



Adjudicative Desk Reference

Assisting Security Clearance Adjudicators,
Investigators, and Security Managers in
Implementing the U.S. Government Personnel
Security Program



Version 4
March 2014

Defense Personnel and Security Research Center
Defense Manpower Data Center

UNCLASSIFIED

Approving Authority: The Adjudicative Desk Reference (ADR) is recommended by the Security Executive Agent Advisory Committee as a job aid for personnel security adjudicators, investigators, and managers. However, it is not U.S. Government policy and may not be cited as authority for denial or revocation of access. It is background information obtained largely through library research. The ADR was developed by the Department of Defense Personnel and Security Research Center Division of the Defense Manpower Data Center for use by the U.S. Government security community. This is version 4 dated March 2014.

User Input: User input is needed to make the ADR as useful as possible and to guide future updates. Individual users, as well as supervisors and managers, are invited to communicate directly and informally concerning suggested additions, deletions, changes, questions or comments regarding this product. Send user input and comments to perserec@mail.mil.

Table of Contents*

Adjudicative Desk Reference*	Page	Policies and Standards	Page
Using the New ADR Version 4	3	Adjudicative Guidelines for Determining Eligibility for Access to Classified Information	365
Introduction to Adjudication	4		
Alcohol Consumption	8	Investigative Standards For Background Investigations For Access to Classified Information	385
Allegiance	33		
Criminal Conduct	48	Executive Order 13467	396
Drug Involvement	81	Executive Order 12968	405
Finances – Affluence	106	Executive Order 12829	420
Finances – Compulsive Gambling	115	Executive Order 10865	428
Finances – Debt	132	Executive Order 10450	434
Foreign Influence	157	Intelligence Community Directive 704: Personnel Security Standards/Procedures	442
Foreign Preference	181		
Handling Protected Information	199	Intelligence Community Policy Directive 704.1: Investigative Standards and Procedures	448
Outside Activities	214		
Personal Conduct	222	Intelligence Community Policy Guidance 704.2: Adjudicative Guidelines	460
Personal Conduct – Falsification	239	Intelligence Community Policy Guidance 704.3	481
Psychological Conditions	254	Intelligence Community Policy Guidance 704.4	485
Sexual Behavior	298	Intelligence Community Policy Guidance 704.5	491
Use of IT Systems	356	Security Executive Agent Directive 1	495

*An [Index of Terms](#) (page 501) is included to assist in locating key terms.

Using the New ADR Version 4

How to Use the ADR

PERSEREC converted the maintenance-heavy HTML ADR to a PDF with improved user conveniences. ADR Version 4 is a single PDF file designed to function with the conveniences of HTML. Users can now more easily search for terms of interest throughout the entire ADR, print to hardcopy, and download and distribute the ADR. A comprehensive [Index of Terms](#) (page 501) was also added to assist in locating key terms throughout the ADR. This is version 4 dated March 2014.

The following tips on how to use this version may be helpful:

- **Hyperlinks:** Blue text represents a hyperlink enabling you to jump to the section indicated. The top of each page has navigation links enabling you to return to the first page of a given chapter (where the chapter-specific table of contents resides) or to the ADR's primary table of contents located at the beginning of the document. In-text links and page references to other sections help facilitate easy navigation whether you are using the ADR in softcopy or hardcopy format.
- **Previous View:** To return to your previous page after clicking a link, right-click on the ADR and select "Previous View" from the context menu (this serves the same function as an HTML browser's "Back" button). Optionally, you can right-click on Acrobat's toolbar and select Page Navigation → Previous View from the context menu (which will activate the "Previous View" button on the Acrobat toolbar that can be pressed to return to the previous page). This feature is particularly useful in navigating the large, complex ADR.

ADR Version 4 Revisions

PERSEREC has updated ADR content where possible to reflect current research. [Handling Protected Information](#) (page 199), [Outside Activities](#) (page 214), and [Use of IT Systems](#) (page 356) received the most extensive revisions.

ADR Download

Version 4 can be downloaded from the PERSEREC web site at <http://www.dhra.mil/perserec/index.html>. At this site, click on Products, then on Adjudicative Desk Reference, and then on Download Product. Updates will be available periodically on this website.

Section 508 Compliance

The ADR complies with all stipulations of disabled person accessibility rules.

Introduction to Adjudication

Adjudicative Process	4
Whole Person Concept	5
Evaluating Sources and Information	6

Adjudicative Process

The adjudication process seeks reasonable assurance that persons granted access to classified information are persons:

“...whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information.” Source: [Executive Order 12968](#), Access to Classified Information, dated August 4, 1995.

Adjudicative decisions are made by applying broad principles to a set of specific circumstances.

[Executive Order 12968](#) (page 405) and [Adjudicative Guidelines](#) (page 365) establish the principles. The background resources in this desktop reference provide information to assist in the identification and evaluation of behaviors and circumstances that are relevant to security decisions. The information here illustrates how these principles might be applied to the circumstances of specific cases.

Neither the [Adjudicative Guidelines](#) nor this desktop reference provides specific thresholds which tell the adjudicator when to approve or disapprove access to classified information in any individual case. The complexity of human behavior severely limits any ability to codify such thresholds for making adjudicative decisions. The adjudicator in each case must make what is called a whole-person judgment based on all available information about an individual’s reliability and trustworthiness. This includes favorable information, unfavorable information, circumstances that may mitigate the unfavorable information, and circumstances that may affect the credibility of the information.

A fundamental security principle is that all doubts concerning personnel having access to classified data shall be resolved in favor of national security. An equally fundamental legal principle is that access to classified information is a privilege, not a right. No one has a right to a security clearance, but the government is required

to follow its own rules so that any decision to deny is made through a reasonable and unbiased process.

The adjudicator is not just a reviewer and reporter of information. The adjudicator is an analyst who forms his or her conclusions and recommendations based on a review of all available information.

[Executive Order 12968](#) states that an adjudicative determination “is a discretionary security decision based on judgments by appropriately trained adjudicative personnel.”

Making judgments that affect the lives and livelihoods of other people imposes a heavy responsibility on adjudicators to protect the rights of individuals as well as the national interest. This responsibility can be unsettling when the proper decision is uncertain.

The adjudicator must make a conscientious effort to be sufficiently knowledgeable about the individual, to evaluate the facts fairly and objectively, to seek counsel from knowledgeable supervisors and specialists as appropriate, and to make a balanced and succinct presentation of all relevant factors in each case.

History shows that most U.S. Government employees who have spied for a foreign country did not enter government service with the intention of being disloyal. They became disloyal only after they were employed and gained a security clearance. This is why the applicant clearance process focuses on risk factors that indicate a potential for future betrayal as well as current loyalty. It also demonstrates the importance of continuing evaluation and the periodic reinvestigation.

Perfect security cannot be achieved and would not be affordable if it could be. There will always be some balancing between security requirements, personnel needs, civil liberties, and budget realities.

Whole Person Concept

Candidates for security clearance are evaluated under a system which provides a balanced assessment of affirmative or positive qualities as well as potentially disqualifying behaviors. These two approaches come together in the “whole person” concept, which is fundamental to the adjudicative process. All information, both favorable and unfavorable, is weighed. A person’s strengths are evaluated to assess whether the strengths outweigh the weaknesses.

Three positive qualities, among others, are associated with trustworthiness, reliability, and being an overall good security risk. These are: (1) a strong sense of social responsibility; (2) self-control, or the ability to exercise responsible and rational control over one’s impulses; and (3) the ability to maintain personal or job commitments over time. These positive qualities may outweigh some unfavorable

information. A person with these qualities may not be a security risk even if, for example, he or she were to develop an alcohol problem or serious financial debt.

- **Social Responsibility:** Maintaining security requires following the rules for protection of classified information. The socially responsible person has appropriate respect for authority, comfortably accepts ordinary rules and regulations, and deals fairly with others. This is the opposite of the antisocial person who resists rules and regulations, finds it difficult to conform to society's expectations, and exploits and manipulates other persons.
- **Self-Control:** Security requires the exercise of sound judgment in protecting classified information. Employees whose behavior is under conscious control think before acting, take their duties seriously, and are able to delay immediate gratification of their desires in order to achieve some longer-term goal. They have the self-discipline generally required for success in an academic or career environment. They seldom make impulsive decisions that they regret later.
- **Capacity for Making Commitments:** Obligations that accompany a security clearance involve a lifetime commitment to maintain secrecy. Evidence of ability to maintain commitments to people or organizations is a strong plus in the whole-person judgment. It indicates that the employee-employer relationship, too, is likely to withstand the inevitable rocky periods that crop up in most relationships and which might otherwise cause the employee to turn against the employer. It gets to the very heart of the security issue: Is the subject capable, over a long period of time, of maintaining a commitment to protect classified information under all circumstances?

Evaluating Sources and Information

Several general rules or principles apply to evaluation of sources and information.

A source's impressions, opinions, or interpretations are useful to investigators as clues to things that require further investigation, but they are generally not used as a basis for adjudicative action unless they are substantiated by examples of specific behaviors. For example, a source's opinion that the subject is irresponsible should be substantiated by description of specific examples of the subject's irresponsibility, such as moving out of a rental apartment without notice. A source's impression that subject is vindictive could be substantiated by description of threats or destruction of property.

Unfavorable information is more useful when time and frequency are expressed in specific rather than general terms: last week or last year, rather than recently; twice a week or twice a year, rather than frequently.

Most people try to conceal their involvement in illegal, immoral, or otherwise embarrassing activities. It follows that such information will be known to few

people, and that these are likely to be close associates such as family members, lovers, best friends, teammates, or close work colleagues.

The quality and completeness of investigation can be judged, in part, by the extent to which people who have been very close to subject are available as sources. One knowledgeable source who reports credible adverse information may outweigh many acquaintances who claim never to have seen evidence of such behavior. If adverse information comes from a single source, it is necessary to evaluate both the credibility of the source's access to that information and any possible ulterior motives for providing that information.

Alcohol Consumption

Relevance to Security	9
Evidence of Adverse Effect on Behavior	10
Alcohol Use by Convicted Spies	10
Alcohol and Emotional/Mental Issues	11
Potentially Disqualifying Conditions	11
Extract from the Guideline	11
Behavioral Evaluation	12
Work-Related Incidents	13
Violence, Aggression, Domestic Abuse	13
Driving While Intoxicated	14
Blood Alcohol Concentration	15
DWI /DUI May Indicate Other Security Issues	15
Other Indicators of a Serious Problem	16
High School and College Drinking Practices	17
Ames Example	17
Medical Evaluation	19
Definitions of Alcohol Abuse & Dependence	19
Indicators of Current or Potential Future Abuse or Dependence	20
Prevalence of Drinking Problems	21
Mitigating Conditions	22
Extract from the Guideline	22
Problem Is Not Serious Enough For Adverse Action	23
Problem Is Not Recent	23
Pattern of Abstinence or Responsible Use	24
Education, Treatment, and Rehabilitation	24
New Approaches to Treatment	24
Mandatory Education	25
Participation in Treatment	25
Successful Completion of Treatment Program	26
Relapse Rates	26
Inpatient vs. Outpatient Care	27
Reference Materials	27
Criteria for Medical Diagnosis of Abuse or Dependence	27
Substance Dependence	28
Substance Abuse	29
Additional Sources of Information	30
Endnotes	30

Relevance to Security

Some alcohol use is normal, but excessive use can be a serious security concern. Alcohol affects the central nervous system and how the brain functions. Excessive use affects perception, thinking, and coordination. It impairs judgment, reduces inhibitions, and increases any tendency toward aggression. Those who abuse alcohol are more likely than others to engage in high-risk, thoughtless, or violent behaviors. This increases the risk of unauthorized disclosure of classified information due to impulsive or careless behavior.

Alcoholism is a lay descriptive term. Health professionals refer to serious alcohol problems as either alcohol abuse or alcohol dependence.

- Alcohol abusers are not physically addicted to alcohol, but develop problems as a result of their poor judgment about alcohol consumption, failure to understand the risks, or lack of concern about damage to themselves or others. An alcohol abuser persists in drinking habits that are known to be causing or exacerbating a persistent or recurrent social, work, legal, psychological, or health problem -- or uses alcohol repeatedly under circumstances which are physically dangerous, such as [driving while intoxicated](#) (page 14).
- Alcohol dependence is an illness with four main features: (1) physiological tolerance, so that more and more alcohol is needed to produce the desired effects; (2) difficulty in controlling how much alcohol is consumed once drinking has begun; (3) physical dependence, with a characteristic withdrawal syndrome that is relieved by more alcohol (e.g., morning drinking) or other drugs; and (4) a craving for alcohol that can lead to relapse if one tries to abstain.

Alcohol dependence usually involves regular, daily drinking. Alcohol abuse may involve only occasional binge drinking. In evaluating drinking behavior, therefore, amount of daily consumption and amount consumed occasionally at a single sitting are both relevant. If an individual drinks to the point of physical incapacitation or unconsciousness, that is also relevant.

Alcohol abuse may be part of a pattern of impulsive, immature, sensation-seeking, hostile, or antisocial behavior that raises serious concern about a subject's reliability, trustworthiness, or judgment. Alcohol abuse may also be an acute, but extended, reaction to grief or physical pain. If the alcohol issue alone is not sufficient to justify an adverse decision, it may nevertheless contribute to a disqualifying pattern of undesirable behavior. Refer to the discussion of a [Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior](#) (page 224) in the [Personal Conduct](#) guideline.

Evidence of Adverse Effect on Behavior

There is much statistical evidence to document a relationship between alcohol use and fatal automobile accidents, other forms of accidental death and injury, spousal abuse, crime, and suicide. According to the National Highway Traffic Safety Administration, the risk of fatal automobile injury is at least eight times greater for drivers with a blood alcohol level of .08 or higher than for drivers who have consumed little or no alcohol.¹

Intoxicated drivers in fatal crashes are two times less likely to wear safety belts than drivers who have not been drinking. Of drivers who have accidents while driving with suspended, revoked, or no licenses, about 83% have been drinking.²

Intoxicated motorcyclists are more likely to be involved in a fatal accident than any other driver. In 2003, 30% of fatally injured motorcyclists had a Blood Alcohol Concentration (BAC) greater than .08. Additionally, intoxicated motorcyclists have been found to wear helmets only two-thirds as often as motorcyclists who are not intoxicated.³

Alcohol abuse is also a leading risk factor in accidental injury and it is the fifth leading cause of death in the U.S. In 2003, almost 50% of trauma patients in U.S. emergency rooms were alcohol-impaired.⁴ In data on fire and burn-related incidents, individuals who had been drinking were three times more likely to die from their injuries than individuals who had not. Blood alcohol levels as low as .025 to .04 have been found to significantly affect thought processes and radio communication by pilots. Additional studies suggest that alcohol is associated with at least 34% of adult drownings.⁴

Alcohol Use by Convicted Spies

Evidence from past espionage cases indicates that alcohol problems are more prevalent among convicted spies than in the population as a whole. Among 24 convicted American spies who were interviewed and tested after their imprisonment, 20 had been drinkers. Eleven had been heavy drinkers. Nine reported that their alcohol consumption increased when they started to engage in espionage; the remainder reported no change in their habits. Seven had been arrested and convicted at least once for an alcohol-related vehicular offense (driving while under the influence). Sixteen of the 24 reported that during their developmental years, one or both parents had an alcohol-related problem. Psychological disorders, attempted suicide, and physical abuse were common among the families of these subjects.⁵

CIA operations officer Aldrich Ames, who was arrested for espionage in 1994, had a reputation for drinking too much. There are several specific instances in which his drinking led directly to actions that endangered security. Ames became seriously inebriated while playing in a CIA-FBI softball game. He had to be driven home that night and left behind at the field a jacket with his CIA badge, a wallet that included

alias documentation, and cryptic notes on a classified meeting. On another occasion, at a meeting at CIA Headquarters with foreign officials, Ames became so intoxicated that he made inappropriate remarks about CIA operations and then passed out at the table.⁶ For additional information on Ames' drinking problem, see [Ames Example](#) (page 17).

Alcohol and Emotional/Mental Issues

Several studies have found that within the general population nearly half of all those diagnosed as [alcohol abusers or alcohol dependent](#) also have some form of psychiatric disorder. Individuals suffering from alcohol dependence are much more likely to suffer from additional psychiatric disorders, such as major depression or post-traumatic stress disorder, than alcohol abusers.⁷

A different study that examined people in treatment for both alcohol and other drug problems found that at least 62% had a current mental disorder or a history of some mental disorder during their lifetime.⁸ Both these numbers are significantly higher than the prevalence of mental disorders in the U.S. population as a whole.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;*
- (b) *alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;*
- (c) *habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;*
- (d) *diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;*
- (e) *evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;*
- (f) *relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program;*
- (g) *failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.*

The seven potentially disqualifying conditions listed in the [Adjudicative Guidelines](#) fall into two distinct categories: (1) behavioral issues, and (2) medical issues. Accordingly, this discussion of disqualifying conditions is divided into two major parts:

- **Behavioral Evaluation:** This looks at how the subject behaves while under the influence of alcohol. Do the subject's actions indicate poor judgment, unreliability, untrustworthiness, or carelessness? How imminent is the security risk? The behavioral evaluation is done by the adjudicator based on information developed during the investigation.
- **Medical Evaluation:** This looks at alcohol abuse or dependence as an illness. Does the subject meet the criteria for a diagnosis of [alcohol abuse or dependence](#)? Is the subject's drinking likely to continue or get worse? Is counseling or treatment likely to be effective? Has the subject had a relapse after treatment? Has the subject failed to follow a court order regarding alcohol education, treatment, or abstinence? Medical evaluation is done by a duly qualified medical professional based on information developed during the investigation.

Behavioral Evaluation

From a security perspective, the key question about alcohol use is how it affects a subject's judgment and ability to control his or her behavior. How the subject behaves under the influence of alcohol is more important than how much or how often he or she drinks and whether or not he or she is diagnosed as an alcoholic.

People differ greatly in their reaction to alcohol. Some who are dependent upon alcohol are quiet drunks who cause no trouble. Some infrequent drinkers go on occasional binges and totally lose control. Some individuals who have engaged in flagrant misconduct or poor judgment while under the influence of alcohol do not receive an adverse medical diagnosis when they should have.

An adverse adjudication decision based on an individual's behavior does not need to be supported by a medical diagnosis of [alcohol abuse or dependence](#). Such a diagnosis may not be available even when the subject's behavior provides clear evidence of security risk. This is because medical diagnosis of alcohol abuse or dependence is heavily dependent upon information provided by the subject. This makes diagnosis difficult, as alcoholics and problem drinkers are often unwilling to admit the extent of their drinking. Moreover, an employee whose security clearance may be at stake has a strong incentive to deny symptoms of an alcohol problem when talking with a medical professional. See [Ames Example](#) (page 17).

Drinking behavior that causes or exacerbates any of the following types of problems is a security concern when:

- Work problems such as absences, reduced productivity, unreliability, carelessness, or unsafe habits;
- Social problems such as family conflict, [domestic abuse](#), loss of friends, interpersonal conflicts, abusiveness and [aggression](#), or belligerency;
- Legal problems such as [driving while intoxicated](#) (page 14), public drunkenness or disorderly conduct;
- Financial problems such as neglect of bills or overspending; or
- Health problems such as liver damage or making an ulcer worse.

Work-Related Incidents

Incidents at work are generally more serious than if the same type of behavior occurs away from work. If a subject allows alcohol use to affect any aspect of work performance, it may affect other aspects of work performance including control over classified information. If the subject's supervisor or a coworker has reported alcohol on subject's breath at work, absenteeism, or that the subject's performance has been adversely affected by hangover or by drinking during lunch, this is more serious than alcohol use that affects only one's personal life.

Incidents that do or could relate directly to the protection of classified information are the most serious. Such incidents may be characterized by:

- **Excessive Talkativeness:** An individual who becomes excessively talkative while intoxicated may say things that are regretted or not remembered later. Such a person may be unable to exercise the care and discretion needed to protect classified information. The risk is greatest for personnel whose job requires meeting and discussing sensitive topics with others, often over lunch where drinks may be served, without making inappropriate revelations regarding classified information. This includes many intelligence officers, liaison officers, negotiators, purchasing agents, and senior officials.
- **Loss of Physical Control:** An individual who occasionally becomes intoxicated to the point of passing out may lose physical control over sensitive materials. This is a particular concern among personnel who must carry a weapon or classified materials outside a secure area.

Violence, Aggression, Domestic Abuse

Alcohol consumption often precedes aggressive or violent behavior. Alcohol is a known factor in over 25% of nonhomicide violent crimes and recent studies have found that in 32-47% of homicides the offender has been drinking. The more serious and violent the crime, the greater the likelihood that the offender was under the influence of alcohol at the time of offense.⁹

Alcohol use is apparent in 67% of domestic violence cases against an intimate partner. When drinking, men are more likely than women to become violent toward intimate partners, who suffer the most severe injuries as a result of alcohol-related violence. ⁹ Research at Fort Bliss supports studies of civilian populations that show alcoholism and alcohol abuse are related to 50% to 75% of spouse abuse incidents. So many spouse abusers have alcohol problems that spouse abuse may be regarded as a possible indicator of alcohol problems. The Fort Bliss study recommends that within a military community, all spouse abusers be referred for alcohol evaluation.¹⁰

Driving While Intoxicated

Frequent driving or engaging in other physically hazardous activity while intoxicated, e.g., boating, skiing, or operating machinery, is a serious concern. If this happens during duty hours, it is a very serious concern. State laws differ on the use of the terms DWI and DUI. DUI stands for driving while under the influence, and it usually refers to the influence of either alcohol or drugs. DWI usually stands for driving while intoxicated, and may refer only to alcohol. However, DWI may also stand for driving while impaired, in which case it may refer to either drugs or alcohol or may refer to a specific degree of alcoholic impairment distinct from intoxication.

Many responsible citizens occasionally drive with a blood alcohol level above the legal limit. In the 2003 National Survey on Drug Use and Health, an estimated 13% of Americans over the age of 12 has reported driving while intoxicated in the past twelve months, with 20% of 18-20 year olds and 28% of 21-25 year olds reporting drunk driving in the previous year.¹¹ In a 13-year-long study conducted on 1,380 individuals, 66% of men and 47% of women between the ages of 21 and 27 reported that they had driven drunk at least once in the three years preceding the survey.

Despite the prevalence of drinking and driving, a single arrest for driving while intoxicated (DWI or DUI) is an important indicator of alcohol abuse. Most of those who are arrested do not just happen to be caught during an unusual lapse in judgment or through an unfortunate piece of bad luck. Thirty to 70% of first-time DUI offenders are expected to have an alcohol problem significant enough to merit some form of treatment or counseling.¹² A different study of 4,403 persons convicted of driving under the influence in Vermont in the late 90s found that 70% were diagnosed as probable alcohol abusers or alcohol dependent.¹³

The probability is high that people who get so drunk that they drive unsafely and attract law enforcement attention are problem drinkers. Since problem drinkers have a greater tendency to drive repeatedly under the influence, they have a much more significant risk of being caught.

This finding has significant implications for investigators and adjudicators. A single recent DWI /DUI arrest suggests that investigators should intensify their search for other indications of alcohol-related problems or other behavioral problems.

Depending upon recency of the DWI/DUI, adjudicators may wish to require an alcohol evaluation before approving eligibility for access.

Blood Alcohol Concentration

For legal purposes, degree of intoxication is often measured by blood alcohol concentration, usually abbreviated as BAC. This refers to the number of grams of pure alcohol present in 100 milliliters of blood. State laws differ in how they define the minimum level of blood alcohol concentration that constitutes legal evidence of intoxication for driving purposes. The two approaches are “illegal per se” and “presumptive” levels.

In states that use an illegal per se level, the BAC test alone may be sufficient for conviction. In the various states, the most common illegal per se level is .08, but it can be as low as .01 (for minors, certain commercial drivers, and convicted DWI /DUI offenders) or as high as .10 in some states. Presumptive levels of intoxication are generally lower than illegal per se levels and require a greater burden of proof to convict an individual of drunk driving.

BAC levels are influenced by the amount of alcohol consumed, the rate at which it is consumed, and the rate at which the alcohol is metabolized (eliminated) by the body. The adult male body is able to eliminate alcohol at the rate of almost one drink per hour. Because the average female body is smaller and weighs less, it takes the average woman about 1 hour and 15 minutes to eliminate one drink. The accepted definition of one drink is beverage alcohol that contains about one-half ounce of pure ethyl alcohol. That is one 12-ounce can of beer, a 5-ounce glass of wine, or a shot of liquor (1.5 ounces). Food in the stomach slows the absorption of alcohol into the system, but it does not speed elimination of the alcohol from the system. When alcohol is consumed faster than it can be eliminated, it accumulates in the bloodstream and the BAC goes up. Impairment begins long before the BAC reaches the legal limit.¹⁴

The [National Council on Alcohol and Drug Dependence](#) maintains an Alcohol Impairment Resource Center. This has charts showing how many drinks it takes for men and women of different body weights to reach various BAC levels and charts that show the type of impairment at different BAC levels. It states that “by the time a level of .08 is reached, virtually everyone experiences dangerous driving skill impairment, even those who are experienced or habitual drinkers.” Concentration starts to become impaired at BAC .05, information processing and judgment at .06, and concentrated attention and speed control at .08.

DWI /DUI May Indicate Other Security Issues

Some researchers have suggested that driving while impaired is often part of a more general behavioral syndrome typified by high-risk behaviors and irresponsible attitudes.¹⁵ Individuals with alcohol-related offenses (such as DWI /DUI or

disturbing the peace) often have derogatory information in other areas as well. This might include, for example, misdemeanor theft, spouse abuse, rule violations or other problems at work, financial problems, or withholding of information on the personnel security questionnaire.

Although each derogatory item may be minor by itself, the information as a whole may add up to a pattern of impulsive, irresponsible, or sociopathic behavior. Such cases may be adjudicated under the [Alcohol Consumption](#) or the [Personal Conduct](#) (page 222) guideline. The adjudicator makes a whole-person judgment on whether the individual has the “strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment” required by Section 3.1.(b) of [Executive Order 12968](#).

A study of 132 college students showed that individuals with DUI arrest records had more reports of motor vehicle accidents, were more likely to drive after drinking repeatedly, had a higher number of reported traffic violations, and scored higher on self-ratings of risk-taking behaviors.¹⁶ Another study has shown that drivers who report driving drunk are more likely to ride with drunk drivers.¹⁷ These behaviors indicate a general lack of judgment and irresponsible behavior that must be considered when evaluating the whole person.

A study of over 4000 DUI offenders in Vermont found that 32% had prior criminal charges and 20% had prior alcohol-related criminal charges.¹³ Another study found that impaired drivers arrested after an accident or moving violation scored significantly higher on tests of hostility, sensation-seeking, psychopathic deviance, and mania than impaired drivers caught in roadblocks or impaired drivers who have never been caught.¹⁸

Other Indicators of a Serious Problem

Failure to Recognize that One Has a Problem: Recognition that one has an alcohol problem is the first step toward recovery. Refusal or failure to accept counseling or to follow medical advice relating to alcohol abuse or dependence is a serious concern. Refusal or failure to comply with a supervisor’s advice to decrease significantly alcohol consumption or to change lifestyle and habits which contributed to past alcohol-related problems is a serious concern. Failure to cooperate in or to complete successfully a court-ordered alcohol education program or a prescribed alcohol rehabilitation program is a very serious concern.

Part of Broader Pattern of Behavior: An alcohol problem that is part of a broader pattern of undesirable behavior is more serious and more likely to cause trouble than an alcohol problem that exists in isolation. When alcohol problems appear together with any other issue, the combination adds up to more than the sum of its parts. See [Personal Conduct](#) (page 222).

History of Alcohol Use: If recent evidence of a drinking problem is present, medical professionals will need a subject’s entire history of alcohol use back to childhood in

order to assess the seriousness of this issue. On the other hand, remission of drinking problems without treatment is common as younger drinkers mature or as the lifestyle, stress, or other circumstances that prompted the drinking change. Therefore, incidents more than three to five years old may no longer be relevant if there are no more recent indications of an alcohol problem.¹⁹

High School and College Drinking Practices

Every year since 1975, the Institute for Social Research at the University of Michigan has conducted a nationwide survey of about 17,000 high school seniors on drug and alcohol use and related questions. This survey includes annual follow-up questionnaires mailed to a sample of previous participants from each high school graduating class since 1976. This survey confirms significant reductions in frequency and amount of alcohol consumption by high school students since the mid-1980s, but the level remains very high. The figures on binge drinking are particularly significant. The survey asks about alcohol use during the past 30 days and the past year.

In 2005, 47% of high school seniors reported current drinking, meaning they consumed alcohol during the previous 30 days. Thirty percent reported being “drunk” during the previous 30 days, and 28% reported binge drinking (5 or more drinks in a row) during the previous two weeks. Sixty-nine percent of the seniors reported consuming alcohol during the previous year, and 48% reported having become drunk during the previous year. The breakdown of these figures between males and females was not available at the time this was written.²⁰

Among college students surveyed in 2004, alcohol use during the previous 30 days was 73% for males and 65% for females, while 47% of males and 28% of females reported having five or more drinks at a time at least once during the previous two weeks. This type of heavy drinking at one sitting peaks among 21-22 year-olds. It diminishes from 42% of 21-22 year-olds (males and females combined) to 27% by ages 29 to 30.²¹

Ames Example

The case of Aldrich Ames holds a number of lessons related to alcohol abuse. Ames is the CIA officer arrested in 1994 after nine years of espionage during which he compromised many CIA operations in the former Soviet Union. When Ames was reassigned from Mexico City to Washington in 1983, his supervisor recommended that he be counseled for alcohol abuse due to several incidents that occurred during his Mexico City assignment. The counseling he received amounted to one conversation with a counselor who, according to Ames, told him that his case was not serious when compared to many others. The fallacy here was that the counselor depended on what Ames told him, and we can assume that Ames almost certainly did not give him the full story.

The following is a list of alcohol abuse incidents involving Aldrich Ames. It is significant not so much for what it tells about Ames' alcohol use, as for what it tells about Ames as a person -- his irresponsibility and lack of self-control. This record indicates that Ames lacked the "strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment" required by Section 1.3.(b) of Executive Order 12968. Whether a doctor who interviews Ames finds that his alcohol use meets the formal medical definition of abuse or dependence was essentially irrelevant under these circumstances. His behavior alone indicated he was a security risk.

In his entrance-on-duty polygraph examination in March 1962, Ames admitted that in November 1961 he and a friend, while inebriated, had "borrowed" a delivery bicycle from a local liquor store, were picked up by the police, and subsequently released with a reprimand. In April 1962, he was arrested for intoxication in the District of Columbia. He was arrested for speeding in 1963 and for reckless driving in 1965; Ames later stated that at least one of these incidents was alcohol-related.

At a Christmas party at CIA Headquarters in 1973, Ames became so drunk that he had to be helped to his home by employees from the Office of Security. At an office Christmas party in 1974, he became intoxicated and was discovered by an Agency security officer in a compromising position with a female CIA employee.

In Mexico City during 1981-1983, Ames had a reputation of regularly having too much to drink during long lunches. Upon returning to the office, his speech was often slurred and he was unable to do much work. On one occasion when Ames was involved in a traffic accident in Mexico City, he was so drunk that he could not answer police questions nor recognize the U.S. Embassy officer sent to help him. At a diplomatic reception where he drank too much, he became involved in a loud and boisterous argument with a Cuban official. This alarmed his supervisors and prompted the message to CIA Headquarters recommending that he be counseled for alcohol abuse when he returned to the United States. (Routine periodic background investigation in 1983 noted only that Ames was inclined to become a bit enthusiastic when he overindulged in alcohol. It failed to find a serious alcohol problem.)

In Washington in 1984 or 1985, after consuming several drinks at a meeting with an approved Soviet contact, Ames continued to drink at a CIA-FBI softball game until he became seriously inebriated. He had to be driven home that night and left behind at the field his CIA badge, cryptic notes, a wallet which included alias identification documents, and his jacket.

One of Ames' supervisors recalled that he was drunk about three times a week during his tour in Rome from 1986 to 1989. He would go out for long lunches and return to the office too drunk to work. On one occasion in particular, he returned from a meeting with an agent too drunk to write a cable to Washington as directed by his supervisors. At an embassy reception in 1987, he got into a loud argument

with a guest, left the reception, passed out on the street, and woke up the next day in a local hospital. One colleague said Ames began to drink more heavily in 1987 after he failed to get promoted. The station security officer brought Ames' drinking habits to the attention of the Chief of Station. After Ames' arrest, his wife told FBI debriefers that alcohol was partly to blame for their marriage falling to pieces during their Rome tour, and for their having numerous fights.

While assigned to CIA Headquarters during 1990 to 1994, Ames was noted for his proclivity to sleep at his desk after a long lunch. In 1992, Ames became so intoxicated during a liaison meeting with foreign officials that he made inappropriate remarks about CIA operations and personnel and then passed out at the table.⁶

Of course, all of this information was never pulled together in one place until after Ames' arrest. If even a fraction of the information had been known, however, it should have been sufficient at least to initiate a counseling or monitoring program.

Medical Evaluation

A medical diagnosis of alcohol abuse or dependence by a duly qualified medical professional may be a basis for adverse adjudicative action. Medical evaluation may also assist the adjudicator in determining the seriousness of an alcohol problem, whether it is likely to persist or get worse in the future, and the prospects for successful treatment.

Accurate medical evaluation is difficult when a subject conceals information from the medical professional. Alcoholics are likely to deny they have a problem. Medical evaluation is likely to be accurate and useful only if the medical professional is provided with all relevant information concerning a subject's background and behavior. This obviously did not happen in the Ames case discussed above. A medical evaluation is desirable whenever sufficient information is available for an accurate medical diagnosis, but adjudicators may make a negative decision based solely on a subject's behavior while under the influence of alcohol, without a supporting medical evaluation of abuse or dependence.

For further information, see:

- [Definitions of Alcohol Abuse & Dependence](#) (see [below](#)).
- [Indicators of Current or Potential Future Abuse or Dependence](#) (page 20).

Definitions of Alcohol Abuse & Dependence

Alcoholism is a lay descriptive term. Health professionals refer to alcohol abuse or dependence.

Alcohol abusers are not physically addicted to alcohol, but develop problems as a result of their alcohol consumption and poor judgment, failure to understand the

risks, or lack of concern about damage to themselves or others. Alcohol abusers who are not addicted remain in control of their behavior and can change their drinking patterns in response to explanations and warnings. An alcohol abuser will have a pattern of drinking that has led to one or more of the following in the last 12 months:

- Has been unable to fulfill major responsibilities at school, work, or home;
- Uses alcohol repeatedly under circumstances which are physically dangerous, such as [driving while intoxicated](#) (page 14);
- Continues drinking even when personal relationships are consistently and negatively affected by the drinking;
- Has been unable to meet financial obligations because of drinking;
- Has had recurrent alcohol-related legal problems, such as alcohol-related abuse and violence or DUI /DWI arrests; or
- Continues to drink even when drinking exacerbates existing health problems.

