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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

John Greenewald, Jr.
27305 W. Live Oak Rd.
Suite #1203
Castaic, CA 91384

June 21, 2021

Reference: ODNI Cases DF-2021-00065

Mr. Greenewald:

This letter responds to your Freedom of Information Act ("FOIA") letter dated 29 December 2020 and received by the Information Management Office on 30 December 2020 (Enclosure 1), in which you requested "*a copy of records (which includes videos/photos), electronic or otherwise, of the following: the final report for DNI / IG investigation 18-0001-IN, 'Unauthorized Disclosure.'*"

A search has been conducted and a record responsive to your request was located. The record is being granted to you in part (Enclosure 2) with the following exemptions:

- (b)(1), which applies to information that is currently and properly classified pursuant to Executive Order 13526, Section 1.4 (c).
- (b)(3), which applies to information exempt from disclosure by statute. The relevant statutes are:
 - the National Security Act of 1947, as amended, Section 102A(i)(1), 50 U.S.C. § 3024(i)(1), which protects information pertaining to intelligence sources and methods;
 - Section 6 of the Central Intelligence Agency Act of 1949, as amended, 50 U.S.C. § 3024(m), which protects, among other things, the names and identifying information of ODNI personnel;
 - 50 U.S.C. § 3033(g)(3)(A), which protects the identity of employees or contractors who come to the ICIG with complaints of violations of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.
- (b)(6), applies to information which, if released, would constitute a clearly unwarranted invasion of the personal privacy of individuals.
- (b)(7)(C), which provides protection for personal information in law enforcement records, the disclosure of which could reasonably be expected to constitute an unwarranted invasion of personal privacy.

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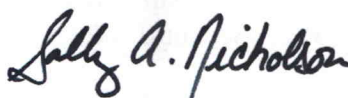
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You may contact me, the FOIA Public Liaison, at dni-foia-liaison@dni.gov or (703) 275-3500 for any further assistance or to discuss any aspect of your request. You may also contact the Office of Government Information Services ("OGIS") of the National Archives and Records Administration to inquire about the mediation services they provide. OGIS can be reached by mail at 8601 Adelphi Road, Room 2510, College Park, MD 20740-6001; telephone (202) 741-5770; facsimile (202) 741-5769; Toll-free (877) 684-6448; or email at ogis@nara.gov.

If you are not satisfied with my response to your request, you may administratively appeal by submitting a written request to the Chief FOIA Officer, c/o Director, Information Management Office, Office of the Director of National Intelligence, Washington, DC 20511 [or dni-foia@dni.gov](mailto:dni-foia@dni.gov). The request letter and envelope or subject line of the email should be marked "Freedom of Information Act Appeal." Your appeal must be postmarked or electronically transmitted within 90 days of the date of this letter.

If you have any questions, please feel free to contact our Requester Service Center at dni-foia@dni.gov or (301) 243-1499.

Sincerely,




Sally A. Nicholson
Chief, Information Review &
Release Group
FOIA Public Liaison
Information Management Office

Enclosures

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This document is made available through the declassification efforts
and research of John Greenwald, Jr., creator of:

The Black Vault



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document clearinghouse in the world. The research efforts here are
responsible for the declassification of hundreds of thousands of pages
released by the U.S. Government & Military.

Discover the Truth at: <http://www.theblackvault.com>

Enclosure 2

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OFFICE OF THE INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY
INVESTIGATIONS DIVISION
WASHINGTON, DC 20511

(U) REPORT OF INVESTIGATION

(U) Case Number: 18-0001-IN

(U//FOUO) Subject: Alleged Unauthorized Disclosure

(U) I. Introduction and Summary

(U//FOUO) The Office of the Inspector General of the Intelligence Community (IC IG), Investigations Division, investigated an unauthorized disclosure of the Department of Defense (DoD) proprietary information released to a hostile Foreign Intelligence Element (FIE). The Defense Intelligence Agency (DIA), Community Coordination Office (CCO), Counterintelligence (CI) Division, alleged the Federal Bureau of Investigations (FBI) released DoD information without proper authorization to a FIE.

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(U) II. Background

INSPECTOR GENERAL SENSITIVE INFORMATION

This document is intended only for authorized recipients. Recipients may not further disseminate this information without the express permission of the signatory or other Office of Inspector General of the Intelligence Community personnel. This document may contain Inspector General sensitive information that is confidential, sensitive, work product or attorney-client privileged, or protected by Federal law, including protection from public disclosure under the Freedom of Information Act (FOIA), 5 USC § 552. Accordingly, the use, dissemination, distribution or reproduction of this information to or by unauthorized or unintended recipients may be unlawful.

