

January 8th, 2024

MEMORANDUM FOR RECORD

SUBJECT: All-domain Anomaly Resolution Office Invitations to Interview Mr. David Grusch

1. The All-domain Anomaly Resolution Office (AARO) extended multiple invitations to Mr. David Grusch for the purpose of conducting an oral history interview in support of the Congressionally directed Historical Record Report (HRR). Invitations, both direct and through intermediaries, to interview Mr. Grusch regarding his claimed knowledge of U.S. Government possession of extra-terrestrial material and reverse-engineering programs were met with negative results.

2. The following attempts were made, by Director, AARO and staff, to encourage Mr. Grusch to provide information to AARO, on the record, and in an appropriately secure environment. The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 authorizes AARO to receive reporting about U.S. Government activities and events related to Unidentified Anomalous Phenomena (UAP), regardless of classification level or compartmentalization of the information.

A. Between June 8th, 2023 and June 13th, 2023, Director, AARO engaged in a dialog with Person (b)(6) regarding AARO's authorities and encouraged Person (b)(6) to have Mr. Grusch contact AARO. Note that Person (b)(6) is a known close associate of Mr. Grusch and the dialog made it clear that Person (b)(6) was in contact with Mr. Grusch.

B. On June 12th and 13th, 2023, Director, AARO, discussed with a Professional Staff Member (PSM) of the U.S. Senate Select Committee on Intelligence, Mr. Grusch's refusal to speak with AARO. The PSM stated that he would contact Mr. Grusch and request Mr. Grusch's email address. The PSM made the offer after the Director made it clear that AARO did not have Mr. Grusch's contact information.

C. On June 26th, 2023, AARO staff contacted Interviewee (b)(6) and asked for Mr. Grusch's current telephone number so that an invitation could be extended to Mr. Grusch. Interviewee (b)(6) contacted Mr. Grusch on AARO's behalf and an invitation was rebuffed by Mr. Grusch.

D. On June 28th, 2023, Director, AARO contacted a PSM with the U.S. Senate Select Committee on Intelligence after Mr. Grusch's appearance before Congress and asked for any information, reported to Congress by Mr. Grusch, that AARO may be able to verify. The Director also reminded the PSM of the agreement that if a witness expressed apprehension about coming to AARO, that AARO would send a staff member to Congressional spaces to record the information into the U.S. Government record in support of the HRR.

E. On July 27th, 2023, AARO staff conducted an interview of Interviewee (b)(6) who revealed that he would be having dinner with Mr. Grusch the following day. AARO staff, to include the Director, asked Interviewee (b)(6) to invite Mr. Grusch to contact AARO for an interview. AARO staff made it clear that the interview would be conducted in a secure facility, in

accordance with the law, and the tone of the interview would be friendly and non-confrontational, as are all AARO interviews.

F. On October 6th, 2023, AARO staff conducted a secure call and interview with Interviewee (b)(6) and asked that he also encourage Mr. Grusch to agree to a secure interview so that Mr. Grusch's claims might be introduced into the U.S. Government record in support of the HRR. Interviewee (b)(6) is known to be a close associate of Mr. Grusch.

G. During the previous several months, Director, AARO, asked a PSM with the U.S. Senate Committee on Armed Services to encourage Mr. Grusch to provide information to AARO during an official interview.

H. On November 10th, 2023, Mr. Grusch contacted AARO, at the urging of Congressional Staff Members, and agreed to be interviewed in Arlington, VA on November 14th, 2024. AARO provided Mr. Grusch with a memorandum from the Director of Special Access Programs, Department of Defense that made it clear AARO is authorized to receive compartmented information (Enclosure 1). Mr. Grusch was also told that AARO would obtain a similar memorandum from the Director, Controlled Access Programs Office, Office of the Director of National Intelligence.

I. On November 14th, 2023, Mr. Grusch failed to show at the agreed upon location and time for an interview with AARO. Upon contacting Mr. Grusch, he stated that he is not convinced that AARO is authorized to receive varying levels of classified and sensitive information.

J. On November 19th, 2023, AARO, again contacted Mr. Grusch via email and stated, "We invite you to speak to AARO regarding any U.S. government programs or activities related to unidentified anomalous phenomena (UAP) dating back to 1945. In accordance with the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, AARO is authorized to receive any information related to UAP regardless of classification, and notwithstanding any nondisclosure agreement you may have signed. We would be glad to meet with you in a SCIF so that you could share information with us." This specific invitation was coordinated with the Office of General Counsel, Department of Defense. Mr. Grusch, again, declined the invitation despite previously agreeing to an interview. And, again, Mr. Grusch cited various security concerns that AARO is authorized to receive information of any classification level regarding UAP.

K. On January 8th, 2024, AARO provided Mr. Grusch with a memorandum from the Director, Controlled Access Programs Office, Office of the Director of National Intelligence that states AARO is authorized to receive information which is subject to a U.S. Government Nondisclosure Agreement (Enclosure 2). AARO also informed Mr. Grusch that there is a standing invitation to be interviewed by AARO regarding his claims of UAP and U.S. Government activity and events.