Some alcohol abusers also become physically dependent upon alcohol. Alcohol dependence is an illness with four main features:

- Physiological tolerance, so that more and more alcohol is needed to produce the desired effects;
- Difficulty in controlling how much alcohol is consumed once drinking has begun;
- Physical dependence, with a characteristic withdrawal syndrome that is relieved by more alcohol (e.g., morning drinking) or other drugs;
- A craving for alcohol that can lead to relapse if one tries to abstain.

For additional detail, see [Criteria for Medical Diagnosis of Abuse or Dependence](#) (page 27) as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition*.

Indicators of Current or Potential Future Abuse or Dependence

Some elements of past behavior can serve as particularly useful guides to what one might expect in the future. The presence of any of the following indicators suggests that an individual may already have a serious alcohol problem or be at high risk for developing one. Any one indicator is not conclusive evidence of a serious alcohol problem, but it is relevant circumstantial evidence and should be reported.

- Subject's drinking is causing or exacerbating a persistent or recurring social, work, school, financial, legal, or health problem. This is the heart of the alcohol issue.
- Subject has tried unsuccessfully to cut down the extent of alcohol use. Or, once subject starts drinking, he/she sometimes loses control over the amount drunk. Both are indicators of alcohol dependence.

- Subject drinks extensively while alone. Regular solitary drinking, as compared with social drinking, indicates potential current or future alcohol dependence.
- Subject drinks prior to social events (to relax), as compared with using alcohol at social events. Drinking prior to social events indicates potential current or future alcohol problems.
- Subject drinks first thing in the morning as an “eye-opener,” to get rid of a hangover, or when generally not feeling well. This is a strong indicator of dependence.
- Subject claims a high tolerance for alcohol, e.g., makes statements such as: “I can drink a lot without it having any effect on me, so I don’t have to worry.” High tolerance is an indicator of alcohol dependence -- it takes more and more to have the same effect on the body.
- Subject uses alcohol as a means of coping with life’s problems. This indicates possible psychological or emotional problems and greatly increases the likelihood that alcohol already is or will become a problem. On the other hand, if motivation is experimentation, peer pressure, or adolescent rebelliousness, this does not necessarily predict future abuse.
- There has been a recent increase in subject’s drinking. A change for the worse in subject’s drinking pattern may signal the existence of other relevant issues.
- Subject becomes annoyed or angry when criticized about his or her drinking. This is related to denial that the problem exists.
- Subject feels guilty about drinking and how it affects other aspects of life.

Age of onset of drinking and a family history of alcohol abuse or dependence both affect the risk that one will develop a drinking problem later in life. One survey of 42,862 individuals revealed that at least 40% of persons who begin drinking alcohol between the ages of 13-15 will have an alcohol problem at some point in their lives. However, as the age of drinking onset increases, the likelihood that a drinking problem will arise is diminished. Only 20% of drinkers who have their first drink at age 18 develop an alcohol problem at some time in their lives, and only 10% of those who begin drinking at or past age 21 will develop an alcohol problem.²² Family history of alcohol abuse or dependence combined with age of onset for drinking provides a significant predictor of likely alcohol problems later in life. For teens who begin drinking at age 13, 57% who have a family history of alcohol abuse are likely to develop an alcohol problem, compared to 26% who have no family history. At age 21, those with family alcohol history and those without, 16% and 7%, respectively, will develop alcohol-related problems in the future.²³

Prevalence of Drinking Problems

Drinking is a problem only if it leads to adverse consequences. Younger drinkers are more likely than older drinkers to show symptoms of alcohol dependence, according to a survey conducted during 1997-2000 by the National Center for Health

Statistics. This survey also found that older heavier drinkers are less likely than younger heavy drinkers to have problems as a consequence of their drinking. Specifically, this survey found that:

- Eight percent of all drinkers had experienced moderate levels of dependence symptoms (such as morning drinking and increased tolerance) during the preceding year. Twelve to 13% percent had experienced moderate levels of drinking-related consequences (such as problems with spouse, job, police, or health) during the preceding year.
- Among all survey respondents, the proportion reporting at least a moderate level of problems was highest in the 18-to-29 age category for both dependence symptoms (15%) and drinking-related consequences (26%). The proportions dropped with increasing age, reaching respective lows of 2.0% and 1.9% among respondents aged 60 and older.
- Problem levels were higher among men than among women. Among male respondents, 10% reported at least moderate levels of dependence symptoms and 16% reported negative social consequences from drinking. Among female drinkers, 5.1% reported at least a moderate level of dependence symptoms, while 9.2% experienced negative social consequences.²⁴

Mitigating Conditions

Extract from the Guideline

- so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;*
- the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);*
- the individual who is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress;*
- the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.*

Conditions that may mitigate security concerns are discussed below. In case of uncertainty whether alcohol incidents have been mitigated, the adjudicator should make a whole-person judgment. The adjudicator should ask: Does the subject's behavior demonstrate reliability, trustworthiness, good judgment, and discretion? If the subject meets that test, access is "clearly consistent with the interests of national security." If not, access may be denied. In making such judgments, the adjudicator may wish to consult a duly qualified medical professional when available.

- [Problem Is Not Serious Enough For Adverse Action](#) (see below)
- [Problem Is Not Recent](#) (see below)
- [Pattern of Abstinence or Responsible Use](#) (page 24).
- [Education, Treatment, and Rehabilitation](#) (page 24).

Problem Is Not Serious Enough For Adverse Action

After considering the nature and sources of all available information, the adjudicator may determine that a subject's drinking is not serious enough to warrant recommending disapproval or revocation of clearance. It may be appropriate to recommend approval with a warning that future incidents involving alcohol will cause a review of access eligibility. The adjudicator may also recommend approval under condition that the subject agrees to evaluation by a duly qualified medical professional and complies with recommendations regarding treatment or counseling.

In making this determination, the adjudicator considers the subject's behavior while intoxicated and medical evaluation of his or her dependence upon alcohol and the likelihood that the subject's condition may worsen. The adjudicator also makes a whole-person determination that the subject probably will or will not keep future drinking under control to ensure that it does not present a security risk. In making this judgment, the adjudicator considers everything that is known about subject's maturity, sense of responsibility, self-control, honesty, willingness to follow the rules, and commitment to the organization. See [Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior](#) (page 224) under [Personal Conduct](#) (page 222).

Problem Is Not Recent

If the drinking problem occurred a number of years ago and there is no evidence of a recent problem, alcohol may no longer be an issue even if the subject received no counseling or treatment. Remission of alcohol problems without treatment or counseling is not unusual; it is usually related to a change in personal circumstances or lifestyle. It is particularly common as young drinkers mature and the lifestyle, stress, or other circumstances that prompted the drinking change. The likelihood of spontaneous remission without treatment is relatively high among young men in their 20s, but relatively low among men in their 40s or older.

Controlling one's own drinking problem without treatment is far more common in women than among men. One survey rechecked the same respondents nine years later. It found that of those reporting drinking problems during the first questioning, fewer than half reported still having problems at the time of the follow-up questioning.¹⁹

The amount of time which must elapse since the last report of alcohol abuse is a judgment call. Typically, two to five years may be required, depending upon the seriousness of past alcohol incidents, changes in a subject's personal circumstances or lifestyle, the degree to which investigation finds improved drinking habits since the last incident, the whole-person evaluation, and medical evaluation. If there is strong, positive evidence of abstinence or other significant change in lifestyle, or if the subject has successfully completed a treatment program of at least three months duration and stayed with the aftercare program without relapse, one year may be sufficient.

Pattern of Abstinence or Responsible Use

Positive changes in lifestyle or drinking habits for at least six months after subject has been warned, counseled, or has completed an alcohol awareness program may mitigate one or two recent alcohol incidents. Persuasive evidence that the subject recognizes his/her problem and is strongly motivated to overcome it is an important consideration. On the other hand, denial or grudging recognition of the problem indicates the problem is likely to persist.

Positive changes in lifestyle may be associated with moving from school into the workforce, changing jobs, getting married, having children, or getting involved with healthy hobbies, recreational activities, volunteer work, or social organizations. A positive change in lifestyle may also be a decision to avoid certain friends, or to avoid situations that support or enable irresponsible drinking, e.g., changing one's route home to avoid going by a neighborhood bar.

Education, Treatment, and Rehabilitation

This section discusses various aspects of education treatment and rehabilitation, including new approaches to treatment, predictors of successful treatment, comparison of inpatient versus outpatient treatment, aftercare requirements, and relapse rates. It also discusses circumstances under which adverse adjudicative action might be deferred pending satisfactory completion of a treatment program.

New Approaches to Treatment

A major shift is under way in the treatment of alcohol dependence, and this may soon have an impact on the mitigation of alcohol dependence as a security issue. Scientists have been decoding the brain's addiction pathways, paving the way for new, targeted medications that act on brain receptors to blunt cravings, ease

withdrawal symptoms, or dull the euphoric effects of alcohol. The National Institute on Alcohol Abuse and Alcoholism, a division of the National Institutes of Health, is running more than 50 trials involving drugs and plant extracts for treating alcohol dependence. In July 2005, it issued new guidelines for treatment, encouraging doctors to consider drugs in addition to traditional therapies for alcohol-dependent patients. Some promising drugs are already available, but they do not work for all patients or they have undesirable side effects.²⁵

When more effective drugs become available, they will make alcohol dependence a mainstream medical problem that family practitioners can deal with. People who are not now willing to go to a clinic for behavioral therapy, or seek help in a group setting such as Alcoholics Anonymous, will be able to seek help in the privacy of their family doctor's office. Treatment will be more effective, and the risk of relapse after treatment will be significantly reduced.²⁵

Mandatory Education

First-time DUI /DWI offenders are often ordered by the court to attend an alcohol education program. Within the military, many alcohol incidents are also commonly addressed with alcohol education. The presumption is that with most first-time offenders education, rather than counseling or treatment, is all that is required unless there is reason to believe otherwise.

Educational programs are often sufficient to make the point that an individual must drink responsibly.

Participation in Treatment

For an individual who already has a clearance, participation in a counseling or treatment program may be sufficient for mitigation if there is no history of previous treatment and relapse, and the individual is making satisfactory progress. The goal is to allow many individuals to continue working while undergoing treatment. This does not apply to applicants for an initial clearance. The rationale is that an organization has an obligation to help, and a self-interest in helping, many individuals who develop or manifest a drinking problem while employed. There is no similar obligation or self-interest with an applicant. This policy will also make it easier for personnel who develop an alcohol problem to seek treatment for it, rather than feel compelled to hide the problem in order to protect their security clearance. Administrative action concerning security clearance can be deferred pending satisfactory outcome of treatment.

If an existing employee's problem surfaces solely as a result of self-referral to counseling or a treatment program, there were no major precipitating factors such as alcohol-related arrests, and the employee is making satisfactory progress, the case should normally be handled as an employee assistance issue.

Successful Completion of Treatment Program

Alcohol dependence and abuse are both treatable, but [relapse](#) is not unusual. Completion of [inpatient](#) or [outpatient treatment](#) along with an aftercare program mitigates security concerns if subject has abstained from alcohol or greatly reduced alcohol consumption for a period of at least 12 months after treatment and has received a favorable prognosis by a duly qualified medical professional.

Treatment programs differ on their goals. In the traditional approach, the goal is abstinence, based on the assumption that the alcohol problem is a progressive illness that can never be cured, only brought under controlled by cessation of all drinking of alcoholic beverages. The 12-Step treatment program popularized by Alcoholics Anonymous is typical of this approach.

Alternative approaches that emphasize controlled or moderate drinking have been slowly gaining support for many years. This class of treatments or interventions goes by a host of names including controlled drinking, reduced- risk drinking, moderated drinking, and asymptomatic drinking.²⁶ Specific intervention approaches go by names such as Behavioral Self-Control Training (BSCT) and Moderation Management (MM). The goal is to reduce alcohol consumption and minimize or eliminate the risks associated with one's past drinking habits. It is attractive to those who would never participate in a 12-step program.

Relapse Rates

For the adjudicator evaluating the significance of alcoholism treatment as a mitigating factor, the most significant indicators that an individual will remain abstinent are successful completion of the treatment program, strict adherence to the full aftercare program, and any other evidence that the individual recognizes his or her problem and is highly motivated to overcome it.

Since most individuals who have an alcohol problem deny they have a problem, recognition of the problem and motivation to overcome it is the key to successful treatment. Relapse is a common occurrence after all addiction treatment programs, but the risk of relapse diminishes as time passes. In alcohol as well as drug and smoking addiction programs, the first relapse occurs most commonly during the first three to six months after completion of treatment

One interesting study of treatment outcomes for military personnel was conducted by the Tri-Service Alcoholism Recovery Department (TRISARD) at the Bethesda Naval Hospital. It showed that if one gets through the first three months without relapse, the chances for long-term abstinence improve dramatically, and the chance of a relapse that affects work performance is small. It is noteworthy that failure to achieve complete abstinence did not, in most cases, lead to objectionable behavior or affect work performance. In fact, this study showed that when a patient who completed the program got through three months without a relapse, the chance that

any subsequent relapse from abstinence would affect job performance was almost negligible for at least two years.²⁷

Success of military treatment programs is measured by subsequent job performance as well as by subsequent abstinence. Studies of these programs have found that at least two-thirds of those who completed a program were abstinent or virtually abstinent one year later. Another 19% were drinking occasionally but had substantially reduced their alcohol consumption. That leaves about 15% for whom the treatment was unsuccessful. Nearly 83% had received a satisfactory or highly satisfactory performance rating.²⁸

Proponents of treatment that aims to help drinkers learn to drink more responsibly, without total abstinence, also cite impressive success rates. One long-term study showed that of patients followed for three to eight years following treatment, about 15% had maintained moderate drinking patterns and had no ongoing problems caused by their drinking, another 15% showed distinct reductions in the volume of alcohol consumption, but still reported some problems associated with drinking, while another 33% reported that their moderation training had helped them decide that abstaining was their best option. It was not very helpful for 26%.²⁹

Inpatient vs. Outpatient Care

There is great variety in the length and types of treatments used in civilian alcoholism treatment programs, and the length of aftercare programs varies from one to three months up to two years. The scientific evidence of the effectiveness of many treatments is questionable, but all programs have many graduates who report successful outcomes. The evidence indicates that expensive, inpatient treatment programs offer no notable advantages in overall effectiveness as compared with outpatient treatment.³⁰ The effectiveness of treatment may be determined more by individual needs, personal attributes, and motivation of the participant to break the habit than by the specifics of the treatment program.

Reference Materials

Criteria for Medical Diagnosis of Abuse or Dependence

A diagnosis of alcohol abuse or dependence should be made by a duly qualified medical professional. Medical criteria for a formal diagnosis of any substance abuse or dependence, including alcohol abuse or dependence, are defined as follows by the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders (DSM-V)*:

A problematic pattern of alcohol use leading to clinically significant impairment or distress, as manifested by at least two of the following, occurring within a 12-month period:

- (1) Alcohol is often taken in larger amounts or over a longer period than was intended.
- (2) There is a persistent desire or unsuccessful efforts to cut down or control alcohol use.
- (3) A great deal of time is spent in activities necessary to obtain alcohol, use alcohol, or recover from its effects.
- (4) Craving, or a strong desire or urge to use alcohol.
- (5) Recurrent alcohol use resulting in a failure to fulfill major role obligations at work, school, or home.
- (6) Continued alcohol use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of alcohol.
- (7) Important social, occupational, or recreational activities are given up or reduced because of alcohol use.
- (8) Recurrent alcohol use in situations in which it is physically hazardous.
- (9) Alcohol use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by alcohol
- (10) Tolerance, as defined by either of the following:
 - (a) A need for markedly increased amounts of alcohol to achieve intoxication or desired effect.
 - (b) A markedly diminished effect with continued use of the same amount of alcohol.
- (11) Withdrawal, as manifested by either of the following:
 - (a) A characteristic withdrawal syndrome for alcohol such as sweating, high pulse rate, hand tremor, insomnia, anxiety, etc.
 - (b) Alcohol or some other substance is taken to relieve or avoid withdrawal symptoms.

Substance Dependence

A maladaptive pattern of substance use, leading to clinically significant impairment or distress, as manifested by three (or more) of the following, occurring at any time in the same 12-month period:

- (1) tolerance, as defined by either of the following:
 - (a) a need for markedly increased amounts of the substance to achieve intoxication or desired effect

- (b) markedly diminished effect with continued use of the same amount of the substance
- (2) withdrawal, as manifested by either of the following:
 - (a) the characteristic withdrawal syndrome for the substance
 - (b) the same (or a closely related) substance is taken to relieve or avoid withdrawal symptoms
- (3) the substance is often taken in larger amounts or over a longer period than was intended
- (4) there is a persistent desire or unsuccessful efforts to cut down or control substance use
- (5) a great deal of time is spent in activities necessary to obtain the substance (e.g., visiting multiple sources or driving long distances), using the substance (e.g., chain-smoking), or recovering from its effects
- (6) important social, occupational, or recreational activities are given up or reduced because of substance use
- (7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance (e.g., current cocaine use despite recognition of cocaine-induced depression, or continued drinking despite recognition that an ulcer was made worse by alcohol consumption).

Substance Abuse

A maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one (or more) of the following occurring within a 12-month period:

- (1) recurrent substance use resulting in a failure to fulfill major role obligations at work, school, or home (e.g., repeated absences or poor work performance related to substance use; substance-related absences, suspensions, or expulsions from school; neglect of children or household)
- (2) recurrent substance use in situations in which it is physically hazardous (e.g., driving an automobile or operating a machine when impaired by substance use)
- (3) recurrent substance-related legal problems (e.g., arrests for substance-related disorderly conduct)
- (4) continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance

(e.g., argument with spouse about consequences of intoxication, physical fights)

Note: These symptoms have never met the criteria for Substance Dependence for this class of substance.

Additional Sources of Information

The National Clearing House for Alcohol and Drug Information is the central point for ordering all information published by the U.S. Government on alcohol and drug abuse. The prevalence of all forms of substance abuse is monitored annually by two major national surveys. Both surveys are sponsored by the National Institute on Drug Abuse. Results may be obtained without charge from the [National Clearinghouse for Alcohol and Drug Information](#), phone 1-800-729-6686.

- *Monitoring the Future* (MTF) is an annual study of the drug- and alcohol-related behaviors and attitudes of American high school students, college students, and young adults. It includes annual follow-up questionnaires mailed to a sample of previous participants from each high school graduating class since 1976. The Internet site for MTF is <http://www.monitoringthefuture.org/>. The most recent study is available at this site.
- The *National Household Survey on Drug Abuse* is based on a national probability sample of persons age 12 and older living in U.S. households.

The Worldwide Survey on Substance Abuse and Health Behaviors Among Military Personnel has been conducted five times since 1980, the last in 2002. It is conducted for the Assistant Secretary of Defense (Health Affairs) and the Department of Defense Coordinator for Drug Enforcement Policy and Support.

Endnotes

- ¹ National Highway Traffic Safety Administration. *Traffic safety facts 2007: Alcohol impaired driving*. Washington, DC: National Center for Statistics and Analysis. Retrieved April 16, 2010, from <http://www-nrd.nhtsa.dot.gov/Pubs/810985.PDF>
- ² National Institute on Alcohol Abuse and Alcoholism. (2000, June). *Tenth special report to the U.S. Congress on alcohol and health*. Washington, DC: U.S. Department of Health and Human Services. Retrieved April 16, 2010 from <http://pubs.niaaa.nih.gov/publications/10report/intro.pdf>
- ³ National Highway Traffic Safety Administration. *Traffic safety facts 2008 data: Motorcycles* (National Center for Statistics and Analysis: DOT HS 811 159). Washington, DC. Retrieved from <http://www-nrd.nhtsa.dot.gov/pubs/811159.pdf>
- ⁴ U.S. Federal Emergency Management Agency. (2003). *Establishing a relationship between alcohol and casualties of fire*. Topical Fire Research Series, 3(3). National Institute on Alcohol Abuse and Alcoholism. (1997). *Ninth special report to the U.S. Congress on alcohol and health*. Washington, DC: U.S. Department of Health and Human Services, Chapter 7: Effects of Alcohol on Behavior and Safety.
- ⁵ Declassified extracts from 1993 study of Americans arrested for espionage.
- ⁶ U.S. Senate Select Committee on Intelligence. (1994). *An assessment of the Aldrich H. Ames espionage case and its implications for U.S. intelligence*. Washington, DC: Author.
- ⁷ Petrakis, I.L., Gonzalez, G., Rosenheck, R., & Krystal, J.H. (2002, November). *Comorbidity of alcoholism and psychiatric disorders: An overview*. Bethesda, MD: National Institute on

- Alcohol Abuse and Alcoholism (NIAAA). Retrieved from <http://pubs.niaaa.nih.gov/publications/arh26-2/81-89.htm>
- 8 Helzer, J., & Pryzbeck, T.R. (1988). The co-occurrence of alcoholism with other psychiatric disorders in the general population and its impact on treatment. *Journal of Studies of Alcohol*, 49(3), 219-224. For a more detailed discussion of this subject, see National Institute on Alcohol Abuse and Alcoholism, (1993). Eighth special report to the U.S. Congress on alcohol and health. Washington, DC: U.S. Department of Health and Human Services, Chapter 2: Psychiatric Comorbidity with Alcohol Use Disorders.
 - 9 National Institute on Alcohol Abuse and Alcoholism. (2000). *Tenth special report to the U.S. Congress on alcohol and health*. Washington, DC: U.S. Department of Health and Human Services, Chapter 1: Drinking over the lifespan: Issues of biology, behavior, and risk.
 - 10 Kruzich, D.J., Silsby, H.D., Gold, J.D., & Hawkins, M.R. (1986). *An evaluation and education program for driving while intoxicated offenders*. *Journal of Substance Abuse Treatment*, 3, 263-270. Initial data in this study were updated in a personal communication from Jack Gold to Kent Crawford, PERSEREC, November 1990.
 - 11 Substance Abuse and Mental Health Services Administration. (2004). *Results from the 2003 national survey on drug use and health: National findings* (Office of Applied Studies, NSDUH Series H-25, DHHS Publication No. SMA 04-3964). Rockville, MD. Retrieved June 23, 2005, from <http://www.oas.samhsa.gov/NHSDA/2k3NSDUH/2k3results.htm>
 - 12 National Council on Alcohol and Drug Dependence (NCADD). (1997). *Combating hardcore drunk driving: A source book of promising strategies, laws, and programs: Treatment*. Washington, DC: Author.
 - 13 Clements, W. (2002, March). How many come back? DUI offender recidivism in Vermont. *The Vermont Bar Journal*, 1-4.
 - 14 Greenfield, L.A. (1988). *Drunk driving* (Bureau of Justice Statistics Special Report RPO722). Washington, DC: Department of Justice.
 - 15 Wilson, R.J., & Jonah, B.A. (1985). Identifying impaired drivers among the general driving population. *Journal of Studies on Alcohol*, 46(6), 531-537.
 - 16 McMillen, D.L., Pang, M.G., Wells-Parker, E., & Anderson, B.J. (1992). Alcohol, personality traits, and high-risk driving: A comparison of young, drinking driver groups. *Addictive Behaviors*, 17, 525-532.
 - 17 Labouvie, E., & Pinsky, I. (2001). Substance abuse and driving: The coexistence of risky and safe behaviors. *Addiction*, 96, 473-484.
 - 18 McMillen, D.L., Smith, S.M., & Wells-Parker, E. (1989). Behavior and personality traits among DUI arrestees, nonarrested impaired drivers, and nonimpaired drivers. *International Journal of Addiction*, 26(2), 447-483.
 - 19 Hermos, J.A., LoCastro, J.S., Glynn, R.J., Bouchard, G.R., & DeLabry, L.O. (1988). Predictors of reduction and cessation of drinking in community-dwelling men: Results from the normative aging study. *Journal of Studies on Alcohol*, 49, 363-368. Fillmore, K., & Midanik, L. (1984). Chronicity of drinking problems among men: A longitudinal study. *Journal of Studies on Alcohol*, 45(3). Fillmore, K. (1987). Women's drinking across the adult life course as compared to men's. *British Journal of Addiction*, 82, 801-811.
 - 20 Johnston, L. D., O'Malley, P. M., Bachman, J. G., & Schulenberg, J. E. (2005, December 19). *Teen drug use down but progress halts among youngest teens*. Press release, University of Michigan News and Information Services. Retrieved January 10, 2006, from http://www.monitoringthefuture.org/pressreleases/05drugpr_complete.pdf.
 - 21 Johnston, L.D., O'Malley, P.M., Bachman, J.G., & Schulenberg, J.E. (2004). *Monitoring the future: National survey results on drug use, 1975-2003*. Volume II: College students and adults ages 19-45 (NIH Publication No. 04-5508). Bethesda, MD: National Institute on Drug Abuse. Retrieved June 22, 2005, from http://www.monitoringthefuture.org/pubs/monographs/vol1_2003.pdf
 - 22 Grant, B.F., & Dawson, D.A. (1997). Age of onset of alcohol use and its association with DSM-IV alcohol abuse and dependence: Results from the National Longitudinal Alcohol Epidemiologic Survey. *Journal of Substance Abuse*, 9, 103-110.
 - 23 Grant, B.F. (1998). The impact of family history of alcoholism on the relationship between age at onset of alcohol use and DSM-IV alcohol dependence. *Alcohol Health and Research World*, 22 (2), 144-148.
 - 24 National Center for Health Statistics. (2002). *Percent distribution of drinking levels of males and females 18 years of age or older according to selected characteristics: United States, NHIS, 1997-2000*. National Health Interview Study. Washington, DC: Centers for Disease Control and Prevention (CDC).

- 25 Spencer, J. (2005, August 23). *Fighting alcoholism with a pill*. The Wall Street Journal, p. D1.
- 26 Saladin, M.E., & Santa Ana, E.J. (2004). Controlled drinking: More than just a controversy. *Current Opinion on Psychiatry*, 17(3), 175-187.
- 27 Wright, C., Grodin, D.M., & Harig, P.T. (1990). Occupational outcome after military treatment for alcoholism. *Journal of Occupational Medicine*, 32(1), 24-32.
- 28 Trent, L.K. (1995) *Predictors of outcome one year after a Navy residential alcohol treatment program* (Report No. 95-42). San Diego, CA: Naval Health Research Center. Also see 27.
- 29 Miller, W.R., Tonigan, J.S., & Verner, S.W. (2003). *Self-control training in moderation for problem drinkers*. Albuquerque, NM: Center on Alcoholism, Substance Abuse, and Addictions. Retrieved from <http://casaa.unm.edu/selfcontrol.html>
- 30 Hayashida, M. (1998). An overview of outpatient and inpatient detoxification. *Alcohol Health & Research Review*, 22(1), 44-46.

Allegiance

Relevance to Security	33
Potentially Disqualifying Conditions	34
Extract from the Guideline	34
Actions that Harm U.S. National Security	35
Actual or Threatened Use of Force or Violence	36
Extremist Hate Groups	36
Extremist Patriot Groups	36
Sovereign Citizen Movement	38
Other Single-Issue Extremist Groups	38
Association with Extremist Organizations or Groups	39
Stricter Standard for Military Personnel	41
Example of Disqualifying Behavior	41
Mitigating Conditions	42
Extract from the Guideline	42
Most Common Mitigating Conditions	43
Individual Was Unaware	43
Only Involved in Lawful Aspects	43
Brief Period/Curiosity/Research	43
Not Recent	43
Example of Mitigation	43
Reference Materials	44
Sources of Additional Information	44
Glossary of Terms Used By Right-Wing Extremist Groups	44
Endnotes	47

Relevance to Security

Allegiance is the loyalty that a citizen owes to his or her country. If allegiance to the United States is in doubt, an individual's willingness to safeguard classified information is also in doubt.

There is considerable overlap between the Allegiance guideline and the [Foreign Influence](#) and [Foreign Preference](#) guidelines (see pages 157 and 181). It is principally an Allegiance issue when an American citizen uses force or violence in seeking to overthrow or influence the U.S. Government, prevent others from exercising their constitutional rights, or to harm deliberately the United States. It is principally a Foreign Influence or Foreign Preference issue when an individual shows a preference for a foreign country, serves a foreign interest, or is vulnerable to foreign influence that puts protected information at risk. Some cases are adjudicated under all three guidelines.

Criticism of the U.S. Government is protected by freedom of speech. Expression of unpopular or antigovernment beliefs does not show lack of allegiance. An allegiance issue arises only when a person acts or prepares to act on those beliefs in a manner that violates the law.

Some persons proclaim their allegiance to the United States while their actions clearly demonstrate disloyalty. Interviews with 24 Americans arrested for espionage determined that almost all considered themselves “good Americans.” They did not prefer any foreign country and rationalized their espionage as “not really hurting anyone.” In their minds, allegiance to the United States was never an issue.¹ The truth, of course, is just the opposite. Espionage against the United States is a very clear expression of disloyalty.

Similarly, some antigovernment militia members, white supremacists, and tax protesters refer to themselves as Patriots. They defend a distorted interpretation of the Constitution, while actually undermining the Constitution by taking the law into their own hands and trying to force their values on others. While professing loyalty to the “country,” many of these self-styled “Patriots” reject allegiance to what they view as an illegal government.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States of America;*
- (b) *association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;*
- (c) *association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to;*
 - (1) *overthrow or influence the government of the United States or any state or local government;*
 - (2) *prevent Federal, state, or local government personnel from performing their official duties;*
 - (3) *gain retribution for perceived wrongs caused by the Federal, state, or local government;*
 - (4) *prevent others from exercising their rights under the Constitution or laws of the United States or of any state.*

The first two potentially disqualifying factors involve support for a foreign interest to the detriment of U.S. national security. The third disqualifying factor is quite broad. It covers any behavior that violates another person's constitutional rights or undermines the constitutional process, often for domestic goals rather than on behalf of a foreign interest. Individuals holding a security clearance have a right to hold unpopular opinions, including opinions that are distasteful to the overwhelming majority of Americans and contrary to government policy. They also have a right to seek change in government policies or programs.

They do not have the right to engage in force or violence, either actual or threatened, or to take the law into their own hands in any other way, in order to further their beliefs. Allegiance to the United States under this guideline is evaluated by what actions one takes or prepares to take, not what one is said to believe.

[Guideline \(C\)](#) of the Adjudicative Guidelines (page 371) covers domestic dissidence not covered by the [Foreign Preference](#) and [Foreign Influence](#) guidelines. Examples of this include:

- Expressing hatred of American society, culture, government, or principles of the U.S. Constitution.
- Advocating the use of unlawful violence or force to achieve goals that are political religious, or ideological in nature.
- Participation in political demonstrations that promote or threaten the use of unlawful violence directed against any U.S. organization or entity based on political, ideological, or religious tenets, principles, or beliefs.²

Actions that Harm U.S. National Security

An allegiance issue is raised by involvement in any illegal act, or the preparation, threat or attempt to commit any illegal act, or the knowing association with any persons or organizations advocating any illegal act, that harms the national security of the United States. Actions that harm the national security of the United States include espionage, treason, sabotage, terrorism, and sedition. These terms are defined below.

Espionage - "Spying," or gathering and communicating protected information that will benefit a foreign country or group, usually to the detriment of the United States.

Sabotage - Malicious damage or destruction of any work, structure or machinery, or disruption of production or business, usually with intent to injure or weaken, to make a political point, or to deny use of facilities or materiel.

Sedition - Conduct or language inciting resistance or insurrection against the lawful authority of a state.

Terrorism - Terrorism is the use or threatened use of violence or force for the purpose of creating fear in order to achieve a political, economic, religious, or

ideological goal. International terrorism is terrorism conducted by or on behalf of any foreign interest.

Treason - Providing aid and comfort to an enemy in wartime.

Actual or Threatened Use of Force or Violence

An Allegiance issue may be raised by the actual or threatened use of force or violence in an effort to change government policy, prevent government personnel from performing their official duties, or prevent others from exercising their constitutional rights. Constitutional rights include the public's right to vote, freedom of speech, right of assembly, and freedom of religion.

Intimidation, harassment, or use of force to prevent any person from exercising these rights is an Allegiance issue. Training for or practicing the use of force or violence for these purposes is usually equivalent to threatening to use force or violence, as training and practice generally indicate intent to act.

A number of domestic groups and organizations engage in activities that threaten to use or actually do use force or violence to achieve their political goals. Most of them fall within one of five broad categories -- Extremist Hate Groups, Extremist "Patriot" Groups, "Sovereign Citizens Movement," and Other Single-Issue Extremist Groups.

Extremist Hate Groups

Local law enforcement agencies report all hate crimes to the FBI. During 2010, the FBI recorded 6,626 hate crime incidents of which 47.32% were racially motivated, 20% by religious bias, 19.3% by sexual orientation, and 12.8% by ethnicity/national bias. About 80% were directed against individuals rather than against business, government, or religious organizations.³

The Southern Poverty Law Center has an ongoing "Intelligence Project" that tracks all types of extremist groups and their activities. Its records showed 762 U.S. racial or religious "hate groups" active in 2004. By 2011, the number had increased to 1,018. These include but are not limited to Black Separatist, Ku Klux Klan, Neo-Nazi, Racist Skinhead, Christian Identity, and Neo-Confederate groups. Hate groups have beliefs or practices that attack or malign an entire class of people, typically for some characteristic such as race or religion. The names and locations of these hate groups are available at the Southern Poverty Law Center web site. Go to www.splcenter.org, then click on Intelligence Project and Hate Map.⁴

Extremist Patriot Groups

Patriot groups are known for their armed militias and conspiracy theories. While individual militias differ widely in their philosophical beliefs, the common ground that binds them together is their mistrust and hatred of the federal government. They believe the government is engaged in a conspiracy to disarm the citizenry and

impose authoritarian control. “The most ominous aspect of the militias’ program is the conviction, openly expressed by many of them, that an impending armed conflict with the federal government necessitates paramilitary training and the stockpiling of weapons in preparation for that day of reckoning. For additional information on what many militia members believe, see the [Glossary of Terms Used By Right-Wing Extremist Groups](#) (page 44).

The Patriot movement hit one peak in the mid-1990s – the time of the bombing of the Federal Building in Oklahoma City – when over 800 groups in the United States identified themselves as “Patriots” opposed to a “New World Order” government conspiracy. As of 2004, this had gone down to 152 groups, including 52 militias, various “[common law courts](#),” groups of “[freemen](#)“ and support groups that published and disseminated literature and held conferences but did not participate in paramilitary training.² The number of these groups then increased rapidly to the point that the FBI reported in 2010 that there were 1,274 such groups.⁴ For names and locations of these Patriot groups, go to www.splcenter.org -- then click on Intelligence Project and search for List of Patriot Groups.