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Derived From: Multiple Sources
Declassify On: 25X1, EO 12951

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(b)(1)



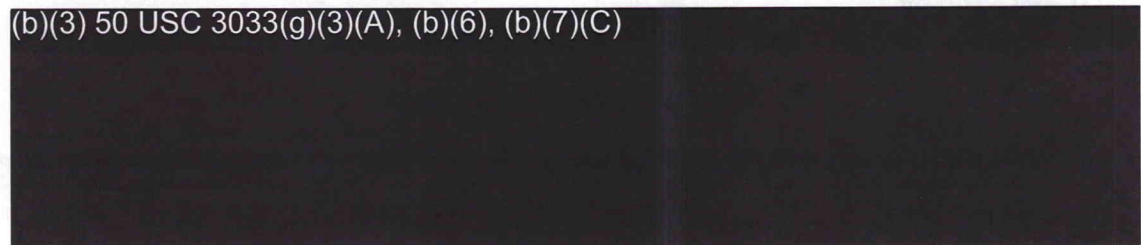
(b)(1)



(U) A. Key Players

- **H. R. MCMASTER**, APNSA.
- **LTG (Ret) J. Keith KELLOGG**, Executive Secretary and Chief of Staff, NSC.
- **Miriam NIGL-Y-** **(b)(3), (b)(6)** National Intelligence Manager for East Asia (NIM EA), Executive Officer (EA/XO), contractor employee serving as the Chief Strategist and Executive Officer for the NIM EA, Office of the Deputy Director of National Intelligence for Intelligence Integration (DDNI-II).

• **(b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C)**



¹ IC IG reviewed the feedback from DIA on this product – DIA did not object to any talking points – only had a few grammatical suggestions.

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- (b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C)
- (b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C)
- (b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C)
- **Ezra COHEN**, Special Assistant to the President and Senior Director for Intelligence Programs, NSC.

(U) B. Allegation

(b)(1), (b)(3) 50 USC 3033(g)(3)(A)

(U) C. Authority

(U//~~FOUO~~) IC IG conducted this investigation pursuant to 50 U.S.C. § 3033, *Inspector General of the Intelligence Community*, 7 October 2010; ODNI Instruction 10.34, *Office of the Inspector General of the Intelligence Community*, dated 22 September 2013; and, *Quality Standards for Investigations*, dated 15 November 2011, set forth by the Council of the Inspectors General on Integrity and Efficiency.

(U) D. Applicable Laws, Regulations, and Policy

- 18 U.S.C. § 798 Disclosure of Classified Information
- 18 U.S.C. § 793 – Gathering, Transmitting or Losing Defense Information
- E.O. 12333, United States Intelligence Activities
- Intelligence Community Directive (ICD) 701, Security Policy Directive for Unauthorized Disclosures of Classified Information
- Agency Regulation 11-5 (AR 11-5) – Protection of Classified Intelligence Information from Unauthorized Disclosure

(U) III. Investigative Activity

(U) A. Electronic Communications Review

(U//~~FOUO~~) IC IG reviewed email and messaging communications of (b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C) from 1 March 2017 through 1 June 2017.

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All redactions on this page fall under exemptions (b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C), unless otherwise notated.

(U) B. Document Review

(U//FOUO) IC IG reviewed the following documents and communications during the course of this investigation:

- (U//FOUO) White House Memo titled, "Sensitive Strategic Messaging Narrative to Support U.S. Policy on the Democratic People's Republic of Korea"
- (U//FOUO) COHEN's email to all the individuals involved in the RPCC/DPRK message campaign titled, "Help With Deconfliction"
- (U//FOUO) Office of the National Counterintelligence Executive User's Guide for Registering Passage Material, "Registering Passage Material with the National Passage Information Registry"
- (U//FOUO) DoD-DPRK Message Guidance titled, "Attachment to Department of Defense (DoD) Support to DPRK Sensitive Messaging" a paragraph by paragraph breakdown by the DoD of the NSC document from 10 April 2017, "Narrative to Support Sensitive Messaging to China" interpreting how DoD distinguishes who has the approval authority for paragraph if chosen for passage (Exhibit 2).

(U) C. Interviews

(U//FOUO) IC IG interviewed NIGL, [REDACTED]

(U//FOUO) NIGL interview. On 08 November 2017, IC IG interviewed NIGL to discuss the alleged unauthorized disclosure of DoD proprietary information released to a hostile FIE by the FBI. NIGL advised [REDACTED] is the final authority for the release of PaM for the RPCC/DPRK. Prior to requesting [REDACTED] signature, [REDACTED] through the use of Form 4085, deconflicts with the original producers of the information and requests authorization for release. "He confirms all equities have been coordinated with, checked and blessed appropriately." Only after the proper interagency deconfliction and approvals are complete, either [REDACTED] [REDACTED] emails the Form 4085 to NIGL for [REDACTED] signature.

