



# Legal Requirements for HUMINT Operations

V-5

(b)(3); 10 USC 424



**General Counsel**




The overall classification of this panel is

~~**SECRET//NOFORN**~~



# Learning Objective

- Develop a Full Performance understanding of the Legal Requirements for HUMINT Operations
- Key statutory provisions and DoD regulations
-  (b)(3):10 USC 424,  
(b)(3):50 USC 3024  
(f),(b)(5)
- Interrogations Policies and Procedures



# Primary Legal Authorities

- Title 10, U.S. Code – Armed Forces
  - 10 USC §113, Secretary of Defense
  - 10 USC §127, Emergency and Extraordinary Expenses
  - 10 USC §137, Under Secretary of Defense for Intelligence
- Title 50, U.S. Code – National Security Act
  - Office of Director of National Intelligence
  - Director of Central Intelligence
  - 50 USC §403-5 – Secretary of Defense Responsibilities
    - National Security Agency
    - National Geospatial-Intelligence Agency
    - National Reconnaissance Agency
    - Defense Intelligence Agency
- Are We Title 10 or Title 50? We are Both!



# Secretary of Defense

- Title 50, U.S. Code §403-5(b)(4) & (5)
  - Unified system for production of timely, objective military intelligence based on all sources available
  - Effective management of DoD human intelligence activities,

(b)(3); 10 USC 424,  
(b)(3); 50 USC 3024(i)



- Presidential Orders and Directives
  - Executive Order 12333, as amended by Executive Order 13470, 30 July 2008
  - Procedures for collection on US Persons



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# ODNI and National HUMINT Manager

- Director of National Intelligence (DNI) issues policy guidance on HUMINT
  - Example is Intelligence Community Directive 304, Human Intelligence, dated 6 March 2008


(b)(1),(b)(3);10 USC  
424,(b)(3);50 USC  
3024(i),1.4 (c)





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# DoD Regulations

- DoD Regulation 5240.1-R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons 

(b)(3): 10 USC 424, (b)(3): 50 USC 3024(f), (b)(5)

- 15 Procedures, including special collection techniques

(b)(3): 10 USC 424, (b)(3): 50 USC 3024 (i), (b)(5)

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- DoD Regulation 5105.21, Defense Intelligence Agency
  - Director serves as Defense HUMINT Manager

(b)(3): 10 USC 424, (b)(5)

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# Intelligence Oversight (IO)

- DTM 08-052 – DoD Guidance for Reporting Questionable Intelligence Activities and Significant or Highly Sensitive Matters, 17 Jun 2009
- ATSD(IO) is principal staff assistant for IO matters and serves as the conduit for all reporting to the IOB
- Reporting Parameters:
  - Questionable Intelligence Activity
  - Significant or Highly Sensitive Matters
  - Crimes Reported to the Attorney General

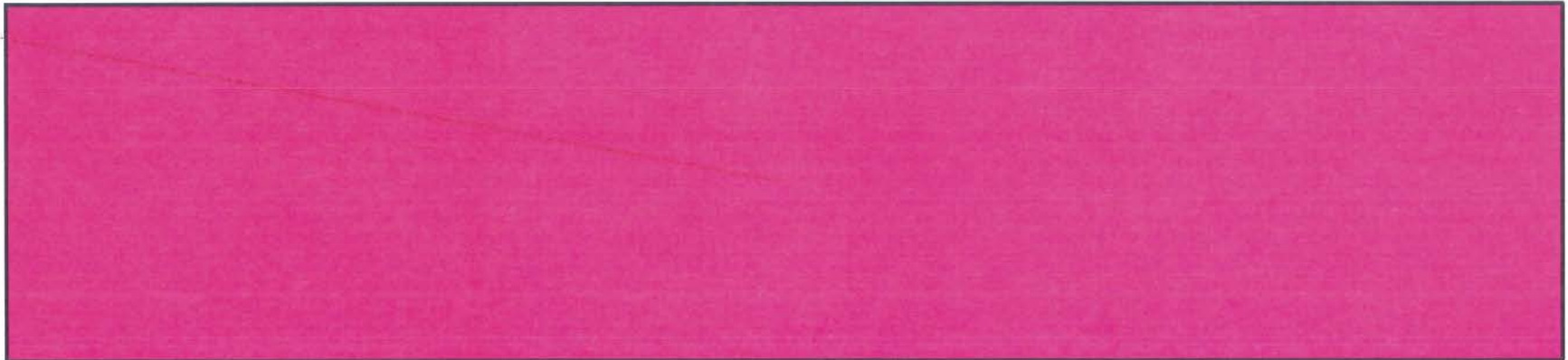


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## Significant or Highly Sensitive Matters

- A development or circumstance involving an intelligence activity or intelligence personnel that could impugn the reputation or integrity of the DoD Intelligence Community or otherwise call into question the propriety of an intelligence activity. Such matters may be manifested in or by an activity:

(b)(5)



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(b)(3); 10 USC 424, (b)(5)





# Legal Considerations

## QUESTIONS?