Private militias that raise security concerns must be distinguished from other groups that may call themselves militias but have no relationship at all to extremist activity. Some are hobbyists who dress up in period uniforms to reenact Civil War or Revolutionary War battles.

Some of the Patriot militias run paramilitary training camps, some of which are illegal. Paramilitary training can be broken down into roughly four categories:

- Commercial organizations or franchises that offer training to law enforcement or security firms worldwide.
- Mercenary training camps that offer training to be a soldier-for-hire, usually for participation in some foreign conflict.
- Terrorist training camps that train people to participate in terrorist activities at home or abroad.
- Patriot training camps run by survivalist or right-wing hate groups that train to be prepared for a future armed conflict with the federal government. Patriot training camps are against the law in most states if the training, or the transportation or stockpiling of weapons, is done with the knowledge or intent that it will be used to create a civil disturbance.⁵ Federal law and some state laws apply only to the trainers, not the trainees.⁶

When no foreign country is involved, it may not be obvious that Allegiance to the United States is at issue due to militia activity. There is no foreign power involved. Even the most extreme militia members perceive themselves as patriots defending the Constitution. Some are decorated military veterans who have risked their life for their country. They claim not to be preparing to overthrow the government, but to defend themselves against what they see as an oppressive government being subverted by “one-world” or other insidious forces. However, a person’s past military

record or current claims of patriotism do not mitigate the person's involvement in activities that advocate or commit acts of force or violence or that prevent others from exercising their rights under the Constitution or laws of the United States.

Sovereign Citizen Movement

“Sovereign citizens” are anti-government extremists who believe that even though they physically reside in this country, they are separate or “sovereign” from the United States. As a result, they believe they do not have to answer to any government authority, including courts, taxing entities, motor vehicle departments, or law enforcement.

“This causes all sorts of problems – and crimes. For example, many sovereign citizens do not pay their taxes. They hold illegal courts that issue warrants for judges and police officers. They clog up the court system with frivolous lawsuits and liens against public officials to harass them. And they use fake money orders, personal checks, and the like at government agencies, banks, and businesses.... In addition to this, sovereign citizens are known to:

- Commit murder and physical assault;
- Threaten judges, law enforcement professionals, and government personnel;
- Impersonate police officers and diplomats;
- Use false currency, passports, license plates, and drivers licenses; and
- Engineer various white-collar scams, including mortgage fraud and so-called “redemption.”⁷

Sovereign citizens differ from the patriot extremists in that their weapon of choice is paper for court filings rather than guns. And they are not well organized. There is no central leadership and no organized group that members can join. Instead, there are a variety of local leaders with individualized views on sovereign citizen ideology and techniques. One recent estimate is that there are about 300,000 “sovereign citizens” in the United States.⁸

Other Single-Issue Extremist Groups

Special interest extremist movements like Animal Liberation Front and Earth Liberation Front, along with the Army of God underground network of anti-abortion extremists remain active. Supporters of these organizations pursue a political agenda by using what they call ‘direct action’ against individuals, companies, and government installations believed to be involved in abusing or exploiting animals or the environment. Direct action has in the past included fire-bombings, acts of vandalism, and physical attacks, but these groups have not been as active during recent years.

Single-issue extremist groups vary greatly. Some are more inclined toward threats or violence than others. Some avoid violence entirely and limit themselves to

exercising their constitutional right to free speech. Many members of extremist organizations are law-abiding citizens whose activities remain within the bounds of legitimate, albeit strident, political speech. However, their dues, volunteer labor, and fundraising may support a more radical underground movement whose leaders and long-time members have been charged with bombings, arson, bank robberies, attempted murder, illegal weapons possession, fraud, intimidation of public officials, and failure to pay taxes.

It is important that judgments about any extremist organization be up to date. Extremist movements are very fluid. New groups form and others disappear. The character of these groups may also change rapidly as circumstances change and different factions vie for control. Local law enforcement agencies and the FBI should be checked when any organization is suspected of engaging in illegal activities.

Association with Extremist Organizations or Groups

An Allegiance issue may be raised by membership or willful association with or support for any domestic or foreign organization or group of the type discussed above. Under this potentially disqualifying factor, the emphasis is on association with or membership in the organization as well as on participation in specific illegal actions. If an organization engages in or advocates illegal activities, membership alone may be a security concern that needs to be considered.

Denial or revocation of clearance based on membership alone usually requires evidence that the subject joined the group “knowingly” and “advocated” or “participated” in its activities. If the organization engages in illegal activities, the key questions that need to be resolved during adjudication are: Was the subject aware at the time of joining the organization that its activity may be against the law? Did the subject help to advocate, fund, plan, organize, advertise, or participate in these unlawful activities? These distinctions are important because some organizations recruit members through broad appeals to furthering peace or defending the Constitution. It may take a while before a new member understands the full extent or significance of the group’s activities. Many front organizations have two agendas: a lawful and open agenda for the members and the public to see, and a hidden agenda known only to the leadership. The lawful agenda may be used to raise funds and spot candidates to assist with the hidden agenda.

To assess the significance of an individual’s association with or membership in an extremist group or organization that may violate the law (or violate Defense Department policy for military personnel), the adjudicator needs to know information such as the following:

- When, why, and under what circumstances the subject first became associated with the organization or activity.
- The inclusive dates and extent of affiliation (offices held; participation in meetings, demonstrations, parades, and/or social events; distribution of

literature or subscription to literature; financial or material support, etc.). Was the subject ever asked to participate in or support any act or activity which may have violated the law?

- Was the subject aware, or should he or she have been aware, that the organization's interests were unlawful. If subject was originally not aware of the unlawful nature of the activities, when and how did subject become aware and what did subject do then?
- Did the subject receive any training, especially training in paramilitary operations, weapons, explosives, casing of targets.
- If the subject claims any mitigating factors (i.e., was not aware of the unlawful aims of the organization or activity, did not participate in the unlawful part of an organizations' activities, joined only to write a school paper about the organization), the subject should be asked to identify sources who can confirm his or her account. Investigation should then seek to verify this story.

Although a commitment to protect classified information does not require that one agree with U.S. Government policies, it does require that one accept the basic legitimacy of federal, state and local governments and their constitutional authority to make and enforce laws. Patriot groups generally reject that legitimacy. If a person views the U.S. Government as the "enemy" and trains and practices to use military force against federal law enforcement authorities or to cause any other civil disturbance, it would probably not be advisable to count on that person to guard a sensitive government installation or to protect classified information. Training and practice generally demonstrate intent to act. Granting a clearance only because the illegal act has not yet been committed would probably not be consistent with the common-sense intent of the guidelines.

In the event of uncertainty, the case should be referred for legal review. The bottom line should be a common-sense, whole-person decision on whether access to classified information "is clearly consistent with the interests of the national security" and meets the other requirements of Section 3.1.(b) of Executive Order 12968.

A criminal offense such as disturbing the peace, which is only a misdemeanor and not disqualifying under [Criminal Conduct](#) (page 48), could be disqualifying when evaluated under the [Allegiance to the United States](#) guideline. For example, a misdemeanor offense may be a basis for adverse action if it resulted from efforts to prevent others from exercising their constitutional rights, e.g., seeking to prevent members of a minority group from demonstrating or voting. See [Example of Disqualifying Behavior](#) (page 41).

For more information on antigovernment extremist groups, see the [Glossary of Terms Used By Right-Wing Extremist Groups](#) (page 44).

Stricter Standard for Military Personnel

DoD Directive 1325.6, "Guidelines for Handling Dissident and Protest Activities Among Members of the Armed Forces," prohibits the following types of activities. The actions commanders take is at their discretion based on their perceptions of the impact of the prohibited conduct on their units.

- Actual or intended distribution through unofficial channels of publications that pose a clear danger to the loyalty, discipline, or morale of their units.
- Visiting establishments that have been deemed off limits because activities taking place there may include counseling members to refuse to perform duty or to desert; pose a significant adverse effect on Service members' health, morale, or welfare; or otherwise present a clear danger to the loyalty, discipline, or morale of a member or military unit.
- Publishing underground newspapers during duty hours or using U.S. Government property or publishing publications off-duty that contain language punishable under federal law.
- Demonstration or activity on the installation or facility that could result in interference with or prevention of orderly accomplishment of the mission of the installation or facility, or present a clear danger to loyalty, discipline, or morale of the troops.
- Participation in off-post demonstrations when soldiers are on duty, in a foreign country, when their activities constitute a breach of law and order, when violence is likely to result, or when they are in uniform in violation of DoD Directive 1334.1 (reference (d)).
- Participation in organizations that espouse supremacist causes; attempt to create illegal discrimination based on race, creed, color, sex, religion, or national origin; advocate the use of force or violence; or otherwise engage in efforts to deprive individuals of their civil rights. Active participation, such as publicly demonstrating or rallying, fund raising, recruiting and training members, organizing or leading such organizations, or otherwise engaging in activities in relation to such organizations or in furtherance of the objectives of such organizations that are viewed by command to be detrimental to the good order, discipline, or mission accomplishment of the unit, is incompatible with military service, and is, therefore, prohibited.

Example of Disqualifying Behavior

Subject is a 35-year old computer technician recently hired by the Army and being processed for access to Top Secret information.

Ten years ago, subject was arrested for disorderly conduct. He and other members of the Patriotic Knights of America (PKA) were harassing voters with "Asian features" and attempting to prevent them from entering a voting location. (Note: The name of the organization has been changed for use in this example. PKA is not the name of

any actual organization, so far as is known.) Seven years ago, he was again arrested for disorderly conduct. He and other PKA members were counter-demonstrating at a synagogue against a group protesting the holocaust of World War II. They did not want what they thought were lies about the alleged holocaust to be told in public, so they pushed and shoved several Jewish protesters out onto the street and attempted to prevent them from protesting.

In a personal interview, subject stated that he joined the PKA 20 years ago because he agreed with its goals, which are to protect the rights of true Americans. Subject defined true Americans as those descended from the people of Western Europe and who believe in the Protestant faith. Other people believing in different religions or from different ethnic backgrounds are not true Americans and should not receive the rights granted by the U.S. Constitution. With respect to his prior arrests, subject explained that any actions are proper if they promote the goal of protecting the interests of true Americans. He is still active in the PKA.

On his Personnel Security Questionnaire, subject answered “No” to the question about affiliation with any organization that advocates or approves use of force or violence to prevent other persons from exercising their rights under the Constitution. He explained that persons who are not true Americans have no rights under the Constitution.

Both of subject’s arrests were only for misdemeanors, and the last arrest was seven years ago. However, access to classified information will generally be denied under these circumstances as there has been no remorse or rehabilitation. Subject continues as an active PKA member committed to preventing certain Americans from exercising their constitutional rights. He may well act on this belief again in the future.

Mitigating Conditions

Extract from the Guideline

- (a) *the individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;*
- (b) *the individual’s involvement was only with the lawful or humanitarian aspects of such an organization;*
- (c) *involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;*
- (d) *the involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual’s current reliability, trustworthiness, or loyalty.*

Most Common Mitigating Conditions

Individual Was Unaware

Some organizations recruit members through broad appeals to furthering peace or defending the Constitution. It may take a while before a new member understands the full extent or significance of the group's activities. If the individual was not aware of the illegal activities, this may be a mitigating factor. See [Example of Mitigation](#) (page 43).

Only Involved in Lawful Aspects

Many front organizations have two agendas: a lawful and open agenda for the members and the public to see, and a hidden agenda known only to the leadership. The lawful agenda may be used to raise funds and spot candidates to assist with the hidden agenda. If the individual was involved only with the lawful or humanitarian aspects of a subversive organization, this may be a mitigating factor.

Brief Period/Curiosity/Research

A short (less than one year) period of membership during college suggests the type of wide-ranging interest that is common in an academic environment. A student may have joined to write an academic paper about it, or a journalist may have joined to write an investigative report. Participation may have been stimulated by something as innocent as a prospective girlfriend or boyfriend in the group. If the involvement lasted for only a short period of time and was attributable to curiosity or academic interest, this may be a mitigating factor.

Not Recent

Passage of time may mitigate some past associations or involvements as long as one did not participate directly in felony criminal activity. Amount of time depends upon age and maturity at the time and the extent and seriousness of the proscribed involvement.

Example of Mitigation

Subject was a military policeman being processed for Top Secret clearance. Local agency records show that he was arrested 10 years ago, at age 18, for parading without a permit and refusing to disperse. He was found guilty and fined \$75. He was participating in a march by the group Posse Comitatus protesting U.S. tax policies. The group had not obtained a permit to conduct a march on public streets. When ordered to disperse, the group refused to do so. Subject was arrested with other group members.

Records also show that two months later the subject voluntarily reported the following to the police: He had been told that some members of the Posse Comitatus were planning bank robberies and other armed acts against the federal government to cause a change in the tax laws.

Subject reported during interview that he was a member of Posse Comitatus for six months. He believed the tax laws did not treat people fairly, so he joined the group to help get these laws changed. He attended several meetings and rallies. The parade where he was arrested was intended to obtain television coverage, but they did not know they needed a permit to march on public streets. When he heard members of the group talking about robbing banks to get money to buy more powerful weapons to attack government installations, subject reported this to the police and resigned from the group.

This case meets several mitigation criteria: brief membership, severed association when learned of illegal activities, passage of 10 years.

Reference Materials

Sources of Additional Information

The Southern Poverty Law Center claims to have the largest database on violent extremist groups in the United States. For the most complete and most current coverage, go to the www.splcenter.org and then click on Intelligence Project.

During recent years, the FBI has increased significantly its resources devoted to analyzing and distributing to the public information about most forms of criminal activity. Its website was a valuable source of information for this chapter.

Glossary of Terms Used By Right-Wing Extremist Groups

Right-wing extremist groups use a special vocabulary of terms to describe their beliefs, activities, and organizations.⁹

Aryan Nations - Radical neo-Nazi group that calls for a racial holy war.

Biochip - Miniature silicon chip encoded with information that many Patriots believe is secretly being implanted in newborns and patients at medical facilities as part of a government plan to track its citizens.

Black Helicopters - Believed by Patriots to be tools of the New World Order used to conduct surveillance on citizens as the first phase of martial law.

Bilderbergers - A group of American and European business and political leaders that meets annually in Switzerland. Patriots view this organization as a key component of a one-world conspiracy.

Christian Identity - A “religion,” often referred to only as Identity, that is a major, radical force in the white supremacy movement. It holds as basic beliefs that Jews are spawn of Eve and Satan, that blacks and other minorities are subhuman “mud people,” that Aryans are the true chosen people of God, and that a great race war will result in the extermination of all Jews and minorities. Many Identity “churches” are allegedly stockpiling supplies of military weapons and explosives in preparation for what they believe is an imminent war with the government.

Christian Patriot - Term used by antigovernment extremists and white supremacists to identify themselves.

Common Law - A “legal system” developed by extremists. It is comprised of selected passages from the Bible, Magna Carta, Articles of Confederation, Bill of Rights, and obscure legal citations. Adherents believe their common law supersedes all other government judicial authority. Their common law is very different from the real common law, which is based on custom and court decisions.

County Rule Movement - Also known as the Sagebrush Rebellion, this movement grew out of conflict between local ranchers and federal land managers over grazing rights on federal lands. These groups believe the county should be the highest level of government. Also see [Posse Comitatus](#) (page 46).

De Facto Government - A government exercising power as if legally constituted. The term is used by extremists to refer to the federal government, which they believe is not a legitimate government and therefore has no jurisdiction over “sovereign citizens.”

Edomites – A Christian Identity term for Jews, derived from the Biblical story of Esau, who relinquished his birthright and later became the forefather of the Edomite race.

Freeman - A Patriot who formally rejects state and federal jurisdiction and regulations.

Fourteen Words - “We must secure the existence of our people and a future for white children.” A phrase coined by Order member David Land and widely quoted by white supremacists.

Fourteenth Amendment Citizens - The Fourteenth Amendment to the Constitution grants citizenship to all persons born or naturalized in the United States, including blacks. Patriots view people who won citizenship through this amendment as “citizens of the state,” not true citizens.

Gideon - Biblical king who threshed his wheat in secret to avoid paying taxes on it; considered by Patriots to be the first tax protester. While in bondage, Gideon was also a rebel leader.

Illuminati - A secret society founded in 18th-century Europe that Patriots see as the origin of an international conspiracy to rule the world. Christian Identity adherents believe the Illuminati is the first part of the satanic Jewish conspiracy.

Identity - See **Christian Identity** (page 45).

Khazarian - An Identity term for Jews that reflects the belief that the Jews are really mongrel people from Khazaria, north of Turkey.

Kingdom of Israel Message - An Identity belief that holds white Anglo- Saxons to be the true Israelites, or chosen people of God, instead of Jews, and that America is their New Jerusalem.

Militias - Term Patriots use to describe their private paramilitary forces, as distinguished from the state-sponsored militias (now National Guards) sanctioned by the Second Amendment.

National Alliance - A neo-Nazi organization in the United States.

New World Order - Patriot term for the world government they believe is about to be implemented through an international conspiracy.

“Off the Grid” - A catch phrase used by many Patriots and survivalists to describe their independence from federal and state authority.

One Supreme Court - The body that common law followers believe to be the ultimate judicial authority.

Patriots - Individuals who believe they are the true defenders of the U.S. Constitution, as the federal government is illegitimate and is run by conspirators who seek to disarm the American public and create a world government.

Posse Comitatus - Latin for “power of the county,” signifying refusal to obey or recognize any law enforcement or government authority higher than the county sheriff. Many tax protesters adhere to the Posse Comitatus view, including the belief that the federal government has no authority to collect taxes.

Protocols of the Learned Elders of Zion - Fictional document written in the 18th century by Czarist Russian officials, describing a centuries-old Jewish conspiracy to rule the world. This document continues to be distributed through white supremacist and Patriot mail-order houses.

Quiet Title - Common law “legal” procedure that Patriots believe frees a person from state and federal jurisdiction and regulations.

Sovereignty - To Patriots, this means exemption from federal and state control. “Sovereign citizens” reject the validity of the federal government, the judiciary, and the financial system.

Tenth Amendment - This constitutional amendment reserves all powers not delegated to the federal government to the states or to the people. Many Patriots view this amendment as their legal basis for secession from the federal government.

Trilateral Commission - A group of American, European and Asian business and political leaders that Patriots view as part of an international conspiracy of “elites” that seeks to establish the New World Order.

Yahweh - The name for God used by Identity followers. It is also used by others who are not extremists.

Yahshua - The name for Jesus used by Identity followers and others.

Z.O.G. - Zionist Occupational Government. Some Patriots have adopted this white supremacist term for the federal government. It signifies the view that Jews control the government.

Endnotes

- ¹ Declassified section of 1993 study of 24 Americans arrested for espionage.
- ² “Threat Awareness and Reporting Program,” Army Regulation 381-12, Table 3-3, dated November 2010. Retrieved August 2012 at http://www.apd.army.mil/jw2/xmldemo/r381_12/head.asp
- ³ FBI National Press Office (2011, Nov. 14). “FBI Releases 2010 Hate Crime Statistics.” Retrieved August 2012.
- ⁴ Retrieved September 14, 2005 from the Southern Poverty Law Center web site, www.splcenter.org
- ⁵ 18 U.S.C. § 231-233.
- ⁶ Southern Poverty Law Center. (1995, June). *State lawsuits can shut down militias* (p. 1). Klanwatch Intelligence Report, 78.
- ⁷ FBI (2010, April), “Domestic Terrorism: The Sovereign Citizen Movement.” Retrieved August 2012 from http://www.fbi.gov/news/stories/2010/april/sovereigncitizens_041310
- ⁸ Southern Poverty Law Center (2012), “Sovereign Citizen Movement.” Retrieved August 2012 at <http://www.splcenter.org/get-informed/intelligence-report/browse-all-issues/2010/fall/sovereign-citizen-kane>
- ⁹ Much of this glossary is quoted from: Unnamed Author, Southern Poverty Law Center (1996). *False patriots: The threat of antigovernment extremists* (pp. 69-70). Diane Publishing Co.

Criminal Conduct

Relevance to Security	48
Risk of Adult Recidivism	49
Risk of Juvenile Recidivism	49
Relationship of Criminal Conduct to Other Adjudicative Guidelines	50
Potentially Disqualifying Conditions	50
Extract from the Guideline	50
Compliance with Bond Amendment	51
Clean Criminal Record Does Not Mean Absence of Criminal Behavior	53
Most Crimes Are Not Reported	54
Most Reported Crimes Do Not Lead to Arrest	54
Many Arrested Persons Are Not Prosecuted or Convicted	55
Criminal Records Are Often Incomplete	55
Juvenile Records	56
Shoplifting, Employee Theft, Traffic Offenses	56
Shoplifting	57
Employee Theft	57
Traffic Offenses	58
Crimes of Domestic Violence	58
Mitigating Conditions	60
Extract from the Guideline	60
Discussion of Mitigating Factors	60
Crime Was Not Recent	61
Crime Was an Isolated Incident	62
Unique Circumstances Not Likely to Recur	63
Reference Materials	63
Glossary of Legal Terms	63
Index to Abbreviations Used in Criminal Records	68
Endnotes	79

Relevance to Security

Willingness to abide by rules is an essential qualification for eligibility for access to the nation's secrets. Past or current criminal activity creates doubt about a person's judgment, reliability, trustworthiness, and willingness to follow the rules and regulations that protect classified information.

Adjudication standards that disqualify individuals with a significant criminal history are supported by evidence that past adult criminal behavior predicts an increased likelihood of future criminal behavior. It is different with juveniles, however. The vast majority of juvenile offenders get into trouble only once or twice, and they stop offending as they mature.

Screening out applicants with a significant criminal history protects the organization against more than just espionage. Organizations are vulnerable to a wide variety of crimes including embezzlement, procurement fraud, sabotage of computer systems, and theft of government property. Other crimes such as drug dealing, illegal gambling, assault on coworkers, theft from other employees, and prostitution also affect the workplace. National security organizations have a vested interest in maintaining high standards.

Most government organizations and private businesses do not know and cannot measure accurately how much they suffer from theft in the workplace by employees or outsiders. “The professional business literature contains many accounts indicating that when companies do gather the necessary data, they are often surprised at the magnitude of losses they have been sustaining.”¹

Risk of Adult Recidivism

Less serious felony offenders are often sentenced to probation rather than prison. The recidivism rate for those sentenced to prison is high, because even those serving their first term in prison have often had considerable prior experience with the judicial system. Their prison sentence often comes only after the judge has given them a second chance to get their life in order, and they have failed. During 2007, approximately 16% of prisoners on parole were returned to incarceration. Released prisoners with the highest rearrest rates were robbers (70.2%), burglars (74.0%), larcenists (74.6%), motor vehicle thieves (78.8%), those in prison for possessing or selling stolen property (77.4%), and those in prison for possessing, using, or selling illegal weapons (70.2%).²

Risk of Juvenile Recidivism

The majority of youths processed by the juvenile court system get into trouble only once. One national study found that approximately “54% of males and 73% of females who enter the juvenile justice system never return on a new referral.”³ A significant number get into trouble twice, but it drops off sharply after that. Most juvenile delinquents do stop committing crimes as they mature.

As a general rule, youthful indiscretions should not be held against an individual. Good kids often make mistakes. However, chronic juvenile offenders and those who start offending at the earliest ages (before age 15) are likely to continue committing crimes as adults, and such a record should be considered by the adjudicator.

One 20-year study that followed 4,146 males found that the number of arrests before age 17 is a significant indicator of adult criminal behavior. Also, an individual’s age at their first arrest is a strong predictor of continuing criminal behavior. Those arrested before age 15 were six times more likely than others to be arrested again after age 21. Of juveniles with five or more arrests before age 17,

98.8% persisted with criminal behavior after age 21, 91.2% after age 25, and 70.0% after age 31.⁴

When an individual has one or more offenses as an adult, a juvenile record then becomes relevant to a judgment about a pattern of unreliability and untrustworthiness.

Relationship of Criminal Conduct to Other Adjudicative Guidelines

A criminal record that falls below the threshold for adverse action under the [Criminal Conduct](#) guideline (page 48) may nevertheless be relevant under other guidelines. For example, in the absence of any other criminal behavior, a couple misdemeanor offenses, such as those related to driving under the influence, would not be grounds for disqualification under [Criminal Conduct](#). They may be a more serious concern when evaluated under the [Alcohol Consumption](#) guideline (page 8) if they are part of a pattern of alcohol abuse, or under the [Personal Conduct](#) guideline (page 222) if they are part of a pattern of unreliability, untrustworthiness, or poor judgment.

Multiple property crimes such as burglary, robbery, and theft could indicate drug abuse. Many property crimes are motivated by a need to obtain money for drug purchases. The U.S. Department of Justice's Bureau of Justice Statistics reports that, in 2004, 17% of state prisoners and 18% of federal inmates said they committed their current offense to obtain money for drugs. In 2002 about a quarter of convicted property and drug offenders in local jails had committed their crimes to get money for drugs.⁵

Sex crimes involving the use of violence are a particularly serious concern under the [Criminal Conduct](#) guideline. Many sex crimes that do not involve violence, coercion or intimidation should be evaluated under [Sexual Behavior](#) (page 298), [Personal Conduct](#), and [Psychological Conditions](#) (page 254) guidelines as well as from a criminal perspective.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *a single serious crime or multiple lesser offenses;*
- (b) *discharge or dismissal from the Armed Forces under dishonorable conditions;*
- (c) *allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted;*
- (d) *individual is currently on parole or probation;*

(e) *violation of parole or probation, or failure to complete a court-mandated rehabilitation program.*

A “serious” crime is often defined as a felony, as distinct from a misdemeanor or ordinance violation. Conviction, admission, or strong evidence of a felony will usually support a recommendation for disapproval unless there are unusual mitigating circumstances. If there is good reason to believe the person committed a felony, but the crime was plea-bargained down to a misdemeanor, it should be treated as a felony. Which crimes are considered felonies varies from one state to another and changes over time. The following actions may be considered a serious crime or breach of trust even if they are not categorized as a felony:

- Any crime punishable by confinement for more than one year;
- Any crime involving the use of force, coercion or intimidation; violence against persons; or the use of firearms or explosives;
- A violation of parole or probation, or failure to complete a court-mandated rehabilitation program;
- Any criminal or civil offense involving breach of trust or fiduciary duty, including embezzlement, bribery, insurance fraud, or falsification of documents or statements for personal gain of more than \$500.
- Discharge or dismissal from the Armed Forces under dishonorable conditions;
- Obstruction or corruption of government functions or deprivation of civil rights.

Two or more lesser crimes or civil offenses that indicate a pattern of illegal or irresponsible behavior may also be disqualifying. A violation of parole or probation suggests a possible pattern of criminal behavior. Multiple offenses indicate intentional, continuing behavior that raises serious questions about the person’s trustworthiness, reliability, and judgment. A pattern of disregard for the law is just as significant as the monetary value or penalty ascribed to a given crime. See [Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior](#) (page 224) under the [Personal Conduct](#) guideline.

When evaluating criminal conduct, the individual’s behavior is the primary consideration, not whether the individual was prosecuted or convicted. If there is good reason to believe the subject committed a serious crime but was not prosecuted or convicted due a legal technicality or insufficient evidence to show guilt beyond reasonable doubt, the subject may still be denied a clearance. The burden of proof is different in the courtroom than in the personnel security system. No one has a right to a clearance. The burden of proof is on the government to show “positive evidence of reliability, trustworthiness, etc.”

Compliance with Bond Amendment

Public Law 110-181, Section 2002 (50 U.S.C. 435c), commonly referred to as the Bond Amendment, repealed and revised a previous law known as the Smith

Amendment. Similar to the Smith Amendment, the Bond Amendment places restrictions on who is eligible for a security clearance. However, unlike the Smith Amendment which applied only to Department of Defense (DoD) security clearances, the Bond Amendment applies to clearance adjudications by all Federal agencies. Another important difference between the two laws is that, with the exception of provisions that apply to addiction to drugs or being an unlawful user of a controlled substance (discussed under [Drug Involvement](#), page 81), the Bond Amendment only applies to specific levels of clearances.

The Bond Amendment provides that, absent an express written waiver, no Federal agency may grant a security clearance that provides access to Special Access programs (SAP), Restricted Data (RD), or Sensitive Compartmented Information (SCI) if that individual:

- has been convicted in any court of the United States of a crime, was sentenced to imprisonment for a term exceeding 1 year, and was incarcerated as a result of that sentence for not less than 1 year;
- has been discharged or dismissed from the Armed Forces under dishonorable conditions; is mentally incompetent, as determined by an adjudicating authority, based on an evaluation by a duly qualified mental health professional employed by, or acceptable to and approved by, the United States Government and in accordance with the adjudicative guidelines required by subsection (d).

The DoD CAFs, PSABs, and DOHA handle cases which involve decisions regarding the granting, denial or revocation of eligibility for access to SCI. However, these organizations currently have no ability to predict whether the individuals for whom eligibility determinations are being made will also require access to RD or SAPs. Accordingly the DoD guidance found in the Memorandum for Secretaries of the Military Departments, et al, *Interim Guidance for the Implementation of Public Law 110-181, Section 2002 (the Bond Amendment) Regarding Adjudication of Security Clearances*, June 20, 2008, should be followed for all DoD national security adjudicative determinations.

In cases involving a subject who is currently an unlawful user of a controlled substance or a current addict, see [Drug Involvement](#) (page 81). In all other cases in which an adjudicator determines that any of the [Bond Amendment](#) (page 92) criteria apply, including in those decisions regarding National Guard and Reserve Personnel, the following applies:

- A meritorious waiver [of the [Bond Amendment](#) criteria] may be granted, if appropriate, in cases involving individuals (1) who have been convicted of crimes and incarcerated for not less than one year, and (2) who have been discharged or dismissed from the Armed Forces under dishonorable conditions, and (3) who are determined to be mentally incompetent. When one of these conditions is present in a case, the adjudicator will proceed with the adjudication using the appropriate mitigation conditions as found in the 2005 Adjudicative Guideline, and DoD procedures for eligibility determinations. If an adjudicator determines

a meritorious waiver is appropriate and the adjudicator would have arrived at a favorable decision but for the [Bond Amendment](#) disqualification, the adjudicator may grant the meritorious waiver.

- Meritorious waivers will be considered as ‘Exceptions’ to the 2005 [Adjudicative Guidelines](#) and will be annotated as a ‘Waiver’ in Joint Adjudication Management System (JAMS). Adjudicators will provide a detailed justification for the meritorious waiver in JAMS.
- If, after applying the appropriate mitigating factors listed in the 2005 [Adjudicative Guidelines](#), the adjudicator determines that a meritorious waiver is not appropriate, the eligibility will be denied or revoked with a Statement of Reasons (SOR) which cites the [Bond Amendment](#). The Department’s established administrative review procedures, including hearing and appeal processes, will be followed in all such cases.”
- Under the current delegations of adjudication authorities, a meritorious waiver may be granted during any stage of the adjudication or the applicable due process. If a Letter of Intent or SOR has been issued, the meritorious waiver decision will be made by the Director or Deputy Director of the DoD adjudication facility. If a Letter of denial or Revocation has been issued by a CAF, the final meritorious waiver decision will be made by the Head of the PSAB of the employing Component, or the Director of DOHA for industry cases serviced by DOHA.

Personnel whose eligibility was previously denied or revoked under the Smith Amendment may only be reconsidered for eligibility under the above provisions if the original denial or revocations was based on a criminal conviction with incarceration for not less than one year, a discharge or dismissal from the Armed Forces under dishonorable condition, or a determination of mental incompetence; and the individual’s employer or government sponsor nominates him/her for a position requiring a security clearance. Those personnel are not required to wait the mandatory one year for reconsideration.

The rules of reciprocity apply for personnel who transfer from one DoD organization or Federal agency to another. However, for transfer cases where the subject was adjudicated under an exception, re-adjudication for consideration of [Bond Amendment](#) disqualifiers is appropriate.

Clean Criminal Record Does Not Mean Absence of Criminal Behavior

Checks of criminal records identify only the tip of the iceberg of criminal activity. A clean record indicates only that there are no records of criminal conduct in the places checked. The absence of information in criminal record files should not be viewed as positive evidence of reliability or trustworthiness.

Most crimes are not reported to the police. Most reported crimes do not lead to arrest, and many arrested persons are not prosecuted and convicted. Even for those who are prosecuted and convicted, the criminal records are often incomplete or missing. As a result, the chances are small that an individual who has committed a single crime will have a criminal record. This suggests that the person who has a minor criminal record may not be very different from a person who has no criminal record at all. The more crimes a person has committed, the greater the odds of that person having a record.

Much past criminal behavior is likely to be discovered only by self-admission, interviews with references or developed sources, or polygraph examination. This behavior should be evaluated under the adjudication guidelines even though there may be no criminal record.

Most Crimes Are Not Reported

The 2001 National Crime Victimization Survey found that only 39.9% of all crime is reported to police. Broken down by type of crime, 48.9% of personal or violent victimizations and 37% of all property crimes were reported. Robbery resulting in bodily harm was the most often reported violent crime (81.6%), while attempted purse snatching was the least often reported (27.2%). Of property crimes, motor vehicle theft was most commonly reported to police (94.2%) and personal theft of items valued at less than \$50 was the least likely to be reported (15.2%). The reason most often stated for NOT reporting crime to police is that it was a “private or personal matter.”⁶

Even fewer crimes against businesses are reported to police. For example, shoplifting and theft by retail employees are very common, but even those offenders who are caught are often not reported to police. Most businesses handle these and other economic crimes such as fraud and minor embezzlement internally (through job termination, restitution, demotion), through civil litigation, or by writing them off as a cost of doing business.

Victimless crimes, such as illegal drug use and underage drinking, where all parties involved are willing participants, are rarely reported.

Most Reported Crimes Do Not Lead to Arrest

The FBI’s annual report on crime in the United States reports that only 20% of Crime Index offenses (the most serious offenses) reported during 2002 were “cleared,” which in most cases means the alleged offender was arrested and turned over to the court for prosecution. The clearance rate was 46.8% for violent crimes and 16.5% for property crimes.⁷

If only 39.9% of crimes are reported and only 20% of those reported lead to arrests, this suggests that the chances of a crime leading to arrest are only about 8%. Owing to significant differences in procedures between the FBI reporting and the

National Crime Victimization Survey, this 8% figure is only a very rough approximation.

