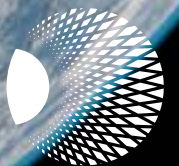


The UFO Enigma

A Call for US Government Disclosure

Karl E. Nell, Colonel (retired), United States Army

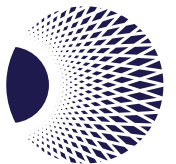
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Executive Summary

Unidentified flying objects (UFOs), now referred to as unidentified anomalous phenomena (UAP) by the Department of Defense, are almost perennially vexing, with their origins still unknown and the names given to them—from “foo fighters” during World War II to “slow walkers,” “fast walkers,” and “unidentified drones” today—too varied to clarify their nature. Moreover, despite undertaking many study efforts on the objects from the immediate postwar period forward, the US government has provided no definitive public resolution to the UFO enigma.

In a display of courageous leadership, Senator Mike Rounds (R-SD) and former Senate Majority Leader Chuck Schumer (D-NY) sought in 2024 to address this issue by reintroducing their Unidentified Anomalous Phenomena Disclosure Act, which was passed in the previous year’s legislative session only after being gutted of its most significant provisions. Modeled after the President John F. Kennedy Assassination Records Collection Act of 1992, the reintroduced Disclosure Act would have established proper accountability and oversight over government activities concerning the phenomena by elected officials in both the executive and legislative branches. Unfortunately, the legislation once again failed to pass. This paper seeks to definitively articulate the rationale for its reintroduction for a third and final time in 2025 and, more importantly, the establishment through its passage—or by executive order—of its most crucial provisions: a publicly accountable UFO control group and eminent domain over technologies of unknown (aka nonhuman) origin.

The UAP Disclosure Act would create an independent Review Board of nine distinguished citizens at the uppermost tiers of their professions to serve as that control group. Nominated by the President and confirmed by the Senate, the Board would have the responsibility of centralizing and assessing all extant government information concerning UFOs, with the intent of creating public transparency, assessing the defense and national security issues raised by the objects, and setting the agenda for international cooperation. Accorded authority to adjudicate the release or postponement of all records relating to unidentified anomalous phenomena, the Disclosure Act directs the Board to develop a formal “Campaign Plan” for the President, containing “precise requirements for periodic review, downgrading, and declassification” of UAP records and material. This benchmark-driven “controlled disclosure” plan, which specifies the exact time and specific occurrences following which each postponed item may be appropriately disclosed, would supersede all prior classification standards previously deemed applicable to such records. Beyond executing this plan, the Review Board would also be ideally-suited to recommend national policy addressing whole-of-government issues raised by the reality of UFOs, the need for federally-funded scientific research on the subject, and proposals for meeting this global challenge through diplomatic and/or economic cooperation with allies. Of equal importance, the UAP Disclosure Act also addresses recent whistleblower testimony that recovered technology and materials of nonhuman origin were transferred by the government to certain private aerospace companies, perhaps to avoid accountability to elected officials. The Act reverses this decision (which possibly violated Federal Acquisition Regulations) by directing the executive branch to invoke eminent domain over any and all

technology and materials that “incorporate science and technology that lack prosaic attribution or known means of human manufacture.” This action would ensure that any recovered materials would be under the control of the President, while also mitigating the risks they have posed to national security from being in industry hands, ensuring their integrated and systematic study, engendering public transparency, and fostering societal advancement through their informed and safe reintroduction into the streams of commerce.

1. The Vexing Problem of UFOs

The modern era of unidentified flying objects, aka UFOs, began with pilot and businessman Kenneth Arnold's famous sighting of nine reflective metallic crescents traveling at approximately 1,200 miles per hour over Mount Rainier in Washington State on June 24, 1947.¹ Quickly dubbed "flying saucers" by headline writers who confused Arnold's report of their motion as being like "saucers skipping over water" with a description of their morphology, UFOs have long been a vexing problem due to the inconsistent appellations and inaccurate descriptions given to them. Now referred to as unidentified anomalous phenomena (UAP)² by the Department of Defense, UFOs have been variously reported as mystery airships³ in the late nineteenth century, "foo fighters"⁴ during World War II, ghost rockets when sighted over Scandinavia in the immediate postwar period,⁵ "slow walkers" or "fast walkers"⁶ (on account of their exo-atmospheric tracks) by US Space Command, and even as USOs⁷ when encountered in a submerged state by our maritime forces. Denied by skeptics and rejected by modern science, the volume and veracity of reporting nevertheless belie such summary dismissal.