3. During interactions between AARO and Mr. Grusch from November 2023 to January 2024, it became evident that Mr. Grusch had no intention of providing AARO with information regarding his claims. This assessment stands despite the NDAA for FY 2023 and the enclosed memorandums from the Department of Defense and the Office of the Director of National

Intelligence making it clear that AARO is authorized to receive all levels of information related to UAP.



Enclosures:
As stated



Chris Mellon @

60%

Thanks 10:25 PM

Sun, Jun 11

Mon, Jun 12

Grusch has made claims that he's contacted us and we've never responded. That's just not true. He's also made claims that we don't have access to investigate his claims. That's also not true. If I recall correctly you indicated he refused to come talk with us, and you're quoted as suggesting as such. I'd suggest you emphasize the need to come speak with us. You have the contact email.

10:33 PM

Tue, Jun 13

Hi Sean: Do you have a specific example of Dave claiming he's contacted AARO and your office refused to respond? That sounds strange as during a conversation yesterday he told me AARO was not a lawfully designated recipient of his whistleblower info, hence his reason for not contacting AARO. I also do not recall saying Dave refused to come talk to AARO, I certainly did not do so in the Debrief article or my article in Politico and I've done no interviews yet about Dave.

8:29 AM

It was on the interview Sunday. Pentagon is preparing a response.

His assertion that we aren't lawfully empowered is clearly incongruous with the law.

8:40 AM

I'll be happy to check on that. Contrary to press reports Dave still retains his attorney who is a former NSA and IC IG. Chuck should know if anyone does.

8:46 AM

There is a significant misconception between the authorities in question. The title 50 authorities we do have are for CI purposes, not taking in information. The law is very clear about that and if he has a concern he should have his attorney discuss with OGC. We've have many people come share appropriately the information they have from various places. Chuck is wrong if that's his advice.

8:52 AM

I'll be happy to raise w Dave and get back to you.

8:54 AM

If nothing else he needs to contact us and we'll introduce his attorney to OGC.

8:57 AM

I'll reach out to him today.

9:04 AM

I spoke w Dave and his first question was, "Why hadn't AARO gotten all the info from the IC IG? It is all there and fully documented to include confirmation the program is real from active, cleared insiders."

9:33 AM



Message





Chris Mellon @

60%

I spoke w Dave and his first question was, "Why hadn't / Tue, Jun 13 1 all the info from the IC IG? It is all there and fully documented to include confirmation the program is real from active, cleared insiders.

9:23 AM

DOJ has to release it since it's part of a criminal investigation.

They haven't yet

He needs to come tell us separate from his criminal complaint

9:35 AM

He obviously doesn't have to do so and he even said "How do I know Sean is not a target of the ongoing criminal investigation" (!) However, that being said, I explained your request regarding having his attorney contact OGC and suggested he do so to show full cooperation. He said that if you can provide OGC's contact info he'll pass it to his attorney. Btw, he also said his claim about contacting you dates to a conversation the two of you had many months ago on a "Tandberg" (sp?) system and that you didn't follow up after that call. I'm not trying to adjudicate that issue just telling you what he said. Apparently that is what his statement was referring to. So, if you can provide an OGC email or phone number I'll get that to Dave right away and hopefully his attorney will promptly contact OGC.

9:43 AM

All of that is both absurd and false. I have had a conversation with him for years. If he wants this brought out and investigated, then yes he obviously does have to. His continued refusal to speak with us only hurts his case.

I've contacted Congressional OGC to reach out to him.

So they can explain the law.

Haven't had a conversation for years

Our statement will simply be that he's refused to speak with AARO

9:56 AM

OK, sounds good. Happy to help when I can. Don't hesitate to kick my tires if I'm off base on something.

10:11 AM

Btw, there isn't a Congressional OGC as such.

10:16 AM

There are congressional lawyers that get law

10:17 AM

To be clear, whom should Dave expect to hear from if you cannot provide a POC at DoD?