Many Arrested Persons Are Not Prosecuted or Convicted

For persons arrested by the police on felony charges, about 27% are typically released due to insufficient evidence or legal technicalities unrelated to guilt or innocence. About 73% are prosecuted. Of those prosecuted, 11% are acquitted and 89% are convicted.⁸

To avoid the cost and uncertainties of a trial, many prosecuted cases are plea-bargained down to conviction for a misdemeanor rather than a felony, which generally involves far less serious consequences for the defendant. In 2002, 74.5% of persons arrested and prosecuted for a felony crime received prison sentences.⁹ Thus, if 73% of arrestees are prosecuted and 74.5% of those are sentenced to prison, approximately 55% of persons arrested on felony charges actually spend any time in a correctional institution. (Due to differences in reporting procedures from the various agencies noted in the Sourcebook of Criminal Justice Statistics, 55% is only a rough estimate.)

Records of cases that are dismissed without prosecution or that are plea-bargained may be incomplete or misleading. When adjudicating criminal conduct, the individual's behavior is the primary consideration, not whether the individual was prosecuted or convicted. If there is good reason to believe the person committed a felony but plea-bargained down to a misdemeanor, it should be adjudicated as a felony. Investigators need to provide adjudicators with the information required to make this judgment.

Criminal Records Are Often Incomplete

The quality of criminal records leaves much to be desired. Although many efforts are under way to automate and centralize criminal records, it will be years before a single check of criminal records at the national level provides reasonably complete coverage.

The National Agency Check (NAC), which includes a check of FBI criminal records, is normally the first step in the investigative process. For the following reasons, the FBI records contain only a fraction of the data on criminal offenses available through state and other local agencies:

- As a general rule, only felonies and serious misdemeanors are recorded in FBI files.
- Juvenile arrest records are not normally forwarded to the FBI, and juvenile crime represents a large part of the criminal history of military enlistees.
- Many adult arrest records are not forwarded to the FBI for a variety of reasons that differ from state to state and from one police department to another. One

common reason is that many reports received by the states from their local jurisdictions are not complete enough to meet requirements for inclusion in the FBI database.

There is also considerable slippage at the local and state level; that is, most centralized state files are also quite incomplete. The most common failing is lack of reporting on the disposition of those who have been arrested. Only about half of all arrests lead to conviction. Many who are arrested, fingerprinted, and reported to the state's central criminal records repository are subsequently not charged with a crime, are charged but not prosecuted, or are prosecuted unsuccessfully, and these subsequent actions are often not reported to the state repository.

Across the nation, including the FBI's Identification Division and state repositories, the disposition of cases during the past five years is reported for about 80% of reported arrests. The figures are lower when arrests older than five years are considered.¹⁰

Another weakness is that expunging, setting aside, or pardoning felony convictions may not be recorded in the state repository, or it may result in the record of the felony conviction being removed from the file.¹¹

Juvenile Records

Juvenile records are becoming increasingly available to investigators. Until recently, confidentiality of juvenile record systems was ensured de facto because the systems were so primitive that the information could not be retrieved anyway. Currently, attention is focused on reducing crime by identifying career criminals and keeping them off the streets with longer sentences. This increases the pressure for judges, parole boards and others to have prompt access to accurate juvenile records.

Records of juvenile crimes are sometimes maintained in separate systems that, in most states, are far less complete, accurate, and automated than records of adult criminals. Different states have different procedures for sealing, expunging, or limiting access to juvenile records. Efforts are under way in many states to improve the quality and retrievability of these records, and past practices of restricted access to juvenile records are being reviewed.¹²

Shoplifting, Employee Theft, Traffic Offenses

Shoplifting, theft by employees, and serious traffic offenses are common crimes that often do not show up in a criminal records check. They do not show up either because the victims have not pursued them through the criminal records system or because the crimes were committed outside the subject's home area where the local agency checks are conducted. Because an individual's participation in such crimes is so frequently missed by a criminal records check, investigators should ask about such offenses during subject and reference interviews.

Shoplifting

According to the 2004 National Retail Security Survey, shoplifting is the most frequent crime against retailers. It cost U.S. retailers over \$10 billion in 2004 alone.¹³ Many stores are reluctant to pursue criminal prosecution of shoplifters because prosecution requires their manager and security personnel to spend so much time in court. Cases most likely to be prosecuted are when high-value merchandise is involved, the individual is believed to be a repeat offender, or believed to be a member of a criminal gang.

Alternative procedures for dealing with shoplifters are more common than prosecution. In almost all states, storeowners themselves can now impose civil fines on shoplifters. The fines range from \$40 to three times “actual damages,” depending on the state. Without ever going into the criminal court system, the storeowner may impose the fine and turn over collection to a lawyer or collection agency. In the case of a juvenile, the storeowner may collect from the shoplifter’s parent. If the fine is not paid, the storeowner can then sue in civil court.¹⁴

If a teenager is involved, a store may simply hold the individual in the security office while calling the parents. Since most people who have been apprehended for shoplifting will not be identified in a criminal records check, it is advisable for investigators to ask specifically about such offenses when conducting interviews. This information is likely to come only from self-disclosure in a subject interview or polygraph examination or from questions asked during reference or employment interviews.

Most shoplifters are from the middle class, not from the lowest socioeconomic groups. This is not a crime motivated largely by economic need. A majority of shoplifters have on them the cash or credit cards needed to pay for the stolen items.¹⁴ In fact, 59% of shoplifters report that they buy some merchandise at the same time they are stealing.¹⁵ Although it is a minor offense, shoplifting by an adult not in desperate need reveals important information about an individual’s trustworthiness and reliability.

Employee Theft

The impression of security personnel and retail store managers is that employee theft outranks shoplifting as a source of loss to retail merchants. Employee theft is the number one cause of inventory shrinkage (lost revenue from missing inventory) for retailers nationwide, with the average loss per incident approaching \$1200. In 2004, retailers lost almost \$15 billion to employee theft.¹⁶

Most researchers agree that between 50% and 75% of retail employees steal from their employers, in one form or another, but in this context “stealing” includes misuse of the employee discount, selling merchandise to friends at a discount, and reporting incorrect hours worked. In many cases, the items taken have minimal value. Many rationalize their actions as not stealing. In many cases, misuse of the

employee discount may be beneficial to the store, as merchandise is still sold at a profit and the alternative may be no sale at all.

In a survey of 500 retail employees nationwide in the late 1990s, 13% admitted stealing from their employer and another 66% admitted that they would steal if they saw others doing so with no consequences. Of the 13% who admitted stealing, 49% did so out of greed, 43% reported stealing to “get even” for some perceived injustice, and 8% reportedly stole out of need.¹⁶ Research has shown that rates of employee theft have continued to rise since the late 1970s. This is most true in periods of economic difficulty or when employees feel as if they are being unfairly compensated.¹⁷

For employee theft, like shoplifting, a check of criminal records is a very imperfect source of information on past transgressions. In most cases, the employee is simply terminated. Some companies prefer to pursue restitution and penalties in civil court rather than in a criminal case. Investigators are likely to obtain information only through self-disclosure during the subject interview, employment or reference interviews, or polygraph examination.

Traffic Offenses

It is often said that the way people drive is a reflection of their personalities. Various types of high-risk behavior often appear together as part of a general personality syndrome. Persons arrested for high-risk driving (speeding, unsafe lane changes, tailgating, driving under the influence, etc.) are more likely than others to abuse alcohol, use drugs, and engage in high-risk sexual behavior, fighting, stealing, and vandalism. People involved in auto crashes are more likely than others to have problems controlling hostility and anger, have difficulty with authority figures, and be more impulsive and immature.¹⁸

A record of two or more moving violations during the past three years, or three or more during the past five years, suggests the possible existence of relevant derogatory information in other issue areas. If other derogatory information is available, all of the derogatory information should be evaluated together under [Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior](#) (page 224) of the [Personal Conduct](#) section.

Some traffic offenses originate as arrests for driving under the influence but are then plea-bargained down to a lesser offense to avoid the cost of trial. When identified for what they are, such an offense should be evaluated as a DUI under [Alcohol Consumption](#) (page 8) or [Drug Involvement](#) (page 81), as appropriate.

Crimes of Domestic Violence

The Lautenberg Amendment to the Gun Control Act of 1968 makes it a felony for any person to sell or otherwise dispose of firearms or ammunition to any person

whom he or she knows or has reasonable cause to believe has been convicted of a “misdemeanor crime of domestic violence.” It also makes it a felony for any person so convicted to ship, transport, or possess any firearm or ammunition in, or affecting, interstate or foreign commerce.

This law has the effect of prohibiting the possession of firearms or ammunition by individuals who have been convicted of a misdemeanor crime of domestic violence.¹⁸ There is no exemption for military, law enforcement, or security personnel, so this amendment has a potentially significant impact on several categories of cleared personnel who must carry a firearm during the course of their job.

This amendment, which became effective on September 30, 1996, states that:

- “It shall be unlawful for any person ... who has been convicted in any court of a misdemeanor crime of domestic violence, to ship or transport ..., or possess ..., any firearm or ammunition, or to receive any firearm or ammunition.”
- “It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person ... has been convicted in any court of a misdemeanor crime of domestic violence.”

The law defines the “misdemeanor crime of domestic violence” as a crime that is a misdemeanor under either federal or state law and involves the use or attempted use of physical force or the threatened use of a deadly weapon against a person with whom the offender has a family or family-like relationship. It is domestic violence when the offender is the current spouse, former spouse, parent, or guardian of the victim, shares a common child with the victim, someone who is now cohabitating or used to cohabit as a spouse, parent, or guardian, or someone similarly situated as a spouse, parent, or guardian of the victim.

To qualify as a conviction under the Lautenberg Amendment, the offender must have been represented by legal counsel and been tried by jury and found guilty or knowingly and intelligently waived these rights. The Lautenberg Amendment does not apply if the alleged offender pled no contest (*nolo contendere*), if there is any form of deferred or other alternative disposition, if the conviction has been expunged or set aside, or if the offender has been pardoned.

DoD has issued policy guidance for the implementation of this law as the military justice system does not categorize crimes as misdemeanors or felonies.¹⁹ According to DoD policy, conviction by general or special court-martial of a crime that otherwise meets the definition of misdemeanor domestic violence is covered under the Lautenberg Amendment. Although the statutory language only speaks to misdemeanor convictions, the firearm possession rules also apply to felony convictions and foreign convictions as a matter of DoD policy. Offenses punished by summary court-martial, imposition of nonjudicial punishment (Article 15, UCMJ or Captain’s Mast) are not covered. Major weapons systems such as tanks, crew-

served weapons, and aircraft are excluded from the definition of firearms and ammunition.

The policy directs each DoD component to implement a program to inform its personnel with access to firearms or ammunition of the domestic violence amendment to the Gun Control Act and its potential consequences. Individuals who have a qualifying conviction under the Lautenberg Amendment are not eligible for employment in any position that requires access to or use of firearms.

The final DoD rules require use of the DD Form 2760, December 2002, if commands require someone to inform them of whether they have had such a conviction or if commanding officers require personnel to answer questions or provide information about whether they have been convicted of a qualifying offense. The form contains “use immunity” provisions, personally approved by the Secretary of Defense as a general court-martial convening authority and the U.S. Attorney General, to prevent information provided by service members from being used against them in a court-martial or Federal prosecution for violation of 18 U.S.C. 922(g)(9). The final DoD rules, like the statute, do not include any exception for military members to possess firearms or ammunition for any reason, including mandatory annual firearm qualification or the performance of military duties. The services were also directed by DoD to promulgate regulations governing permanent adverse personnel actions, including administrative discharge that may be initiated for service members who have a qualifying conviction.

Mitigating Conditions

Extract from the Guideline

- (a) *so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual’s reliability, trustworthiness, or good judgment;*
- (b) *the person was pressured or coerced into committing the act and those pressures are no longer present in the person’s life;*
- (c) *evidence that the person did not commit the offense;*
- (d) *there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.*

Discussion of Mitigating Factors

Mitigating circumstances that might justify approval despite a criminal record include:

- **Time Elapsed:** There is no fixed threshold for how much time must have elapsed before a person with a criminal record can be approved. It depends upon a combination of factors that are discussed below under [recency](#) of the criminal behavior (page 61), whether it was an [isolated incident](#) (page 62), and [unique circumstances](#) (page 63).
- **Pressured or Coerced:** Special consideration may be appropriate if an individual commits a crime under duress, such as threats to one's family. This mitigation would not apply, however, if the person's own behavior was responsible for provoking the threats, for example, threats made in an effort to collect gambling debts.
- **Exculpatory Evidence:** As discussed under the disqualifying factors, this mitigation requires positive evidence of innocence, not simply a decision not to prosecute or failure to convict due to a legal technicality. The burden of proof is different in the courtroom than in the personnel security system, where no one has a right to a clearance.
- **Successful Rehabilitation:** There is no fixed threshold for how much time must elapse before a person can be considered "rehabilitated." It depends in large measure on the person's behavior since the crime was committed. Relevant behaviors are not limited to those listed in the guideline. Rehabilitation can also be shown by a significant change in life style and in attitudes toward social responsibility, including, for example, religious conversion.

When evaluating mitigating conditions, adjudicators should consider age at time of offense, nature and circumstances of the offense, and amount of time elapsed since the offense. People do change, but as a general rule adjudicators should require positive evidence of change, not simply the passage of time. Evidence of change might be a change in associates and lifestyle, repayment or remorse, a pattern of responsible behavior, or results of detailed psychological evaluation. Continuing evidence of any form of antisocial, irresponsible, violent or high-risk behavior may contribute to a decision against approval despite the passage of time since the criminal offense.

Crime Was Not Recent

Passage of time since committing a criminal offense may be a mitigating factor that allows approval. The question is, how much time needs to elapse before it is reasonable to conclude that a person has demonstrated sufficient reliability, trustworthiness, and good judgment to outweigh a prior criminal offense? This varies depending, in part, on the seriousness and circumstances of the offense (misdemeanor vs. felony), age at the time of the offense, and evidence of positive change in attitudes or lifestyle since the offense was committed.

At least seven states have passed statutes that recognize the small risk of recidivism by offenders with old criminal history records and no recent offenses.

These statutes permit “old” records to be sealed or purged, either automatically through administrative action or selectively through court petition. These statutes generally apply to convictions that are either 5 or 10 years old with no subsequent offenses.²⁰ On the other hand, courts in about 15 states have addressed the question of whether the passage of time alone can deprive the public of its right to access to criminal records; in most cases, they have determined that it cannot.²¹

Crime Was an Isolated Incident

Many people commit an occasional dishonest act while continuing to see themselves as law-abiding, honest citizens. They make an impulsive decision, have an uncharacteristic lapse of judgment, or use a convenient rationalization -- that everyone is doing it, they are only taking what they deserve, or it is not harming anyone.

Criminologists have long believed that an overwhelming majority of people have committed at least one crime without detection, and a substantial proportion have broken the law more than once.²² An often-cited 1947 study, entitled *Our Law-Abiding Lawbreakers*, found that 99% of respondents admitted committing at least one offense from a list of 49 such offenses that carried sentences of not less than one year. None of the respondents had been arrested or classified as a criminal.²³

Offenses may take various forms. Many offenses, such as malicious mischief, disorderly conduct, bribery, perjury, indecency, or assault, may result from an uncharacteristic lapse in judgment or discretion, often during one’s youth.

Pilfering, such as taking towels or ashtrays from a hotel room, is common. A survey in 2012 found that 39% of all travelers admit to snagging something from a hotel that they have stayed at. Twenty-eight percent of all travelers admitted to helping themselves to a towel, and 8% a bathrobe. Other items taken included batteries (5%), pillows (4%), remote controls (3%), sheets (3%), bibles (3%), and umbrellas (3%).²⁴

After the Internal Revenue Service first required banks and corporations to report all interest and dividend payments to individuals so that these payments could be matched against what the recipients report, the amount of interest and dividends reported on individual tax returns increased by 45%.²⁵ When the IRS first began in 1988 to require that names and Social Security numbers of all dependents be entered on tax returns, seven million bogus dependents vanished from the tax rolls.²⁵ In some cases, the individual may be unaware the action is illegal -- for example, failure to pay required Social Security and unemployment compensation insurance for a maid or regular baby-sitter.

Unique Circumstances Not Likely to Recur

Transitory conditions such as severe provocation or desperate financial need to pay a medical bill may lead an otherwise honest person to suffer a lapse in judgment and commit a crime. If the offense is explained by extenuating circumstances that are unlikely to recur, and if the whole-person evaluation is favorable, this may be a mitigating factor.

Reference Materials

Glossary of Legal Terms

This glossary is based on *FBI Uniform Crime Reports* and legal dictionaries. These definitions are quite general. Some terms may have specific definitions under various state or federal laws. For additional information, consult the “plain English” legal dictionary available on the Internet at www.nolo.com/lawcenter/dictionary/wordindex.cfm. For a more technical legal definition, see <http://dictionary.lp.findlaw.com>.

Acquittal means the case went to trial and the defendant was found not guilty because all elements of the crime were not proven beyond a reasonable doubt. Acquittal applies to criminal cases only.

Arraignment is where an accused person is brought before a court to enter a plea in response to a criminal charge presented by a prosecutor.

Arrest is the taking of a person into physical custody to answer a criminal charge or civil demand.

Article 15 of the Uniform Code of Military Justice defines procedures for nonjudicial punishment for minor offenses. See **Nonjudicial punishment** (page 66).

Assault (aggravated) is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by other means likely to produce death or great bodily harm.

Assault (simple) is an assault or attempted assault where no weapon is used and which does not result in serious or aggravated injury to the victim.

Bad conduct discharge is a punitive discharge from military service that is less serious than a dishonorable discharge. It may be imposed for bad conduct by either a general or special court-martial.

Breaking and entering is the unlawful entry of a structure, similar to burglary, except that there is no intent to commit a felony.

Burglary is the unlawful entry of a structure to commit a felony.

Captain's Mast is a U.S. Navy term for nonjudicial punishment.

Civil case is a legal action based on a complaint lodged by one individual against another. The action is brought by a plaintiff seeking compensation for injury, damages or performance of a contract.

Conspiracy is an agreement to engage in criminal activity by two or more persons.

Conviction is the result of a criminal trial in which the court finds the accused person guilty of a criminal offense. The conviction may come about by trial, guilty plea, plea of "no contest" or a plea bargain.

Court-martial is a military court that decides guilt or innocence and determines the punishment for offenders. There are three levels of court-martial: summary court-martial for the least serious offenses, special court-martial for moderate to serious offenses, and general court-martial for the most serious offenses. See separate descriptions for each type of court-martial.

Court of inquiry is a formal fact-finding body convened under the Uniform Code of Military Justice.

Crime is an act or omission that is punishable on conviction in judicial proceedings in the name of the government. The case is brought by a government prosecutor defending the interests of society as a whole. A crime differs from a civil offense in which a complaint is lodged by one individual against another.

Decline Prosecution is a decision of a prosecutor to not prosecute. Prosecution may be declined for many reasons, including insufficient evidence, the crime is not serious, and the prosecutor's caseload.

Discharge means to release or extinguish an obligation. Discharge of bankruptcy means the debtor has been relieved of the debts identified by the bankruptcy proceedings. Do not confuse with dismissal of a bankruptcy proceeding, which is just the opposite. Discharge from military service means termination of service. For types of military service discharge, see Dishonorable Discharge, Discharge under Other than Honorable Conditions, General Discharge, and Honorable Discharge (below).

Dishonorable discharge is the most serious form of punitive discharge from military service. It is reserved for those convicted of offenses usually recognized by civil law as felonies or offenses of a military nature requiring severe punishment.

Discharge under other than honorable conditions is a form of discharge given to a member of the military services when the reason for discharge from military service is either a pattern of behavior, or one or more acts or omissions, that constitute a significant departure from the conduct expected of members of the military services. It is a less severe form of punishment than a dishonorable discharge. This type of discharge is awarded only if the individual has been afforded

the opportunity to request an administrative board or a discharge in lieu of trial by court-martial.

Dismissal is the final disposition of an action, suit, or motion by sending it out of court without a trial. Dismissal of a bankruptcy proceeding is the opposite of discharging a bankruptcy. The bankruptcy petition has been rejected.

Due process is a course of legal proceedings which provides for the protection or enforcement of individual or private rights under the law.

Embezzlement is taking or misapplying money or property entrusted to one's care, custody, or control.

Felony is the most serious category of crime. It is usually defined as a criminal act for which the minimum sentence is imprisonment for more than one year, although the time actually served may be substantially less. A federal felony is a violation of federal law such as espionage, counterfeiting, kidnapping, bank robbery, postal fraud, or interstate transportation of stolen goods. A state felony is a violation of state law such as murder, burglary, aggravated assault and battery, grand larceny, auto theft, or rape. Conviction for a federal or state felony may cause an individual to lose certain civil rights, i.e., in some states a convicted felon cannot vote, hold public elective office, practice certain professions and occupations, or purchase a gun.

Fraud is obtaining or converting to one's own use money or property by misrepresentation or false statements. Confidence games and bad checks are included; counterfeiting is excluded.

General court-martial is the military court that considers the most serious cases such as murder, rape, and robbery. It is composed of a military judge, five or more members who serve as a jury, and prosecuting and defense counsels. This court may impose the death penalty if legally allowed for the offense in question.

General discharge is a form of discharge given to a member of the military services whose service has been honest and faithful, but for whom significant negative aspects of the member's service, conduct or performance of duty outweigh the positive aspects of the member's military record. It is an administrative discharge that may be given, for example, to an individual who is unable to adapt or is otherwise unsuitable for military service.

Homicide is the killing of a human being. It includes criminal charges of murder, nonnegligent manslaughter (willful killing of one human being by another), and manslaughter through gross negligence.

Honorable discharge is a form of discharge given to a member of the military services whose service generally has met the standards of acceptable conduct and performance of duty, or is otherwise so meritorious that any other type of discharge would be inappropriate.

Indictment is an accusation of a crime to be proven at a trial. Indictments are considered by grand juries. If an indictment is made by a grand jury, the grand jury returns a “True Bill.” If a grand jury does not believe the person committed a crime, it returns a “No Bill” finding.

Larceny is the unlawful taking, carrying, leading, or riding away with property from the possession of another person. Examples are thefts of property such as bicycles or automobile accessories; shoplifting; pocket picking, or the stealing of any property or article which is not taken by force and violence or by fraud. Motor vehicle theft is usually considered a separate category of offense.

Misdemeanor is a category of crime less serious than a felony. It is usually defined as an offense for which the maximum sentence is a fine or imprisonment for up to one year. Time is usually served in a city or county jail rather than in a state prison. Examples of misdemeanors are retail theft, petty larceny, trespassing, possession of small amounts of marijuana, and disorderly conduct. The distinction between a felony and misdemeanor varies from state to state. For example, some states (primarily Michigan and New Jersey) have a category of high misdemeanor or gross misdemeanor crimes that would be less-serious felonies in other states. The federal system has a lesser category of petty offenses for which the maximum penalty is a fine of \$500.

Nolo Contendere means “I will not contest it.” It is a plea to a criminal charge that has a similar effect to pleading guilty except that, because the person has not admitted guilt, the plea cannot be used against that person in any subsequent litigation. If the court accepts the plea, the person will be convicted and sentenced. This is often called a “no contest” plea.

Nolle Prosequi is the same as a decision not to prosecute.

Nonjudicial punishment is imposed under Article 15 of the Uniform Code of Military Justice for minor offenses (for example, unauthorized absence) without the intervention of a court-martial. Rules of evidence do not apply. Offenders have an incentive to accept punishment under Article 15 rather than court martial, as Article 15 punishment is recorded as administrative rather than criminal in nature.

Ordinance violations are prosecuted in local or municipal court, not state court. Ordinance violations are minor offenses such as violation of local health codes, noise restrictions, etc. Penalties vary by jurisdiction.

Parole is release from prison after serving a portion of the sentence or upon meeting certain specified conditions. Violation of parole could result in the person being returned to prison for the remainder of the sentence.

Plea Bargain is the process whereby the accused and the prosecutor in a criminal case agree on a disposition of the case without trial, subject to the court’s approval. It often involves the accused person pleading guilty to the crime or to a lesser offense in return for a lighter sentence. There are many different reasons for a plea

bargain. A plea bargain avoids the need for a trial, thereby significantly reducing the workload for the court system. In some jurisdictions, up to 75% of the cases may be plea bargained. A problem for adjudicators is that the plea bargain agreement, which is part of the court record, may not always contain the reasons for the plea agreement, just that an agreement has been made. A guilty plea through a plea bargain generally has the same legal effect as a guilty verdict in a trial.

Probation is a sentence, after a criminal conviction, that releases the person into the community under the supervision of a probation officer instead of sending the person into confinement or imposing a fine. The person is required to comply with certain terms of the probation, such as community service and good behavior. Violation of probation could result in the person being sent to prison.

Punitive discharge is a discharge from military service imposed as a punishment, either a bad conduct discharge or a dishonorable discharge.

Recidivism is relapse into crime by a previous offender.

Record expunged means the criminal record has been removed from those records available for public release. Many states have laws that provide for sealing, purging, or expunging certain criminal records -- generally those of juveniles, first offenders, or offenses more than 5 or 10 years old. In order to have a record expunged, the offender may be required to petition the court to remove the record.

Restriction is a form of punishment for military personnel. It is less severe than arrest. The individual may not leave a military installation or facility unless required to do so pursuant to military duties and activities.

Robbery is taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Special court-martial is the military court that handles moderate to severe offenses. There is a military judge and three or more persons serving as a jury. The accused has the right to an attorney. The maximum punishments that can be imposed are a bad conduct discharge, confinement for six months, forfeiture of two-thirds of pay for six months, and reduction in grade to E-1.

Summary court-martial is the lowest of the three levels of military courts. A single presiding officer serves as prosecution and defense, judge and jury. This officer takes evidence and passes judgment. The court can impose one month's confinement at hard labor, 45 days hard labor without confinement, restriction for 60 days, forfeiture of pay, or reduction in grade.

Uniform Code of Military Justice is the body of criminal statutes that applies uniformly to all the military services. It is commonly abbreviated UCMJ.

Vagrancy is begging, loitering, aimless wandering, etc.

Vandalism is willful or malicious destruction, injury, disfigurement, or defacement of any public or private property without consent.

Willful refers to an action which is done intentionally, knowingly, and purposefully, not accidentally or thoughtlessly.

Index to Abbreviations Used in Criminal Records

The following is a compilation of arrest abbreviations that may appear in criminal records. This includes a number of unusual abbreviations that may be used only in certain states. This was prepared from a combination of sources including an undated FBI publication *Reference Guide to Aid in Understanding Arrest Abbreviations*.

- A to K: Assault to Kill
- AA PO: Aggravated Assault on Police Officer
- AAWW: Aggravated Assault with Weapon
- A&B: Assault and Battery
- A & Rob: Assault and Robbery
- ABC ACT: Alcohol Beverage Control Act
- Abd: Abduction
- Abndn MV: Abandoning Motor Vehicle
- Abus Lang: Abusive Language
- ABWIK: Assault and Battery with Intent to Kill
- Acc: Accessory
- Acc Aft Fact Rec: Accessory after the Fact, Receiving
- Accomp DD: Accompanying Drunken Driver
- Accpl: Accomplice
- Accpt Brb: Accepting a Bribe
- Acc to L: Accessory to Larceny
- ACDA: Failure to Maintain Assured Clear Distance Ahead
- Act 292: Buying, Possessing, or Partaking Alcoholic Beverages while a Minor under 21 years of age
- ADA: Assistant District Attorney
- ADW WITK: Assault with Deadly Weapon with Intent to Kill
- AEA: Atomic Energy Act
- AFA: Alien Firearms Act
- Affr WDW: Affray with Deadly Weapon
- AFO: Assaulting Federal Officer

- Agg A: Aggravated Assault
- AIDA: Automobile Information Disclosure Act
- AIM: Assault with Intent to Murder
- AP: Aircraft Piracy
- APIPOCC: Appropriating Property in Possession of Common Carrier
- APO: Assaulting Police Officer
- AR: Anti: Racketeering
- ARL: Antiriot Laws
- ARL-SFCAA Antiriot Laws: State Firearms Control Assistance Act
- Armed WDW: Armed with a Dangerous Weapon
- ATL: Anti-Trust Law
- Att Burg: Attempted Burglary
- Att L: Attempted Larceny
- Auto T: Auto Theft
- AVIN: Altered Vehicle Identification Number
- AW: Article of War
- AWOL: Absent Without Leave
- B: Breaking
- BB: Bank Burglary
- BR: Bank Robbery
- BC: Bad Check
- B Dw NT: Breaking into Dwelling, Night Time
- B&E Dw DT: Breaking and Entering Dwelling, Daytime
- BECOM: Breaking and Entering Coin Operated Machine
- BE&L: Breaking, Entering, and Larceny
- B&E NT & PL: Breaking and Entering in Nighttime and Petty Larceny
- B Store NT: Breaking into Store, Nighttime
- BF: Bail Forfeited
- BF&E: Bank Fraud and Embezzlement
- BIND: Breaking into Non-Dwelling
- BL: Bank Larceny
- BLA: Bills of Lading Act
- Blkml: Blackmail
- B&L: Burglary and Larceny
- Blind Pig Raid: Raid of a Disorderly House or a Red-Light District

- BNIAD: Burglary Not in a Dwelling
- BNID: Burglary Not in a Dwelling
- B&P Business & Professional Code: Drinking, Disorderly Conduct, Vagrancy, Dope, etc.
- B of P: Breach of Peace
- BR: Bank Robbery
- Brby: Bribery
- BRCSP: Buying, Receiving, Concealing Stolen Property
- BS: Suspicion of Breaking
- BSL: Blue Sky Laws
- B&T: Burglary & Theft
- BT: Bomb Threats
- BW: Bench Warrant
- Capias A: writ directing an officer to arrest the person named
- C to D of M: Contributing to Delinquency of a Minor
- CAA: Crime Aboard Aircraft
- CAG: Custody of Attorney General
- CAID: Criminal Activity in Drugs
- Crnl Knldg: Carnal Knowledge
- CCDW: Carrying Concealed Deadly Weapon
- CCF: Carrying Concealed Firearm
- CD: Careless Driving to Common Drunk
- CDC: Contributing to the Delinquency of a Child
- CDTP: Criminal Damage to Property
- CDW: Carrying a Dangerous Weapon
- CGR: Crime on Government Reservation
- CHS: Crime on High Seas
- Child Deser: Child Desertion
- Child Neg: Child Neglect
- C&I: Careless & Inattentive or Careless & Imprudent (driving)
- CIR: Crime on Indian Reservation
- CKFM: Carnal Knowledge of a Female Minor
- COC: Contempt of Court
- Co Ct Mitt: County Court Mittimus (see [Mittimus](#), page 75)
- COD: Court's Order of Dismissal

- COI: Conflict of Interest
- Comn Aslt: Common Assault
- Consp: Conspiracy
- Cont. for Sentence Continued for Sentence: refers to a suspended action that can be initiated by the court at a later date should Subject be brought to court on a subsequent charge
- Conc Evid: Concealing Evidence
- CPCS: Criminal Possession of Controlled Substance
- CPDD: Criminal Possession of Dangerous Drugs
- CPSP: Criminal Possession of Stolen Property
- CR: Civil Rights
- Cr to Ani: Cruelty to Animals
- Crim Neg: Criminal Negligence
- CRSP: Criminally Receiving Stolen Property
- CRV: Conditional Release Violator
- CSA: Controlled Substance Act
- CSCS: Criminal Sale of Controlled Substance
- Ctfg or Ctft: Counterfeiting or Counterfeit
- CU&PFC: Criminally Uttering and Publishing False Check
- CVA: California Vehicle Act
- CW: Concealed Weapons
- CWIK: Cutting with Intent to Kill
- D & D: Drunk and Disorderly
- DAA w/o OP: Driving Away Auto without Owner's Permission
- DAMV: Destruction of Aircraft or Motor Vehicles
- DC: Disorderly Conduct
- DCI: Driving Car Intoxicated
- DCI-D: Driving Car Intoxicated-Drugs
- DCI-L: Driving Car Intoxicated-Liquor
- DCMV: Drunk in Control of Motor Vehicle
- Deering Act CCW: Carrying Concealed Weapon
- Def Bldg: Defacing Building
- Dep Proc: Deportation Proceedings
- Deser: Desertion or Deserter
- DGP: Destruction of Government Property

- DH: Disorderly House
- DIP: Drunk in Public
- Dist Peace: Disturbing the Peace
- DOA: Driving Off Automobile
- DOF: Desecration of the Flag
- DP: Disorderly Person
- Dram Act: Possession of Open Liquor Container in Vehicle
- D&S: Dangerous and Suspicious
- DTP: Disturbing the Peace
- DUA: Detained Under Arrest
- DUC: Driving Under Cancellation
- DUI: Driving Under the Influence
- DW: Dangerous Weapon
- DWA: Deadly Weapon Act
- DWD-D: Driving while Drunk-Drugs
- DWI: Driving While Intoxicated (see page 14)
- DWLS: Driving while License Suspended
- DWP: Dropped for Want of Prosecution
- Dyer Act ITSMV: Interstate Transportation of Stolen Motor Vehicle
- EAR: Escape and Rescue
- ECT: Extortionate Credit Transactions
- EFP: Escaped Federal Prisoner
- EGP: Embezzlement of Government Property
- EID: Explosives and Incendiary Devices
- EL: Election Laws
- Entic Fem U Age: Enticing Females Under Age
- Ev: Evasion or Evading
- Evsdrp: Eavesdropping
- Expos Per: Exposing his Person
- Ext: Extortion
- FAD ADW: Flourishing a Dangerous and Deadly Weapon
- FAG: Fraud Against the Government
- Fls Pol Ala: False Police Alarm
- FCC: Falsely Claiming U.S. Citizenship
- Fel H&R: Felony - Hit and Run

- Fel Warr: Felony Warrant
- FERIC: False Entries in Records of Interstate Carriers
- FFA: Federal Firearms Act
- FFJ: Fugitive from Justice
- FHIF: Frequenting House of Ill Fame
- FHVC: Failure to Have a Vehicle Under Control
- FJDA: Federal Juvenile Delinquency Act
- FL DW: Flourishing Deadly Weapon
- FOA: Fugitive Other Authorities
- Forc Ent: Forcible Entry
- Forg Dr Presc: Forging Doctor's Prescription
- FP: False Pretenses
- FR: False Report
- Frd: Fraud or Fraudulent
- FRLA: Federal Regulation of Lobbying Act
- Freq GJ: Frequenting Gambling Joint
- FTA: Failure to Appear
- F to P: Failure to Provide
- FSRA: Failure to Stop and Render Aid
- FUDE: Fugitive Deserter
- FUUSTC: Forging and Uttering U.S. Treasury Check
- FYCA: Federal Youth Corrections Act
- FYRA: Failure to Yield Right of Way
- GABM: Giving Alcoholic Beverages to Minor
- GLA: Grand Larceny Auto
- GP: General Principles
- GTA: Grand Theft Auto
- HA: Hatch Act
- Hab Drk: Habitual Drunkard
- Harb Crim: Harboring Criminals
- HB: House Breaking
- HNA: Harrison Narcotic Act
- H & N: Harbor and Navigation Code
- H & R: Hit and Run
- H & S: Health & Safety Code

