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## The United States Department Of Defense And The Intelligence Community Are Withholding Information About Anomalous Phenomena From Congress

Testimony by Michael Shellenberger to the Subcommittee On  
Cybersecurity, Information Technology, and Government Innovation,  
and the Subcommittee on National Security, the Border, and Foreign  
Affairs of the House Oversight and Accountability Committee

*For a hearing on:*

"Unidentified Anomalous Phenomena:  
Exposing the Truth"

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Chairwoman Mace, Chairman Grothman, Ranking Member Connolly, Ranking Member Garcia, and members of the Subcommittees: thank you for inviting my testimony.

One of Congress' most important responsibilities is oversight of the executive branch in general and the military and Intelligence Community (IC) in particular. The first article of the United States Constitution specifies this responsibility. This role ensures that powerful governmental entities operate within the bounds of the law, uphold democratic principles, and remain accountable to the American people.

This responsibility extends to classified programs like Special Access Programs (SAPs). By law, the Department of Defense (DOD) must notify the "Gang of Eight" (the chairpersons and ranking members of the House and Senate Intelligence Committees, and the majority and minority leaders of the House and Senate) and/or the relevant congressional committees about their existence. 10 USC Sec 119 and 50 USC Sec 3093 are applicable here. DEPSECDEF must notify congress regarding DOD SAPs and the President must notify regarding Covert Action. For UAPs this is apparently not happening because the White House has a loophole for non-covert action waived programs.

The National Security Act of 1947 requires that covert operations and Controlled Access Programs (CAPs) by intelligence agencies, including the military intelligence community, be reported to Congress. Specifically, the President must provide a written finding that justifies covert action and submit it to the House and Senate Intelligence Committees.

There is, however, a growing body of evidence that the government is not being transparent about what it knows about unidentified anomalous phenomena (UAP), formerly called UFOs, and that elements within the military and IC are in violation of their Constitutional duty to notify Congress of their operations.

President-Elect Donald Trump and former President Barack Obama have said that the government has information about UAPs that it has not released. In 2020, during a podcast with his son, Donald Trump, Jr., Trump said, "I won't talk to you about what I know about it, but it's very interesting."<sup>1</sup>

Current and former IC officials have suggested knowledge of unreleased information. In 2021, former CIA Director John Brennan said, "I think some of the phenomena we may be seeing continue to be unexplained and might be some type of phenomenon that results from something that we don't yet understand and could involve some type of activity that some might say constitutes a different form of life."<sup>2</sup>

Said Avril Haines, the Biden Administration's Director of National Intelligence, "There's always the question of 'is there something else that we simply do not understand, that might come extraterrestrially?'"<sup>3</sup>

Senate Intelligence Committee vice chairman Marco Rubio, former Congressman Mike Gallagher, and long-time congressional staffer Kirk McConnell have said that multiple individuals with firsthand knowledge of UAP programs have spoken to Congress and/or one of the inspectors general. And, in 2023, a high-ranking former intelligence officer named David Grusch testified to Congress that individuals told him the US government had retrieved craft and biological material of nonhuman origin.<sup>4</sup>

In April of this year, the Pentagon released declassified documents showing that a proposed Department of Homeland Security (DHS) program was intended to take possession of and reverse-engineer retrieved UAPs.<sup>5</sup>

While the Department's then-top scientist advocated for the program and said there was "very serious science involved with" it, DHS leadership ultimately quashed the proposal despite support from former Senate Majority Leader Harry Reid and former Sen. Joe Lieberman. According to the declassified minutes from the meeting, Reid and Lieberman advocated for this proposed UAP reverse-engineering program "with some sense of urgency."<sup>6</sup>

## **DOD Denials and Contradictions**

The president has discretion over what to share with Congress when it comes to classified material relating to national security. It is thus essentially up to the president to decide if and what information to share.<sup>7</sup>

"AARO's files contain all available data related to each UAP case," said Gough, "regardless of modality or classification. I refer you to the Office of the Director of National Intelligence concerning Intelligence Community databases."