10:17 AM

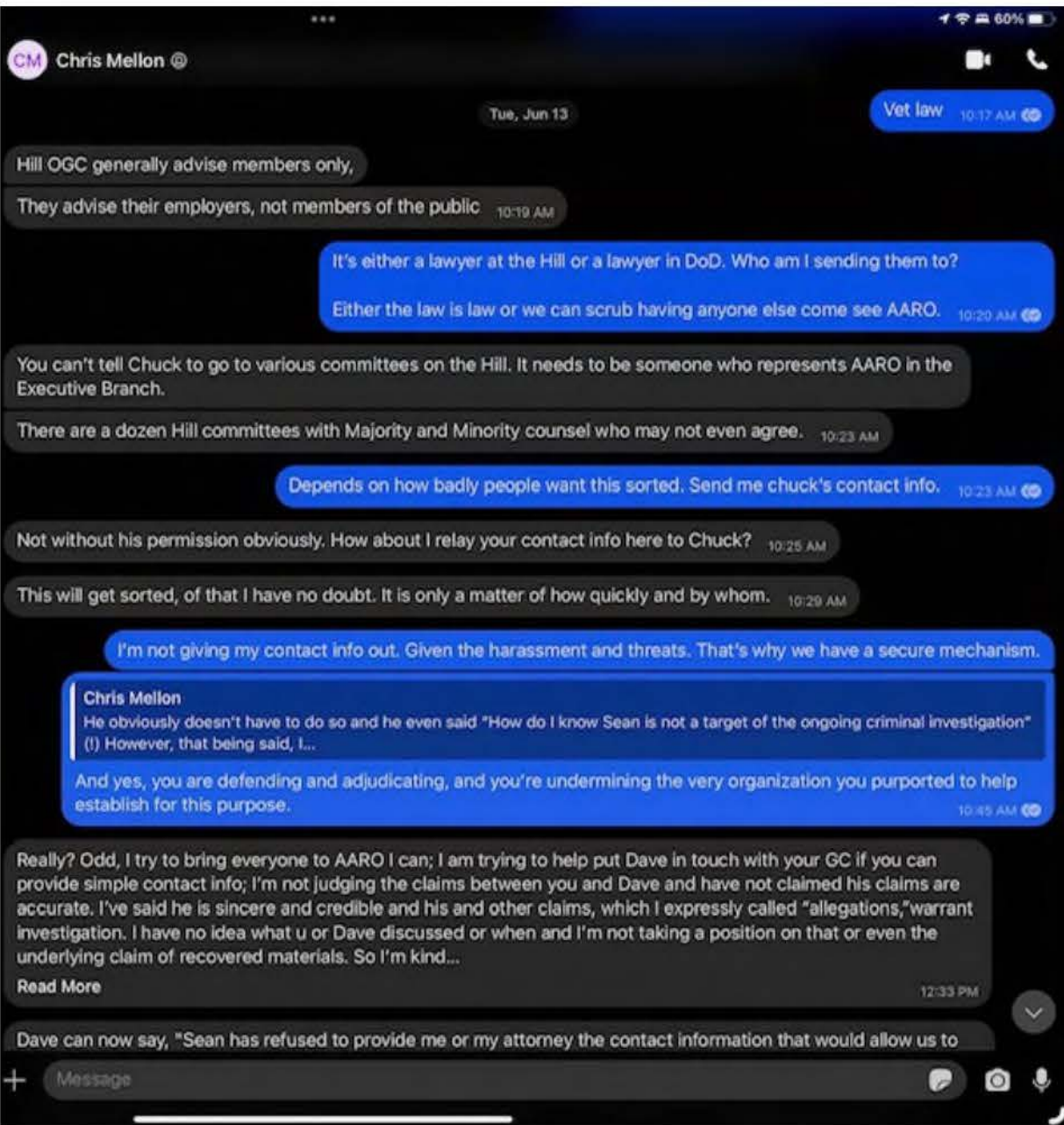
Vet law

10:17 AM



Message







Chris Mellon @

60%

I'm not giving my contact info out. Given the harassment and threats. That's why we have a secure mechanism.

Tue, Jun 13

Chris Mellon

He obviously doesn't have to do so and he even said "How do I know Sean is not a target of the ongoing criminal investigation" (I) However, that being said, I...

And yes, you are defending and adjudicating, and you're undermining the very organization you purported to help establish for this purpose.

10:45 AM

Really? Odd, I try to bring everyone to AARO I can; I am trying to help put Dave in touch with your GC if you can provide simple contact info; I'm not judging the claims between you and Dave and have not claimed his claims are accurate. I've said he is sincere and credible and his and other claims, which I expressly called "allegations," warrant investigation. I have no idea what u or Dave discussed or when and I'm not taking a position on that or even the underlying claim of recovered materials. So I'm kind...

Read More

12:33 PM

Dave can now say, "Sean has refused to provide me or my attorney the contact information that would allow us to discuss legal concerns we have with providing testimony to AARO." I am not your enemy and I am not saying this to provoke or irritate you; moreover having once been in similar jobs I recognize you have a big pile of work and responsibility on your plate. I only mention this because it seems you must have some legal representation and assuming they are competent it seems to me a discussion it would help to get Dave's testimony into your system.

That it seems to me should be a win for all. 7:12 PM

I've asked OGC for contact info. 7:13 PM

Great! 7:13 PM

Waiting to hear back. 7:13 PM

I will be happy to provide that to Dave and Chuck if you like. I think you have a fascinating and important job and I want nothing more than to see the process work. Please don't think I am out to make your job harder. 7:15 PM