- IGA: Interstate Gambling Activities
- IGB: Illegal Gambling Business
- IPAB: Illegal Possession of Alcoholic Beverages
- IPL: Illegal Possession of Liquor
- Ind Exp: Indecent Exposure
- Int Steal: Intent to Steal
- IOC: Interception of Communications
- Insuf Fds: Insufficient Funds
- IPGP: Illegal Possession of Government Property
- IRL: Internal Revenue Liquor Law
- ISS: Involuntary Servitude and Slavery
- IT: Interstate Theft
- ITAR: Interstate Transportation in Aid of Racketeering
- ITOM: Interstate Transportation of Obscene Matter
- ITSMV: Interstate Transportation of Stolen Motor Vehicle
- ITSP: Interstate Transportation of Stolen Property
- ITWI: Interstate Transmission of Wagering Information
- IWC: Issuing Worthless Check(s)
- IWFC: Interference with Flight Crew
- IWU: Illegal Wearing of Uniform
- JC Mitt: Juvenile Court Mittimus (warrant to put juvenile already convicted of crime in prison)
- JD: Juvenile Delinquency
- JL B: Jail Breaking
- JW: Judgment Withheld
- KFO: Killing Federal Officer
- KHIF: Keeping House of Ill Fame
- Kid: Kidnapping
- KPO: Killing Police Officer
- KRA: Kickback Racket Act
- L: Larceny
- LIPIS: Liquor in Possession with Intent to Sell
- LL: Liquor Law
- L&L: Lewd and Lascivious
- LOE: Lack of Evidence

- LOP: Lack of Prosecution
- L&R: Larceny and Receiving
- LSA: Leaving Scene of Accident
- Lv acc w/o RN: Leaving Accident Without Reporting Name
- Main DH: Maintaining Disorderly House
- Mal A: Malicious Assault
- Mann Act: Interstate Transportation of Minor Female for Immoral Purpose
- Mans: Manslaughter
- Mat Wit: Material Witness
- MBA: Migratory Bird Act
- MDL: Mutilating Driver's License
- MF: Mail Fraud
- MIC: Minor in Consumption
- MIP: Minor in Possession - Minimum fine
- Misd: Misdemeanor
- Mittimus: A warrant or writ for putting into prison a person convicted of a crime
- Mkg fls affi: Making False Affidavit
- Mol: Molesting
- Mooning: Indecent Exposure
- MRV: Mandatory Release Violator
- Mur: Murder
- NARA: Narcotics Addict Rehabilitation Act
- NCTA: National Cattle Theft Act
- ne exeret republica Restraining Order: not permitted to leave the state
- Neg: Neglect
- NFA: National Firearms Act
- NMVTA: National Motor Vehicle Theft Act
- NSF: Not Sufficient Funds
- NSP: National Stolen Property
- NTPW: Non-Tax Paid Whiskey
- OAI: Operating Auto Intoxicated
- OAPA: Operating Auto in Possession of Alcohol
- OAWI: Operating Auto While Intoxicated
- Obs Lit: Obscene Literature
- OCI: Obstruction of Criminal Investigations

- OCO: Obstruction of Court Orders
- OGFP: Obtaining Goods by False Pretense
- OHIR: Operating House of Ill Repute
- OMFP: Obtaining Money by False Pretense
- OMVWI: Operating Motor Vehicle While Intoxicated
- OMVW/OOC: Operating Motor Vehicle Without Owner's Consent
- OOJ: Obstruction of Justice
- OPFP: Obtaining Property Under False Pretense
- ORID: Occupying Room with Immoral Design
- OVAR: Operating Vehicle After Revocation
- OVUI-D: Operating Vehicle Under Influence of Drugs
- OVWD: Operating Vehicle While Drunk
- Pa. 675-1: Drinking Under Age
- Pand or Pandering: Running House of Prostitution
- Par Stands: Parole Stands
- Panh: Panhandling
- PBV: Probation Violator
- PC: Penal Code
- PED: Peddling
- PD: Public Drunk
- PI: Public Intoxication
- PIC: Possessing Implement of Crime
- PIE: Presence in Illegal Establishment
- PL: Petty Larceny
- PNG: Plea Not Guilty
- PNS: Possession of Number Slips
- Poss SG: Possession of Stolen Goods
- PP: Pickpocket
- Prob: Probation
- Proc: Procuring
- PT: Petty Theft
- PV: Parole Violator
- RA: Armed Robbery or Registration Act
- RBA: Robbery by Assault
- RD-BD: Reckless Driving - had been drinking

- REAP: Reckless Endangering Another Person
- Rec & Conc: Receiving and Concealing
- Replevin: Order To Take Possession
- Resorting: Visiting a House of Prostitution
- RICO: Racketeer Influenced and Corrupt Organization
- Robb F&V: Robbery, Force and Violence
- ROW: Right of Way
- RPFII: Released Pending Further Investigation
- R&S: Suspended Sentence & License Revoked
- RSG: Receiving Stolen Goods
- RSP: Receiving Stolen Property
- SAR: Strong Arm Robbery
- SB: Simple Battery
- SB: Sports Bribery
- SFCAA: State Firearms Control Assistance Act
- SH: Shooting
- Shplftg: Shoplifting
- SKA: Switchblade Knife Act
- Skip Bl: Skipping Bail
- SLIP: Soliciting for Lewd and Immoral Purpose
- SNL: State Narcotic Law
- Smith Act: Sedition
- Sol of Brby: Solicitation of Bribery
- SS: Sentence Suspended
- SSA: Selective Service Act
- Stln Prop: Stolen Property
- Sullivan Law CCW: Carrying Concealed Weapon
- SWWC: Swindle with Worthless Checks
- T: Theft
- TAWOP: Taking Auto Without Owner's Permission
- TBC: Theft by Check
- TFIS: Theft from Interstate Shipment
- TGP: Theft of Government Property
- Thrt: Threat or Threatening
- Tru: Truancy

- UCMJ: Uniform Code of Military Justice
- UDAA: Unlawful Driving Away Auto
- UFA: Uniform Firearms Act
- UFAC: Unlawful Flight to Avoid Custody
- UFAT: Unlawful Flight to Avoid Testimony
- UIBC: Unlawful Issuance of Bank Checks
- UMTD: Using Mails to Defraud
- UNA: Uniform Narcotics Act
- Unl Ent: Unlawful Entry
- Poss ND: Unlawful Possession of Narcotic Drugs
- U&P: Uttering and Publishing
- UPIP: Uttering Profanity in Public
- UPRF: Unlawful Possession or Receipt of Firearms
- UPUC: Unauthorized Publication or Use of Communications
- USC: United States Code
- USCC: U.S. Criminal Code
- UWC: Uttering Worthless Check(s)
- VAD: Visiting A Dive
- Vag: Vagrancy
- Vaga: Vagabond
- Vag WA: Vagrancy (wandering about)
- VANO: Violation of Anti-Noise Ordinance
- VC: Vehicle Code
- VCSDDCA: Violation Controlled Substance Drug Device and Cosmetic Act
- Vio DDCA: Violation Dangerous Drugs and Control Act
- VIREL: Violation of Internal Revenue Laws
- VNG: Verdict Not Guilty
- VRA: Voting Rights Act
- Voyeurism: Peeping Tom
- VSNL: Violation of State Narcotic Laws
- VT: Vehicle Theft
- VTL: Vehicle Theft Larceny
- VTO: Violation Traffic Ordinance
- WCA: Workmen's Compensation Act
- Wilkin Act Firearms

- W&I: Willful & Incurable or (in California) Welfare & Institutional Code
- WOP: Without Prosecution
- WPPDA: Welfare and Pension Plans Disclosure Act
- WSTA: White Slave Traffic Act
- WWRD: Wrong Way Road

Endnotes

- ¹ Baker, M., & Westin, A. (1987). *Employer perceptions of workplace crime*. Washington, DC: Bureau of Justice Statistics, Department of Justice.
- ² Bureau of Justice Statistics on Recidivism, retrieved August 2012 at <http://bjs.ojp.usdoj.gov/index.cfm?ty=tp&tid=17>
- ³ Snyder, H.N., & Sickmund, M. (1999). *Juvenile offenders and victims: 1999 national report*. Washington, DC: US Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Retrieved from: <https://www.ncjrs.gov/html/ojjdp/nationalreport99/toc.html>
- ⁴ Bureau of Justice Statistics (2012). *Drugs and crime facts*. Washington, DC: US Department of Justice. Retrieved August 2012 from <http://bjs.ojp.usdoj.gov/content/DCF/duc.cfm>
- ⁵ Ge, X., Donnellan, M.B., & Wenk, E. (2001). The development of persistent criminal offending in males. *Criminal Justice and Behavior*, 28(6), 731-755.
- ⁶ Bureau of Justice Statistics. (2001). *Nature and distribution of known offenses*. In Sourcebook of Criminal Justice Statistics, 2001. Washington, DC: U.S. Department of Justice.
- ⁷ Bureau of Justice Statistics. (n.d.). *Offenses known to police and cleared by arrest*. In Sourcebook of Criminal Justice Statistics Online. Washington, DC: US Department of Justice. Retrieved July 2005 from: <http://www.albany.edu/sourcebook/pdf/t420.pdf>
- ⁸ Bureau of Justice Statistics. (n.d.). *Defendants disposed of in U.S. District Courts*. In Sourcebook of Criminal Justice Statistics Online. Washington, DC: US Department of Justice. Retrieved July 2005 from: <http://www.albany.edu/sourcebook/pdf/t522.pdf>
- ⁹ Bureau of Justice Statistics. (n.d.). *Federal offenders sentenced to incarceration in U.S. District Courts*. In Sourcebook of Criminal Justice Statistics Online. Washington, DC: US Department of Justice. Retrieved July 2005 from: <http://www.albany.edu/sourcebook/pdf/t520.pdf>
- ¹⁰ Bureau of Justice Statistics. (2001). *Survey of state criminal history information systems*. Washington, DC: U.S. Department of Justice, Office of Justice Programs. Retrieved September 2003 from: <http://www.bjs.gov/content/pub/pdf/sschis01.pdf>
- ¹¹ SEARCH. (1985). *Criminal justice information policy: Data quality of criminal history records*. Washington, DC: Bureau of Justice Statistics.
- ¹² Hollinger, R.C., & Langton, M.A. (2005). *2004 National retail security survey: Final report*. Gainesville, FL: University of Florida, Department of Criminology, Law and Society.
- ¹³ Woo, J. (1992, September 9). *Most states now have laws permitting stores to impose civil fines on shoplifters*. The Wall Street Journal, p. B1.
- ¹⁴ Shoplifters Anonymous. (n.d.). *Some facts about shoplifters*. Retrieved September 2003 from the Shoplifters Anonymous web site: <http://www.shopliftersanonymous.com/Facts.htm>
- ¹⁵ Baumer, T.L., & Rosenbaum, D.P. (1984). *Combating retail theft: Programs and strategies* (Chapters 2 and 3). Boston: Butterworth.
- ¹⁶ Kessler, International. (1999). *Study shows 79% of employees steal from their employer*. Retrieved July 6, 2005, from <http://www.investigation.com/press/press4.htm>
- ¹⁷ Geller, A. (2002). *Worker thefts on rise*. Retrieved from <http://www.assessments-usa.com/Assessments%20Library/Library%20Docs%20/Worker%20Theft.pdf>
- ¹⁸ 18 U.S.C. 921, 922, and 923.
- ¹⁹ Chu, D.S. (2002, November 27). *Department of Defense Policy for Implementation of Domestic Violence Misdemeanor Amendment to the Gun Control Act for DoD Civilian Personnel*. Washington, DC: Undersecretary of Defense for Personnel and Readiness.
- ²⁰ Snyder, J.M. (1988). The private employer and criminal history records in Bureau of Justice Statistics (1988). Open vs. confidential records, conference proceedings (p. 57) (NCJ-113560). Washington, DC: U.S. Department of Justice.
- ²¹ Kirtley, J.E. (1988). Media access to criminal history records. In Bureau of Justice Statistics (1988). Open vs. confidential records, conference proceedings (NCJ-113560). Washington, DC: U.S. Department of Justice.

- ²² Pursley, R.D. (1984). *Introduction to criminal justice* (p. 90) (3rd ed.). New York: Macmillan.
- ²³ Wallerstein, J., & Wyle, C.J. (1947). Our law-abiding lawbreakers. *Probation*, 25, 107-112.
- ²⁴ Taylor, J. (2012, Mar. 8). "Do you steal from hotel rooms? Survey of the Day" Retrieved August 2012 from <http://kissfm969.com/steal-from-hotel-rooms-survey/>
- ²⁵ The President's Commission on Law Enforcement and the Administration of Justice. (1967). *Task force report: Crime and its impact: An assessment* (p. 103). Washington, DC: U.S. Government Printing Office

Drug Involvement

Relevance to Security	81
Example: Army Sgt. Roderick Ramsey	83
Potentially Disqualifying Conditions	84
Extract from the Guideline	84
Introduction	84
Which Drugs Are Used	84
Frequency of Drug Use	87
Prescription Drug Abuse in the Military	87
Recency of Drug Use	87
Circumstances of Drug Use	88
Example 1	89
Example 2	89
Falsification of Drug Test	89
Current Clearance Holder or Applicant	90
Drug Use as a Mental Health Indicator	91
Bond Amendment	92
Mitigating Conditions	93
Extract from the Adjudicative Guideline	93
Evaluation of Mitigation Conditions	94
Future Drug Use Is Unlikely	94
Example: Anonymous Subject	95
Types of Treatment for Drug Abuse	96
Effectiveness of Treatment for Drug Abuse	97
Reference Materials	98
Definitions of Drug Use, Abuse, and Dependence	98
Observable Indicators of Drug Use	99
Effectiveness of Drug Screening Programs	100
Accuracy of Urine Testing	101
Hair Testing	102
Sources of Additional Information	103
Endnotes	104

Relevance to Security

Executive Order 12564, dated September 15, 1986, establishes the U.S. Government as a drug-free workplace. It declares that “persons who use illegal drugs are not suitable for federal employment.” Applicants cannot be held to a no-prior-use standard, but any illegal drug use at all by a current U.S. Government employee or member of the military is a violation of this presidential order.

Use of an illegal drug or misuse of a prescription drug raises questions about an individual’s reliability and trustworthiness for the following reasons:

- Illegal drug use may indicate an unwillingness or inability to abide by the law. Cleared employees must respect regulations whether they agree with them or not. If they do not respect the rules on use of illegal substances, they may not respect the rules for protection of classified information. This is illustrated by the case of a convicted spy, U.S. Army [Sgt. Roderick Ramsey](#) (page 83). Current drug use while in military service was the principal qualification Ramsey looked for in selecting coworkers for a recruitment pitch. He knew such persons were willing to break the rules and would not report illegal activity.
- Drug use may weaken judgment. When under the influence of a psychoactive substance, an individual may not exercise the care and discretion required to protect classified information.
- Some types of drug use reflect a tendency toward irresponsible or high-risk behavior. These characteristics cast doubt upon an individual's judgment and ability to protect classified information even when not under the influence of drugs.
- Users of illegal drugs may be susceptible to blackmail, especially if exposure of drug use could cost them their jobs. Police and security services actively monitor drug distribution networks. Procurement of illegal drugs while traveling abroad or carrying drugs across national boundaries risks attracting the attention of foreign intelligence or security services or other individuals who may seek to exploit this vulnerability. Any habitual behavior that places an individual in a compromising position exploitable by others is a serious security concern.
- Drug abuse or dependence may indicate the presence of broad emotional or personality problems of security concern. See [Drug Use as a Mental Health Indicator](#) (page 91) for more information.

Drug use may cause financial problems, leading to criminal activity to finance a drug habit. Conversely, unexplained affluence may indicate involvement in drug sales. National surveys of drug use show that a large percentage of the U.S. population has some history of illegal drug use. In 2011, 20.1% of 8th graders, 37.7% of 11th graders, and 49.9% of children in 12th grade had used some illicit drug at some time during their lives.¹ A different 2010 study measured "current" usage of any illicit drug by the entire U.S. population. Current usage was defined as use of any illicit drug during the month prior to the survey. It found that 8.9% of the entire U.S. population age 12 or older had used some illicit drug during the *month prior* to the survey. In other words, they were *current* users of some illicit drug.²

Statistics that apply to the overall population, as reported here, will generally be higher than frequency rates found in a select and prescreened pool of persons undergoing security processing. Nevertheless, these figures suggest that a substantial percentage of applicants for security clearance have had at least some experimental drug use.

The wide prevalence of drug use presents a dilemma for adjudicators. If standards are too lax, security may not be protected. If standards are too strict, many well-adjusted, adventuresome, and creative individuals who have experimented with drugs in the past may be screened out even though they have no intention of using drugs in the future.

Which drugs are favored and how they are administered are all subject to rapid change. Drug education programs, changes in public attitudes, high-profile cases of drug deaths, rumors and facts regarding the dangers of specific drugs, new developments in methods of administering drugs, and changes in the cost or purity of drugs all affect the nature and extent of drug use and abuse.

Yearly updates on the prevalence of drug use are available from two annual surveys sponsored by the National Institute on Drug Abuse: the National Household Survey on Drug Abuse and the Monitoring the Future survey of drug use by high school students. Information is broken down by type of drug, frequency of use, and many demographic variables. Information on prevalence of drug use among military personnel is available from the Worldwide Survey of Substance Abuse and Health Behaviors among Military Personnel. For further information about these sources, see [Sources of Additional Information](#) (page 103).

Example: Army Sgt. Roderick Ramsey

The case of U.S. Army Sgt. Roderick Ramsey is one concrete example of the relationship between drug use and espionage. Ramsey was arrested in 1990 and sentenced to 36 years in prison for spying for Hungary. During a two-year period he passed a large number of Secret and Top Secret documents containing military operational plans for the defense of Western Europe. He was part of the Clyde Lee Conrad spy ring and himself recruited at least two other American soldiers to provide classified documents.

Ramsey used drugs regularly while in the military. He saw drug use in violation of military rules and regulations as the principal qualification for selecting those who might be susceptible to recruitment as sources of classified information. He explained this as follows during an interview after his arrest:

“The people that I recruited, yes, they were involved in drugs, but it wasn’t so much that they were pot smokers or hashish smokers that made them, in my opinion, more susceptible to the pitch. It was that these were people who had already shown a propensity or willingness to violate Army regulations. Anyone in the Army who was willing to take drugs on a regular basis has to be willing to take some kind of risk and has to be willing to break the Army’s regulations. That’s the starting point.”³

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *any drug abuse;*
- (b) *testing positive for illegal drug use;*
- (c) *illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;*
- (d) *diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;*
- (e) *evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;*
- (f) *failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional;*
- (g) *any illegal drug use after being granted a security clearance;*
- (h) *expressed intent to continue illegal drug use, or failure to clearly and convincingly commit to discontinue drug use.*

Introduction

Adjudication of drug issues must be based on assessment of security risk, not whether the adjudicator personally approves or disapproves of the behavior being adjudicated. The following conditions are clearly disqualifying:

- Expressed or implied intent to continue using drugs, or failure to complete successfully a drug treatment program, are both normally disqualifying.
- Drug possession including cultivation, processing, manufacture, purchase, sale, or distribution is a serious security concern. See [Example 2](#) (page 89).
- Possession of drug paraphernalia such as needles for injecting drugs, smoking devices, gram scales, or certain chemicals indicates drug involvement unless subject can present evidence to the contrary.

The following sections analyze these potentially disqualifying factors.

Which Drugs Are Used

The more dangerous the drug, the more the drug use indicates about poor judgment, propensity for irresponsible or high-risk behavior, tendency to rebel against social norms, alienation, or emotional maladjustment.

There are two aspects of a drug's dangerousness -- the risk of addiction and the adverse health and behavioral consequences. Both differ greatly from one drug to another. The most dangerous drugs are methamphetamine, cocaine, heroin, PCP, and LSD. For more information on specific drugs, see [Sources of Additional Information](#) (page 103).

Drug dependence can develop through both psychological and physical processes.

- Psychological dependence is characterized by emotional and mental preoccupation with the drug's pleasurable effects. One craves more to regain the stimulation, elation, sense of well-being, or other psychological pleasures from the drug. Psychological dependence also occurs when one develops a lifestyle that is centered around drug use.
- Physical dependence occurs when the body adjusts to the presence of a drug in such a way that physical symptoms involving such things as abdominal pain, nausea, sweating, trembling, or other discomfort occur when the drug is withdrawn. The addict craves more drugs in order to avoid or alleviate the discomfort.

Methamphetamine is currently one of the most commonly abused drugs, and also one of the most addictive and damaging to one's health. It has spread rapidly because it can be made in home labs with chemicals that have been, until recently, readily available to the public. The essential chemicals are ephedrine and pseudoephedrine, which are common ingredients in many cold medicines. Many states have passed laws that require every product containing even a small amount of either chemical to be kept behind a pharmacy counter. Customers do not need a prescription to buy the products, but they may need to show a photo ID and sign a log.

Cocaine is one of the most powerfully addictive drugs of abuse. Psychological dependence on cocaine, especially crack cocaine, occurs quite rapidly and physical dependence follows. Narcotics (heroin, opium, morphine) create the strongest physical dependence. Addiction occurs more slowly than with cocaine, but withdrawal is more difficult and painful. Marijuana is only mildly addictive, although regular users may develop psychological dependence on the role which marijuana plays in their lives. LSD is not physically addictive but is especially dangerous because of its health consequences.

Past use of LSD and other hallucinogens is a concern because it may be followed by flashbacks a couple years after the last use. A flashback is a sudden, involuntary recurrence of a previous drug-induced hallucination. LSD flashbacks are predominantly *visual* distortions, things that one *sees*. No evidence is available that an individual suffering a flashback is likely to *talk* about classified information or programs. Reduced conscious control during a flashback could, however, lead to loss of physical control over classified material.

There are two different types of flashback. One type goes away after a short time. If such flashbacks are going to occur, they are most likely to occur within one year after use of the hallucinogen. If an individual has gone two years without a flashback, a future flashback is unlikely. Flashbacks of this type have been compared to flashbacks that can occur with Post-Traumatic Stress Disorder and may be treated the same way. The other type is a mental illness called Hallucinogen Persisting Perception Disorder. The flashbacks are more frequent and long-lasting and cause problems in the individual's social, work, or family life. Individuals suffering from this are acutely aware of their perceptual disturbances and often seek psychiatric help. This disorder may slowly fade away but often lasts longer than five years and may affect people for the rest of their lives.⁴

Prescription Drugs: The large increase in number of pain relievers, tranquilizers, stimulants, and sedatives prescribed during the past 20 years prescription stimulants and the six-fold increase in opioid analgesics during the past 20 years has dramatically increased the misuse of prescription drugs. The Office of the National Drug Control Policy has "classified prescription drug abuse as an epidemic." The 2009 National Survey on Drug Use and Health showed that nearly one-third of people over the age of 12 who used drugs for the first time in 2009 began their drug use by improper use of a prescription drug. A recent Monitoring the Future Study, the largest national survey of drug use among young people, found that prescription drugs are now the second most abused category of drugs after marijuana.⁵

Prescription drug abuse has soared among military personnel, having doubled from 2002 to 2005 and then almost tripled from 2005 to 2008. According to a Department of Defense study of military lifestyle, while the overall civilian rates of prescription drug misuse for all populations of civilians was 4.4%, the rate for the Department of Defense was 11.7%, over two-and-a-half times higher than the civilian rate. The rate for the Army branch of the military was highest at 15.6% for men of all ages and 18.8% for women of all ages, nearly 3.5 times higher than the civilian rate. While the rate of misuse for civilians dropped sharply after age 25 and continued to drop as age increased, for the all military branches the rate rose with age to a high of 13% for male military ages 46-64 (the highest age group studied), compared to 1.7% for male civilians and to 12.8% for female military versus 2.4% for female civilians. Rates for the Army branch were even higher.

Commonly abused types of prescription drugs include those used for pain, for the central nervous system, for depression or anxiety, and stimulants for attention deficit hyperactivity disorder (ADHD). The abuse of prescription drugs is much higher among current and former military service members who have seen action in the Middle East or Asia than among civilians. This has become a significant problem as discussed below.

Frequency of Drug Use

Frequency of drug use is significant because it relates to the likelihood of psychological or physical dependency. Increasing the frequency or dosage over time suggests tolerance and physiological dependence. Regular or habitual use is predictive of continued future use. Serious, long-term drug abuse or dependence is often accompanied by an emotional, mental, or personality disorder.

There is no agreed terminology for describing the frequency of drug use. Investigators and adjudicators should avoid the use of terms such as experimental, occasional, frequent, or regular drug use whenever possible. They should be specific about which drug or drugs, how often, for how long, and how long ago. However, if some general descriptive term is required, the following is one set of terms that has been used by adjudicators to describe frequency of drug use.

- **Experimental Use:** Initial use for a maximum of six times, or more intensive use for a maximum of one month.
- **Occasional Use:** Once a month or less.
- **Frequent Use:** Once a week or less, but more than once a month.
- **Regular or Habitual Use:** More than once a week.

Prescription Drug Abuse in the Military

The abuse of prescription drugs is much higher among military service members than among civilians, and it has become a significant problem. It increased from 2 percent of all military service members in 2002 to 11 percent in 2008. It has continued to increase and has become a serious problem. A 2011 study at one of the camps where military personnel transition to civilian life estimated that 25 to 35 percent of the soldiers processed through that camp were dependent on or addicted to drugs.

The men and women who are or have been involved in military battle are among those with the greatest risk for developing a prescription drug addiction. Combat-related injuries and strains from carrying heavy equipment during multiple deployments are believed to play a role in this trend. Opioid drugs such as Vicodin, OxyContin, Xanax, Valium, and Percocet are prescribed to reduce the intensity of pain signals reaching the brain and also affect those brain areas controlling emotion. They help cope with pain associated with battlefield injuries and with the emotional pain of battle fatigue or being forced to witness wartime atrocities. Unfortunately, such pain is often prolonged and can easily lead to addiction.⁶

Recency of Drug Use

Time elapsed since the last drug use is an important consideration in determining likelihood of future use. The longer someone has abstained from drug use, the

greater the chances of continued abstinence in the future. The section on [Future Drug Use Is Unlikely](#) (page 94) discusses recency of use as a mitigating condition.

Circumstances of Drug Use

The circumstances of an individual's past drug use may also indicate whether drug use is likely to continue or recur in the future.

Age at First Use: Early initiation of drug use is one of the best indicators of future drug abuse and dependence. One study reports that in 2003, 13.3% of users who began taking drugs before age 14 reported dependence on their drug use, compared to only 2.2% who began after the age of 18. Data gathered from the National Longitudinal Survey of Youth reveal that 35% of persons who used cocaine and 23.5% who smoked marijuana before age 12 became heavy cocaine users. Of those who did not use cocaine or smoke marijuana before age 12, only 5.9% and 5%, respectively, became heavy cocaine users later in life.⁷

Individuals whose drug use started before high school (age 14 or younger) are atypical and are more vulnerable to drug problems later in life than those who started using drugs in high school or college. Initiation of drug use between age 15 and 18 is common and is not indicative. Drug use usually peaks during the senior year in high school or in college (age 17 to 23). Continuation of peak usage after this period suggests possible future problems. Initiation of drug use later in life is quite unusual and suggests a possibility of future problems.⁸

Increased maturity and lifestyle changes that usually accompany employment, marriage, or the birth of children often lead to reduction or cessation of drug use. Continuation of the same social environment in which past drug use occurred suggests that use may continue.

Solitary Drug Use: Use of drugs to relax *prior* to a social event points to psychological dependence and is more indicative of future use than use *at* social events. Solitary drug use is more indicative of future use than is social use.

Means of Acquiring Drugs: Growing or making one's own drugs or purchase of drugs from a stranger indicate a stronger commitment to drug use than obtaining drugs from a friend.

Motivation for Drug Use: If drugs are used to reduce stress or build self-esteem, this may indicate underlying psychological problems that can persist and cause continued drug use or other problems. Rebelliousness as a motivation for past drug use does not necessarily indicate future drug use, but it may indicate a tendency toward antisocial behavior. Among the various possible motivations for drug use, peer pressure and a desire to be sociable are the least indicative of future drug problems.

Behavior While Under the Influence of Drugs: If drug use is associated with traffic violations, pranks, shoplifting, fights, etc., it may be part of a larger pattern of antisocial behavior that is itself a security concern. Drug use is frequently related to criminal behavior.⁹

Example 1

Subject is a 40-year-old engineer being processed by a defense contractor for a Secret clearance. One year ago he experimented with marijuana on social occasions four or five times during a one-month period. He has not used marijuana since and does not intend to use it in the future.

If subject were a 21-year-old, recent college graduate, this would be a clear-cut case. Some experimentation with marijuana is common in that age group. It is abnormal for someone to begin experimenting with marijuana at age 39 or 40. Such behavior indicates that caution is in order. Additional information is needed before a decision can be made. One needs to understand what was going on in the subject's life that led to this change in behavior? Are there other changes in subject's life style, particularly changes in work performance, friends that he associates with, or indicators of developing emotional or mental problems?

Example 2

The subject is a newly selected civilian employee on whom a SSBI is being conducted for a Top Secret clearance. During the interview, the subject stated that she uses marijuana about once or twice a month or at parties if it is offered. The subject stated that she will not use marijuana at work but will continue to use it as before. She said that she does not see anything wrong with its use if it does not affect her job, and that the government has no business controlling her private life.

A stated intention to continue using marijuana is normally disqualifying, whether or not the marijuana is used at work.

Falsification of Drug Test

Any falsification of a drug test is potentially disqualifying. Although the urine test is generally reliable, as discussed under [Accuracy of Urine Testing](#) (page 101), it can be falsified, and products for doing so are widely promoted and sold over the Internet.

The Government Accountability Office (GAO) investigated the availability of products intended to enable users of illegal drugs to pass federal government drug tests. An Internet search on the words "pass drug test" turns up dozens of companies that advertise such products. One web site claims that "passing a urine drug test has never been easier." Another advises prospective customers that its product formulas

are changed about every 6 to 9 months to stay ahead of new validity tests performed by drug testing laboratories. The masking products fall into four categories:

- Dilution substances that are added to a urine specimen at the time it is collected or are ingested before an individual submits a urine specimen.
- Cleansing substances that detoxify or cleanse the urine and are ingested prior to the time that an individual submits a urine specimen.
- Adulterants that are used to destroy or alter the chemical make-up of drugs and are added to a urine specimen at the time that it is provided for testing. About 400 different adulterant products are available.
- Synthetic or drug-free urine that is substituted in place of an individual's specimen and provided for testing.

Web sites and sales representatives recommend different types of masking products based on which drugs are used, how frequently they are used, how recently they were used, whether tests are announced or conducted randomly, and whether testing administrators closely monitor the collection of urine samples. Some web sites provide an interactive format for prospective customers to find out which products best meet their individual needs. Some web sites provide a search mechanism to identify the nearest dealer who sells the products. The prices range from \$20 to \$79 dollars per package to get through one test. The GAO investigator bought such products from a dealer in the Washington, DC, area as well as from a number of web sites. The GAO only investigated the availability of these products. It did not test their effectiveness in masking drug use.

The GAO investigation concluded that “the sheer number of these products, and the ease with which they are marketed and distributed through the Internet, present formidable obstacles to the integrity of the drug testing process.”¹⁰

Current Clearance Holder or Applicant

Executive Order 12564 established the U.S. Government as a drug-free workplace. By accepting government employment, government employees have accepted voluntarily an obligation to be drug-free. It is appropriate to hold them to a higher standard than applicants who have not yet assumed this obligation.

For current government or military personnel with security clearances, any illegal drug use or misuse of a legal drug is a violation of Executive Order 12564. It is, therefore, a breach of trust and a security concern. If this behavior is part of a pattern of problematic behavior, it should be evaluated under Personal Conduct.

The situation is different for applicants, as they have not previously accepted an obligation to remain drug-free. The prevalence of drug use in the United States suggests that some prior experimental or brief recreational drug use is to be expected among many otherwise well qualified individuals. According to the annual Monitoring the Future survey, 40% to 45% of 12th grade students admitted using

some illicit drug during the previous year, every year, from 1995 to 2011. Marijuana was by far the most common illicit drug. The percentage of 12th grade students using some illicit drug other than marijuana every year since 1995 ranges from 19% to 22%.² Applicants who admit prior drug use may be more honest than many who have used drugs but do not admit it.

For applicants, the question is less what they have done in the past than whether they are willing and able to remain drug-free in the future. Past drug use is a security concern if:

- The nature and extent of past use suggests that drug use may continue or recur after the security clearance is granted. This judgment depends upon [Which Drugs Are Used](#) (page 84), [Frequency of Drug Use](#) (page 87), [Prescription Drug Abuse in the Military](#) (page 87), and [Circumstances of Drug Use](#) (page 88), all of which have previously been discussed. See also [Mitigating Conditions](#) (page 93), discussed below.
- The nature and extent of past drug use indicates possible psychological or emotional problems, including antisocial behavior (a tendency to disregard laws and rules). See [Drug Use as a Mental Health Indicator](#) below.

Drug Use as a Mental Health Indicator

Given the statistics on the prevalence of drug use, some experimentation with drugs, especially marijuana, cannot be considered abnormal behavior among younger Americans applying for a security clearance.

Adolescence is a time when young people differentiate themselves from parents and family and forge independent identities. Experimenting with values and beliefs, exploring new roles and identities, and testing limits and personal boundaries are normal behaviors during adolescence. Such experimentation contributes to personal growth and adjustment.

For psychologically healthy individuals, some experimentation with drugs is usually benign and does not lead to long-term or habitual drug use. For others who already have some emotional or psychological problem, drug use easily becomes part of a broad pattern of self-destructive behavior.¹¹

Scientific evidence accumulated over the past 15 years suggests that drug abuse is more complex than previously believed. Characteristics of the individual, rather than of the drug, are now seen as playing a dominant role in vulnerability to drug abuse. The social and psychological maladjustment that characterizes most frequent drug abusers *precedes* the first drug use. One study that tracked children from an early age to adulthood identified predictors of future serious drug use that could be identified in children's behavior as early as age 7.¹¹

Psychoactive drugs do have potent addictive properties, but addiction does not follow automatically from their use. Most people who experiment with drugs or even use them regularly for a while do not become abusers or develop dependence.