In its report, AARO said it assessed as inaccurate the "claim that the USG is reverse-engineering extraterrestrial technology and is hiding it from Congress." Claims to the contrary are "the result of circular reporting from a group of individuals who believe this to be the case, despite the lack of any evidence."<sup>8</sup> The former Director of AARO has since resigned his position and has repeatedly dismissed and

ridiculed the topic, claiming that talk of the phenomenon is due mainly to a small group of individuals in the grip of a rumor-based religion.<sup>9</sup>

But critics say that AARO's 63-page history of the US government's investigation into UAPs since the end of World War II was riddled with factual errors and poor referencing, including to Wikipedia.<sup>10</sup> And the document was missing historical information that appeared in the 117-page "UAP Timeline" document that a former or existing US government intelligence officer created and which Public published last year, and is attached as an Appendix to my testimony.<sup>11</sup>

Christopher Mellon, a former Deputy Assistant Secretary of Defense, wrote a lengthy rebuttal, concluding, "this is the most error-ridden and unsatisfactory government report I can recall reading during or after decades of government service."<sup>12</sup> Notably, AARO's poor analytic tradecraft extends to recent, highly-publicized UAP incidents reported by service members.<sup>13</sup>

Political leaders from both parties have vouched for the credibility of UAP witnesses and whistleblowers. "I've interviewed solid people," said former president Donald Trump in September, "great pilots for the US Air Force, et cetera, they've seen things that they cannot explain."<sup>14</sup>

In June of this year, Trump said that the government has information about UAPs that it has not released. "I have access," he said, "and I speak to people about it. I've had actual meetings on it. And they will tell you there's something going on."<sup>15</sup> And, in his interview with Joe Rogan in October, Trump said the DOD or IC told him "a lot" about UAPs that has not been revealed.<sup>16</sup>

That does not mean that nonhuman beings occupy or are operating the UAPs, nor that the US government and military contractors are hiding crashed spacecraft or bodies, as some former astronauts, former IC officers, and former military leaders claim. There are other explanations for UAPs. Current dominant alternative theories, including those put forward by AARO, are that UAPs are some kind of natural phenomenon we don't yet understand, like ball lightning or plasma. They could also be part of some new US or foreign government weapons program, such as drones, aircraft, balloons, CGI hoaxes, or birds.

Other UAP skeptics say that some combination of government disinformation and social contagion, like the Satanic panic of the 1980s or the Salem witch trials, among UAP believers in the US military. Is it possible that the Pentagon and CIA are still playing disinformation games with the American people to cover up

unacknowledged programs? Or that intelligence and security agencies, as well as politicians, are creating a UAP hoax to frighten the public? And is it possible that whistleblowers are fabricating parts or all of their testimony?

The US Air Force allegedly used disinformation against a UFO buff in the past to cover up a weapons program. Something similar could be happening today.<sup>17</sup>

However, Senator Rubio noted last year, “Most of [the UAP whistleblowers] have held very high clearances and high positions within our government. So, you do ask yourself: What incentive would so many people with that kind of qualification – these are serious people – have to come forward and make something up?”<sup>18</sup>

Rubio also said that individuals with “high clearances and [in] high positions within our government” with “firsthand knowledge” of UAPs were “fearful of harm coming to them.”<sup>19</sup>

Grusch and other UAP whistleblowers say the government retaliated against them and tried to stop them from going public. Last year, Senator Gillibrand said, “There's a lot of fear and so I don't know if we'll ever get to the bottom of it. I don't know if we'll ever get the information about Special Access Programs that are ‘need to know,’ only that Congress has not [been] read in on. I'm trying to get to the bottom of it.”<sup>20</sup> Grusch says he resigned under duress and went public to protect himself.

The training and experience of many UAP witnesses and whistleblowers, including in the US IC and military, undermine facile dismissals of all these individuals as cranks and grifters.