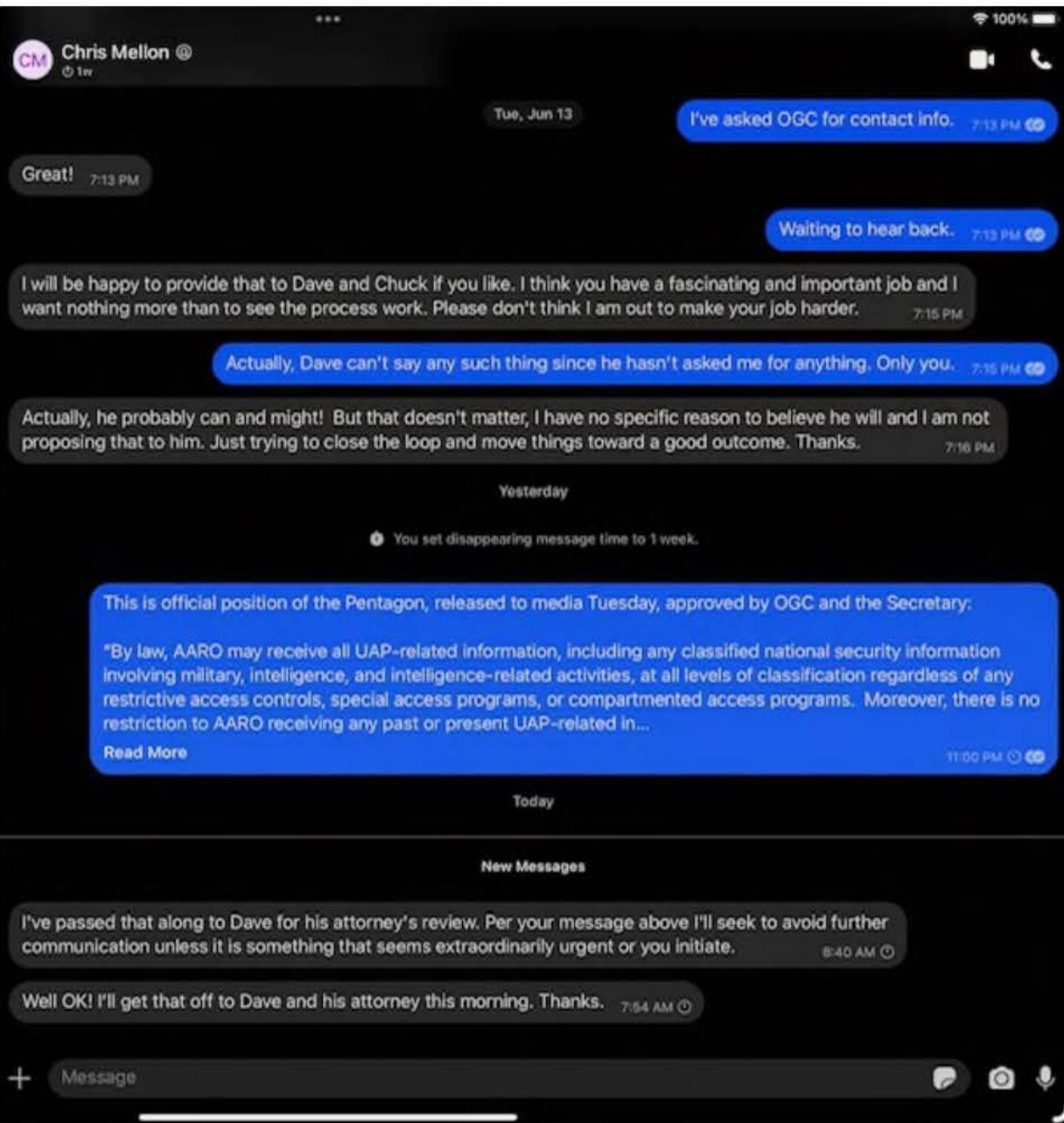
Actually, Dave can't say any such thing since he hasn't asked me for anything. Only you. 7:15 PM

Actually, he probably can and might! But that doesn't matter, I have no specific reason to believe he will and I am not proposing that to him. Just trying to close the loop and move things toward a good outcome. Thanks. 7:16 PM



Message





Chris Mellon @
1w

Tue, Jun 13

I've asked OGC for contact info. 7:13 PM

Great! 7:13 PM

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Yesterday

You set disappearing message time to 1 week.

This is official position of the Pentagon, released to media Tuesday, approved by OGC and the Secretary:
"By law, AARO may receive all UAP-related information, including any classified national security information involving military, intelligence, and intelligence-related activities, at all levels of classification regardless of any restrictive access controls, special access programs, or compartmented access programs. Moreover, there is no restriction to AARO receiving any past or present UAP-related in...
Read More 11:00 PM

Today

New Messages

I've passed that along to Dave for his attorney's review. Per your message above I'll seek to avoid further communication unless it is something that seems extraordinarily urgent or you initiate. 8:40 AM

Well OK! I'll get that off to Dave and his attorney this morning. Thanks. 7:54 AM

+ Message [Attachment Icon] [Photo Icon] [Voice Icon]

10:20

5G

< (b)(6)



Mon, Jun 26

Do you have a phone number and/or email for David Grusch? I would like to invite him in for an interview.

8:10 PM

Yeah, but let me ask him first. He has bad blood with Sean going back to 2015. I'll tell him that only you want to talk to him.