(U//FOUO) [REDACTED] role with the PaM is to simply look at the passage material, ensure the language is consistent with the NSC preapproved strategic narratives and then sign it. [REDACTED] often has adjustments to the language, however, once he is content with the language, he signs the Form 4085. NIGL then scans the signed Form 4085 and emails it back to the requester at NCSC.

(U//FOUO) [REDACTED] interview. On 20 November 2017, IC IG interviewed [REDACTED] to discuss the alleged unauthorized disclosure of DoD proprietary information released to a hostile FIE by the FBI. Once [REDACTED] receives the PaM material, he checks the PaM Registry for similar language that might have been previously passed, context of the message, originator of the message and finally, the final disposition of the message. Once deconflicted, [REDACTED] reaches out to the Subject Matter Expert (SME) at the agency with the proprietary authority of the information and requests authorization to release.

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(U//FOUO) [redacted] confirmed in this matter, the talking points came from the NSC narrative and therefore was considered the proprietary agency. [redacted] formatted the talking points identified by the RPCC/DPRK from the NSC article. [redacted]

[redacted] signature.

(U//FOUO) [redacted] believes the easiest way to eliminate this sort of misunderstanding in the future is for the DoD Joint Staff (J-39) to participate in the sub-group meetings where the RPCC proposed talking points are discussed and deconflicted further. However [redacted] does not think J-39 has the bandwidth to attend the sub-group meetings given their busy schedule.

(U//FOUO) [redacted] interview. On 06 December 2017, IC IG interviewed [redacted] to discuss the alleged unauthorized disclosure of DoD proprietary information released to a hostile FIE by the FBI. [redacted] stated DIA's claim in regards to the DoD information passed without proper authorization by the FBI is inaccurate and a lack of understanding of the RPCC/DPRK process by the DIA and DoD. DIA and DoD are mistaken for the following three reasons:

1. All agencies coordinated and approved of the strategic messaging narratives during the preparation phase of the NIC memo at the SME level and again during the RPCC/DPRK at the White House senior level.
2. The RPCC/DPRK chose the FBI to pass the talking points unilaterally under their own authority to the FIE.
3. There was no formal protest on the part of DoD. The White House Memorandum titled, "(U) Support for U.S. Double Agent Operations: Passage Material, dated 04 May 4 1998", is the established process by which one agency may invoke an appeal when there is a disagreement over the release of passage material; DoD did not follow this process.

(U//FOUO) [redacted] provided IC IG with a copy of an email dated 26 April 2017, and clarified that the email was "from the Senior Intelligence Director of the NSC, advising DoD once again, that once the Talking Points are approved at the RPCC/DPRK, they are not to be relitigated" (Exhibit 3).

(b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C), (b)(1)

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(U//FOUO) In this case [redacted] claimed FBI's impatience led them to circumvent the deconfliction process (originally supposed to be conducted through the J2 in partnership with DoD, but it was languishing in the J2. FBI went directly to the ODNI (through the NCSC process) and [redacted] signed the PaM Form 4085. [redacted] did not have the authority to sign off on all the talking points. The RPCC/DPRK process was new and this was the first time PaM was to be passed through DoD. Of the four talking points, two of them had DoD equities. Specifically, any discussion on troop movements around the peninsula, the USF/K and the U.S. Pacific Command (PACOM) have equities. DoD has their own strategic messaging program under the President. It is up to the Combatant Command (COCOM) commander (as one of the executive agents for PaM) to approve or deny the passage material. The original talking points were supposed to be passed under the DoD's Special Access Program (SAP) but they were not coordinated with DoD and the drafting should have occurred with the J2.

(b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C), (b)(1)



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(b)(3) 50 USC 3033(g)(3)(A), (b)(6), (b)(7)(C), (b)(1)

(U) IV. Conclusion

(U//~~FOUO~~) IC IG was unable to obtain any admission and/or evidence implicating anyone of alleged unauthorized disclosure. The talking points were passed under the auspices of, “Strategic Messaging Campaign” approved by the U.S. President and were produced by the ODNI/NIC upon request from the NSC and was coordinated throughout the intelligence community including the DIA during the preparation phase.

(U//~~FOUO~~) Additionally, DoD was among the members represented at the RPCC/DPRK, and included senior level representatives from the Joint Staff, USD(I) at the 2-star and SES level, who received and approved of the narrative. This meeting also identified FBI as the entity to pass the talking points through the double agent program. FBI understood (b)(3) 50 USC 3033 had the final approval authority for the talking points and when they received that from him, FBI proceeded in passing the talking points to the double agent to achieve desired objective.

(U//~~FOUO~~) Furthermore, The White House Memorandum titled, “(U) Support for U.S. Double Agent Operations: Passage Material,” 04 May 1998”, outlines an established process by which any agency may invoke an appeal when there is a disagreement over the release of passage material. DoD did not follow this process.