Initial low-level involvement with drugs may result from curiosity, peer pressure, drug availability, or risk factors in an individual's social or family environment. Subsequent escalation to and maintenance of higher levels of drug use is likely to result from biological, psychological or psychiatric characteristics of the individual user. In some cases, vulnerability may be inherited in the form of heightened susceptibility to a certain type of drug. In most cases, however, escalation will be caused by psychological characteristics or psychiatric conditions, some of which may also be inherited.

Poorly adjusted individuals who do not become involved with illegal drugs will often become involved with some other nondrug addictive behavior that fills the same psychological need. If an individual has a history of [drug abuse or dependence](#) (page 98), the likelihood that drug use has stopped for good, or will stop if given a clearance or a second chance, can be fully understood only in the context of the individual's entire personality, life experiences, and social support networks.

Psychiatric disorders frequently occur in conjunction with drug dependence. In 2003, a national survey found that 18.1% of adults 18 years of age or older who reported illicit drug use also reported a serious mental illness in that year. By comparison, only 7.8% of nondrug users reported a serious mental illness. In other words, adult drug users were more than twice as likely to have a serious mental illness than adults who did not use drugs.¹² The mental disorders most often suffered by illicit drug users are anxiety disorders (28%), affective disorders (26%), antisocial personality disorders (18%), and schizophrenia (7%).¹³ The prevalence of mental disorders varies with the drug being abused, ranging from 50% of marijuana abusers to 76% of those who abuse cocaine. Almost half of drug abusers also suffer from alcohol abuse at some point during their lifetime.¹⁴

Bond Amendment

Public Law 110-181, Section 2002 (50 U.S.C. 435c), commonly referred to as the Bond Amendment, repealed and revised a previous law known as the Smith Amendment. Similar to the Smith Amendment, the Bond Amendment places restrictions on who is eligible for a security clearance. (See [Compliance with Bond Amendment](#) [page 51] in the [Criminal Conduct](#) chapter.)

The Bond Amendment prohibits all Federal agencies from granting or renewing any security clearance for any person who is an unlawful user of a controlled substance or is an addict. For purposes of this prohibition:

- an “unlawful user of a controlled substance” is a person who uses a controlled substance and has lost the power of self-control with reference to the use of the controlled substance, and

- any person who is a current user of the controlled substance in a manner other than as prescribed by a licensed physician.

Such use is not limited to the use of drugs on a particular day, or within a matter of days or weeks before, but rather that the unlawful use has occurred recently enough to indicate that the individual is actively engaged in such conduct.

- an “addict” of a controlled substance is any individual who habitually uses any narcotic drug so as to endanger the public morals, health, safety, or welfare;
- or who is so far addicted to the use of narcotic drugs as to have lost the power of self-control with reference to his or her drug use. “

Adjudicators should apply the Bond Amendment provisions very narrowly, as all criteria specified under the amendment already are within the scope of what is normally considered disqualifying under the [Drug Involvement](#) adjudicative guideline. If any doubt exists as to the applicability of the amendment provisions, apply the appropriate provisions of the [Adjudicative Guidelines](#).

Mitigating Conditions

Extract from the Adjudicative Guideline

- (a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual’s current reliability, trustworthiness, or good judgment;*
- (b) a demonstrated intent not to abuse any drugs in the future, such as:*
 - (1) disassociation from drug-using associates and contacts;*
 - (2) changing or avoiding the environment where drugs were used;*
 - (3) an appropriate period of abstinence;*
 - (4) a signed statement of intent with automatic revocation of clearance for any violation;*
- (c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended;*
- (d) satisfactory completion of a prescribed drug treatment program, including but not limited to rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.*

Evaluation of Mitigation Conditions

In considering mitigating conditions, adjudicators should evaluate whether:

- There is strong reason to believe that subject is no longer using drugs or involved with drugs, and a high probability that the subject will not become involved in the future.
- Subject has successfully completed a drug treatment program prescribed by a qualified medical professional.
- Past drug use was an aberration from an otherwise strong record of sound judgment and responsible and emotionally stable behavior.

Successful completion of a drug treatment program may mitigate past drug use if that use was not too advanced. If past use meets the medical definition of abuse or dependence, however, even successful completion of a treatment program may not be sufficient. Despite recent advances in treatment, “drug abuse remains a chronic relapsing condition usually requiring prolonged or repeated treatment.”¹⁵ See [Types of Treatment for Drug Abuse](#) (page 96) and [Effectiveness of Treatment for Drug Abuse](#) (page 97).

Future Drug Use Is Unlikely

Past drug use may be mitigated by evidence that future drug use is very unlikely. In judging the likelihood of future drug use, the adjudicator should consider the subject’s expressed intentions but know that good intentions may not last. Expressed intentions are more believable if they are accompanied by specific changes in lifestyle, such as moving from a college to a work environment, disassociation from drug-using associates, or avoiding the environment where drugs were used.

The adjudicator also considers [recency of last drug use](#) (page 87), [frequency of past drug use](#) (page 87), [which drugs were used](#) (page 84), [circumstances of past drug use](#) (page 88), and a whole person evaluation of the individual’s reliability and trustworthiness.

The strongest indicator of a person’s true intent and ability to abstain from future drug use is time elapsed since last drug use. The [Adjudicative Guidelines](#) do *not* provide any formula for evaluating the period of time that is relevant. This is a matter for informed judgment of the trained and experienced adjudicator. The following examples of time periods that might mitigate various types and frequencies of past drug use are based on a 1992 Defense Department study.¹⁶ They are provided for consideration in the context of all the other information available about the person. They are not a formula to be applied mechanically in all cases.

At Least Six Months: The only drug use was experimental or occasional use of marijuana, and there are no aggravating circumstances.

At Least One Year: Marijuana was used frequently, or any other drug was used experimentally, and there are no aggravating circumstances.

At Least Two Years: Marijuana was used regularly, or any other drug was used occasionally, and there are no aggravating circumstances. There was no evidence of psychological or physical dependence at the time subject was using drugs, and subject has demonstrated a stable lifestyle with satisfactory employment record since then.

At Least Three Years: Any drug other than marijuana was used frequently or regularly, or marijuana was used regularly with signs of psychological dependence. There are no other aggravating circumstances. Subject has maintained a stable lifestyle, satisfactory employment record, and a completely clean record in all other issue areas during the past three years.

At Least Five Years: A minor involvement in drug trafficking for profit or failure to complete a drug treatment program. Subject has maintained a stable lifestyle, satisfactory employment record, and a completely clean record in all other issue areas during the past five years.

Every case has unique factors that must be considered in addition to these time guidelines. Adjudicators should adjust the time periods in order to take into account [circumstances of past drug use](#) (page 88) and the individual is a [current clearance holder or an applicant](#) (page 90). When in doubt, ask the following question: Has subject demonstrated “strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment” as required by Executive Order 12968 ? If so, access may be approved. If not, it may be denied.

Example: Anonymous Subject

Subject is a 32-year-old technician with a defense contractor. He is being processed for a Secret clearance. He was arrested four years ago for driving under the influence of marijuana; he was weaving across the center line of the road. He was given one-year probation, drivers license suspended for six months, ordered into drug counseling, and fined \$200.

Subject said he used marijuana two to four times a week for three years, mostly at parties. He was never involved in cultivating or selling marijuana and never used any other drug. Subject completed the 40-hour drug-counseling program. He says he has not used marijuana or any other drug since his arrest and does not intend to use drugs in the future. “Drugs aren’t worth the trouble they cause you,” he explains. Subject’s employer reports that his work performance has improved during the four years since his arrest. There is no other derogatory information on subject.

The employer’s report that subject’s work performance improved after his arrest supports subject’s statement that he did, indeed, stop using drugs. It also suggests,

however, that before the arrest his drug problem was serious enough to affect work performance. The severity of subject's penalty for a first-time offense also suggests he had a serious drug problem. However, four years of abstention from marijuana is a strong indicator of intent. There appears to be strong evidence of continuing intent to abstain from drugs, so approval may be appropriate.

Types of Treatment for Drug Abuse

Drug abuse treatment includes detoxification, management of drug dependence, and prevention of relapse. Since drug abuse is a complex disorder with multiple causes, there are also multiple treatment methods that are more or less effective with, or acceptable to, different patients. Ideally, assessment of the drug abuse history and personal characteristics of individual patients would permit matching the patient with the treatment method most likely to be successful for that person. This is not possible with the present state of knowledge, however, so treatment programs are varied and usually multifaceted. Treatment methods are of two general types:

Drugs that Affect Physiological Processes: Prescribed medications may provide a substitute drug that has similar physiological effects (i.e., methadone treatment of heroin addiction and nicotine chewing gum for treatment of tobacco dependence); may block the physiological effects of the abused drug; or may treat the symptoms of the abused drug (i.e., reduce the craving or treat the insomnia and anxiety often associated with withdrawal from drug use).¹⁷

Examples:

- Agonistic Maintenance Treatment: works by stabilizing opiate addicts with sustained dosages of methadone.
- Narcotic Antagonistic Treatment Using Naltrexone: works by providing long-acting synthetic opiate antagonist drugs to combat the effects of opiates on the physiological processes of the body.
- Medical Detoxification: in-patient treatment aimed at ridding the body of addictive agents and providing medications to help combat the effects of withdrawal.

Therapies that Aim to Modify Behavior: Treatments that aim to change behavior include a variety of counseling and psychotherapy approaches based primarily on talking: peer support self-help groups modeled after Alcoholics Anonymous; behavioral conditioning to alter one's response to drug stimuli; skill development (i.e., teaching job or social skills, assertiveness, or relaxation/stress management); or relatively long-term (typically 6 months or longer) treatment in a closed residential setting emphasizing drug abstinence and learning of new attitudes and behaviors.¹⁵

Examples:

- Outpatient Drug-free Treatment: works by providing drug education, admonition, and often group therapy; most suitable for addicts with extensive social-support networks.
- Long-Term Residential Treatment: provides 24-hour care in a therapeutic community; often involves behavior modification therapies and focuses on individual accountability and social responsibility outside treatment.
- Short-Term Residential Treatment: provides brief but intensive treatment using a 12-step process intended to address directly the addiction.

Effectiveness of Treatment for Drug Abuse

The most comprehensive study of the effectiveness of drug abuse treatment is the Drug Abuse Treatment Outcome Study (DATOS) sponsored by the National Institute on Drug Abuse. This study collected data on 10,000 patients who entered drug treatment in 1991, 1992 and 1993 and followed a sample of these patients for five years after completion of their treatment. There have been notable advances in treatment methods since this study was done, but the general findings of the DATOS study are still considered valid.¹⁸

DATOS and other studies have shown that treatment is effective, but that relapse remains common and repeated treatments are often required. It confirmed previous findings that the amount of time spent in the treatment program was more important than the nature of the treatment program, and was the single most important factor in determining the amount of improvement gained from the program. Three months of treatment was sufficient for positive outcomes in a number of cases, but those who remained in a program for one year were significantly less likely to return to regular drug use than those in treatment less than one year.¹⁹

In addition to length of the treatment program, chances of relapse, most notably for cocaine users, are influenced by the severity of the problem and by the same biological, psychological, behavioral, social and environmental risk factors that influence the onset of drug use and the escalation to drug abuse in the first place. It is speculated that the number of risk factors for an individual may serve as a measure of relapse risk for that individual.¹⁹

Conversely, a stable family, work and social environment, the absence of severe psychological problems, and strong motivation to be cured are associated with successful treatment outcomes.

Individuals who suffer from a psychiatric disorder as well as drug abuse are especially difficult to treat and have higher than normal relapse rates after treatment. Historically, treatment response has been directly related to severity of the psychiatric disorder; the more severe the psychiatric problem, the lower the chances for successful treatment. Treatment is particularly ineffective with drug

abusers who also suffer from antisocial personality disorder. Recent advances have provided more effective approaches to treating co-occurring drug abuse/dependence and mental disorders, but the fact remains that drug abusers with other mental disorders are at a disadvantage when it comes to successful rehabilitation.²⁰

According to the DATOS study, Outpatient Methadone Treatment was the least successful, while Outpatient Drug Free Treatment was the most successful. This may be because individuals in the Outpatient Drug-free Treatment group are most likely to have the familial and social support to help them cope throughout their time in rehabilitation. In the DATOS study, 48%-69% of the heroin and cocaine abusers significantly reduced their drug use during the year after treatment. Abstinence after one year varied depending on type of treatment. Patients in Outpatient Methadone Treatment only achieved 26% abstinence, as compared with 71% of patients in Long-term Residential Treatment.

For marijuana, abstinence rates averaged only about 20% and improvement rates about 60% for the various treatment programs. One-year improvement rates for marijuana were the lowest for any drug. The persistence of marijuana use may be explained by the fact that almost 30% of patients in the study were multiple drug users. Treatment focused on the harder drugs, with marijuana considered more benign. Treatment is considered partially successful if patients shift to less serious drugs and less complex patterns of use. Thus, marijuana may act as a substitute for harder drug use.

Drug abuse treatment, as well as drug abuse itself, is a recurrent phenomenon. Twenty to 74% of all patients returned to treatment within the first year after completing the treatment, depending on treatment method, and substantial numbers returned each year during the five-year monitoring period. Additionally, more than 60% of those treated for addiction to cocaine, heroin, or other opiates had received prior treatment, and of those, more than half had received at least three months of prior intensive treatment.

Reference Materials

Definitions of Drug Use, Abuse, and Dependence

When categorizing extent of drug involvement, medical personnel use three terms: drug use, abuse, and dependence.²¹ This medical usage differs substantially from the way the terms “use” and “abuse” are used in the [Adjudicative Guidelines](#).

These terms are defined in medical usage as follows:

Use: Any taking in of a psychoactive substance. A psychoactive substance is a substance which affects a person’s perceptions, mood, way of thinking and behavior. The term “simple use” is sometimes used to describe experimentation or occasional recreational use that does not reach the point of abuse or dependence.

Note: The distinction between use and abuse is not meant to imply that simple use is benign or that there is any level of drug involvement that is not potentially dangerous. The [Adjudicative Guidelines](#) define *any* illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction as drug abuse.

Abuse: Use becomes abuse when it continues despite persistent or recurrent social, occupational, psychological or physical problems caused by or made worse by this use. Use before driving a car or engaging in other activities that are dangerous when under the influence of a psychoactive substance also qualifies as abuse. The transition from use to abuse is often gradual, and there is no clear threshold for defining the point at which use becomes abuse. Frequency and quantity of use are important considerations, as is the extent to which drug use has become a regular feature of one's lifestyle.

Dependence: Habitual, compulsive use of a substance over a prolonged period of time. The substance may be taken in larger amounts or over a longer period than intended. Increased amounts of the substance may be needed to achieve the desired effect. There may have been unsuccessful efforts to cut down on the amount of use. A great deal of time may be spent in obtaining the substance or recovering from its effects. There may be a significant impact on one's work, home or social life, or mental or physical health.

Abuse and dependence are both medical diagnoses that require certain criteria to be met before they are applied. The diagnosis should be made by a physician or other qualified substance abuse professional.

Observable Indicators of Drug Use

Drug abuse and other substance abuse often affects a person's performance, behavior, and appearance. This is the basis for a number of indicators that can alert supervisors and coworkers to the possibility that an individual may be abusing drugs, but they certainly do not "prove" the abuse of drugs.

These indicators are significant only if they represent a change from the person's normal behavior. Some of these changed behaviors may be caused by a death in the family, a new medical problem, a divorce, or any other source of emotional stress. It is important to keep these caveats in mind when considering these indicators. Any sudden change for the worse in a person's performance, behavior, or appearance should be a source of concern, but drug abuse is just one of the possibilities.

- **Performance Indicators:** Excessive absenteeism or tardiness, missed deadlines, lower productivity or deteriorating work quality, increased minor accidents or mistakes, multiple reports by coworkers of theft or missing personal items.
- **Behavioral Indicators:** Sudden change in attitude such as a new "I don't care" attitude, sudden deterioration of long friendships or relationships, explosive arguments over small matters, frequent hangover symptoms, using drug culture

jargon, secretive behavior, unusual forgetfulness or indecision, deterioration in personal appearance and hygiene, hyperactivity such as constant toe or heel-tapping or drumming of fingers, restlessness, increased physical activity, wearing long-sleeved clothing in very warm weather, new financial problems or frequent borrowing of money.

- **Physical Indicators:** Small blood spots or bruises on skin, bloodshot or watery eyes, large or small (dilated) pupils, runny or irritated nose or irritating cough or sore throat, change in speech pattern (slurred, faster, slower), tremors or jitters, constant scratching of skin or picking at skin and hair on arms, poor coordination (tripping, spilling, bumping into things), a faint skin odor (either sweet or acrid), easily fatigued or constantly fatigued, hyper-excitability.
- **Drug Paraphernalia:** Possession of hypodermic needles, balloons, aluminum foil wrappers, mirrors or flat metal, short straws, glass pipes, smoking pipes, capsules, vials, folded paper envelopes, cigarette lighter or small butane torch (when carried by a nonsmoker).²²

Effectiveness of Drug Screening Programs

A urine test is the standard procedure used to test for drug use in most government agencies, but there are a number of variations in how this is done and other procedures, such as hair testing, that serve the same purpose. Although the urine test yields accurate results when done properly, pre-employment drug screening generally detects only the careless user or the strongly dependent person. One can often avoid detection simply by abstaining from drug use prior to the test.

For many drugs, evidence of drug use at levels detectable by the initial screening remains in the system for only two or three days, although heavy marijuana use can sometimes be detected up to three weeks later. The length of time that detectable evidence of drug use remains in the urine depends upon which drug is used, amount taken, the individual's physical condition and metabolism, fluid intake since taking the drug, and the sensitivity of the drug test.

Unscheduled random testing has a better chance of detecting the occasional user than pre-employment screening, but even random testing has limitations that are more or less severe, depending upon how it is conducted.

If a randomly selected sample of 10% of personnel is tested once a month, on a randomly selected day, a user with drugs in his or her system 6 days of the month has only a 2% chance of detection during any given month. This probability is greatly reduced if a drug user refrains from drug use until after the monthly test.

If only 1% of personnel were to be tested on each of 10 randomly selected days each month, the statistical probability of detection would be marginally reduced, but the deterrent value of testing would be greatly enhanced, as it would become more difficult to plan drug use around the monthly test schedule.²³

Accuracy of Urine Testing

Testing a urine sample is the standard means to determine current use of an illegal drug. A positive drug test shows only that a substance or some of its residue was present in a person's body. It does not provide any information about the frequency of use or whether the individual is an abuser or drug dependent, and it does not prove intoxication or impaired on-the-job performance.

The standard urine test is judged to be reliable only if test procedures follow the Technical and Scientific Guidelines issued by the U.S. Department of Health and Human Services.²⁴ Requirements of these guidelines include:

- Strict controls over the chain of custody of urine specimens, so that there is documentary evidence that the test report applies to the individual from whom the sample was taken.
- Federal certification of the laboratory and of the scientists performing test analysis.
- When initial screening shows the presence of an illegal drug, a confirmatory test using gas chromatography/mass spectrometry (GC/MS) techniques is required.
- A Medical Review Officer must review any positive test result with the employee to determine whether alternative medical factors could account for the result. This review must occur prior to transmission of test results to agency administrative officials.

These procedures protect against some but certainly not all methods that individuals can use to falsify a drug test. The Government Accountability Office (GAO) investigation described above, under [Falsification of Drug Test](#) (page 89), concluded that products promoted and distributed via the Internet “present formidable obstacles to the integrity of the drug testing process.”¹⁰ The standard procedure used in mass drug-screening programs is an immunoassay test, of which there are a number of different versions. The great advantage of immunoassay urinalysis technologies is that they are quick and not too expensive. The weakness is that 1% to 2% of negative urine specimens will test positive. And many positive urine specimens will test negative, as the procedure is not as sensitive to low concentrations of drugs in the urine test as one might prefer.

The only way to ensure full reliability is to conduct a second confirmatory test, using the more time-consuming and expensive GC/MS technique. This is required by the Technical and Scientific Guidelines in all cases when the initial test is positive. The GC/MS technique is extremely accurate and sensitive to relatively small traces of drug use. There is almost no chance of error with a GC/MS test as long as the test is conducted and interpreted properly.²⁴

The evidence does still need to be interpreted by a qualified medical professional. Legitimate medical treatment, and even some foods such as poppy seeds, can lead

to detectable levels of drugs in urine during an initial drug screening; the confirmatory GC/MS test can generally identify the specific substance involved.

Hair Testing

Hair testing is the principal alternative to urine testing. It is approved by the Federal Drug Administration and has been admitted in court as scientifically acceptable evidence of drug use. It is now being used in place of urine testing by many large corporations and leading police departments. Drug traces get into the hair via the blood that circulates in the body to nourish hair as well as other tissues. The drug enters the hair below skin level, so it takes about seven days for hair to grow out enough for drug use to be detectable in hair cut from the scalp.

Head hair grows approximately 1.3 centimeters, or 1/2 inch, per month and provides a chronological record of drug use. In other words, hair that is 1 1/2 inches long would represent about three months' growth. The section of hair nearest the scalp would show drug use during the previous month, while the section nearest the end of the hair would reflect drug use two to three months earlier. If insufficient head hair is available, pubic hair or other body hair may be used.

As compared with urine testing, hair testing has some significant advantages.[25,26, 27](#)

- Evidence of drug use remains in the hair for as long as the hair remains on the body, while evidence remains in the urine for only several days to a week or two, depending upon the drug. A brief period of abstinence will not significantly affect the results of hair testing, as it does with urine testing.
- Hair testing can distinguish between light, moderate, and heavy use of some drugs, especially cocaine and opiates, as the amount of drug traces in the hair is roughly proportional to the amount of drug use.
- Because of the way traces of cocaine and opiate use are retained in the hair, hair testing is dramatically more effective than urine testing in detecting these drugs. This fact is supported by a recent study in which out of 1,823 paired hair and urine samples, only 57 urine samples tested positive for drugs of abuse while 124 hair samples from the same group tested positive![28](#)
- Hair is relatively inert. As compared with urine, hair easy to handle, and requires no special storage facilities or conditions.
- Snipping a small piece of hair from the head is less invasive and less embarrassing for most people than supplying a monitored urine sample.
- If test results are challenged, it is easy to collect another comparable hair sample for re-testing.
- Contaminating or altering a sample to distort or manipulate test results is much more difficult with hair than with urine.

As compared with urine testing, hair testing also has several disadvantages.[29](#)

- Hair testing is at least twice as expensive, although cost may come down if hair testing is done in greater volume.
- Hair testing is not as sensitive as urinalysis in detecting low levels of marijuana use within the previous week. This is offset by the ability of hair testing to detect moderate to high marijuana use over a much longer window of time.
- Some biases may exist based on an individual's hair color or texture which may influence drug test results.

As with urinalysis, rigorous procedures must be used to guide and document the collection, preservation, shipping, laboratory handling, testing, and eventual destruction of the hair sample. Procedures unique to hair testing include washing the hair sample to remove any external contaminants prior to testing. The washing is repeated until the wash water tests negative for any evidence of drugs. This ensures that a positive hair test shows only chemicals that were in the hair, not on the hair.

Sources of Additional Information

A catalog of publications on drugs, drug abuse, and prevention of drug abuse may be obtained from the National Clearinghouse for Alcohol and Drug Information. It is on the Internet at <http://store.samhsa.gov/home>. There is no charge for most of the publications.

If you are looking for information about a specific illicit drug or prescription drug that is being abused, check the following sites:

- The National Institute on Drug Abuse's Commonly Abused Drug Chart at <http://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs/commonly-abused-drugs-chart>
- The OHS Health and Safety Services, Inc. site at <http://www.ohsinc.com/>
- The prevalence of all forms of substance abuse is monitored annually by two major national surveys. The National Survey on Drug Use and Health, available on the Internet at <http://www.samhsa.gov/data/NSDUH.aspx> is based on a national probability sample of persons age 12 and older living in U.S. households. The Monitoring the Future survey is available on the Internet at <http://www.drugabuse.gov/related-topics/trends-statistics/monitoring-future>. This survey interviews high school students in public and private schools, with annual follow-up questionnaires mailed to a sample of previous participants from each high school graduating class since 1976. Both surveys are sponsored by the National Institute on Drug Abuse (NIDA). Results are published annually with information broken down by type of drug, frequency of use, and many demographic variables. Each report encompasses several volumes. Hard copies of these reports may be obtained without charge from the National Clearinghouse for Alcohol and Drug Information.

Parents concerned about drug use by their children should visit the website
Parents - The Antidrug at <http://www.theantidrug.com>.

Endnotes

- 1 Johnston, L.D., O'Malley, P.M., Bachman, J.G., & Schulenberg, J.E. (2011). "2011 Data from In-School Surveys of 8th-, 10th-, and 12th-Grade Students." Monitoring the Future Survey, University of Michigan. Retrieved September 2012 from <http://www.monitoringthefuture.org/data/11data.html>
- 2 Substance Abuse and Mental Health Services Administration (Sept. 2011). "Results from the 2010 National Survey on Drug Use and Health: Summary of National Findings." Washington, DC: U.S. Department of Health and Human Services. Retrieved October 2011 from <http://www.samhsa.gov/data/NSDUH/2k10NSDUH/2k10Results.pdf>
- 3 Fischer, L.F. (1997). *A wasted life: The case of Roderick Ramsey*. Security Awareness Bulletin, 1-97. Richmond, VA: Department of Defense Security Institute.
- 4 HPPDonline. (nd). Hallucinogen persisting perception disorder: Internet Support Forum. Retrieved October 25, 2005, from <http://hppdonline.com>
- 5 Office of National Drug Control Policy. *Prescription Drug Abuse* (n.d.). Retrieved from: www.whitehouse.gov/ondcp/prescription-drug-abuse
- 6 National Institute on Drug Abuse. *DrugFacts: Substance Abuse in the Military*. (March 2013). Retrieved from www.drugabuse.gov/publications/drugfacts/substance-abuse-in-military
- 7 Office of National Drug Control Policy. (2004). *Predicting heavy drug use* (Publication No. NCJ 208382). Washington, DC: Executive Office of the President. Retrieved July 2005 from http://www.whitehousedrugpolicy.gov/publications/predict_drug_use/predict_drug_use.pdf
- 8 Substance Abuse and Mental Health Services Administration. (2004). *Substance dependence, abuse and treatment*. In Results from the 2003 National Survey on Drug Use and Health: National Findings (Office of Applied Studies, NSDUH Series H-25, DHHS Publication No. SMA 04-3964). Rockville, MD. Retrieved July 2005 from <http://www.oas.samhsa.gov/nhsda/2k3nsduh/2k3ResultsW.pdf>
- 9 Zhang, Z. (2003). *Drug and alcohol use and related matters among arrestees: 2003* (Arrestee Drug Abuse Monitoring Program, Contract No. 2001C-003). Washington, DC: National Institute of Justice, Office of Justice Programs, National Opinion Research Center. Retrieved July 2005 from <http://www.ojp.usdoj.gov/nij/adam/welcome.html>
- 10 Government Accountability Office. (2005, May). *Products to defraud drug use screening tests are widely available* (GAO-05-653T). Washington, DC: Author
- 11 Shedler, J., & Block, J. (1990). Adolescent drug use and psychological health. *American Psychologist*, 45, 612-630. Newcomb, M., & Bentler, P.(1988). Consequences of adolescent drug use: Impact on the lives of young adults. Newbury Park, CA: Sage. Hogan, R., Mankin, D., Conway, J., & Fox, S. (1970). Personality correlates of undergraduate marijuana use. *Journal of Consulting and Clinical Psychology*, 35, 58-63. Bentler, P.M. (1987). Drug use and personality in adolescence and young adulthood: Structural models with nonnormal variables. *Child Development*, 58, 65-79.
- 12 *Substance Abuse and Mental Health Services Administration*. (2004). Prevalence and treatment of mental health problems. In Results from the 2003 National Survey on Drug Use and Health: National Findings (Office of Applied Studies, NSDUH Series H-25, DHHS Publication No. SMA 04-3964). Rockville, MD. Retrieved July 2005 from <http://www.oas.samhsa.gov/nhsda/2k3nsduh/2k3ResultsW.pdf>
- 13 Farrel, M., Howes, S., Taylor, C., Lewis, G., Jenkins, R., Bebbington, P., Jarvis, M., Brugha, T., Gill, B., & Meltzer, H. (2003). Substance misuse and psychiatric comorbidity: An overview of the OPCS National Psychiatric Morbidity Study. *International Review of Psychiatry*, 15, 43-49.
- 14 Regier, D.A. (1990). Comorbidity of mental disorders with alcohol and other drug abuse: Results from the epidemiologic catchment area (ECA) study. *Journal of the American Medical Association*, 264, 2511-18.
- 15 National Institute on Drug Abuse. (1991). *Drug abuse and drug abuse research: The Third Triennial Report to Congress from the Secretary, Department of Health and Human Services* (pp. 66-75). Rockville, MD: Author.

- 16 Bosshardt, M.J., & Crawford, K.S. (1992). *Revision of adjudicative guidelines for alcohol abuse, drug abuse, and mental/emotional disorders* (PERS-TR-92-003). Monterey, CA: Defense Personnel Security Research Center.
- 17 National Institute on Drug Abuse. (1999). *Principles of drug addiction treatment: A research-based guide*. Bethesda, MD: Author.
- 18 Drug Abuse Treatment Outcomes Survey. (n.d.). One year outcomes: Overview of 1-year follow-up. Bethesda, MD: National Institute on Drug Abuse. Retrieved September 2003 from <http://www.datos.org/adults/adults-1yrout.html>
- 19 Hubbard, R.L., Craddock, S.G., Flynn, P.M., Anderson, J., & Etheridge, R.M. (1997). Overview of 1-year follow-up outcomes in the Drug Abuse Treatment Outcome Study (DATOS). *Psychology of Addictive Behaviors*, 11(4), 261-278.
- 20 Leshner, A.I. (1999). Drug abuse and mental disorders: Comorbidity is reality. *NIDA Notes*, 14(4). Retrieved from http://archives.drugabuse.gov/NIDA_Notes/NNVol14N4/DirRepVol14N4.html
- 21 American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders* (4th edition, rev.). Washington, DC: Author.
- 22 OHS Health & Safety Services, Inc., a provider of employee drug testing services. Web site section on "Known Indicators." Retrieved from <http://www.ohsinc.com/Info/drug-use-symptoms>
- 23 Information provided by Capt. Rich Hildebrand, DoD Drug Coordinator, to PERSEREC by telephone on January 18, 1994.
- 24 Department of Health and Human Services. (1994). *Substance abuse and mental health administration: Mandatory guidelines for federal workplace drug testing programs*. Rockville, MD: Substance Abuse and Mental Health Services Administration.
- 25 *Hair versus Urine Testing: A Comparative Analysis*. (Undated). Retrieved October 2012 from http://www.directdetox.com/Hair_VS_Urine_s/20.htm
- 26 Rouen, D., Dolan, K., & Kimber, J. (n.d.). *A review of drug detection testing and examination of urine, hair, saliva, and sweat* (Tech. Rep. 120). Sydney: National Drug and Alcohol Research Centre. Retrieved from <http://ndarc.med.unsw.edu.au/sites/default/files/ndarc/resources/TR.120.PDF>
- 27 Associated Press. (2006, January 31). *Research gives reason to sweat drug tests*.
- 28 Omega Laboratories. (2003). *Hair Testing FAQ. About Hair Testing*. Retrieved September 2003 from <http://www.omegalabs.net/abouthairtesting/hairtestingfaq/hairtestingfaq.aspx>
- 29 DuPont, R.L., & Baumgartner, W.A. (1995). Drug testing by urine and hair analysis: Complementary features and scientific issues. *Forensic Science International*, 70, 63-76. Also telephone conversation for clarification of this article between Dr. Werner A. Baumgartner, Psychomedics Corporation, and R.J. Heuer, PERSEREC, on August 15, 1996.

Finances – Affluence

Relevance to Security	106
Potentially Disqualifying Conditions	107
Extract from the Guideline	107
Unexplained Affluence	108
Noteworthy Indicators of Unexplained Affluence	109
Financial Analysis	110
FinCEN Database	112
Mitigating Conditions	114
Extract from the Guideline	114
Endnotes	114

Relevance to Security

NOTE: Unexplained affluence is one of the potentially disqualifying conditions in the [Financial Considerations](#) adjudicative guideline (page 375). Although unexplained affluence is not as common as debt, it is discussed here as a separate topic to show that unexplained affluence is equally important as a potential security concern.

Unexplained affluence refers to a lifestyle or standard of living, a pattern of expenditures, sudden increase in net worth, or money transfers that cannot be explained by the subject’s known sources of income. An individual with more money than can be logically explained by known sources of income is a security concern because that money may have come from financially profitable crimes.

Of recent American spies who betrayed their country for financial gain, about half were motivated by greed rather than need. In most cases, the amount of money earned from espionage was so small that it was not apparent as unexplained affluence. However, four of the most damaging and best-paid spies in recent American history, Robert Hanssen, Aldrich Ames, John Walker, and James Hall, risked their security by almost flaunting their ill-gotten affluence rather than hiding it. In other words, they showed unexplained affluence which, if it had been reported and thoroughly investigated may have identified them as having income from some illegal activity.

- Robert Hanssen, a Soviet and then Russian spy in the FBI, used his illegal income to pay for private school education for his six children and to buy diamonds. After his arrest, Hanssen advised investigators that a thorough financial investigation would have shown that he was spending more money than he was earning.¹

- Aldrich Ames was a Soviet spy in the CIA. Soon after paying a divorce settlement and marrying a woman with expensive tastes, he bought an expensive home without a mortgage. His expenditures were so high that his monthly credit card payment was greater than his monthly CIA salary. He had an A-1 credit rating, with no overdue debts, but the high monthly payments disproportionate to his monthly salary should have been recognized as suspicious.
- After his arrest, Navy Chief Petty Officer John Walker took pride in being described in the press as the most damaging spy in the history of the United States. Walker flaunted the money he received from the Soviets. He bought a house and gave his wife carte blanche to furnish and decorate it as she pleased. He bought a boat where he spent much time partying with other women, and eventually he purchased an airplane. He claimed the income came from a bar he had bought, which was actually losing money, and other “astute investments.”
- Army Sgt. James Hall received about \$300,000 from the Soviets during six years working as a spy in West Germany. His \$25,000 cash purchase of a new Volvo attracted attention, as did his large down payment on a home after returning to the United States. He is said to have given his military colleagues at least six conflicting stories to explain his lavish life style, but no investigation was initiated until his espionage was reported by an Eastern Bloc defector.²

It is often asked why spies like those discussed above endanger their security by conspicuous expenditures beyond what they could afford with their salary. It is because, in many cases, hiding the money would defeat the purpose for which they committed the crime. In most crimes motivated by greed rather than financial need, the money is sought because of its symbolic value. Money is a means to achieve or to measure social prestige, power or control, or to buy affection or gain self-esteem. The same compelling emotional needs that drive an individual to commit a crime like espionage often drive that person to spend the illegal income rather than save it or hide it. When the amount is large, this spending is observable as unexplained affluence.