In a long-forgotten official assessment written just three months after the Arnold sighting, General Nathan Twining, then head of Air Materiel Command and later Chief of Staff of the Air Force, asserted that "the phenomena reported is something real and not visionary or fictitious. . . . There are objects probably approximating the shape of a disc . . . as large as man-made aircraft."⁸ His memorandum precipitated what became a perennial series of often whimsically named alphabet-soup executive branch UFO investigations, from Cold War projects like Sign, Grudge, Twinkle, Blue Book, and Moon Dust to the efforts in the 2000s and after known as AAWSAP, AATIP, UAPTF, AOIMSG, and AARO. While the specific objectives of these projects may have differed, they ultimately share a common denominator: they provided no definitive public resolution to the UFO enigma.

2. The UAP Disclosure Act

Displaying courageous leadership over this still seemingly fringe topic Senator Mike Rounds (R-SD) and former Senate Majority Leader Chuck Schumer (D-NY) sought in 2024 to address this issue by reintroducing their Unidentified Anomalous Phenomena Disclosure Act, which was passed in the previous year’s legislative session only after being gutted of its most significant provisions.⁹ Modeled after the President John F. Kennedy Assassination Records Collection Act of 1992, the reintroduced Disclosure Act would have established proper accountability and oversight over government activities concerning the phenomena by elected officials in both the executive and legislative branches. Unfortunately, the legislation once again failed to pass. This paper seeks to definitively articulate the rationale for its reintroduction for a third and final time in 2025 and, more importantly, the establishment through its passage—or by executive order—of the most crucial provisions: a publicly accountable UFO control group and eminent domain over technologies of unknown (aka nonhuman) origin.

The text of the legislation very effectively affirms its own necessity since “credible evidence and testimony indicate that Federal Government unidentified anomalous phenomena records exist that have not been declassified or subject to mandatory declassification review.”¹⁰ What is this evidence and testimony to which the Act refers? Considering that Majority Leader Schumer, as a member of the “Gang of Eight,” is briefed on the most sensitive covert actions and intelligence matters and that Senator Rounds, as a member of the Senate Armed Services and Intelligence Committees, may have knowledge of even the most highly protected special access programs, much of the information available to them is classified and thus unavailable to the public. Notwithstanding these limitations, there is ample open-source data from which one can make an independent determination. Compelling visual evidence of UFOs was provided with the official release four years ago of the 2004 FLIR and 2015 GIMBAL and GOFAST videos and the Department of Defense’s confirmation that the recorded objects represent neither US technology nor known foreign systems.¹¹

Subsequent testimony before the House Committee on Oversight and Government Reform in July 2023 by Naval aviators Commander David Fravor and Lieutenant Ryan Graves corroborated the anomalous nature of these objects based on their firsthand encounters.¹² During the same hearing, National Geospatial-Intelligence Agency whistleblower Major David Grusch, who was cleared for the President’s Daily Brief while on active duty at the National Reconnaissance Office, went even further, testifying to the existence of a government UFO crash retrieval and reverse engineering program. The public must now entertain the possibility that three independent witnesses who held highly sensitive positions in the US military and performed distinguished national service are either willfully prevaricating under penalty of perjury, suffering from an undiagnosed and shared psychosis, or actually relating the facts as they understand them. Regardless of which alternative is true, the national security interests of the United States are unequivocally at stake.

The Disclosure Act was crafted to be an effective mechanism for revealing the truth, and, in distinguishing between these potentialities, it will be instructive to highlight the recurrent nature of UFO incidents over time and a concomitant, long-standing pattern of institutional resistance and amnesia. This review is intended to shed light on the reality of the topic and the official obfuscation, while demonstrating the need for government accountability and oversight.