(U) V. Recommendations

(U//~~FOUO~~) For the reasons articulated above, it is recommended that this investigation be closed.

Submitted by:



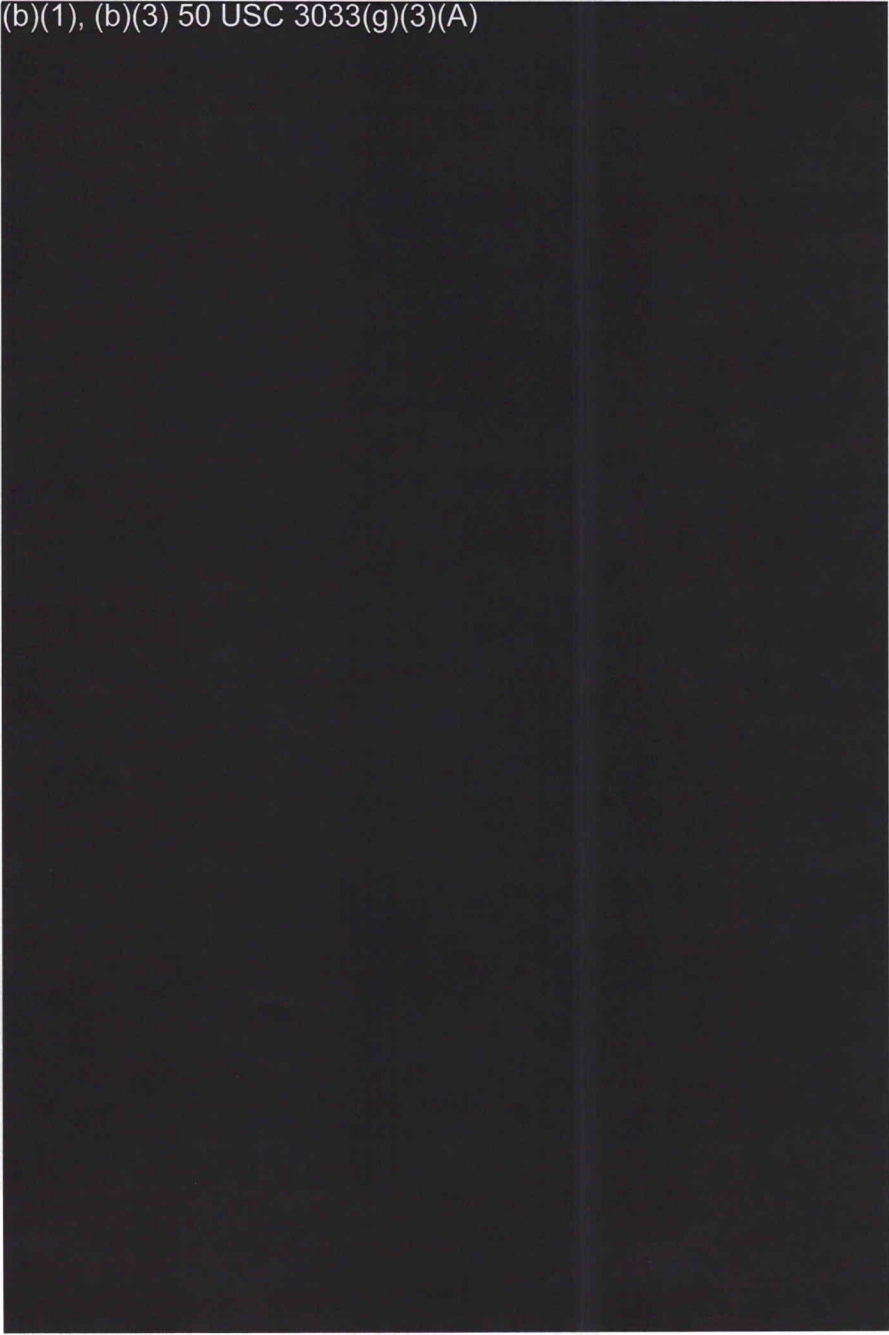
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EXHIBIT 1

(b)(1), (b)(3) 50 USC 3033(g)(3)(A)



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(b)(1), (b)(3) 50 USC 3033(g)(3)(A)