11:15 PM

Sounds like a plan. Thank you

11:45 PM

10:21

5G

< (b)(6)



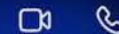
Tue, Jun 27

Dang it! Dave will only say that Sean knows how to contact him. 🙄🙄

There really is bad blood with Sean from Dave's perspective. 5:46 PM

Interesting response. Well, thanks for checking (b)(6) Much appreciated. 7:25 PM

(b)(6)



Mon, Jun 12

Grusch has made claims that he's contacted us and we've never responded. That's just not true. He's also made claims that we don't have access to investigate his claims. That's also not true. If I recall correctly you indicated he refused to come talk with us. I'd suggest you emphasize the need to come speak with us given his false statements and assertions.

10:30 PM

Tue, Jun 13

I will. But why don't you call or text him? 6:18 AM

I don't have contact info and I can only contact through the secure mechanism. So I'll need an email. Further Mellon is stating that he spoke with him and Grusch states that AARO is not a lawfully empowered org to receive his info.

8:42 AM

SMH...

I'll reach out and try to reach Grusch this week

As well as requesting an email

(b)(7)(E)

(b)(7)(E)

It's really a perfect example for why we need AARO

(b)(6); (b)(7)(E)

Headed in SCIF 9:31 AM

Well, if Grusch's lawyer successfully makes the case that we aren't lawfully empowered, there will be a lot less appetite to keep AARO.

9:31 AM

(b)(7)(E)



Message



(b)(6)

Wed, Jun 28

Hey. What is Rubio talking about? 8:13 PM

He's referring to previous witnesses that provided testimony regarding the C/R program. Those witnesses will not go to AARO.... They were asked to 8:33 PM

Do we have notes from their testimony?

Are their program names?

Owners?

Anything I can verify? 8:45 PM

I can review when back in office. On vacation a few more days.

definitely a few program names 9:27 PM

Fri, Jul 21

Great job on the interview! Glad they allowed it to happen 10:15 AM

Thanks.

Still need those alleged program names. 6:26 PM

I'll talk to leadership and get back. 7:03 PM

CN was sent over yesterday with one of my findings. 7:04 PM

The agreement, as I recall, was if someone came to you all, we would be invited to participate so I can document and investigate. That hasn't happened, yet I've had you all over to participate. As it stands, Congress is not enabling us to actually do the job set in law for us to do and is withholding information from the office Congress set up.

Raises a lot of questions. 7:09 PM

Since you started interviewing we've had no one we didn't send your way so that's just not true



Message



From: David Grusch (b)(6)
Sent: Monday, January 8, 2024 2:44 PM
To: (b)(6)
Subject: Re: Contact Request

Good Afternoon,

Thank you will review. Please address my specific concerns that I sent via email on 19 Nov 23.

DG

On Mon, Jan 8, 2024, 12:27 PM (b)(6) wrote:

Mr. Grusch,

During our conversation on November 10th, 2023, we discussed your comfort level with relaying sensitive information to AARO and the possibility of AARO obtaining a memo from CAPCO that clearly states that AARO can receive CAP information (similar to the SAPCO memo I provided you). Attached is that memo from the ODNI CAPCO.

Again, I want to reiterate that in accordance with the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, AARO is authorized to receive any information related to UAP regardless of classification, and notwithstanding any nondisclosure agreement you may have signed.

Our invitation to discuss possible U.S. Government programs, events, or activities related to UAP still stands.

Have a good afternoon,

(b)(6)

From: David Grusch (b)(6)
Sent: Sunday, November 19, 2023 6:03 PM
To: (b)(6)
Subject: Re: Contact Request

Good Evening,

Thank you for your email. I had expressed specific concerns, both directly via email and through counsel, and those specific concerns have not yet been addressed in writing. Please reference those emails in this chain.

DG

On Sun, Nov 19, 2023, 4:16 PM (b)(6)

(b)(6) wrote:

Mr. Grusch,

We invite you to speak to AARO regarding any U.S. government programs or activities related to unidentified anomalous phenomena (UAP) dating back to 1945. In accordance with the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, AARO is authorized to receive any information related to UAP regardless of classification, and notwithstanding any nondisclosure agreement you may have signed. We would be glad to meet with you in a SCIF so that you could share information with us.

(b)(6)

AARO

From: David Grusch (b)(6)

Sent: Tuesday, November 14, 2023 4:35:36 PM

To: (b)(6)

(b)(6)

Subject: Re: Contact Request

Thank you. I apologize for the confusion this morning about my whereabouts. I should been more clear in my email on Monday.

DG

On Tue, Nov 14, 2023, 3:37 PM (b)(6)

(b)(6) wrote:

Mr. Grusch,

We received your email and we will get back to you shortly.

(b)(6)

From: David Grusch (b)(6)

Sent: Tuesday, November 14, 2023 10:36 AM

To: (b)(6)

(b)(6)
Subject: Re: Contact Request

AARO Staff,

With due respect, I will need answers to my questions before I will be comfortable meeting. Please provide responses so that we can hopefully move forward and schedule a meeting.

The law may grant your office need-to-know, but does not establish policies and procedures with various data owners. I have managed multi-compartmented activities throughout my entire career and have multiple DCSA security professional certifications. I did not ask these questions for mere curiosity.