3. Prior Disclosures of the Truth Failed to Gain Traction

Fifty-three years prior to the 2004 USS *Nimitz* incident, Air Force pilot and future Mercury Seven astronaut Colonel Gordon Cooper made a similarly unsuccessful intercept of a UFO exhibiting instantaneous acceleration in West Germany, as attested in his 1978 open letter to the United Nations.¹³ Cooper was not the only figure of his caliber to make claims of this kind: Clarence “Kelly” Johnson, founder of Lockheed Skunk Works, reported a UFO observation to Project Blue Book, the Air Force’s 1952–1969 public UFO investigation, and his eventual successor, Ben Rich, publicly avowed government and industry efforts to understand and reproduce the performance characteristics of UFOs.¹⁴ Unfortunately, such statements were largely ignored and received little to no public support from the US or allied governments.

A declassified 1971 Australian intelligence assessment (now available through Australia’s online national archive) corroborates the earlier Twining memorandum and lends increased credence to the firsthand accounts by stating that “analyses of UFO reports by USAF intelligence [in the 1950s and 1960s] indicated that real phenomena were being reported which had flight characteristics so far in advance of U.S. aircraft that only an extraterrestrial origin could be envisaged.”¹⁵ The Australian assessment also discloses that the US government intentionally denied that UFOs are real, while pursuing research into their apparent capacity to overcome gravity:

A government agency . . . studied the UFO reports with the intention of determining the UFO propulsion methods . . . [and] persuaded the USAF to use Project Blue Book as a means of publicly “debunking” UFOs, and at a later stage to allocate funds for . . . the launching of a crash programme into anti-gravity power [. . .] Such an intensive onslaught on the gravity enigma [. . .] can only be rationalized within the context of a firm belief that UFOs were real and that the intelligence behind them knew how to control gravity.¹⁶

A Battelle Memorial Institute study commissioned by the United States Air Force statistically demonstrated in 1954 that the percentage of Blue Book cases lacking prosaic attribution increased as report reliability increased, and conversely, that the number of cases with insufficient information for positive determination decreased with improving reliability.¹⁷ The most reliable reports therefore tended to overdetermine the cause, counterintuitively rendering them the least amenable to mundane explanation and portending a real signal-of-interest as opposed to an asymptotically vanishing residual, as is so often claimed. This six percent unknowns, or 701 genuine UFOs, out of 12,617 cases over eighteen years would equate to more than three per month on average in the United States alone if appearing at a constant frequency.¹⁸ Extrapolation across the globe, based on available foreign data, conservatively suggests the presence of more than one credible anomalous incident per week somewhere in the world, and perhaps as many as one every other day.¹⁹

Yet, by the late 1960s, the Air Force was hoping to terminate Blue Book in accordance with the Robertson Panel review, conducted by the CIA, which recommended debunking UFOs as early as 1953 (advice that succeeded beyond its proponents' expectations, infusing all elements of society, even unto the present).²⁰ Despite statements by University of Colorado project lead Dr. Edward Condon that UFOs are “nonsense . . . but I am not supposed to reach that conclusion for another year,” scandalous public resignations from his namesake committee, and a final report with case studies that objectively refuted his assertion, Blue Book was terminated in 1969.²¹ A charitable public might choose to withhold judgment concerning any superficial similarities with the current Department of Defense All-Domain Anomaly Resolution Office (AARO) investigation.

4. Strategic Need for an Independent Review Board

Fortunately, Senators Rounds and Schumer have taken the unprecedented step of using legislation to rein in, once and for all, a DoD and IC bureaucracy that has consistently refused accountability about UFOs while impeding scientific understanding of this important topic. The UAP Disclosure Act would create an independent Review Board of nine distinguished citizens at the uppermost tiers of their professions. Nominated by the President and confirmed by the Senate, the Board would have the responsibility of centralizing and assessing all extant government information concerning UFOs, with the intent of declassification.