In 2021, John Ratcliffe, the Director of National Intelligence under former President Trump, said that UAP demonstrated “technologies that we don't have and, frankly, that we are not capable of defending against.”<sup>21</sup> Ratcliffe said, U.S. intelligence analysts had “high confidence” that foreign adversaries were not behind the famous “Tic Tac” UAP that four Navy Pilots encountered over the water.<sup>22</sup> And, confirmed Ratcliffe, “There are a lot more sightings than have been made public.”<sup>23</sup>

Last October, the Office of the Director of National Intelligence and the DOD published their 2023 Annual Report on UAPs.<sup>24</sup> It said that “many reports from military witnesses do present potential safety of flight concerns, and there are some cases where reported UAP have potentially exhibited one or more concerning performance characteristics such as high-speed travel or unusual maneuverability.” The report also noted that UAP incidents have been “de-conflicted” with potential

secret U.S. programs and that none of the incidents “have been positively attributed to foreign activities.”<sup>25</sup>

Finally, many videos and photographs cannot be easily dismissed, and people have reported similar UAPs before drones, aircraft, and CGI existed or were widespread.

And now, existing and former US government officials have told members of Congress that AARO and the Pentagon have broken the law by not revealing a significant body of information about UAPs, including military intelligence databases that have evidence of their existence as physical craft.

### **“Immaculate Constellation”**

One of these individuals is a current or former US government official acting as a UAP whistleblower. The person has written a report that says “the Executive Branch has been managing UAP/NHI issues without Congressional knowledge, oversight, or authorization for some time, quite possibly decades.”

Furthermore, these individuals have revealed the name of an active and highly secretive DOD “Unacknowledged Special Access Program,” or USAP. The source of the document told Public that the USAP is a “strategic intelligence program” that is part of the US military’s family of long-standing, highly-sensitive programs dealing with various aspects of the UAP ‘problem.’”

The new UAP whistleblower claims that the US military and IC database includes videos and images taken using “Infrared (IR), Forward-Looking Infrared (FLIR), Full Motion Video (FMV), and Still Photography.” The government whistleblower made their claims in a report provided to authorized Committees of Congress and their staff.

The whistleblower alleges that the DOD created the USAP, called “Immaculate Constellation,” in 2017 after the New York Times published an article describing an informal Pentagon UAP program called “Advanced Aerospace Threat Identification Program,” or AATIP.

The report shared with Congress says, “IMMACULATE CONSTELLATION serves as a central or 'parent' USAP that consolidates observations” of UAPs “by both tasked and untasked collection platforms.”

DOD spokesperson Sue Gough said, "The DOD has no record, present or historical, of any type of SAP called 'IMMACULATE CONSTELLATION.'"

After publication, a source told me that the SAP is controlled by the White House and executed and administrated by the DOD to avoid compliance with Title 10 of the United States Code.<sup>26</sup> "It is essentially a DOD Program," the person said, "as the White House directed the SECDEF to run it. But that's the loophole."

The whistleblower's report includes seven categories of evidence. It describes in detail various UAP sightings collected by technical assets and US military personnel. "The multitude of wavelengths collected by these sensors," the report says, "have captured UAP characteristics that are difficult or impossible to observe with the human eye alone. Subtle atmospheric effects associated with UAPs are also visible through the sensors employed by the U.S. military and intelligence agencies."

"The verifiable chain of custody for UAP IMINT [-quality Imagery Intelligence] collected by U.S. military assets," the person wrote, "ensures a high level of confidence in the accuracy and integrity of the data gathered."

The report concludes that "the existence of IMMACULATE CONSTELLATION demonstrates the extant capability to detect, quarantine, and transfer UAP and RV [Reproduction Vehicle] collection incidents before they are observed and circulated within the Military Intelligence Enterprise, thus serving as a means of enforcing internal information security."

A former IC official confirmed to Public the existence of Immaculate Constellation, "That program is run out of SEC DEF [Office of the Secretary of Defense]," the person said. "They don't want to acknowledge it's real."