Potentially Disqualifying Conditions

Extract from the Guideline

- (e) consistent spending beyond one’s means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis;*
- (h) unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject’s known legal sources of income;*

Unexplained Affluence

One of the potentially disqualifying factors in the [Financial Considerations](#) guideline (page 375) is unexplained affluence as “shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject’s known legal sources of income.” Another potentially disqualifying factor in the guideline is “consistent spending beyond one’s means.” This usually means too much debt, but it can also show up in the credit report as an indicator of unexplained affluence. If someone makes an unusually high level of payments but has no delinquent debt or any other indicator of financial stress, these payments may come from an undisclosed flow of illegal income.

Obviously, there are many legal sources of income beyond one’s own salary. Unusual affluence might come from inheritance, gifts from parents, a wealthy spouse, astute investments, a profitable hobby, or a second job. On the other hand, it may also be attributable to drug dealing, embezzlement, fraud, espionage, or other criminal activity. In most cases, the indications of affluence are the same regardless of whether it comes from a legal or illegal source.

It is not sufficient to know only the subject’s explanation of the source and amount of these funds. It is easy for spies and other criminals who acquire large amounts of cash through illegal activities to make up plausible cover stories to explain their apparent wealth. In many cases, therefore, the affluence is not “explained” until it is corroborated by one or more independent interview sources or documented by copies of tax returns, canceled checks, or bank or brokerage account statements. The discussion under mitigating conditions cites several examples of cases where the affluence would need to be documented.

If the investigation finds that the subject is either unwilling or unable to document the source of the apparent affluence, the case should be referred for more detailed financial analysis and/or counterintelligence review. Whether this is done by the investigative element or the adjudicator, and the process for doing it, depends upon the circumstances and the capabilities of the agency involved.

Adjudicators are sometimes faced with an incomplete investigation that fails to adequately explain or verify a subject’s explanation for additional income. The adjudicator then has a difficult choice -- accept the investigation and approve the clearance, or delay the investigation by requiring further investigation. Under these circumstances, the decision should be guided by a whole-person assessment of the subject’s reliability and trustworthiness, developments in the subject’s life that may cause financial stress or alienation (expensive divorce settlement, resentment after being passed over for promotion), and the opportunities for betrayal available to the subject (access to especially valuable information or a position dealing with money).

For example, long before CIA spy Aldrich Ames’ arrest, coworkers reported that his standard of living far exceeded his income. This was initially “explained” by rumors that his new wife was from a wealthy Colombian family, but no investigation

confirmed that his wife had significant income. In fact, one work colleague who knew Ames well and was concerned about his unexplained affluence reported specifically that his wife was not wealthy. Once the unexplained affluence issue was raised, the intensity and depth of investigation should have been guided by the following factors: Ames had a known drinking problem, he had had an expensive divorce and remarried a woman accustomed to a high standard of living, and he resented being passed over for promotion. Also, his job involved direct contact with Soviet intelligence officers, and he had access to the most sensitive information on CIA agents in the Soviet Union.

Noteworthy Indicators of Unexplained Affluence

The following indicators of unexplained affluence may be observed and reported by friends or coworkers:

- Subject's use of cash to buy expensive items normally paid for by check or credit card.
- Subject spends money on things that are well beyond the reach of others with similar incomes, such as: expensive home or home improvements, expensive vacations, luxury automobiles or collector cars, a boat or airplane, private schools for his or her children, domestic help, diamond jewelry, expensive collectibles (rare coins, stamps, art), and commodity holdings (gold, diamonds), and offshore investments.
- After a period of indebtedness or frugal living, the subject starts to act like a big spender, picking up the bar bill, buying new and expensive clothing, giving gifts to nonrelatives.
- Subject continues to spend money freely despite major new financial obligations, such as child support, support of relatives, or high medical expenses.
- Subject explains sudden influx of money by claiming large gambling wins, inheritance, or stock market dealings, but the explanation is vague, inconsistent, or seems uncharacteristic for that person.

The following indicators of unexplained affluence may be identified through the credit report or other investigative measures:

- Fast pay-down of debts. After a history of continuing indebtedness or recurring financial difficulties, the credit report shows that the subject has paid all overdue debts. The source of funds to pay the debts is unknown, i.e., there is no evidence in the credit report of a new debt consolidation loan or home equity loan and no information on sale of assets, inheritance, or other source of income. For example: Thomas Cavanaugh, a Northrop employee who tried to sell information on the Stealth bomber to the Soviets, was motivated, in part, by a need to pay off his debts to protect his security clearance. He was having

financial problems and thought he needed to get his debts paid off before his upcoming periodic background reinvestigation.³

- Subject has no overdue debt, but has unusually high revolving credit card debt, or auto loan or home mortgage payments for a person in the subject's position. In other words, large debts are being paid off successfully with a relatively low salary. This situation suggests either of two circumstances: (1) the subject has unexplained income the adjudicator needs to know about, or (2) the subject has maxed out his or her credit cards in order to avoid overdue debt, in which case the subject may be on the precipice of financial failure. Soviet spy Aldrich Ames is an example of the first type of case. His minimum monthly payment on credit accounts was greater than his monthly CIA salary.
- A Department of Treasury Financial Crimes Enforcement Network (FinCEN) check identifies large cash currency transactions not associated with work or civic activities. Large deposits are of greater security interest than withdrawals.
- An unexplained increase in net worth, as shown in the series of financial disclosure statements that are required to be filed by some individuals in very sensitive positions.
- Any credible report that the subject has attempted to hide income or assets.

Financial Analysis

There are two principal types of analysis for assessing a person's financial status -- cash flow analysis and net worth analysis. Both may be used to assess the possibility of unexplained affluence or the extent of financial hardship. The source of information for a cash flow analysis is the credit report plus a Personal Financial Statement prepared by the subject, usually with assistance from an investigator. The source of information for the net worth analysis is the annual Financial Disclosure form that is increasingly being required of designated personnel in especially sensitive positions. Cash flow analysis is discussed in the next paragraph, while net worth analysis is discussed in the following section on analysis of the Financial Disclosure Form.

Cash Flow Analysis: This examines how much money remains, if any, after deducting all of a person's monthly living expenses and debt payments from their total monthly income. The analysis is used to determine if a person with unpaid debts is living within his or her income, or, if a person with no unpaid debts but an unusually high credit balance is making such high mortgage, car loan, and/or credit card payments that he or she must have some undisclosed source of income. The latter circumstance would indicate unexplained affluence. The source of information for a cash flow analysis is the credit report plus a Personal Financial Statement prepared by the subject, usually with assistance from an investigator.

Financial Disclosure Form Analysis: Many individuals with access to extremely sensitive information are required to file an annual Financial Disclosure Form

(FDF). This form is designed to help identify signs of unexplained affluence or unusual financial hardship.

Most offenders who engage in crimes for profit do so, at least in part, because they desire big-ticket assets like houses, automobiles, boats and expensive jewelry. Offenders who have gained wealth from illegal sources will be faced with a dilemma. FDF filers who report all of their illegally obtained assets will look suspicious because their income does not justify such wealth. If filers attempt to hide large assets by not listing them on the FDF, the automated search of external databases is likely to identify at least one, if not all, of the unreported assets. Obviously this will call into question the honesty of the filer. The FDF will have a deterrent effect if filers believe the information they are providing might make it more likely they will be caught.

Two main methods are used along with the Financial Disclosure Form to help identify income that has been obtained from an unknown and possibly illegal source. The methods are internal and external inconsistencies.

- **Internal Inconsistencies:** These appear when a filer lists two or more values on the FDF that are inconsistent. For example, if a filer lists a mortgage loan but does not report any real estate there is an inconsistency. If a filer lists interest received but does not list a bank or investment account, there is an inconsistency.
- **External Inconsistencies:** Reported values such as salary, vehicles and real estate owned can be compared and matched against government and or commercial databases. For example, if a filer fails to list an automobile, this can easily be discovered by computerized matching of data.

If either internal or external inconsistencies are observed, additional analysis is warranted. There are two types of assessments that can be utilized, but a subject has to provide additional financial information before they can be employed. The assessments are net worth and bank deposits.

Net Worth Assessment: Increases or decreases in a filer's net worth during a period of time, adjusted for living expenses, result in a determination of income. Net worth is the difference between a filer's assets and liabilities at a particular point in time. An asset is any item of value. A liability is a financial obligation with a promise to pay. Net worth is the difference between what is owned and what is owed. According to the Federal Reserve, in 2004 the median net worth in the U.S. was \$93,100.⁴ A net worth assessment can only be done when there is financial information for two different years. First compute the net worth for year 1, then compute the net worth for year 2, and the difference between the two figures is the change in net worth:

Assets→	\$800,000	Net Worth (Year 2)	\$750,000
- Liabilities→	- \$200,000	Net Worth (Year 1)	- \$600,000
= Net Worth (Yr. 1)→	= \$600,000	= Change in Net Worth	= \$150,000

The change in net worth figure is added to the living expenses for year 2 and equals the total outlay. The known income figure is subtracted from the total outlay figure to determine the unknown income amount:

Change in Net Worth→	\$150,000	Total Outlay	\$190,000
+ Living Expenses*→	+\$40,000	- Known Income	-\$90,000
= Total Outlay→	= \$190,000	= Unknown income	= \$100,000

*Living expenses are expenditures which are not classified as assets or liabilities. They are payments for consumables. Living expenses include: household expenses; auto repairs; insurance premiums; contributions; medical expenses; entertainment expenses; gifts; taxes paid; etc.

Note that living expenses are not listed on the FDF and a subject would have to provide the amounts separately.

Bank Deposit Assessment: The bank deposit assessment computes income by showing what happened to a filer’s funds. Income is proved through an analysis of bank deposits, canceled checks and currency transactions. Bank deposit information is not listed on an FDF and a subject would have to provide the amounts separately. For example:

Gross Deposits	\$200,000
- Account Transfers	- \$50,000
Net Deposits	\$150,000
+ Expenditures	+ \$25,000
Total Available Funds	\$175,000
- Known Source Funds	- \$75,000
Unknown Source Funds =	\$100,000

FinCEN Database

The Financial Crimes Enforcement Network (FinCEN), managed by the Treasury Department, supports law enforcement, intelligence, and regulatory agencies that combat money laundering through the sharing and analysis of financial intelligence. Title 31 of the Bank Secrecy Act provides for maintenance by Customs and/or the Internal Revenue Service of databases that are relevant to detection of unexplained affluence.⁵ These databases are accessed through a FinCEN check conducted by the government agency that requested or is supervising the investigation. The FinCEN check can turn up the records described below.

If there is a FinCEN report on a subject of investigation, first ensure that it does in fact apply to the subject. To make this identification, compare as many parameters as possible, not just the name or Social Security number. Also check date of birth, address, identification document number, signature, occupation, and employer's name when any of these are available on the form. While not all the information needs to match (e.g., the person may list a different employer or occupation), there should be enough agreement to warrant a high degree of confidence that the document pertains to the subject of the investigation.

Currency Transaction Reports (CTRs): As part of a broad program to combat money laundering, banks and other financial institutions are required to report to the government cash transactions of \$10,000 or more. If a person pays deposits more than \$10,000 in currency at a bank, this transaction is supposed to be reported. The report then becomes available in a FinCEN check.

If a large bank deposit is made within two weeks after subject of investigation returns from a foreign trip, and there is no report on the international transportation of currency (which means the subject did not declare the money when going through Customs), the case should be referred for counterintelligence review.

Cash Transaction Reports by Casinos (CTRCs): This is similar to the Currency Transaction Report, except that this form must be filed by casinos, gambling casinos, and card clubs. The receipt or disbursement of cash totaling \$10,000 or more during a single gaming day must be reported.

Report of Cash Payments Received in a Trade or Business: Any trade or business receiving a payment in cash of \$10,000 or more is required to report this on IRS and FinCEN Form 8300. If you buy a car from an automobile dealer and pay \$10,000 or more in cash, the dealer is required to report this.

Report of International Transportation of Currency or Monetary Instruments (CMIRs): This is a self-reporting form filed by individuals whenever currency or currency equivalents (cash or financial instruments such as bearer bonds -- but not checks) with a value of \$10,000 or more are carried or otherwise transported or sent into or out of the United States.

Transporting currency or currency equivalents of this amount raises questions about foreign contacts and activities that must be covered during the investigation. If there is any reason to suspect that cash brought into this country may be related to illegal activity, the case should be referred to an appropriate office for counterintelligence review.

Report of Foreign Bank and Financial Accounts (FBAR): Anyone who has a financial interest in, signature authority, or other authority over one or more bank accounts, securities accounts, or other financial accounts in a foreign country must report this annually to the Department of Treasury if the total value exceeds

\$10,000 at any time during the calendar year. Any foreign bank account raises questions about foreign contacts and activities that must be covered during the investigation. Check what the subject has disclosed on the security form about residence or travel to that country.

Other Reports: FinCEN also maintains the following reports that are not currently available but may become available in the future: Bank Suspicious Activity Report (SAR), and Casino Suspicious Activity Report (CSAR).

Mitigating Conditions

Extract from the Guideline

(f) the affluence resulted from a legal source of income.

Unexplained affluence is not an issue if investigation confirms that the affluence is from a legal source such as inheritance, legitimate business interests, or investments. As discussed under potentially disqualifying conditions, however, affluence is often not really “explained” until it is corroborated by one or more independent interview sources or documented by copies of tax returns, canceled checks, or bank or brokerage account statements. The following are obvious examples of circumstances where the subject should be required to document the source of funds.

- Security officer reported the subject had deposited \$90,000 into his account at the company Credit Union.
- Subject reported approximately \$300,000 in assets kept in German Banks. Subject stated that the money was from an inheritance from unspecified relatives in Germany.
- Credit reports 6 months apart show that \$136,000 mortgage was paid off and personal debt was reduced from \$54,000 to \$30,000.

Endnotes

- ¹ Ciccarello, N.J., & Thompson, T.J. (2003, March). *Money, the fear of failure, and espionage: Report of an interview with Robert Philip Hanssen*. Washington, DC: Personnel Security Managers’ Research Program.
- ² Engelberg, S. (1989, July 18). *U.S., in detail, admits its spying in Europe as suspect’s trial opens*. The New York Times. Also Engelberg, S. (1989, July 21). *Turk convicted in spy case called harmful to U.S.* The New York Times.
- ³ National Counterintelligence Center. (1996, March). *Through the looking glass. CI News & Developments, I*.
- ⁴ P.L. 91-508, 84 Stat. 1114 (1970). Implementing regulations containing the reporting and recordkeeping requirements for financial institutions are promulgated by the Department of the Treasury at 31 C.F.R. part 103.
- ⁵ Kramer, L.A., Jung, C.G., Gonzalez, J.L., & Richmond, D.A. (2006). *Behaviors and characteristics of counterintelligence concern exhibited by DoD Security clearance applicants* (Draft). Monterey, CA: Defense Personnel Security Research Center.

Finances – Compulsive Gambling

Relevance to Security	115
Definition of Gambling Patterns	116
Potentially Disqualifying Conditions	117
Extract from the Guideline	117
Criteria for Judging Security Risk	117
Behaviors Observable in the Workplace	119
Financial Indicators	119
Relationship to Other Addictions	120
Mitigating Conditions	121
Extract from the Guideline	121
Treatment as a Mitigation Measure	122
Self-Help Groups	122
Psychotherapy	122
Medications	123
Reference Material	123
Process of Becoming a Compulsive Gambler	123
Statistics on Compulsive Gambling	125
Survey Statistics on Prevalence of Problem and Probable Compulsive Gambling	127
Impact of New Technology	128
Prevalence of Compulsive Gambling Among Adolescents and College Students	129
Sources of Additional Information	130
Endnotes	130

Relevance to Security

NOTE: Financial problems caused by gambling are covered under the [Financial Considerations](#) adjudicative guideline (page 375). Compulsive gambling is discussed here as a separate topic because it is a significant concern and is so different from other financial issues.

Gambling, like alcohol use, is an accepted part of our culture that usually causes no problem. As with alcohol use, however, gambling to excess, or compulsive gambling, is a common weakness that may lead to serious security problems. Gamblers who lose more than they can afford often become so desperate for a quick source of funds that they resort to illegal behavior, including but not limited to embezzlement, fraud, and espionage.

Compulsive gamblers are driven by the need to be “in action” -- to feel the arousal and euphoria from betting that other addicts get from drugs or alcohol. Winning

brings a high; losses result in acute distress and desperate attempts to recoup the losses. Imprudent efforts to recoup the losses through further gambling typically compound the problem and increase the level of desperation. By the time compulsive gamblers get to the point of seeking medical help, they are hugely in debt. About 80 percent have seriously considered suicide. Thirteen percent to 20 percent actually attempt suicide or succeed in killing themselves, a suicide rate higher than that for major depression.¹

Compulsive gamblers desperate to recoup their losses often turn to crime. They generally use legal sources of funding for as long as possible. As gambling losses intensify, legal sources of money are gradually used up or closed off. Depending on personal value systems, opportunities for illegal activity, perceptions of risk, and the existence of threats (from loan sharks or bookies, for example), compulsive gamblers may then become involved in progressively more serious illegal activity. In some cases, the amount of money runs into millions of dollars.² To understand how smart and good people sometimes become compulsive gamblers and then criminals, the section titled [Process of Becoming a Compulsive Gambler](#) (page 123), is must reading.

Among those whose employment and economic status present the opportunity for white-collar crimes, compulsive gamblers are most likely to commit “silent” crimes, such as stealing from their family members or their employer, embezzlement, forgery, and fraud.³ These crimes can go undetected for some time, and because of this compulsive gamblers often rationalize these types of crime as short-term loans until they can “win big” and repay the money they have stolen. Unfortunately, the “big win” seldom comes before the crime is discovered.

Definition of Gambling Patterns

It is necessary to start with some definitions, as there are differences in the vocabulary used in both the scientific and the popular literature on gambling.

- Compulsive gambling is a commonly used popular term, not a scientific description or medical diagnosis. It is roughly comparable to pathological gambling and gambling addiction but may sometimes include lesser degrees of problem gambling.

Pathological gambling is the currently accepted medical term used in the *Diagnostic and Statistical Manual of Mental Disorders*, a reference work published by the American Psychiatric Association. However, this term implies acceptance of the view that pathological gambling is a mental illness, and this is a controversial finding with significant legal and other implications. If pathological gambling is a mental illness, medical insurance may pay for its treatment. However, designation as a mental illness also suggests that individuals who suffer from this affliction are unable to exercise control over

their own actions and, therefore, should not be held legally responsible for actions caused by their disability.

- Gambling addiction is a scientific and medical term based on evidence that the cause of excessive gambling is closely related to what causes excessive use of alcohol, drugs, and other addictions. In other words, it is a human weakness not a mental illness.
- Problem gambling can include all patterns of gambling behavior that compromise, disrupt or damage personal, family or vocational pursuits. It can also be used to describe only those instances of excess gambling that fall short of the requirements for diagnosis of a pathology or addiction.
- Some recent research on problem gambling identifies three levels of seriousness – pathological gambling, problem gambling, and at-risk gambling. These are defined by the number of indicators of a gambling problem as described in [Criteria for Judging Security Risk](#) (page 117). The at-risk gambler may be able to respond to counseling and make a rational decision to limit or stop his or her gambling. The pathological or addictive gambler has clearly lost control and requires treatment.

Buying and selling stocks, stock options or commodity futures is commonly thought of as an investment rather than gambling. This can, however, become a form of gambling. These are high-risk and often fast-moving activities. The process of “chasing” losses and becoming hooked on the excitement of the market is the same as for gambling and can have the same adverse consequences. Dr. Robert Custer, a leading specialist in the treatment of compulsive gambling, has testified that 20% of those he has diagnosed are stock market gamblers. One statewide hotline for gamblers seeking help found that 2% of its callers were stock market gamblers. After an unusually sharp decline in the market, stock market gambling accounted for 44% of all hotline calls.⁴

Potentially Disqualifying Conditions

Extract from the Guideline

(i) compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, “chasing losses” (i.e. increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused by gambling.

Criteria for Judging Security Risk

Because gambling is a normal and acceptable activity, most gamblers do not try to conceal the fact that they gamble. Like persons suffering from other addictions,

however, they do deny or minimize any problems caused by gambling. They typically conceal from their spouse, family, and friends the magnitude of their losses and the financial transactions required to cover them.

The following questions are the most current diagnostic criteria recommended by the American Psychiatric Association for the diagnosis of pathological gambling, which is also described as “persistent and recurrent maladaptive gambling behavior.” During a psychological assessment, five or more “Yes” answers to this group of questions produces a diagnosis of pathological gambling.⁴

- Is preoccupied with gambling (e.g., preoccupied with reliving past gambling experiences, handicapping or planning the next venture, or thinking of ways to get money with which to gamble).
- Needs to gamble with increasing amounts of money in order to achieve the desired excitement.
- Has repeated unsuccessful efforts to control, cut back, or stop gambling.
- Is restless or irritable when attempting to cut down or stop gambling.
- Gambles as a way of escaping from problems or of relieving feelings of helplessness, guilt, anxiety, depression.
- After losing money gambling, often returns another day in order to get even (“chasing” one’s losses).
- Lies to family members or others to conceal the extent of involvement with gambling.
- Has committed illegal acts such as forgery, fraud, theft, or embezzlement to finance gambling.
- Has jeopardized or lost a significant relationship, job, educational or career opportunity because of gambling.
- Relies on others to provide money to relieve a desperate financial situation caused by gambling.

Current researchers frequently modified these questions somewhat and expand on the diagnosis to include three levels of seriousness. “Yes” answers to five or more questions identifies a pathological gambler. “Yes” answers to three or four of these questions identifies a problem gambler. And “Yes” answers to just one or two of these questions identifies what is sometimes called an “at-risk” gambler.⁵

Adjudicators, investigators, and security managers need to obtain answers to the above questions to evaluate the severity of a subject’s gambling problem. Because addicts of all types are prone to deny their problems, honest answers to these questions are more likely to come from a friend, work colleague, or neighbor than directly from the subject of investigation.

An individual who is clearly a pathological gambler should clearly be denied a clearance. A problem gambler should often be denied a clearance, especially in the

investigation turns up other adverse information, the subject shows signs of any other addiction, and the subject is not getting treatment. The at-risk gambler should be investigated thoroughly to look for other signs of problem gambling or any other adverse information.

Behaviors Observable in the Workplace

Extensive gambling can be time-consuming. Doing everything required to gain the information needed to gamble intelligently, to place bets, follow the action, borrow money, and make payments often has an impact that can be observed in the workplace. Potential indicators that may be observed at work include:⁶

- Late to work (due to late night card game, casino venture, or bad night's sleep worrying about gambling-related problems).
- Long lunches (off-track betting, meeting bookmaker or loan shark or creditors).
- Mysterious disappearance in the afternoon (typically at the track, off-track betting, afternoon card or dice game, or listening to sporting events).
- Sick days taken right when they become available rather than allowed to accumulate (uses sick days to gamble).
- Vacation used in isolated days rather than blocks.
- Excessive use of rest room (reads sports pages or listens to radio in the rest room).
- Excessive use of the telephone (calls to off-track betting, bookie, creditors, or to find money; calls from bookie or creditors).
- Reads newspaper and sports literature at work (scratch sheet from racetrack, racing form, sporting news, etc.).
- Operates office sports pool or paycheck pool (the person running these sometimes has a gambling problem).
- Collects money from other employees for off-track betting or lottery (ostensibly does this as convenience for co-workers but actually so he or she can place bets).
- Organizes trips to Atlantic City, Las Vegas, or other gambling junkets (may indicate familiarity through frequent visits).
- Operates as bookmaker or runner for bookmaker (many bookmakers and runners are themselves compulsive gamblers and do this in order to gamble more).

Financial Indicators

If a subject is having financial problems, and the reason for these problems is not obvious, the possibility that they are caused or exacerbated by gambling should always be examined. In other words, when an individual appears to have sufficient

income, but nevertheless has financial problems, the financial drain of gambling is one possible explanation.

A combination of poor financial condition and frequent gambling may justify denial of access to classified information. Even if the financial problems alone may not be sufficient for denial, disapproval may be warranted if the financial problems are caused by an ongoing pattern of gambling and the individual is not getting treatment. There is a high probability that the financial problems will get worse.

If investigation reveals extensive gambling but the credit check shows no financial problems, there are at least six possible explanations. The investigation needs to determine which of these explanations applies.

- Debts may be in a form that does not show up on a credit check, i.e., borrowing on life insurance, stockbroker loans, or credit provided by casinos, bookies or loan sharks;
- The individual may be financing his or her gambling through embezzlement or other illegal activity;
- The gambler may for a while be luckier than most, as some people actually do hit jackpots.
- If the gambler is playing games of skill, he or she may be more skillful than most or have access to inside information;
- The gambler's financial condition may be so strong that losses are affordable and considered to be "entertainment" costs;
- The individual may be too young to have a meaningful credit history.

A prominent researcher in this field advised that consistent winning should not necessarily be interpreted to mean there is no security risk. He recommends being "at least as concerned about those who are winning." This is because doctors who work with compulsive gamblers undergoing treatment find that many of the embezzlers come from the ranks of those who once had been big winners. A severely compulsive gambler must periodically increase the amount bet or the riskiness of the bet in order to continue achieving the same level of excitement and psychological satisfaction. When the bad break inevitably does come, those who had been consistent winners fall farther and harder and may be more prone to desperate actions.⁷ For a description of how some social gamblers become compulsive gamblers and then turn into criminals, see [Process of Becoming a Compulsive Gambler](#) (page 123).

Relationship to Other Addictions

Compulsive gamblers frequently also suffer from other addictions such as alcoholism, drug abuse, compulsive shopping, or bulimia, as well as from mental illness. Thus, if compulsive gambling is suspected, it would be wise to evaluate other aspects of the subject's mental health when making security decisions. The

relationship among these problems is so close that the National Council on Alcoholism recommends that:

It is important to consider the possibility of compulsive gambling in the assessment of any persons with alcoholism or other drug dependency, or whose chief complaint is financial, legal, or marital problems. Denial and rationalization are as common in compulsive gamblers and their families as in alcoholism. Thus the patient or family may not see their problems as caused by gambling.

A summary of several empirical studies reports that 95% of compulsive gamblers in treatment reported using drugs at some point in their lifetime, while 16% of 117 methadone patients were probable pathological gamblers. A study of cocaine users in inpatient treatment found that 14% were pathological gamblers. Additionally, drug users are 5 to 10 times more likely to be pathological gamblers than nondrug users.⁸

Pathological gambling is also related to other mental disorders. Pathological gamblers are 16 times more likely than other gamblers to have criminal tendencies, are three times more likely to suffer from a phobic disorder, and are seven times more likely to suffer from alcoholism. Although pathological gamblers are not significantly more likely to experience major depression, they are almost four times more likely to attempt suicide.⁹

Mitigating Conditions

Extract from the Guideline

- (a) *the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;*
- (c) *the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;*

If the investigation identifies a potential gambling issue, adjudicators must consider if there are any potential mitigating factors. Potential mitigations include:

- Unlikely to Recur: There is evidence that the individual has changed the gambling practices that caused a problem in the past and that all prior gambling debts have been acknowledged and are in the process of being paid. The individual is abstaining from further gambling or has established a pattern of limiting gambling to sums that he or she can afford to lose.
- The individual has successfully completed or is in the process of receiving inpatient or outpatient treatment related to the gambling condition, along with aftercare requirements, and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker.

Treatment as a Mitigation Measure

Like other addictive behaviors, compulsive gambling is treatable, so successful treatment may be considered a mitigating factor when adjudicating security clearance decisions. However, it is very difficult to get gamblers to admit that they have a problem, and many problem gamblers are reluctant to seek treatment, because they do not understand the nature of the addiction involved. People understand that putting some kind of substance in their body can cause them to become addicted to that substance and lose control. However, they do not understand how they can become addicted to a voluntary behavior like gambling. Their inability to control their gambling is so threatening to their self-esteem that people are extremely reluctant to admit a need for help.¹⁰

Some gamblers hit “rock bottom” and quit gambling on their own. Reasons given for recovery include changes in financial or emotional issues in their lives as well as opportunities to engage in new activities or activities that eventually turn one away from the need to gamble.¹⁰ Although some researchers believe natural recovery is common, others believe that more intensive treatment, such as that seen in alcohol and drug rehabilitation programs, is necessary. The ease or difficulty of recovery obviously depends upon the intensity of the addiction.

There are three main approaches to treatment: self-help groups, psychotherapy, and medications. These are discussed below.

Self-Help Groups

Although there is no standardized treatment for compulsive gambling, many people participate in Gamblers’ Anonymous since it was first formed in 1957. It follows the same pattern as Alcoholics Anonymous, including the same 12-step type of treatment program. Several studies have aimed at measuring the effectiveness of these treatment programs, but the number of recovering gamblers in each sample was small, and the criteria for measuring success differed. One study found that the abstinence rate after one year of Gamblers’ Anonymous is only 8 percent.¹¹ Relapse is a problem, but one or two relapses do not necessarily indicate failure. The more severe the gambling problem prior to treatment, the greater the chance of relapse and eventual treatment failure.

Gamblers Anonymous insists that recovered gamblers, like recovered alcoholics, must remain totally abstinent. On the other hand, some research indicates that total abstinence may not be required. Controlled or social gambling that does not cause problems may also be a favorable, long-term outcome of treatment.^{12,13} The need for total abstinence among recovered gamblers is a subject of controversy.

Psychotherapy

Treatment tends to be more successful when Gamblers’ Anonymous is combined with psychotherapy that is administered by a trained professional. That seems to be

particularly true when cognitive behavioral treatment is the psychotherapy approach that is used by the practitioner.¹⁴ There is some evidence that individuals with multiple addictions are more difficult to treat than those who suffer from a single addiction. Doctors at some treatment centers have observed a “switching of addictions,” where recovering alcoholics begin to gamble compulsively after several years of abstinence from alcohol. Similarly, women recovering from compulsive gambling have encountered problems with compulsive shopping.¹⁵

Medications

Psychotherapy appears to be more effective than any of the medications used to treat this disorder so far, but some medications have been found to be helpful in decreasing either the urge to gamble or the thrill involved in doing it. These include antiseizure medications like [carbamazepine](#) (Tegretol) and [topiramate](#) (Topamax), mood stabilizers like [lithium](#) (Eskalith, Lithobid), medications used to address addictions like [naltrexone](#) (ReVia), and [antidepressants](#) like [clomipramine](#) (Anafranil) and [fluvoxamine](#) (Luvox).¹¹

Another important fact to consider in treatment for a gambling addiction is that up to 70% of people with this disorder also have another psychiatric problem. Therefore, it is not enough to treat the gambling problem alone. Any coexisting mental-health condition (such as alcoholism or other substance abuse, mood disorder, personality disorder) should be addressed as well in order to give the person with a gambling addiction his or her best chance for recovery from both conditions.”¹¹

Reference Material

Process of Becoming a Compulsive Gambler

Diverse theories have been advanced to explain why people become compulsive gamblers. Whatever the underlying cause, observation of many compulsive gamblers has shown that they pass through identifiable stages on their way to developing serious problems.¹⁶

Henry Lesieur and Robert Custer, prominent scholars in the field, have independently traced the process by which many people make the transition from social gambler to compulsive gambler, and often to criminal. This process is believed to apply to most male compulsive gamblers, especially those who play games of skill, and to about half of female compulsive gamblers.¹⁷ The following description of the three main phases leading to compulsive gambling is a mixture of quotation and paraphrase from Lesieur’s account, together with several points added from Custer and other sources.¹⁸

During the early phase of gambling, the “winning phase,” there are usually no serious losses. Those who will eventually have a problem fall in love with the

excitement and “action” and, at first, may be quite successful. They have fantasies of further success, and of gambling becoming their personal path to wealth and power. Such fantasies are often fed by a big win early in the gambler’s career.

Gamblers who are headed for problems think they are smarter than the average bettor and are bound to win in the long run. “They *know* that gambling is going to work for them because they, unlike less clever people, *really understand* how to beat the system.¹⁹ As they become more involved in gambling, they derive an increasing portion of their self-esteem from seeing themselves as smart or lucky. Because of this, two things happen when they do incur the inevitable losses: first, they suffer monetary loss; second, and often more important, they suffer a very deflated ego.

In order to salvage their self-esteem, they rationalize losses by blaming other people, such as the jockey or the pitcher, or by blaming “bad luck” in cards, craps or lotteries. If these excuses fail, the gamblers reflect on their handicapping abilities and tell themselves they will not make the same “mistake” the next time. The monetary loss is another matter, however, and this is dealt with differently. In order to recoup the loss, many gamblers move on to the second phase, or the “losing phase,” also referred to as the “chase.” The main objective during this phase is to continue their betting and increase the amount of their bets in order to get even.

This chasing of losses is the defining characteristic of the compulsive gambler. Instead of saying, “It’s lost,” compulsive gamblers say, “I’ll get even tomorrow.” Chasing losses leads the gambler to gamble with more than he or she can afford to lose, and, eventually, to borrow money in an effort to get even. The amount of chasing clearly distinguishes the compulsive gambler from the social gambler.

Chasing is logical to many gamblers, as it means giving oneself a chance to get even, and because it has worked occasionally in the past. It is also logical because friends are doing it, and periodically they, too, get out of jams in this fashion. Gambling is a roller-coaster ride of wins, losses, and breaking even. There are usually enough wins to feed the wishful dreams, while the losses are dismissed as just bad luck. The compulsive gambler becomes an expert at denying reality.

If a gambler stops chasing, both money and self-regard are lost; if the gambler continues chasing and wins, both can be regained. There is, therefore, the impetus to borrow in order to recoup losses; when continued gambling leads to still more losses, the compulsive gambler continues to borrow. The more money borrowed, the greater the commitment to more gambling as the only possible means of gaining enough money to pay off the debt. This type of borrowing marks the beginning of the third phase, the “desperation phase,” or “rock bottom.”

This spiraling commitment to increased gambling often depletes family resources. Many compulsive gamblers cash in joint savings bonds, empty checking accounts, use furniture money, pawn joint property, and take out loans without the spouse’s knowledge. In order to preserve or regain respectability in the eyes of parents,

spouse and others -- and because their paychecks are insufficient -- desperate gamblers see more gambling as the only alternative.