Specific skill sets are explicitly directed to be included on the Board. These align closely with what the Department of Defense calls the DIME(FIL)-P instruments of national power, namely, the diplomatic, intelligence, military, and economic elements associated with external sovereignty as well as the political, financial, informational (i.e., humanities and natural sciences), and legal elements associated with internal sovereignty. Perforce a federal government—first problem since the government has the most and best data, responsible disclosure can only occur through the integrated and synchronized application of all instruments of national power, just as the ramifications of disclosure will simultaneously redound, whether positively or negatively, on the efficacy of these very same instruments. Accorded authority for adjudicating the release or postponement of all records relating to unidentified anomalous phenomena—a term defined within the Act to encompass anything potentially related to nonhuman intelligence while excluding everything else—prospective Board members should have Cabinet deputy, three-star, or Nobel-nominee level attainments to be considered qualified. Such bona fides will ensure that the President can have confidence in the Board’s recommendations and that the public may be assured that its members will not court reputational harm by acquiescing to forced or contrived conclusions. Unidentified anomalous phenomena disclosure is a process—not an event—and the sunset for the operations of the Review Board is accordingly set no earlier than the end of this decade.

The UAP Disclosure Act directs the Board to develop a formal “UAP Campaign Plan” for the President, containing “precise requirements for periodic review, downgrading, and declassification” of UAP records and material. This benchmark-driven “controlled disclosure” plan, which specifies the exact time and specific occurrences following which each postponed item may be appropriately disclosed, supersedes all prior classification standards previously deemed applicable to such records and is one of several pivotal differences between this legislation and the JFK Act, which contained no such stipulation.²² The benefits to transparency of this approach over previous attempts, in terms of intended results (i.e., a presumption of immediate declassification with exceptions requiring a plan) and the procedural means of achieving such results (i.e., recurring public status updates published in the *Federal Register*), are self-evident in the legislative text.

In contrast to the much more famous Roswell crash of 1947—the particulars of which remain hotly contested and wherein at least three of the four government-proffered explanations are false a priori (i.e., flying disc, weather balloon, Project Mogul, crash test dummies)—there is no analogous dispute about the verity of the Socorro, New Mexico, daylight landing in 1964 witnessed by patrolman Lonnie Zamora.²³ Since the latter was subjected to immediate public scrutiny by state and local police, civilian researchers, and federal personnel, the benefits of transparency become obvious. Although the underlying cause of both incidents remains unexplained, the need for public accountability is evident, and a controlled disclosure plan is the right mechanism for responsibly bringing to light all government knowledge pertaining to such events.

The Review Board’s principal function, of course, must be to advise the President about the nature and scope of the phenomena and thereby facilitate the (re)establishment of proper accountability within government. Consistent reporting over the decades has demonstrated a strong correlation between UFO activity and the nuclear assets of the United States. Incursions into the northern tier Ballistic Missile Early Warning System during the 1970s,²⁴ as well as manipulation of the readiness status of ICBMs at Malmstrom Air Force Base in the 1960s, are well-attested.²⁵ Additionally, radio frequency interference has been recorded in many encounters, such as a 1957 incident during which an ELINT RB-47H reconnaissance aircraft on a routine training flight across the US Gulf Coast was harassed by a UFO for many hours (the full ramifications of this event have never been made public).²⁶ An equally remarkable and representative case later that same year in the town of Levelland, Texas, saw an egg-shaped object sequentially overfly numerous civilian and law enforcement witnesses, disrupt radio reception, stall car engines, and emit heat and light signatures.²⁷ Reporting to the President, the Review Board would be uniquely capable of addressing this homeland defense and national security nexus not otherwise amenable to resolution by existing low-level, DoD-centric efforts such as the All-Domain Anomaly Resolution Office.