DG

On Tue, Nov 14, 2023, 5:37 AM (b)(6)

(b)(6) wrote:

Mr. Grusch,

The law is clear in that we can receive information at all classification levels.

We can discuss when you come in.

From: David Grusch (b)(6)

Sent: Monday, November 13, 2023 12:24:06 PM

To: (b)(6)

(b)(6)

Subject: Re: Contact Request

Good Morning (b)(6)

Thank you for sending these items. As a former agency-level SAPMO and CAPCO I take security policies very seriously. In the DoD SAPCO memo, the term "UAP-related" is not defined. FY23 NDAA Sec. 1673 Subsection B defines it as the following:

"any activity or program by a department or agency of the Federal Government or a contractor of such a department or agency relating to unidentified anomalous phenomena, including with respect to material retrieval, material analysis, reverse engineering, research and development, detection and tracking, developmental or operational testing, and security protections and enforcement."

The key issue here is that many of these activities have conventional classified and compartmented Security Classification Guides that also cover non-UAP activities as well. To discuss the UAP-related activities would also expose these conventional SAP mission areas. An oral history interview subject must also be absolved of this obligation to protect this information as well, some of it may be bigoted or WAIVED (IAW DODI 5205.11 and 10 USC Sec 119).

Furthermore, as discussed Friday, I am seeking a ODNI CAPCO determination to absolve an oral history interview subject of any NDA's relating to UAP-related and adjacent (as stated above) IC CAP information. Additionally, in my particular case, in order to horizontally protect a portion of my oral history testimony previously provided to IICIG and the intelligence committees, we would need to conduct the interview at the HCS-Operations (O) Restricted

Handling (RH) level (IAW DNI CAPCO manual Sec. 4). Has the CIA Office of Security (OS) or Directorate of Operations (DO) provided a memo in this regard for oral history interview subjects? Has the OS provided a memo to also cover managed-need-to-know (MNTK) projects not directly reported to ODNI CAPCO?

Lastly, what signed policy does AARO have to receive non-title-10 SAPs (ie, DOE and NSC)? Has the EOP NSC Security Director, Director National Program Management Staff OUSD(I&S), or DOE SAPCO/SAPOC provided a memo similar to the DoD SAPCO memo you provided?

v/r,

DG

On Mon, Nov 13, 2023 at 8:13 AM

(b)(6)

(b)(6)

wrote:

Mr. Grusch,

Attached are the two items we spoke about:

- The Verbal Legal Advisement that we review prior to the start of every interview.
- The MFR from SAPCO that makes it clear that AARO can receive compartmented information from interviewees.

Our address is

(b)(6)

I will meet you in the lobby.

See you tomorrow at 1000,

(b)(6)

From: David Grusch (b)(6)

Sent: Friday, November 10, 2023 11:05 AM

To: (b)(6)

Cc: (b)(6)

(b)(6)

Subject: Contact Request

Good Morning,

This is for (b)(6) for coordination purposes.

Please give me a call to discuss conditions and admin items (b)(6)

V/r,

David Grusch

From: Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA) (b)(6)
Sent: Wednesday, November 15, 2023 10:05 AM
To: (b)(6)
Subject: FW: Dave Grusch

For the records. Please save. Note the opening paragraph at the beginning of this email thread from (b)(6)

From: (b)(6)
Sent: Thursday, June 8, 2023 11:27 AM
To: Kirkpatrick, Sean M HOF OSD OUSD INTEL & SEC (USA) (b)(6)
(b)(6) Kozik, David A SES OSD OUSD INTEL & SEC (USA)
(b)(6)
Cc: (b)(6)
Subject: RE: Dave Grusch

You know how things work. He could have heard that a pgm is waived.

What do you mean by "you're free to ask"?

What UAP-related IG investigation are you referring to? The one on Grusch or the broader review?

From: Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA) (b)(6)
Sent: Thursday, June 8, 2023 11:24 AM
To: (b)(6)
(b)(6) Kozik, David A SES OSD OUSD INTEL & SEC (USA) (b)(6)
(b)(6)
Subject: RE: Dave Grusch

He wouldn't know if it was waived if he "found" it, and as I said, I know what he was actually briefed to.

I've been told by the IG the UAP related investigation has been closed for a year – he is free to tell us, and you're free to ask.

There is no excuse for not providing an authorized disclosure.

From: (b)(6)
Sent: Thursday, June 8, 2023 11:19 AM
To: (b)(6) Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA)

(b)(6) Kozik, David A SES OSD OUSD INTEL & SEC (USA) (b)(6)

(b)(6)

Subject: RE: Dave Grusch

He cannot tell SASC staff ANYTHING once he entered the IG process. We are forbidden from even asking. Furthermore, if a waived SAP is involved, he cannot talk to SASC staff about it because we are not accessed.

From: (b)(6)

Sent: Thursday, June 8, 2023 7:50 AM

To: Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA) (b)(6)

(b)(6) Kozik, David A SES OSD OUSD INTEL & SEC (USA)

(b)(6)

(b)(6)

Subject: RE: Dave Grusch

Tracking thanks Sean!