AARO is also housed within the Office of the Undersecretary of Defense for Intelligence and Security OUSD (I&S). As such, the office that Congress created to investigate unreported UAP programs is troublingly close to the organizations running the alleged programs.

A source warned that simply printing the name "Immaculate Constellation" could trigger government surveillance of me under the Foreign Intelligence Surveillance Act (FISA) of whoever publishes it. "They won't comment on it, but talking about it will put you in the danger zone," I was told. "They enforce the secrecy with a lot of vigor."

The whistleblower's report said that "A significant volume of intelligence reports documenting first-hand encounters with Unidentified Anomalous Phenomena

(UAPs) or Unidentified Flying Objects (UFOs) by DOD personnel exists within defense HUMINT [Human Intelligence] databases accessible to the Intelligence Community.”

Immaculate Constellation “includes high-quality Imagery Intelligence (IMINT) and Measurement and Signature Intelligence (MASINT) of UAPs,” the whistleblower’s report adds. “The sources of this intelligence are a blend of directed and incidental collection capabilities positioned in Low Earth Orbit (LEO), the upper atmosphere, as well as military and civilian aviation altitudes and maritime environments.”

The report to Congress describes in detail various UAPs. “From 1991 to 2022, the most common UAP shapes reported in this USG dataset were spheres/orbs, discs/saucers, ovals/tic-tacs, triangles, boomerang/arrowhead, and irregular/organic.”

The report describes various incidents found in the HUMINT databases.

One involved orbs surrounding and forcing an F-22 out of its patrol area. “The F-22 broke trajectory and attempted to evade but was intercepted and boxed in by approximately 3-6 UAPs,” according to the report.

“One UAP maneuvered in proximity (>12 meters) to the area directly starboard of the cockpit; there the UAP established a rigid spatial relationship with the F-22, maintaining its exact position and orientation parallel with the F-22’s cockpit despite multiple evasive rolls and maneuvers. Surrounded by the presumed hostile UAPs, the F-22 was forced out of the mission area under the escort of the UAP formation.”

In another incident, the crew of a Navy aircraft carrier watched a “small orange-red sphere” rapidly descend from a high altitude to 100-200 yards directly above the flight deck of the CVN [aircraft carrier].

“The UAPs appeared to emit a soft orange-red light which, bizarrely, did not illuminate the ocean or the flight deck of the CVN despite the visual appearance of intense luminosity. The surface of the UAP was observed to be dynamic, ‘roiling like the surface of the sun.’”

Since my reporting last month, another source told me that they saw a roughly 13-minute-long, high-definition, full-color video of a white orb UAP coming out of the ocean approximately 20 miles off the coast of Kuwait. It was filmed from a helicopter. Then, halfway through the video, the person said, the orb is joined by another orb that briefly comes into the frame from the left before rapidly moving again out of the frame. The person discovered the video on SIPR, the Secure Internet Protocol Router Network, the secure network that the DOD uses to transmit classified information.



## Government Secrecy and Disinformation

The Pentagon has changed the names of its UAP investigations. From 2009 to 2017, the Pentagon had a program called Advanced Aerospace Weapon System Applications Program (AAWSAP) to investigate UAP reports. AAWSAP reports ended in 2010 but ran through 2012, according to the DOD.<sup>27</sup> From 2020 to 2022, the Pentagon called its study of UAPs the "U.A.P. Task Force."<sup>28</sup> Starting in 2022, by order of Congress, the Pentagon has had the public-facing program AARO to study reports of UAP and release information to the public.