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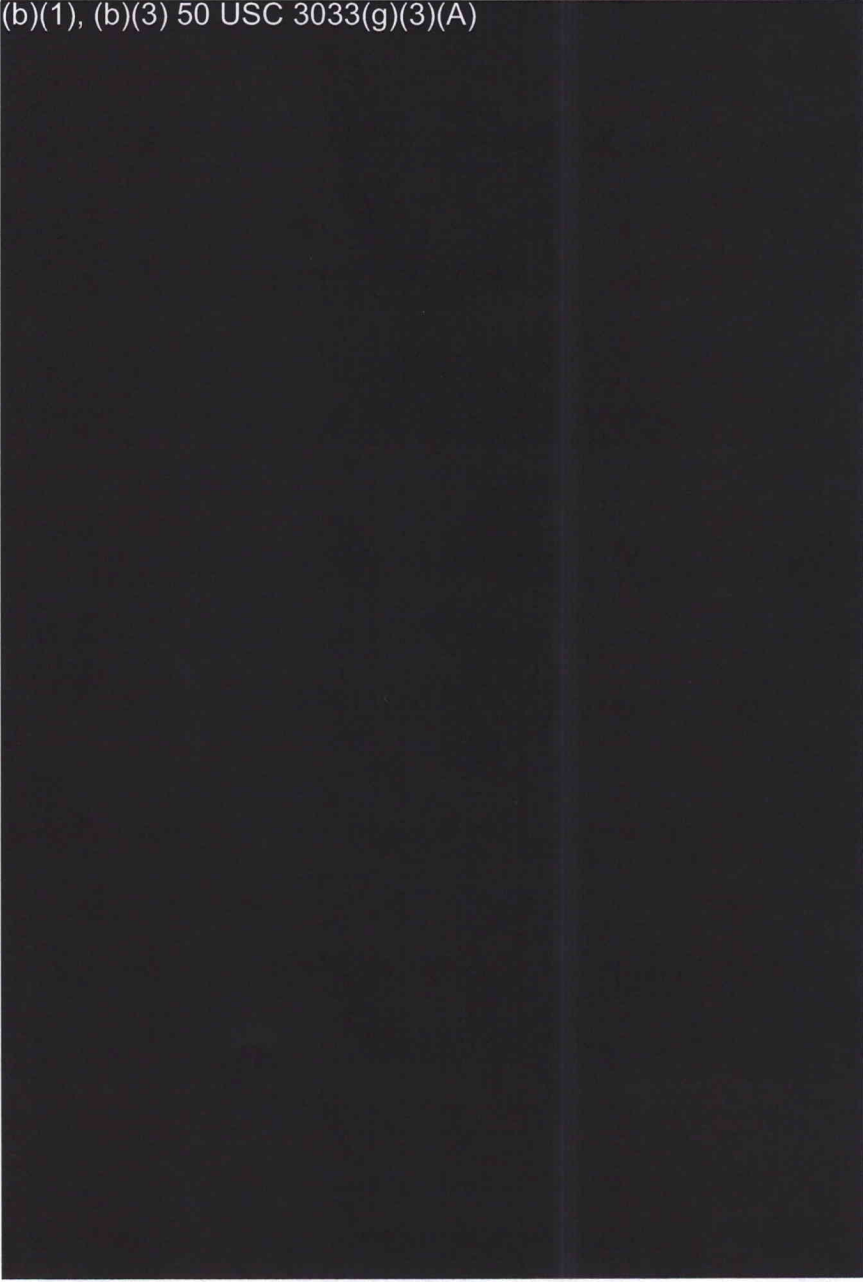