From: Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA) (b)(6)

Sent: Wednesday, June 7, 2023 6:53 PM

To: (b)(6) Kozik, David A SES OSD OUSD INTEL & SEC (USA) (b)(6)

(b)(6)

(b)(6)

Subject: Re: Dave Grusch

Let me expand a bit.

I know everything he was briefed to and had access to, and have far greater access. So he did not have access to some DoD SAP that the IC didn't have (and if he did, he could've told you). Similarly, he didn't have access to some IC CAP that couldn't be shared. If he "found" some program, he wouldn't know who's it was unless he had super user access or someone who did helped him look it up. He didn't. Therefore, he can't make the argument that whatever he "found" couldn't be shared. If he or others thought it was an illegal program, then again, he can't make the argument that it couldn't be shared with either the DoD or the IC committees based on his assertion they didn't have clearances. It sounds very much like playing the two halves against the middle to hide something.

From: (b)(6)

Date: Wednesday, June 7, 2023 at 5:56:19 PM

To: "Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA)" (b)(6) Kozik, David A SES OSD OUSD INTEL & SEC (USA) (b)(6)

(b)(6)

(b)(6)

Subject: RE: Dave Grusch

Sean – press reports indicate that he said he could not provide everything he knows to the INTELLIGENCE COMMITTEES because they were not cleared, so I concluded that he had access to some DOD SAP that the Intel Committee are not accessed to – and *inferred that the IC IG would not have access either.*

From: Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA) (b)(6)

Sent: Wednesday, June 7, 2023 5:50 PM

To: (b)(6) Kozik, David A SES OSD OUSD

INTEL & SEC (USA) (b)(6)

(b)(6)

(b)(6)

Subject: Re: Dave Grusch

All-I did speak with the DoDIG. They went on my behalf to the ICIG to request the classified transcript. Why? Because Grusch gave NOTHING to the DoDIG and claimed the same thing he told you - that it was IC compartmented information and they couldn't have it.

The ICIG declined to acquiesce to my request.

I am fairly confident I know what compartments he is referring to, because I did my job, but I cannot confirm 100% if he doesn't come see me.

As DK points out, the SSCI could give me the transcript.

Sean

From: (b)(6)

Date: Wednesday, June 7, 2023 at 5:41:46 PM

To: "Kozik, David A SES OSD OUSD INTEL & SEC (USA)" (b)(6) "Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA)" (b)(6)

Cc: (b)(6)

(b)(6)

Subject: RE: Dave Grusch

Really helpful, Dave, thanks. Did not know that executive branch folks are in the same boat we are. Will urge Grusch to come through Sean's portal.

From: Kozik, David A SES OSD OUSD INTEL & SEC (USA) (b)(6)

Sent: Wednesday, June 7, 2023 5:36 PM

To: (b)(6) Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA) (b)(6)

(b)(6)

(b)(6)

Subject: Re: Dave Grusch

Weighing in— there's no way in heck that DoD and IC IG will give any third party raw information, ever. IG investigations are a black box for a reason. The best Sean will get from them is a filtered report that the IG releases to everyone.

Bottom line: best COA is still for Mr. Grusch to speak to AARO per their confidential process (the one Congress directed in law). If he doesn't,

I fear the best assessment you will ever get from AARO is a reflection of a reflection. FYI, Sean won't have an access problem, ie he has no SAP/CAP restrictions— it's just the IG divide.

Of course, if he did speak to the intel committees, they could always provide their transcripts/notes to Sean for his review.

My two cents.

VR

From: (b)(6)
Date: Wednesday, June 7, 2023 at 10:24:52 PM
To: "Kirkpatrick, Sean M HQE OSD OUSD INTEL & SEC (USA)" (b)(6) 'Kozik, David A SES
OSD OUSD INTEL & SEC (USA)" (b)(6)
(b)(6)
(b)(6)
Subject: Dave Grusch

Sean: Grusch confirmed to me that he does not intend to avail himself of the AARO "Safe harbor" process to tell you what he spent many hours telling the DoD IG, the IC IG, and the two intelligence committees about UAP. He has reported through the media in recent days that he was not able to share some of the information he has with the two intelligence committees because they lacked the program accesses. Assuming accurate media reporting, that means that he has told either/both DoD/IC IGs about one or more SAPs that the Intel Committees are not accessed to. The Armed Services Committees are not allowed by process rules to interview Grusch about any of this because the IC whistleblower process is tightly controlled by the Intel Committees.

What this means is that the DoD/IC IGs know something from Grusch that Congress as a whole is not aware of. That is a reason for you to go to the IGs and ask for access, as they deem appropriate, for you to what Grusch is reporting. If waived programs are involved, there would need to be a way for you to convey this to our staff directors. But there is also just a basic reason for you to try to get all the information that Grusch has provided to the IGs.

From: (b)(6)
Sent: Tuesday, November 14, 2023 10:34 AM
To: David Grusch
Subject: Re: Contact Request

I've been waiting in the lobby over 30 minutes. Are you showing up?