Injuries to close observers are a less frequently reported, but not uncommon, feature of encounters, concerning which the Review Board would be similarly well-positioned to inform public policy. A relevant and well-known example is the Rendlesham Forest incident (colloquially known as Britain’s Roswell), which unfolded over several consecutive nights in December 1980, when multiple UFOs appeared over and even landed near the Bentwaters Royal Air Force base, eighty miles northeast of London.²⁸ Then–Airman First Class John Burroughs, who, as an American, was assigned to the base at the time, experienced anomalous health impacts as a consequence of the incident and was subsequently denied medical coverage by the Veterans Administration due to the classification of his records.²⁹ His situation was only successfully resolved through the personal intervention of Senator John McCain, just prior to the latter’s death in 2018.³⁰ A UFO flap occurring in 1977 on the Brazilian island of Colares, which resulted in ionizing radiation attacks leaving many among the indigenous population scarred with intense burns or puncture wounds, provides a further instance of injuries to close observers.³¹ The Brazilian Air Force, with alleged US support, deployed investigative teams for several months under “Operation Saucer” and ultimately classified their findings. The UAP Review Board would be within its authority to recommend sociological, psychological, and physiological measures appropriate for remediating medical impacts stemming from close interaction with the phenomena via proposed public health policy in a medical addendum to the UAP Campaign Plan.

5. Addressing Technological Surprise and Societal Shock

Availing themselves of the JFK legislation as the model for the UAP Disclosure Act was a wise decision by its sponsors, since the JFK and UAP records problems share key similarities, and the broad authorities inherent in the former law were already found both legally and constitutionally sufficient to recommend their direct reuse in the latter. Nevertheless, one counterargument posits that because all JFK assassination records have not yet been discovered and released (recent Executive Orders notwithstanding), the Disclosure Act cannot possibly incorporate all lessons learned from this ongoing effort and is consequently deficient. This is false logic. Unidentified anomalous phenomena are not simply a problem of historical significance, as are the JFK records, since UFOs simultaneously harbor the real possibility of unrecognized, present-day technological surprise.

Two noteworthy air-to-air engagements reported through official Defense Intelligence Agency channels illustrate this point. In 1976, an American-made Iranian F-4 Phantom aircraft engaged a UFO over Tehran,³² and in 1980, a Soviet export model Sukhoi Su-22 Fitter encountered an unidentified object over La Joya Air Base in Peru.³³ In the first case, Major (and later General) Parviz Jafari lost electronic fire control and experienced intense heat and light effects as he attempted unsuccessfully to fire his AIM-9 Sidewinder missile, while in the second case, Lieutenant (later Commander) Oscar Huerta employed a 30 mm cannon via manual fire control to successfully hit his target, albeit with no apparent effect. Mitigating current-day threats analogous to these argues for urgent action and the immediate passage of the Disclosure Act, as the legislation grants the Review Board access not only to documents but also to materials recovered.

Government-supported scientific research would also enlighten the public about civilian incidents that afford a window into the broader scope of the phenomena, beyond exclusively military concerns. Another pivotal difference between the JFK and UAP acts is the requirement for a UAP Campaign Plan, as was previously discussed. The Review Board would have authority to recommend a national science addendum that could afford complete and timely access to knowledge gained in furtherance of open research and development essential to societal advancement and technological progress. The Ruwa, Zimbabwe, daytime landing at the Ariel School in 1994³⁴ and the uncannily similar 1966 Westall High School daytime encounter in Melbourne, Australia,³⁵ are especially demonstrative. Ariel School students, now grown into adulthood, have recently been reinterviewed and continue to attest to the accuracy of their original testimony, as do the living Westall observers. A similar landing occurred the same year as the fall of the Berlin Wall in Voronezh Oblast within the Soviet Union; it, too, was witnessed by young children and was reported contemporaneously by the state-run media outlet TASS.³⁶ Research by credentialed academics facilitated by federal grants in the natural sciences, social sciences, and medicine is needed to fully understand the true nature and ramifications of such encounters.

We face a global challenge warranting international engagement through both diplomatic and Five Eyes intelligence channels, as most recently evidenced by repeated drone incursions over sensitive sites, both domestically and internationally. Review Board–led policy development is crucial to enhancing existing agreements and expanding multilateral action with regard to this urgent topic. Consider as well alarming historical incidents such as the air traffic control–recorded UFO flap over Washington, DC, during two sequential weekends in 1952 (which involved radar-visual ground and air tracking as well as numerous failed air intercepts, sparked the largest press conference since World War II, and led to initiation of Project Blue Book)³⁷ or the well-publicized encounter over Alaska in 1986 with a massive “mother ship” by Captain Kenji Terauchi, pilot of Japan Air Lines Cargo Flight 1628, all followed by contemporaneous denials analogous to official responses to the recent drone swarms.³⁸ As much as these events concern individual states and their populations, it would be unwise for the United States or any other national government to believe the UFO problem can be assessed and definitively addressed without diplomatic cooperation.