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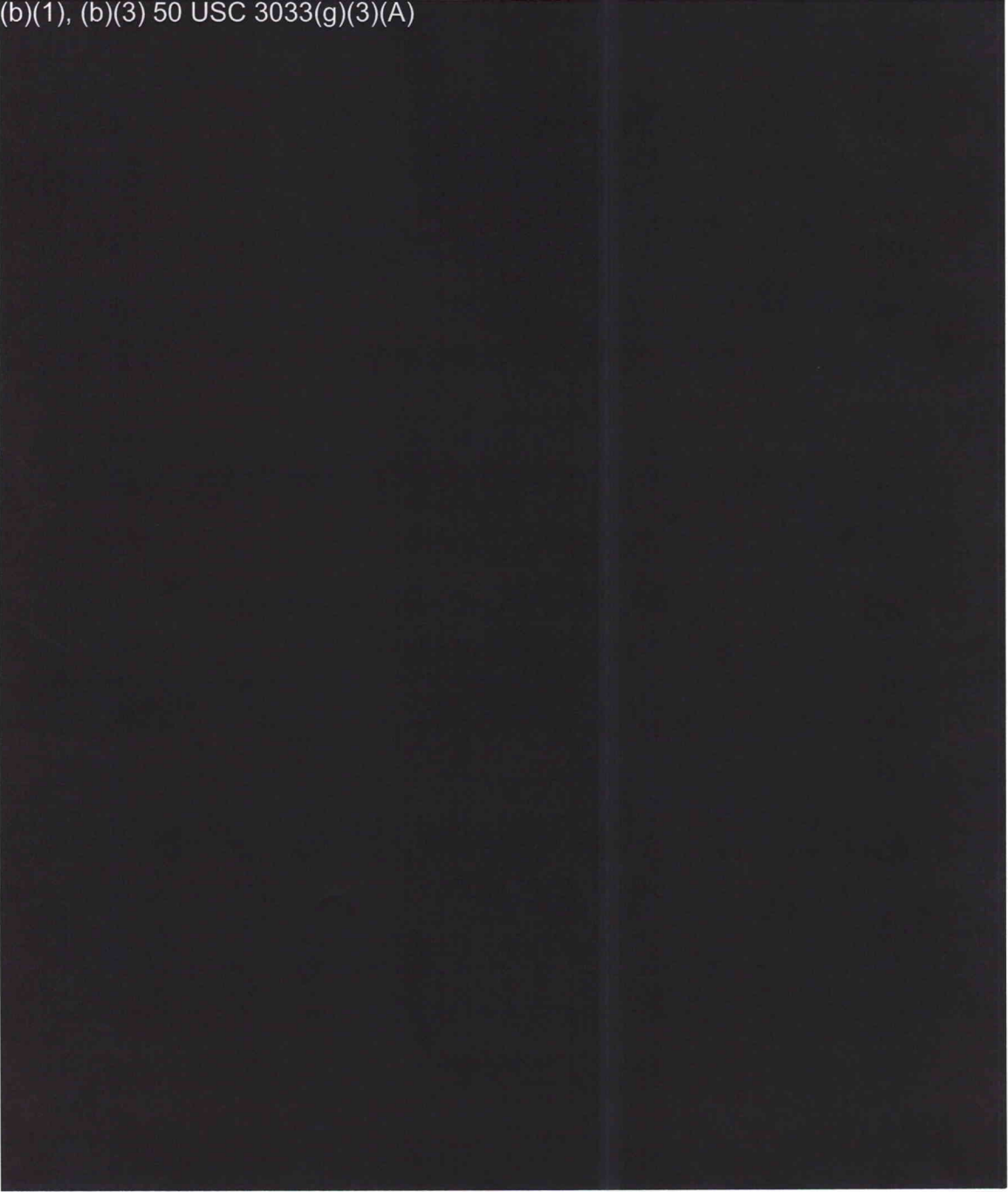