One possibility is that AARO's work is a continuation of the US government's UAP public relations, not its UAP investigations, since 1953, when the CIA's Robertson Panel recommended a strategy of using experts to dismiss and ridicule UAP witnesses and government whistleblowers.<sup>29</sup>

AARO itself described as part of its Mission Overview Brief several key functions, including, "Operations - synchronizing and sequencing Theater, IC, and other capabilities for optimized cross-functional UAP detection, tracking, mitigation, and recovery" as well as "Science and Technology - revealing and exploiting elusive and enigmatic signatures through advanced technologies and focused, cross-sector partnerships."<sup>30</sup>

A declassified 1971 Australian government memo about UAPs claims that the CIA urged the debunking of UFO sightings as cover of its efforts to develop craft powered by anti-gravity.<sup>31</sup>

The CIA's Office of Scientific Intelligence (OSI), wrote an Australian military officer, "acting through the Robertson-panel meeting of mid-January 1953, persuaded the USAF [US Air Force] to use Project BLUE BOOK as a means of publicly 'debunking' UFO's, and at a later stage to allocate funds for the Avro advanced 'saucer' aircraft and the launching of crash programme into anti-gravity power."

The memo describes the CIA's strategy to discredit alleged UAP witnesses and whistleblowers. "By erecting a facade of ridicule, the U.S. hoped to allay public alarm, reduce the possibility of the Soviet taking advantage of UFO mass sightings for either psychological or actual warfare purposes, and act as a cover for the real U.S.. programme of developing vehicles that emulate UFO performances."

Other documents support this picture of the US government disinformation. Brigadier General Carroll H. Bolender signed a 1969 memo stating that the Air Force had withheld UAP sightings from the Air Force's UAP research program, Project Blue Book, and that it had continued to track UAPs afterward.<sup>32</sup>

The New York Times reported that former Pentagon official and UAP whistleblower Lue Elizondo "said he was not approved to discuss his involvement in any other secret projects beyond the [AARO] program he once led."<sup>33</sup>

A leading UAP researcher who utilizes the Freedom of Information Act (FOIA) to find out what the government knows, John Greenwald, told Public last year that the US government had been increasingly denying his requests for UAP information. He has been doing FOIA requests for 27 years and has created an archive of over three million pages.<sup>34</sup>

Greenwald, like me, does not claim to know the nature of the phenomenon, and does not speculate about it. However, he is concerned by increasing government secrecy. He notes that the government has been hiding information for decades. "The government has, for decades, denied any interest in UFOs," he told Public last year. But the documents Greenwald has assembled show that, "behind the scenes, it was a completely different story."<sup>35</sup>

Contrary to the hopes of many advocates of transparency, the government has been restricting more information since the leak of three UAP videos in 2017. The DOD organization AARO has been labeling many documents with a "B7 exemption" which Greenwald says does not make sense. "They are stating that anything AARO is doing is involved in a law enforcement investigation," he explained, which allows AARO to not release it.

What's more, the government is not properly explaining why it is engaged in so much secrecy. "It seems like they don't want us to know anything when it comes to UAP," Greenwald said. "There's just really no good answer for it."

And now, in a forthcoming documentary by James Fox, "The Program," about the US government's alleged UAP retrieval program, Kirk McConnell, a 37-year Congressional staffer for the U.S. Senate and House Select Committees on Intelligence, describes the testimony that members of Congress and staffers have heard from individuals claiming first-hand knowledge of legacy, potentially illegal, UAP programs.<sup>36</sup>

The US government appears to know significantly more about UAPs than it is revealing. But even those who believe the US government has revealed all that it knows should have no objection to Congressional demands for greater transparency.

Individuals have told Public that many within the DOD, IC, and contracting community oppose further transparency.

Sue Gough, a DOD spokesperson, told me that, "To date, the Department has found no evidence of the existence of any classified UAP program, including any SAP or controlled access program related to UAP, that had not been properly reported to Congress. I refer you to the findings of AARO's Historical Record Report Volume I, available on [www.aaro.mil](http://www.aaro.mil). Should DOD find anything that revises these findings, we will appropriately share the information promptly with Congress, subject to classification and access limitations, so as to protect sensitive sources and methods. We will also make as much information available to the public as possible."