6. The Matter of Eminent Domain

The economic impacts to global finance, trade, and commerce should technologies of unknown origin be haphazardly injected into the marketplace cannot be assessed with any degree of confidence a priori. This concern is equally applicable to the safety and security ramifications associated with possible new energy sources or novel metamaterials that might represent a science hundreds, or even thousands, of years ahead of our own. The reality of UFOs forces one to seriously contemplate such issues, and responsible policymakers would be delinquent if they ignored them.

Indeed, whistleblower testimony suggests that technology and materials of nonhuman origin were transferred to certain private aerospace companies, perhaps to avoid accountability to elected officials. The Disclosure Act reverses this decision (which possibly violated the Federal Acquisition Regulation) by directing the executive branch to invoke eminent domain over any and all technology and materials that “incorporate science and technology that lack prosaic attribution or known means of human manufacture.”³⁹ This stipulation engendered significant debate and even derision during the 2023 legislative conference; nevertheless, such resistance is misguided. Certainly, if the federal government has already acquired material as alleged, then no additional authority is needed beyond what is already in force. In fact, this point is unconditionally true, as established in uncontested landmark US case law: eminent domain “appertains to every independent government. It requires no constitutional recognition; it is an attribute of sovereignty.”⁴⁰

Senators Schumer and Rounds are obviously cognizant of the legal basis of eminent domain, so why did they choose to include a controversial and possibly unnecessary provision? The answer is simple and apparent. It is neither gratuitous nor tangential but rather essential to their intent (1) to ensure that the Review Board, acting in the name of the President, cannot be legally denied access to any technology of unknown origin regardless of its current disposition; and (2) to remove all ambiguity surrounding the otherwise fungible nature of said ownership. Other important administrative advantages immediately accrue: (3) to national security by ensuring uniform protective measures and proper dispositioning of sensitive and potentially hazardous materials; (4) to integrated and systematic study by centralizing all available evidence for the first time; and (5) to controlled disclosure by enabling a deterministic and expeditious public pathway. Fundamental ethical drivers further argue for this course of action, including: (6) transparency afforded by a publicly acknowledged civilian authority that is more readily held accountable for its disclosure or postponement decisions than a faceless bureaucracy; (7) equity in achieving the greatest public good when not motivated exclusively by parochial and pecuniary interests; and (8) societal advancement by facilitating an informed and safe reintroduction of the material into the streams of commerce.

The only valid counterargument is the potential infringement on individual property rights that form the basis of a free-market capitalist society. Obviously, this is a nontrivial concern, as the Fifth Amendment to the Constitution indeed stipulates, “Nor shall private property be taken for public use, without just compensation.”⁴¹ The Disclosure Act accordingly mandates the

narrowest possible scope for invoking eminent domain. For any property to be subject to this provision, it would need to be considered of nonhuman origin. There is no legal precedent for human ownership of nonhuman property. What legal basis should then apply in adjudicating private ownership of material that was neither inherited, bought, nor manufactured by the claimant, but rather found? The law of maritime salvage provides the answer. Observed by all seafaring nations, the admiralty laws of salvage grant to those who locate and recover property “lost at sea” either (a) a reward from the owner of the lost property or (b) upon condition that the property is abandoned and has no owner, outright title to the find.⁴² In our scenario, the owner is tautologically known to be nonhuman intelligence, rendering any adjudication of abandonment a diplomatic affair that ultimately falls under the purview and authority of the President of the United States. Therefore, a reward fee should most appropriately apply, with the federal government stepping in on behalf of the absent owner to provide compensation. The exercise of eminent domain is only an interim stage necessary until the diplomatic, national security, and financial implications of technologies of nonhuman origin are fully analyzed and resolved.