From: David Grusch (b)(6)
Sent: Monday, November 13, 2023 12:24:06 PM
To: (b)(6)
Subject: Re: Contact Request

Good Morning (b)(6)

Thank you for sending these items. As a former agency-level SAPMO and CAPCO I take security policies very seriously. In the DoD SAPCO memo, the term "UAP-related" is not defined. FY23 NDAA Sec. 1673 Subsection B defines it as the following:

"any activity or program by a department or agency of the Federal Government or a contractor of such a department or agency relating to unidentified anomalous phenomena, including with respect to material retrieval, material analysis, reverse engineering, research and development, detection and tracking, developmental or operational testing, and security protections and enforcement."

The key issue here is that many of these activities have conventional classified and compartmented Security Classification Guides that also cover non-UAP activities as well. To discuss the UAP-related activities would also expose these conventional SAP mission areas. An oral history interview subject must also be absolved of this obligation to protect this information as well, some of it may be bigoted or WAIVED (IAW DODI 5205.11 and 10 USC Sec 119).

Furthermore, as discussed Friday, I am seeking a ODNI CAPCO determination to absolve an oral history interview subject of any NDA's relating to UAP-related and adjacent (as stated above) IC CAP information. Additionally, in my particular case, in order to horizontally protect a portion of my oral history testimony previously provided to ICIG and the intelligence committees, we would need to conduct the interview at the HCS-Operations (O) Restricted Handling (RH) level (IAW DNI CAPCO manual Sec. 4). Has the CIA Office of Security (OS) or Directorate of Operations (DO) provided a memo in this regard for oral history interview subjects? Has the OS provided a memo to also cover managed-need-to-know (MNTK) projects not directly reported to ODNI CAPCO?

Lastly, what signed policy does AARO have to receive non-title-10 SAPs (ie, DOE and NSC)? Has the EOP NSC Security Director, Director National Program Management Staff OUSD(I&S), or DOE SAPCO/SAPOC provided a memo similar to the DoD SAPCO memo you provided?

v/r,
DG

On Mon, Nov 13, 2023 at 8:13 AM (b)(6)
(b)(6) wrote:

Mr. Grusch,

Attached are the two items we spoke about:

- The Verbal Legal Advisement that we review prior to the start of every interview.
- The MFR from SAPCO that makes it clear that AARO can receive compartmented information from interviewees.

Our address is (b)(6) I will meet you in the lobby.

See you tomorrow at 1000,

(b)(6)

From: David Grusch (b)(6)
Sent: Friday, November 10, 2023 11:05 AM
To: (b)(6)
Cc: (b)(6)
Subject: Contact Request

Good Morning,

This is for (b)(6) for coordination purposes.

Please give me a call to discuss conditions and admin items: (b)(6)

V/r,

David Grusch

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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC

CAPCO-23-003

SUBJECT: Authorization to Provide Information to Personnel Representing the All-Domain Anomaly Resolution Office (AARO), Office of the Under Secretary of Defense for Intelligence and Security (OUSD(I&S))

REFERENCE: Section 1673 of the National Defense Authorization Act for Fiscal Year 2023

Representatives of the All-Domain Anomaly Resolution Office (AARO) are authorized to speak to persons and/or conduct interviews of persons that currently have, or previously had, access to sensitive U.S. Government (USG) information, activities, and/or materials.

Individuals with current or previous access to Unidentified Aerial Phenomena (UAP)-related or presumed relevant information which is subject to a USG Nondisclosure Agreement are authorized to provide this otherwise protected information to AARO representatives. AARO personnel are authorized to receive this information pursuant to Section 1673 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023. The provision of UAP-related information which is subject to a Nondisclosure Agreement to AARO personnel constitutes an authorized disclosure if the information is provided and received for the limited purpose of conducting AARO's assigned mission as specified in Section 1683 of the NDAA for FY2022, as amended by Section 6802 of the NDAA for FY2023.

AARO representatives will conduct any conversation, interview, or disclosure of USG sensitive information by an individual only within appropriate secure spaces and handled in accordance with the regulations applicable to the alleged classification level of the potentially sensitive information discussed, (e.g., if the individual providing the information indicates that he/she believes the information to be shared is classified ~~TOP SECRET//SI~~ or ~~SECRET~~, the AARO representatives will handle the information in accordance with such level at intake and until the classification can be determined).

Persons in contact with, or interviewed by, AARO representatives are advised that they are to continue safeguarding classified and sensitive information in accordance with U.S. law and the terms of any applicable Nondisclosure Agreement. An individual's authorized disclosure of sensitive information to AARO representatives are outlined in this memorandum in no way impacts that individual's responsibility to protect and safeguard classified information from unauthorized disclosure.

(b)(6)

(b)(6)

Director, Controlled Access Programs Central Office

UNCLASSIFIED



OFFICE OF THE SECRETARY OF DEFENSE

3200 DEFENSE PENTAGON
WASHINGTON, DC 20301-3200

MAR 08 2023

MEMORANDUM FOR RECORD

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A handwritten signature in blue ink, appearing to read "D. Abba", is positioned above the typed name.

DAVID W. ABBA
Maj Gen, USAF
Director, DoD Special Access Program
Central Office