Greenewald noted that the DOD has denied the existence of UAP and AATIP-related records on multiple occasions, only to later acknowledge them after an appeal was filed.<sup>37</sup>

According to Greenewald, the Naval Air Systems Command (NAVAIR) in March of 2022, stated "that they found no additional [UAP] videos. It seemed strange they had three, and only those three, but other requests had already been filed by The Black Vault to seek out more places UAP videos might be hiding."<sup>38</sup>

Then, in September 2022, the Navy admitted that UAP-related videos and photographs existed but denied the request in full for their release, saying that the "requested videos contain sensitive information pertaining to Unidentified Aerial Phenomena (UAP) and are classified and are exempt from disclosure."<sup>39</sup>

The DOD "will deny things on a Monday and then admit to it on a Friday," noted Greenewald. He adds that the government can and does release videos and photos that protect secret methods of capturing it. "They fall back on the 'sensitive platform' excuse a lot," he said. "The on-screen information can be blurred and scrubbed. The metadata can be removed." CIA and Army documents show that they have collected material from UAPs "that they cannot explain," Greenewald notes, but the CIA's recommendations on what to do with the material were redacted.<sup>40</sup>

Government disinformation continues to this day, notes Greenwalde. The CIA, he said, tweeted out information claiming that UAP sightings in the 1950s were people seeing the flights of the US government's U2 spy plane, even though "the U2

didn't get off the ground until the mid-1950s... on top of that, there was really never any matchup between the more interesting cases and the U-2 flights." The historical examples are also important because the airborne technology seventy years ago was far more primitive than it is today.

## **Congress and White House Must Act**

Since 2021, members of Congress have expressed growing frustration over the military and IC's refusal to reveal concrete information to them. The Intelligence Authorization Act for Fiscal Year 2025 would cut off funding for "any activity involving [UFOs] protected under any form of special access or restricted access limitations" not reported to Congress, as required by law.<sup>41</sup>

"In other words," notes analyst Marik von Rennenkampff, "despite AARO's sweeping denials of secret, unreported UFO activities, the Senate Intelligence Committee believes that such programs do indeed exist."

Congressional leaders are seeking to expand upon the UAP transparency legislation that was passed last year. The UAP Disclosure Act would force the US military, IC, and any private entity to turn over recovered "technologies of unknown origin" and associated "biological materials" and provide all UAP records to an independent review board for potential public disclosure. The legislation would also expand protections for whistleblowers and require the Government Accountability Office to review AARO's work. "This formal review by Congress's in-house investigative agency is a stark demonstration of the Senate Intelligence Committee's lack of confidence in AARO," said von Rennenkampff.

It appeared that the UAP transparency legislation had died last month, but Disclosure Act co-sponsor Senator Mike Rounds told journalist Matt Laslo, "Let me put it this way: it's not out yet," and that NDAA's "negotiations continue." Even so, few expect the legislation to succeed in its current form without a change in public pressure or political priority.

Whatever happens with the legislation, the historical evidence, whistleblowers, and AARO critics have questioned the Office's legitimacy. While UAPs remain mysterious, it's clear that the US government is not being straight with the American people.

This is all the more alarming following a series of incursions by unknown objects around sensitive military assets, including nuclear missile silos, in recent years. Beyond exhibiting seemingly advanced technology, the objects appeared to put on a display of impunity by flying with bright flashing lights and flying in formation.<sup>42</sup>

President-elect Trump ran on and was elected with a mandate to make government more transparent and release long-held secrets on everything from Covid origins and the Hunter Biden laptop to the JFK files and UAPs. I encourage Congress to help the President-elect make that commitment a reality, including by extending stronger protections to at-risk whistleblowers, putting in place pro-transparency leaders of DOD and IC organizations, and passing the UAP Disclosure Act.

This issue cuts to the core of our democracy. UAP transparency is bi-partisan and critical to our national security. The incoming Congress and Administration should work together to address it as a matter of acute urgency. We deserve the truth.