7. Recommendations

Congress should take up and pass the **Unidentified Anomalous Phenomena Disclosure Act** in 2025, amended to include the following explicit compensatory process, consistent with the foregoing analysis.

Under the sole condition that any private-sector person or entity who is the controlling authority of a technology of unknown origin cooperates fully with the intent of the Disclosure Act and the instructions of the Review Board:

1. The government shall award a grace period of specified finite duration during which there will be no immediate change to the disposition of the subject material;
2. The government shall reimburse the private-sector person or entity for expenses incurred in the recovery, storage, and protection of the subject material, plus an appropriate finder's fee;
3. The private-sector person or entity shall retain ownership of all intellectual property created as a result of private examination of the subject material completed prior to the date of enactment of the Disclosure Act;
4. Upon voluntary application and approval, the private-sector person or entity shall receive an appropriate grant to exclusively conduct foreign material exploitation or reverse engineering of the subject material during the grace period;
5. Any intellectual property resulting from work under this grant shall be co-owned with the government, and the private-sector person or entity shall retain any applicable commercialization rights; and
6. Upon conclusion of the grace period, the government shall make the subject material available to a competitively selected consortium formed in response to a fair and open competition for further scientific and technological investigation.

According to the UAP Disclosure Act, “All Federal Government records concerning unidentified anomalous phenomena should carry a presumption of immediate disclosure and all records should be eventually disclosed . . . not later than the date that is 25 years after the date of the first creation of the record.”⁴³ Since mismanagement of this process may theoretically court catastrophic consequences—for example, societal disruption, challenges to the legitimacy of existing authority structures, ontological shock, financial instability, false authority syndrome, and stagnation of initiative—the Act puts in place a control structure much like what Presidents Truman or Eisenhower might have implemented had they been confronted (as is often alleged) with this same problem. However, proper oversight is ensured in the Act by requiring that the President seek outside input for Review Board nominations, agree to open Senate confirmations, routinely publish unclassified progress reports in the *Federal Register*, provide written classified justifications for all postponements, develop a controlled disclosure plan, and annually brief the oversight committees of both chambers. Even if one believes that current Department of Defense efforts are effective, its AARO, designed to function at a

middle-management level in this formerly recalcitrant department, is inadequate and ill-suited to addressing the national strategic objectives for which the Review Board was conceived. Therefore, AARO and the Review Board are neither competitive nor redundant, but are in fact complementary.

While no legislation is perfect, the Unidentified Anomalous Phenomena Disclosure Act is historic and holds the best promise of establishing proper federal oversight of anomalous phenomena, avoiding catastrophic disclosure through a controlled process, redressing potential misdeeds, preventing the loss of technological dominance, and reasserting the moral right of the American people to fully understand the world in which we live. Nevertheless, entrenched interests in the military-industrial complex appear aligned against the Act—a telltale sign, given that these same actors simultaneously claim the topic is vacuous. What harm accrues from a low-cost endeavor to assert proper oversight if there is no malfeasance? Senators Rounds and Schumer deserve high praise for their courageous and forward-looking stance in introducing this legislation. UFO disclosure is the only truly nonpartisan topic in the United States today, and every member of Congress should support its reintroduction in 2025 and vote yea. It is the right thing to do now and for posterity.

About the Author

Karl E. Nell is a retired United States Army colonel who served as modernization advisor to the Vice Chief of Staff of the Army, deputy chief of staff for United States Africa Command, commander of the 336th Expeditionary Military Intelligence Brigade, and Technical Intelligence operations officer (C/J-2) for the Combined Joint Captured Materiel Exploitation Center in Iraq. His last active-duty assignment was as Army director supporting the UAP Task Force. An executive in the aerospace industry, he has held positions with Bell Laboratories, Lockheed Martin, and Northrop Grumman TASC, among others. He currently serves as the Chief Executive Officer of StarDustX Materials, Inc., a multimillion-dollar VC-backed startup focused on metamaterial analysis and design.

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39. US Senate, “Unidentified Anomalous Phenomena Disclosure Act of 2024.”
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