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EXHIBIT 2

(b)(1), (b)(3) 50 USC 3033(g)(3)(A)



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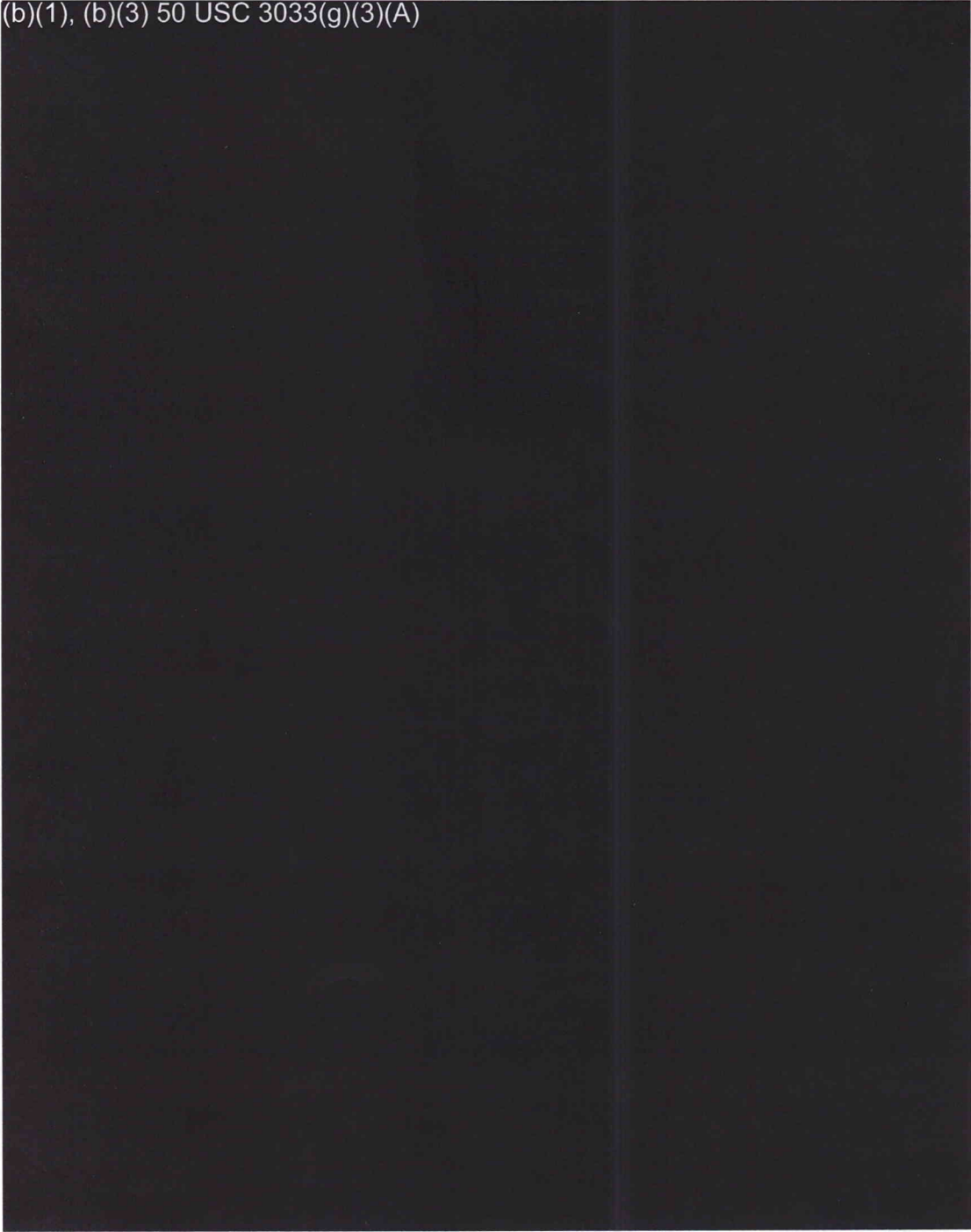
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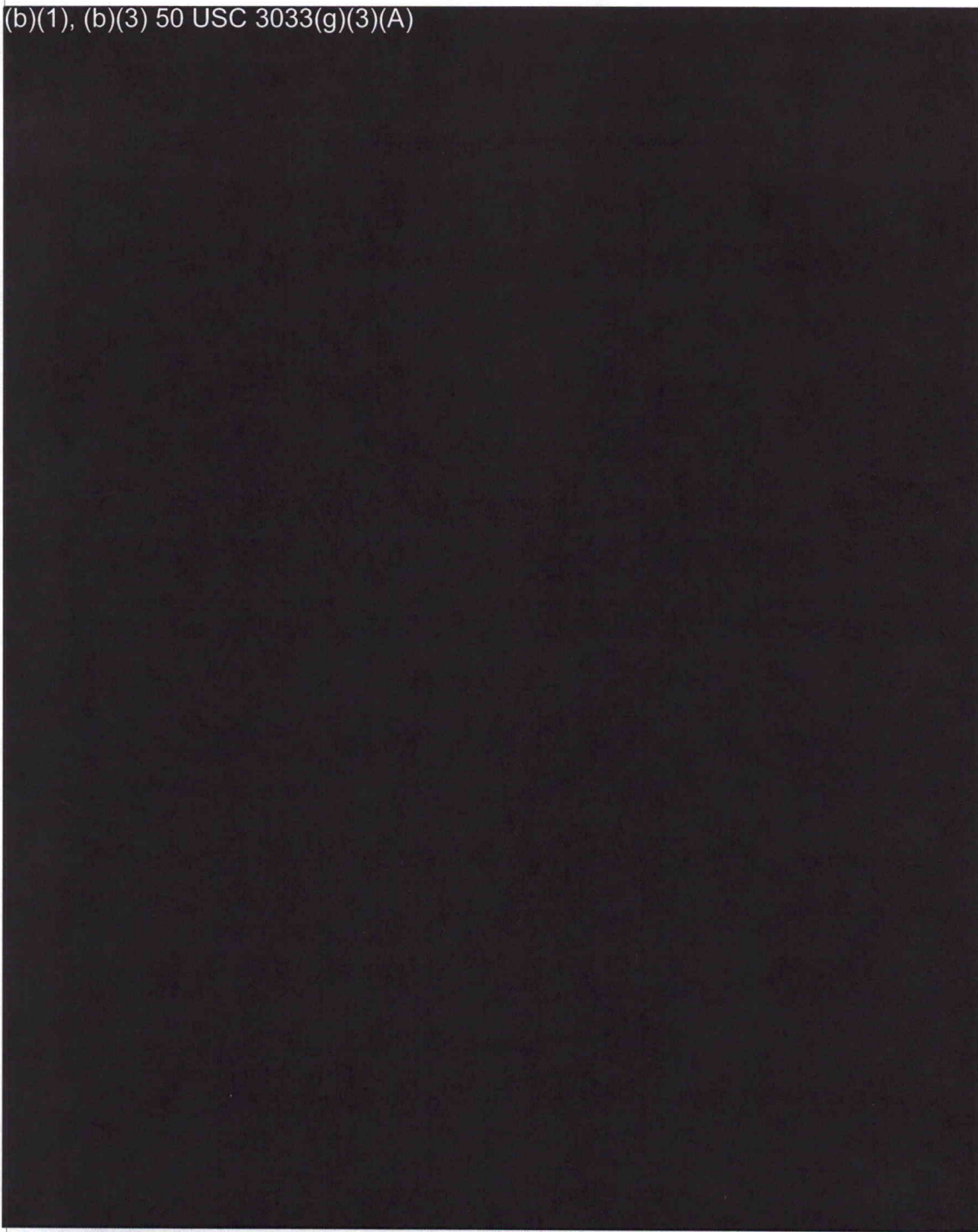
