



INTELLIGENCE
AND SECURITY

UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

JUN 11 2020

The Honorable Adam B. Schiff
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman,

This letter responds to your June 8, 2020, letter inquiring about any activities the Defense Intelligence (DI) Components may have undertaken or plan to undertake, or for which support has been requested, in connection with the Federal Government's response to nationwide civil disturbances following the deaths of George Floyd, Breonna Taylor, and other African Americans in encounters with police officers.

I, like the defense intelligence professionals who I am privileged to lead, take seriously our oath to the Constitution. The Constitution enshrines the right of every American to assemble peaceably in making their voice heard by the Government. It is essential that the American people have trust and confidence in the legitimacy of their military and Intelligence Community (IC) and our obligation to protect the rights of all Americans.

I confirm to you that I have not been asked by anyone in the Administration or the Department of Defense (DoD) to undertake any unlawful or inappropriate intelligence activities that could violate civil liberties in association with the domestic civil disturbances. Furthermore, I have not requested, nor conveyed any Administration or DoD request to the Combat Support Agencies (CSAs) to undertake any such unlawful or inappropriate intelligence activities. The Directors of the Defense Intelligence Agency (DIA), National Security Agency, and National Geospatial-Intelligence Agency have all personally assured me they have not received or made any such requests.

In the interest of further transparency, what I and the Directors of the relevant CSAs have done is to disseminate, as appropriate, situational reports generated by the Department of Homeland Security, the Federal Bureau of Investigation, and other Federal and State law enforcement organizations to provide to the DoD Components information that was deemed reasonably necessary to protect DoD personnel from harm. I have been informed that the DI Components did not produce or contribute to the production of this information.

No requests for DoD Support to Civil Authorities were made to the DI Components in relation to the domestic civil disturbances. If a request is made in the future for DI Component support to civil authorities in response to domestic civil disturbances, DoD will properly evaluate that request in accordance with applicable law and policy. Furthermore, I assure you that I will promptly notify Congress in the event any DI Component support is requested or provided in

association with the Federal Government response to domestic civil disturbances. I commit to providing such notification in an unclassified format to assist Congress in maintaining transparency with the American public.

The Legislative and Executive Branches agree on the need to defend against foreign interference in the American domestic political process. The DI Components have the mission to support activities that protect against such interference. That mission requires the DI Components to collect and analyze foreign intelligence regarding foreign actors who seek to generate and exploit division among Americans lawfully exercising their constitutional rights.

Given the complex and classified nature of foreign intelligence collection, it is not always readily apparent to the American people how lawful foreign intelligence collection and analysis differs from unlawful intelligence activities rightfully prohibited by U.S. law and DoD policy. For example, a recent effort by DIA to establish an Internal Coordination Group focused on potential foreign interference associated with the protests was mischaracterized in media reporting as, instead, potentially focused on the domestic political activities of U.S. persons. As part of your commitment to counter foreign interference in the American political process, I ask that you and your congressional colleagues continue to help the IC communicate to the public the distinction between lawful intelligence collection and analysis to prevent foreign interference in American affairs, and unlawful and inappropriate intelligence activities that we all strongly oppose.

My office is already in contact with your staff to arrange a briefing from a senior member of my staff and the relevant CSAs to satisfy our obligations concerning congressional oversight. I look forward to a robust and continuing dialogue to address your concerns, and for your help in reassuring the American public that the intelligence professionals of the DI Components are upholding the finest ideals of this nation.

Sincerely,



Joseph D. Kernan

cc:
The Honorable Devin Nunes
Ranking Member