. (1. *A United States Citizen.* 2. *An alien known by the DoD intelligence component concerned to be a permanent resident alien.* 3. *An unincorporated association substantially composed of United States citizens or permanent resident aliens.* 4. *A corporation incorporated in the United States, except for a corporation for a corporation directed and controlled by a foreign government or governments. A corporation or corporate subsidiary incorporated abroad, even if partially or wholly owned by a corporation incorporated in the United States, is not a United States person. A person or organization outside the United States shall be presumed not to be a United States person unless specific information to the contrary is obtained. An alien in the United States shall be presumed not to be a United States person unless specific information to the contrary is obtained. A permanent resident alien is considered a foreign national that was lawfully admitted into the United States for permanent residence.)*

1. AR 381-10 does not serve as the authority for any intelligence mission or function but rather is the standard regulating mechanism for such missions and functions. It pertains to all U.S. Army intelligence activities, to include those directed against non-U.S. persons. It applies to intelligence staff offices supporting military commanders at all echelons, and other DA military personnel and civilian employees when they engage in authorized intelligence activities.

2. Summary of Procedures 1 through 4 and 14-15.

a. **PROCEDURE 1 General Provisions** - explains the purpose of AR 381-10 and what the regulation does and does not prescribe. It mandates that the collection of any information by Army intelligence must:

- (1) Not infringe on the constitutional rights of any U.S. person.
- (2) Protect the rights of privacy for all persons.
- (3) Be based on assigned functions.
- (4) Employ the least intrusive lawful techniques.
- (5) Comply with all regulatory requirements.

Procedure 1 also states that Army intelligence activities are prohibited from conducting or providing support to "Special Activities" (*activities conducted in support of national foreign policy objectives abroad which are planned and executed so that the role of the US Government is not apparent or acknowledged publicly, and functions in support of such activities, but which are not intended to influence US political processes, public opinion, or media, and do not include diplomatic activities or the collection and production of intelligence or related-support functions*) except in time of war or by Presidential approval and directed by the Secretary of Defense. In addition, the following applies:

(1) Under no circumstances will DA employees engage in, or conspire to engage in assassination.

(2) All questions of interpretation and/or request for exception to policy will be referred to the Directorate of Counter-Intelligence and Security (DCINT/SEC) or the Inspector General (IG).

b. PROCEDURE 2 - Collection of Information About United States Persons.

Information which identifies a U.S. person may be collected by an army intelligence component ONLY if the information is necessary to the conduct of a function assigned to the component and provided the information falls in one of the following 13 categories:

Category 1	Information obtained with consent.
Category 2	Publicly available information.
Category 3	Foreign intelligence (includes international terrorism).
Category 4	Counterintelligence.
Category 5	Potential sources of assistance to intelligence activities.
Category 6	Protection of intelligence sources and methods.
Category 7	Physical Security.
Category 8	Personnel security.
Category 9	Communications security.
Category 10	International narcotics.
Category 11	Threats to safety.
Category 12	Overhead reconnaissance.
Category 13	Administrative purposes.

REMEMBER: As soon as non-essential information is filed or incorporated into other material, or some other act is taken to use or retain the information, a reportable violation has occurred.

c. PROCEDURE 3 - Retention of Information About U.S. Persons.

Essential information acquired under Procedure 2 is authorized for retention and governed by AR 340-2, AR 340-10-1, or other specific records management regulations for unique functions. Retained information must be reviewed annually. If the information can not be permanently retained it can only be held temporarily for a period of 90 days. Information obtained "by chance" can only be retained if it is information that could have been collected intentionally under Procedure 2, provided it falls into one of the following categories:

(1) The information must be necessary to understand or assess foreign intelligence or counterintelligence.

(2) The information must be either foreign intelligence or counterintelligence which has been collected from electronic surveillance.

(3) The information must be incidental to other authorized collection and indicate some involvement in activities that may violate federal, state, local, or foreign law.

d. PROCEDURE 4 - Dissemination of Information About U.S. Persons.

The dissemination of information about U.S. persons, without their consent, can occur only (1) when the determination has been made that prospective recipient will use the information for a lawful government function and (2) that the information is needed by that prospective recipient for that particular function, (3) if it fits completely into one of the five categories outlined in Procedure 4. Any dissemination beyond those limits outlined in Procedure 4 must be submitted through command channels and approved in advance by HQDA (DAMI-CI), WASH DC 20810.

e. PROCEDURE 14 - Employee Conduct

Individual employees will conduct intelligence activity only as prescribed by AR 381-10, and in conducting such activities, will not exceed the limits of the law. Individual employees will also cooperate fully with the Intelligence Oversight Board and its representatives.

f. PROCEDURE 15 - Identifying, Investigating, and Reporting Questionable Activities.

Employees will read and become familiar with AR 381-10 and will report any "questionable" intelligence activities or violations immediately to the Director of Counter-Intelligence and Security or the security manager. "Questionable" intelligence activity refers to any conduct that constitutes, or is related to, an intelligence activity that may violate the law, any Executive Order or Presidential directive, including E.O. 12333, reference (a), or applicable DoD policy, including AR 381-10. If questionable activities are discovered or suspected, they must be reported ASAP and NLT 5 days. During an initial Procedure 15 report, the command has 30 days to forward a final report through proper channels. This report will be reviewed by the supporting judge advocate and will include the findings and results along with corrective action.

I am familiar with, have read, understand, and will comply with the provisions of the regulations.

NAME _____ DATE _____

SIGNATURE _____