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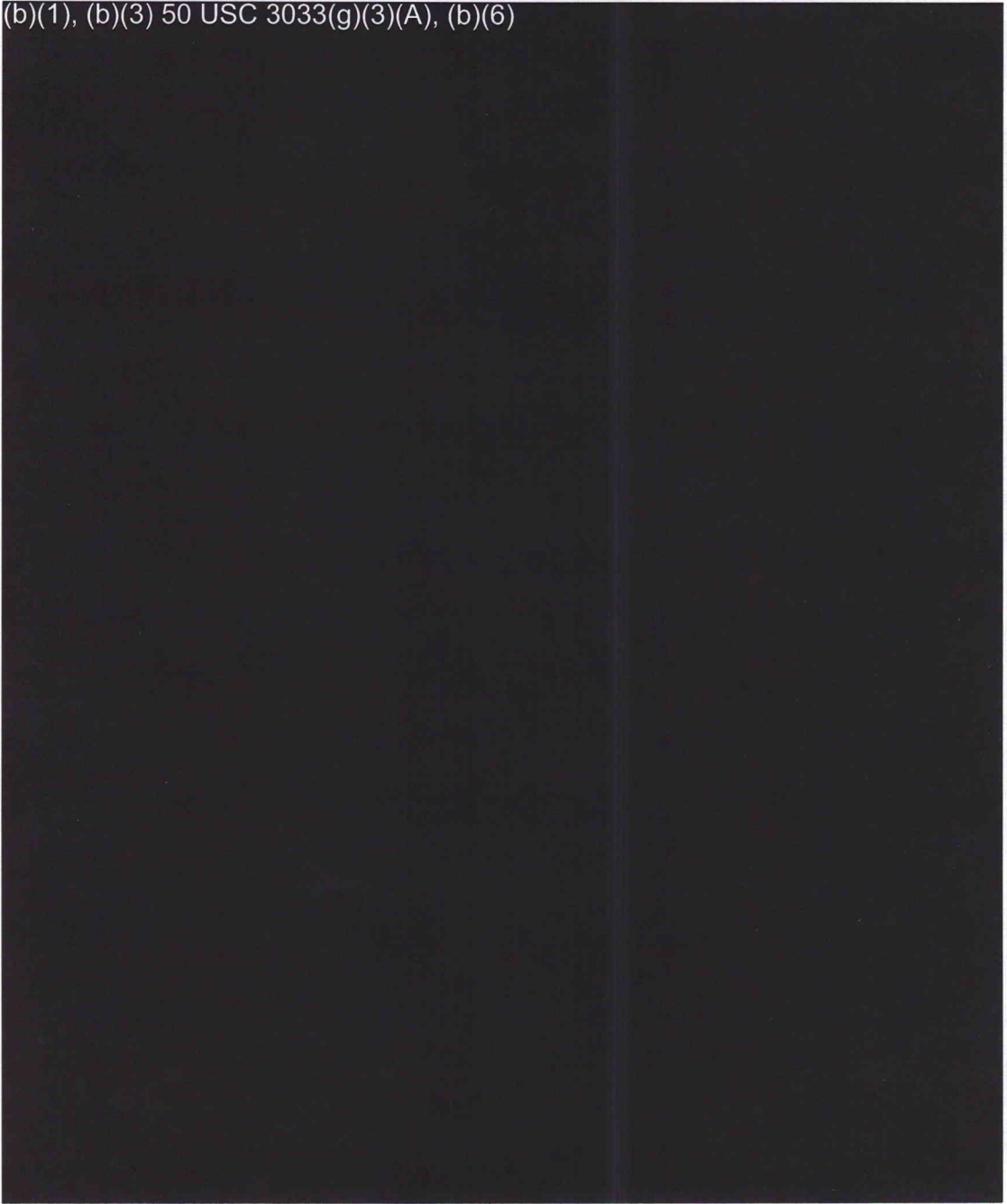


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EXHIBIT 3

(b)(1), (b)(3) 50 USC 3033(g)(3)(A), (b)(6)



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(b)(1), (b)(3) 50 USC 3033(g)(3)(A), (b)(6)



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