Fearing loss of respectability, the gambler hides loans. When gamblers default on the loans, the fear that their spouse or family may learn of the problem may drive them to more gambling as a possible quick way out. Commitment to gambling is greater as a result. The behavior that caused the problem is increasingly seen by the gambler as the only solution, as there is no other way to get the needed money quickly.

As loans come due and pressures to pay become more insistent, sometimes involving threats of exposure or of physical harm from loan sharks or bookies, desperate gamblers weigh the risks of “borrowing” (embezzling) money from their employer, making fraudulent loan applications or insurance claims, or stealing the money. Once they succumb to one of these temptations, the threshold to an even greater commitment to gambling has been crossed. This is especially true if they obtain money by loan fraud or embezzlement. These kinds of crimes enable gamblers to rationalize that they are not really criminals; the money is only “borrowed” so no one is being hurt. But there is constant pressure to repay the money, and counting on a big gambling win is seen as the only hope for doing so. This extends the spiral of involvement from more gambling to more and more illegal activities -- until the gambler is caught, seeks professional help, or really does hit the big win.

The nature of the criminal activity often depends upon the opportunities available to the gambler. For lower-income gamblers, burglary, larceny and drug sales have been common. For those in positions of responsibility, white-collar crimes such as fraud, embezzlement, and forgery predominate.

Falling in love with the “action” and then chasing losses is the starting point for most men who become compulsive gamblers, but not necessarily for women. Lesieur found that over half the women he interviewed in Gamblers Anonymous groups had taken a different route. While they also enjoyed the “action” and chased losses, their dominant theme when describing their gambling career was escape -- escape from memories of unhappy childhoods or parental abuse, escape from troubled husbands, and escape from loneliness.

These women often came to gambling later in life than most men, and many never experienced the winning phase that starts many men thinking they can outsmart the odds. Many were closet gamblers who seldom bragged about their wins. Once they became hooked on gambling, however, they followed the same spiral of increasing involvement leading to criminal activity by 68% of the women.²⁰

Statistics on Compulsive Gambling

Legal gambling has been one of the fastest growing industries in the United States for the past three decades. Many forms of gambling that were once condemned as a

sin, and later a vice, are now actively promoted by governments, charities, and even churches seeking “painless” sources of new revenue.

Most surveys to gather statistics on the problems caused by compulsive gambling and crime have been done at the state level as part of the effort to mitigate the adverse impact of the rapid increase in gambling during the past 40 years. The first and only large federal government study was the 1999 Report to the National Gambling Impact Study Commission. A number of other state studies were done in the late 1990s and early 2000s. The most recent state study was in California in 2006, and the following data is from that survey:¹¹

- Participation in Gambling: 83 percent of California respondents acknowledged ever participating in one or more of a list of gambling activities, 58 percent participated during the past year, 22 percent once a month or more often, while 10 percent gambled once a week or more often.
- Overall Prevalence: The prevalence of pathological gambling in California is 1.5% of the population, problem gambling 2.2 percent, and at-risk gambling 9.5 percent. Low-risk gamblers comprise 70 percent of the population and non-gamblers 16.9 percent.
- Average Past-Year Losses: Previous year losses by problem and pathological gamblers are \$16,275 on the Internet, \$13,927 at a casino, \$5,454 in the card room, \$3,072 at the track, \$2,872 in private games, \$2,785 playing bingo, and \$771 for the lottery.
- Arrest and Incarceration: 35.1 percent of pathological and problem gamblers, 25 percent of at-risk gamblers, and 7.9 percent of low-risk gamblers have been arrested at some time in their lives. 20.5 percent of pathological and problem gamblers, 11.1 percent of at-risk gamblers, and 6.2 percent of low-risk gamblers have been incarcerated at some point in their lives.
- Frequency of Gambling: Weekly gamblers are more likely than less frequent gamblers to be male, divorced, over the age of 65, African American or Hispanic, to have gone to college, and to be retired.
- Type of Gambling: Of the problem and pathological gamblers who gamble at least monthly, 46.6 percent play the lottery, 29.2 percent go to a casino, 15.9 percent gamble privately, 8.3 percent go to a card room, and 7.6 percent use the Internet.
- Highest Risk Type of Gambling: Pathological and problem gambling rates are highest among Internet and card room gamblers. Problem gambling prevalence is also high among past-year bingo players, track bettors, and those who have wagered privately.
- Demographics of Pathological and Problem Gamblers: 72 percent are male, while 28 percent are female. 28.5 percent are age 18-29; 24.2 percent are 30-39, 37.3 percent are 40-64, and 10 percent are age 65 or over. Re ethnicity, 39

percent are non-Hispanic white, 10.6 percent are African-American, 37.1 percent are Hispanic; and 10.2 percent are Asian.

The following table shows the prevalence of problem and probable compulsive gambling during the past year or during the respondent's lifetime in the seven other states where surveys have been conducted since 2000.²¹

Survey Statistics on Prevalence of Problem and Probable Compulsive Gambling

State	Sample Size	% Lifetime Prevalence	% Past Year
Arizona	2,750	5.5	2.3
Florida	1051	--	3.6
Louisiana	1500	5.8*	4.6
Michigan	1211	4.5	2.8
Nevada	2217	5.1	2.1
North Dakota	5002	3.8	2.1
Oregon	1500	4.6	2.3

*1998 report

The significant difference between states is probably related to how long a state has had legalized gambling, the types of gambling available in the state, and the demographics of the state. States with a higher percentage of non-Caucasians have a higher percentage of gambling problems, as the surveys show that gambling problems are twice as common among non-Caucasians as among Caucasians.

Another study, shown in the table below, focused on how problem gambling affects the insurance industry. It found that in a group of 241 Gamblers Anonymous members, 47% admitted to having engaged in some form of insurance fraud, embezzlement or arson. Note, however, the Gamblers Anonymous members tend to be middle-aged white males, while other surveys indicate that the population suffering from this affliction is much more diverse.²²

**Insurance Fraud and Theft
By Gamblers Anonymous Members²²**

Made a false claim after auto accident	32%
Created or staged an accident	8%
Took part in or profited from arson	11%
Faked business or home burglary or property theft	15%
Made false claim other than fire or theft	16%
Staged claim other than fire or theft	15%
Caused loss to insurance company in which you were bonded and insurance company had to pay	8%
Stole something which you knew insurance company had to pay for	21%
Engaged in any of the above	47%
Engaged in two or more of the above	31%
Engaged in four or more of the above	13%
<hr/>	
Average dollar value involved = \$65,468	

In a series of studies conducted in the mid-1980s, individuals who entered one treatment clinic for gambling reported a mean gambling-related debt of \$54,662.²³ The figure at another treatment program was \$92,000.²⁴ In a sample of female Gamblers Anonymous members, the average level of gambling-related debt was almost \$15,000.²⁵ In each study, this was only the current accumulated debt, not the amount of gambling debt that had already been paid off.

Persons calling the compulsive gambling hotline in Hamilton, NJ, in 1998 reported average gambling debts that exceed their average annual income. Of over 25,000 calls made to the 1-800-GAMBLER© Hotline, average gambling debts were \$38,030, while average yearly income was \$36,134. This was up 20% as compared with two years earlier.²⁶

Other facts about compulsive gambling are that men tend to develop this disorder during their early teenage years while women tend to develop it later. However, the disorder in women tends to get worse at a much faster rate than in men. Other apparently gender-based differences in gambling addiction include the tendencies for men to become addicted to more interpersonal forms of gaming, like blackjack, craps or poker, whereas women tend to engage in less interpersonally based betting, like slot machines or bingo.¹¹

Impact of New Technology

In recent years, gambling practices have changed with the advent of Internet gambling and the installation of video gambling machines in many public locations. Another recent development is online poker rooms. Literally thousands of gambling sites of various types are now available on the Internet. For those who are susceptible to addiction, the lure of gambling with cashless credit card transactions from a home computer or laptop while traveling is hard to resist. Harvard Medical

School researchers estimate that individuals who frequently gamble on the Internet are “more likely to be pathological gamblers than individuals who did not gamble on the Internet.”²⁷

Nine states allow video gambling machines with games such as video poker and electronic keno. These include Delaware, Illinois, Louisiana, Montana, Oregon, Rhode Island, South Dakota, West Virginia, and Wisconsin. In Oregon, for example, machine gambling is allowed in any retail establishment that has a liquor license, which includes many coffee shops, delis, and bowling alleys as well as bars and taverns. Video gambling machines are particularly appealing to women, because they are a lot less intimidating for women to play. As one woman put it, “You don’t have to sit at a table and have men making jokes about the ‘little woman learning how to gamble.’”²⁸

The National Council on Problem Gambling reports there has been an increase in compulsive gambling by women in those states with widespread “convenience” gambling. The Oregon state agency that tracks gambling addiction says that in Oregon there are now more female compulsive gamblers than male compulsive gamblers. In Louisiana, 57% of the calls to the state’s gambling addiction hotline are from women. In contrast, among all forms of gambling nationwide, men make up about two-thirds of the problem gamblers.²⁹

Video gaming is said to be the most addictive form of gambling. It has been described as the “crack cocaine “ of gambling. People using video gaming machines are more likely to become addicted and they become addicted much more quickly than those who favor other forms of gambling such as horses, sports betting, or blackjack. A study of 44 compulsive gamblers seeking treatment found that those using video gaming machines became addicted after about one year, while other types of gamblers became addicted after about three and a half years.³⁰

Prevalence of Compulsive Gambling Among Adolescents and College Students

Growing concern about the increase in problem or compulsive gambling among adolescents and college students has prompted a series of studies in the last decade. As a general rule, these studies show that an increasing number of adolescent and college-age gamblers are at risk of having or developing a compulsive gambling problem. As many as 7.4% of persons age 13-20 nationwide have a serious (pathological) gambling problem, while as many as 14.2% are reported to have some problem with gambling.³¹

Fortunately, problem and compulsive gambling among adolescents and college students does not appear to be an enduring or chronic problem at the individual level. In fact, at least one study has shown that young persons with gambling problems are likely to “grow out of them” as they mature and as their life situations change and no longer dictate the desire or need to gamble. Although most

individuals with adolescent gambling problems will not continue to gamble seriously as adults, it is important to keep in mind that adolescents and college students who do have gambling problems are more likely to continue to have gambling problems as adults compared to those who were not deeply involved in gambling during their adolescent years.³²

Sources of Additional Information

Individuals seeking help for a gambling problem can seek help with Gamblers Anonymous. The phone number to reach a local group is in the white pages of most local phone books. The national headquarters can be contacted at Gamblers Anonymous, P. O. Box 17173, Los Angeles CA 90017, web site: <http://www.gamblersanonymous.org/ga>, telephone (213) 386-8789, fax (213) 386-0030.

A national hotline for gamblers needing help is available 7 days a week, 24 hours a day, at 1-800-522-4700.

The National Center for Responsible Gaming is the only national organization exclusively devoted to funding research that helps increase understanding of pathological and youth gambling and find effective methods of treatment for the disorder. It will provide interested persons with bibliographies, addresses for contacting researchers in this field, lists of treatment centers, and other information. The Washington, DC Office is at 1299 Pennsylvania Ave NW, Suite 1175, Washington, DC 20004. Tel: 202-552-2689. Fax: 202-552-2676. Website is www.ncrg.org. Email is info@ncrg.org

Endnotes

- ¹ Gerstein, D., Murphy, S., Toce, M., Hoffmann, J., Palmer, A., Johnson, R., Larison, C., Chuchro, L., Bard, A., Engelman, L., Hill, M. A., Buie, T., Volberg, R., Harwood, H., Tucker, A., Christiansen, E., Cummings, W., & Sinclair, S. (1999). *Gambling impact and behavior study: Report to the National Gambling Impact Study Commission*. Chicago: National Opinion Research Center.
- ² Lesieur, H., & Rosenthal, R. (1996). *Pathological gambling and criminal behavior*. In L. B. Schlesinger (Ed.), *Explorations in criminal psychopathology*. Springfield, IL: Charles C. Thomas.
- ³ Lesieur, H., & Rosenthal, R. (1991). Pathological gambling: A review of the literature. *Journal of Gambling Studies*, 7, 5-40.
- ⁴ Looney, E. (n.d.). *Stock market gambling*. Council on Compulsive Gambling of New Jersey. Retrieved August 27, 2005, from <http://www.800gambler.org/ArticleDetails.aspx?ContentID=18>
- ⁵ Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision. American Psychiatric Association, 2000.
- ⁶ Lesieur, H. (1986). *Understanding compulsive gambling*. Center City, MN: Hazelden Educational Materials.
- ⁷ Report of telephone interview with Dr. Louis Lieberman, Director of Research, National Council on Problem Gambling, with R. J. Heuer, PERSEREC, August 11, 1991.
- ⁸ Gowen, D. (1996). Pathological gambling: An obscurity in community corrections? *Federal Probation*, 60(2), 5-10.
- ⁹ Kidman, R. (2003). The relationships among suicide, mental illness, and gambling. *The Wager*, 25(8).

- 10 Hodgins, D.C., Wynn, H., & Makarchuk, K. (1999). Pathways to recovery from gambling problems: Follow-up from a general population study. *Journal of Gambling Studies*, 15(2), 93-104.
- 11 National Opinion Research Center, 2006 California Problem Gambling Prevalence Survey, August 2006. Retrieved August 2012 from http://www.adp.ca.gov/opg/pdf/CA_Problem_Gambling_Prevalence_Survey-Final_Report.pdf
- 12 Blaszczynski, A., McConaghy, N., & Frankova, A. (1991). Control versus abstinence in the treatment of pathological gambling: A two to nine year follow-up. *British Journal of Addiction*, 86, 299-306.
- 13 Ladouceur, R. (2005). Controlled gambling for pathological gamblers. *Journal of Gambling Studies*, 21(1), 49-57.
- 14 Ciarrocchi, J. (1987). Severity of impairment in dually addicted gamblers. *Journal of Gambling Behavior*, 3, 16-26.
- 15 Lesieur, H. (1988). *The female pathological gambler*. In W. R. Eadington (Ed.), *Gambling studies: Proceedings of the Seventh International Conference on Gambling and Risk Taking*. Reno, NV: Bureau of Business and Economic Research, University of Nevada.
- 16 Rosecrance, J. (1988). *Gambling without guilt: The legitimization of an American pastime*. Belmont, CA: Wadsworth.
- 17 Lesieur, H. (1979). The compulsive gambler's spiral of options and involvement. *Psychiatry: Journal for the Study of Interpersonal Processes*, 42, 79-87. Lesieur, H. (1984). *The chase: Career of the compulsive gambler*. Cambridge, MA: Schenkman.
- 18 Custer, R.L. (1984). Profile of the pathological gambler. *Journal of Clinical Psychiatry*, 45(12), 35-38.
- 19 Taber, J. I. (1980). *The early detection of pathological gambling*. Talk to the G.A./Gam-Anon Eastern Regional Conference, New York.
- 20 Lesieur, H. (1988). *The female pathological gambler*. In W. R. Eadington (Ed.), *Gambling studies: Proceedings of the Seventh International Conference on Gambling and Risk Taking*. Reno, NV: Bureau of Business and Economic Research, University of Nevada.
- 21 Alberta Gaming Research Institute. (nd). *Problem gambling prevalence studies in the United States--By state*. Retrieved October 2003 from: http://www.abgaminginstitute.ualberta.ca/prevalence_us.cfm
- 22 Lesieur, H., & Puig, K. (1987). Insurance problems and pathological gambling. *Journal of Gambling Behavior*, 123-136.
- 23 Blackman, S., Simone, R., & Thoms, D. (1986). Letter to the editor: Treatment of gamblers. *Hospital and Community Psychiatry*, 37, 404.
- 24 Politizer, R.M., Morrow, J.S., & Leavey, S.B. (1985). Report on the cost-benefit/effectiveness of treatment at the Johns Hopkins Center for Pathological Gambling. *Journal of Gambling Behavior*, 1, 119-130.
- 25 Lesieur, H. (1987). *Gambling, pathological gambling, and crime*. In T. Galski (Ed.), *The handbook of pathological gambling*. Springfield, IL: Charles C. Thomas.
- 26 Looney, E., & O'Neill, K. (1998). *Gambling debts are exceeding annual incomes*. In *Compulsive gambling helpline callers report*. Hamiton, NJ: The Council on Compulsive Gambling of New Jersey. Retrieved October 2003 from <http://www.800gambler.org> but the information is no longer available on this site.
- 27 LePlante, D. (2002). Netizens @ risk: Online gambling and addiction. *The Wager*, 7(15).
- 28 Cain, B. (2005, April 10). *Growing number of women hooked on gambling*. Associated Press. Retrieved April 2005 from <http://www.caringonline.com/cgi-bin/mojonews/news.cgi?act=read&cat=5&num=34>
- 29 Breen, R.B., & Zimmerman, M. (2001). Rapid onset of pathological gambling in machine gamblers. *Journal of Gambling Studies*, 18(1), 31-43.
- 30 Blume, S., & Lesieur, H. (1987). *Compulsive gambling: A concern for families with alcoholism and other drug problems*. New York: National Council on Alcoholism.
- 31 Harvard Medical School-Massachusetts Council on Compulsive Gambling. (2002). How many adolescents have gambling problems? *The Wager*, 7(12).
- 32 Slutske, W.S., Jackson, K.M., & Sher, K.J. (2003). The natural history of problem gambling from age 18 to 29. *Journal of Abnormal Psychology*, 112(2), 263-274.

Finances – Debt

NOTE: The [Financial Considerations](#) (page 375) adjudicative guideline identifies three very different types of security concerns relating to finances—a high burden of debt, unexplained affluence, and compulsive gambling. For purposes of discussion in this desk reference, it is useful to discuss these three concerns separately. This topic deals only with debt. Unexplained affluence and compulsive gambling are covered in separate topics, [Finances – Affluence](#) (page 106) and [Finances – Compulsive Gambling](#) (page 115).

Relevance to Security	133
Potentially Disqualifying Conditions	134
Extract from the Guideline	134
Significant Unpaid Debts	134
Cause of Debts	135
Circumstances Beyond the Individual’s Control	136
Irresponsibility	136
Compulsive or Addictive Behavior	136
Greed	136
Amount of Debt	136
Bankruptcy	137
Maxing Out of Credit Lines	138
Limitations of Credit Reports	138
Payment of Delinquent Accounts	138
Repossession	139
Relationship to Other Guidelines	139
Attitude Toward Debts	139
History of Debt	140
Irresponsible or Fraudulent Financial Behavior	140
Significance of Bankruptcy	140
Concealment of Debt	140
Feelings of Entitlement	141
Types of Debt	141
Credit Card Debt	141
Credit Cards and College Students	141
Student Loans	142
Mortgage Loans	143
Bad Checks	143
Tax Liens	143
Child Support Payments	144
Disputed Debts	144
Illegal Financial Practices	145
Failure to Pay Taxes	146
Mitigating Conditions	146
Extract from the Guideline	146
Credit Counseling	147
Reasons for Financial Problems	148
Example—Mitigating a History of Debt	149

Reference Materials	150
Basics of Bankruptcy	150
Glossary of Credit Abbreviations	152
Endnotes	155

Relevance to Security

Many persons encounter financial problems through no fault of their own. For others, financial problems appear to be part of a general tendency toward irresponsibility and poor judgment, and that is a security concern. From a security perspective, the cause of debt and how one deals with financial obligations are far more important than the amount of debt.

Common sense and experience tell us that financial difficulties may increase temptation to commit illegal or unethical acts as a means of gaining funds to meet financial obligations. Financial difficulties are, therefore, a significant security concern.

Common sense and experience also tell us, however, especially during a period of economic malaise when jobs are hard to find, that talk of revoking an existing clearance of an individual with excessive debt may be counterproductive. It may motivate that individual to commit a crime, possibly including espionage, to obtain the money needed to pay off debts to save his or her job. For those applicants or cleared personnel who do succeed in getting the money needed to pay off their excessive debts, the source of the funds may be unclear. The investigator and adjudicator needs to consider the possibility that applicant may have committed a crime to get the money needed to qualify for a clearance, or that an individual with a clearance may have been motivated to commit a financial crime to avoid the risk of the clearance being revoked.

In other words, the adjudicative issue of excessive debt is a two-edged sword. It can cut in either direction. Adjudication of such cases may require a heavy emphasis on the “whole person” concept rather than on amount of debt. The whole person concept is a balanced assessment of affirmative or positive qualities as well as potentially disqualifying behaviors.

“Three positive qualities, among others, are associated with trustworthiness, reliability, and being an overall good security risk. These are: (1) a strong sense of social responsibility; (2) self-control, or the ability to exercise responsible and rational control over one’s impulses; and (3) the ability to maintain personal or job commitments over time. These positive qualities may outweigh some unfavorable information. A person with these qualities may not be a security risk even if, for example, he or she were to develop an alcohol problem or serious financial debt.”

The adjudicative guideline for [Personal Conduct](#) (page 373) identifies a number of undesirable qualities that by themselves are not disqualifying but, when combined together or with other behaviors may be disqualifying. These qualities are the opposite of the three positive qualities discussed in the previous paragraph. These undesirable qualities are discussed in the [Personal Conduct](#) chapter (page 222). When combined with an alcohol problem or serious financial debt, these undesirable qualities may be grounds for clearance denial or revocation.

If clearance is revoked it will make it even harder for a subject to pay off his or her debt. This can in some cases prompt an angry subject to seek revenge against what is perceived as an uncaring government. When adjudicating the reinvestigation of an individual with financial problems who has already been exposed to highly sensitive information, security interests may be best served by avoiding revocation and dealing with the problem through counseling, close monitoring, and/or some other form of assistance.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *inability or unwillingness to satisfy debts;*
- (b) *indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt.*
- (c) *a history of not meeting financial obligations;*
- (d) *deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;*
- (i) *consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis;*
- (j) *financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern;*
- (k) *failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same;*

Significant Unpaid Debts

The degree of security concern about unpaid debts depends upon:

- [Cause of Debts](#) (page 135)

- [Amount of Debt](#) (page 136)
- [Attitude Toward Debts](#) (page 139)
- [Risk of Illegal Financial Practices](#) (page 145) as a result of the debt

The cause of debts and action taken (or not taken) to pay debts tells far more about a person's reliability, trustworthiness, and judgment than the amount of debt. A person making a good faith effort to pay off a large debt caused by unexpected medical expenses or business reverses, for example, is unlikely to be a security concern. A person who has made no effort to pay off a much smaller debt caused by financial irresponsibility may be a security risk.

The seriousness of a financial issue is significantly increased if there is misconduct or character weakness of the type considered under other adjudication criteria such as [Personal Conduct](#) (page 222). Most people with serious financial difficulties do not commit crimes in order to gain money to pay their debts. The few who do are those who have serious financial difficulties *and* significant character weaknesses or psychological problems. The *combination* of financial problems and character weaknesses or psychological problems as shown by various forms of misconduct is a serious concern.

For some persons, financial problems are caused by underlying psychological problems that lead to compulsive drug or alcohol abuse, compulsive gambling, or compulsive spending. For them, the issue is not as simple as having too little income or too many expenses. And the solution is not as simple as earning more income or going through bankruptcy to relieve debt.

Money has strong symbolic value in addition to its value as a medium of exchange. Some individuals have a compulsive need for money or goods as a source of self-esteem, power, control, or security. Much less common is a compulsive aversion to money, when people are at ease with themselves only when deprived or in debt.

The book *When Money is the Drug: The Compulsion for Credit, Cash, and Chronic Debt* offers a good understanding of how and why many people behave irrationally with respect to money.¹ It provides a nontechnical description of personality disorders associated with money -- compulsive spending, compulsive debting, compulsive greed, compulsive hoarding, and compulsive deprivation.

Cause of Debts

If the subject is not at fault for the financial problems and is handling them in a reasonable manner, including bankruptcy, the significance of the security issue is substantially reduced. On the other hand, if the debts were caused by irresponsibility or a personal weakness that is likely to continue and may cause other security or performance problems, the significance of the financial issue is magnified.

Circumstances Beyond the Individual's Control

According to a Harvard University study, nearly 90% of families with children who file for bankruptcy cite one of three reasons: job loss by either husband or wife, family breakup, or medical problems. Other causes of debt that may be outside the individual's control include bad investments, being the victim of a crime, and natural disasters.² The financial issue may be mitigated if there is no clear personal fault and subject has responded to the indebtedness in a reasonable and responsible manner. See [Mitigating Conditions](#) (page 146).

Irresponsibility

Financial debt caused by impulsive or irresponsible spending or chronically poor judgment is a serious issue, especially if the debt is burdensome. This type of behavior should also be evaluated under the [Personal Conduct](#) guideline (page 222).

Compulsive or Addictive Behavior

Any debts caused by gambling, drug abuse or alcoholism are a serious concern. Addictive or compulsive behavior often leads to impaired judgment and may lead to illegal or unethical acts in a desperate attempt to recover from self-inflicted financial adversity. Compulsive gambling, in particular, often leads to fraud, embezzlement, and other crimes. Extensive information is available on indicators used to identify compulsive gambling and on the prevalence and consequences of compulsive gambling. This is discussed in detail in the Finances - Gambling chapter. Some psychiatrists now believe that compulsive shopping is a specific, treatable mental disorder.³

Greed

Debt caused by avarice or grandiose behavior is a serious concern. A pattern of spending to make an impression on others, to support one's self-esteem, or to maintain a standard of living beyond what one can afford, indicates that the subject may be susceptible to future temptations for illicit gain.

Amount of Debt

Amount of debt determines, in part, how much stress or desperation an individual feels as a result of financial problems. Stress or desperation is influenced by the reason for the debt (e.g., shameful gambling losses versus medical expenses for sick child), aggressiveness of creditors in collecting that debt, embarrassment that would result from collection efforts, and whether the subject has concealed the debt from spouse or other close family members.

As of March 2012, an estimated 46.7% of American families carried a credit card debt. The average debt was \$14,517, which is down from \$17,871 in 2009 at the height of the recession. The average came down because of stricter lending standards and an increase in the number of debts that credit card companies wrote off as uncollectible.⁴

In 2009, the average senior graduated from college with a credit card debt of more than \$4,100, up from \$2,900 almost four years earlier. Close to one-fifth of the seniors carried balances over \$7,000.⁵

The average total debt per student in the graduating class of 2011 was expected to be \$22,900, including the loans parents took on to pay for their kids' education. This was a 47% increase over student debt rates a decade earlier, taking inflation into account.⁶

More than 1 in 4 American adults (28 percent) admitted to not paying their bills on time during the 12 months prior to March 2011, and 7 percent had debts in collection.⁷

Length of time a debt is overdue is an important consideration. There are many scenarios that might cause a debt to be 30 or even 60 days overdue for reasons that are beyond the subject's control. However, the longer a debt is overdue, the greater the likelihood that the subject is either unwilling or unable to pay the debt. As of January 2012, the U.S. credit card delinquency rate was 2.93%.⁸ As of April 2010, the 60-day delinquency rate was 4.27%.

When making a judgment about whether the individual has made a "good faith effort" to repay or otherwise resolve delinquent debts, adjudicators should look at an individual's overall financial and personal situation. A good faith effort does not always require payment. It does require the individual to make a proactive and responsible effort to deal with the situation, no matter how difficult it is.

Bankruptcy

Bankruptcy is a legal means of liquidating past debts. It is, by itself, not a reason to deny or revoke a security clearance. The significance of past bankruptcy proceedings depends on what the bankruptcy shows about an individual's judgment and reliability in dealing with financial obligations. The cause of the financial problems and what efforts the subject made to solve the problems short of bankruptcy are more significant than the amount of debt. Debts liquidated through bankruptcy proceedings should not be counted under amount of debt. If financial problems continue after debts have been liquidated by bankruptcy, this may be evidence of financial irresponsibility and may also be evaluated under the [Personal Conduct](#) (page 222) and/or [Psychological Conditions](#) guidelines (page 254).

Maxing Out of Credit Lines

Credit card debt that is continually at or near the limit of the individual's credit lines may be a concern even if the minimum monthly payments are current and the credit report is otherwise favorable. An ongoing pattern of maxing out the credit lines suggests a habit of living beyond one's means that portends future problems. The subject is either being irresponsible or is under pressure from at least as much debt as he/she can handle, and possibly more. It can also indicate unexplained affluence when the amount of monthly payments on credit accounts is greater than one might logically be able to afford. This was the case with Soviet spy Aldrich Ames whose minimum monthly payment on credit accounts was greater than his monthly CIA salary.

Adjudicators analyzing amount of debt should also consider the following points:

Limitations of Credit Reports

It may be necessary to go beyond the credit report to gain a full understanding of a subject's financial status. The following forms of debt do *not* generally appear on a credit report: unpaid alimony unless there has been a court order to pay, federal and state tax delinquencies, automobile leases, gambling debts, personal loans, pawnbroker loans, and debts to doctors, dentists, hospitals, utility companies, and local stores unless they have been turned over to a collection agency. Delinquent federal student loans and child support payments now do appear on credit reports as a result of stepped-up enforcement action. Types of debt that do normally appear on a credit report are not always complete.

Credit scores, the most influential figure that determines whether a loan will be approved or not, are based on credit report information. If this information is incomplete, it can, and often does, lead to erroneous credit scoring. Credit scores have no "shelf life," because the information used to calculate them can change from day to day. Credit scores from each of the three major credit bureaus may be significantly different. This is because the credit bureaus collect data at different times of the month, and some creditors do not submit reports to all three bureaus.⁹

For help in reading credit reports, see [Glossary of Credit Abbreviations](#) (page 152).

Payment of Delinquent Accounts

If a Statement of Reasons or Letter of Intent to deny or revoke clearance approval is issued due to delinquent accounts, the subject may pay those accounts and submit proof as part of an appeal or rebuttal. Two questions then arise. (1) Is payment of the debts sufficient to eliminate the issue? This depends on whether the debts were incurred, or allowed to become delinquent, as a result of personal irresponsibility. Evidence of past irresponsibility is not erased by payment of debts only under pressure of qualifying for a security clearance. (2) If the amount of debt is sizable, where did subject get the money to pay the debt? If the subject cannot account for

the source of money to pay the debts, unexplained affluence may be an issue. This is illustrated by the case of Thomas Cavanaugh, a Northrop employee who in 1985 tried to sell information on the Stealth bomber to the Soviets. He was motivated, in part, by what he perceived as a need to pay his debts to protect his security clearance. He was concerned because he was having financial problems and was due for periodic background reinvestigation.¹⁰

Repossession

Repossessions normally occur only after the subject has been given repeated opportunities to become “current” with the payments and failed to do so. After a car or other item purchased on credit has been repossessed, there will often be a balance due even after the lender has recovered and sold the item. This balance will normally be shown as a charge-off on the credit report. However, many lending institutions fail to notify the individual that a balance is still due. If the subject has not been notified, this balance should not count against total debt if the subject is otherwise making debt payments in a responsible manner.

Relationship to Other Guidelines

If the subject has demonstrated financial irresponsibility or a disdain for paying legitimate debts, this may also be considered under the [Personal Conduct](#) guideline (page 222) regardless of amount of debt. For example, if he or she pays delinquent debts only after learning that the debts may cause an adverse personnel security determination, this may be noted under Personal Conduct regardless of the amount of debt. Any deliberate refusal to pay a debt one can afford to pay is a significant concern under Personal Conduct. The combination of such financial considerations with other indications of irresponsibility, rule-breaking, or other forms of undesirable behavior increases the concern about a person’s reliability and trustworthiness.

Attitude Toward Debts

How the subject deals with debt is often a decisive consideration. Disdain for fulfilling financial obligations may be disqualifying even if current delinquent debt is relatively small. A person who is unconcerned about financial obligations may also be unconcerned about fulfilling other obligations, such as obligations to protect classified information.

A subject with an acceptable credit rating who has shown evidence of being unconcerned about fulfilling financial obligations can be a greater security concern than a subject with a poor credit rating who is striving to pay his or her debts.

If the subject demonstrates lack of concern about financial obligations, this can also be considered under the [Personal Conduct](#) guideline (page 222) or the

[Psychological Conditions](#) guideline (page 254). The behavior may be part of a broader pattern of irresponsible or antisocial (rule-breaking) behavior.

History of Debt

A history of bad debts, garnishments, liens, repossessions, foreclosures, unfavorable judgments, delinquent or uncollectible accounts, or debts written off by creditors as uncollectible losses, regardless of the amount owed, is potentially disqualifying if the subject made little or no apparent or voluntary effort to pay the amounts owed.

Irresponsible or Fraudulent Financial Behavior

Irresponsibility toward financial obligations may be indicated by failure to take reasonable measures to pay or reduce debts. Fraudulent financial behavior includes using deceit or deception to obtain credit, going on a credit card spending spree just before filing for bankruptcy, changing one's address without advising creditors in an effort to escape payment, using credit card debt wantonly when one knows that repayment is unlikely, knowingly writing bad checks, writing a check on a previously closed account, or skipping from an apartment without paying rent.

Actions taken with respect to federal student loan and court-ordered child support payments may be an indicator of irresponsibility toward financial and social obligations in general. Some individuals with an otherwise good credit record try to get away with not making student loan or child support payments, and this indicates less than desirable behavior toward financial obligations. Delinquencies on federal student loans and child support payments often do not show up on credit reports.

Significance of Bankruptcy

The significance of bankruptcy depends upon the cause of the bankruptcy. When the subject was not at fault for the financial problems, the issue may be mitigated. If bankruptcy was due to financial irresponsibility and such irresponsibility has continued after the bankruptcy, this is a very serious concern. The credit report covering the period after the bankruptcy may contain clues to the subject's post-bankruptcy behavior. If debts again build to the maximum of the available credit, this suggests continuing financial irresponsibility.

Concealment of Debt

If the cause of the debt is so embarrassing that the subject conceals it from his or her spouse or other close associate, this is a very serious concern. For example, if the subject has lost the family nest egg through addiction to alcohol or drugs, compulsive gambling, compulsive shopping, high-risk investments, or simply by poor financial management, this may be concealed from a spouse if it threatens the

person's self-esteem. Under such circumstances, there is a significant risk of illegal actions in an effort to recoup losses. The subject may also be vulnerable to pressure as a result of the debt.

Feelings of Entitlement

Some individuals have unreasonable feelings of *entitlement* to more money just because they need it so badly, work so hard, or because others have it.

Unreasonable feelings of entitlement to money are a security concern because they lead to easy rationalization of theft, fraud, or other illegal activity for monetary gain. The subject may rationalize that "I'm only taking what I'm owed, or what I deserve."

Types of Debt

Credit Card Debt

Credit card debt beyond one's ability to pay is a principal source of financial stress for American families. Even before the 2008 recession, many lower- and middle-income Americans were affected by stagnant or declining wages, job displacement, and rising health care and housing costs. More and more Americans are using credit cards as a way to fill the gap between household earnings and the growing cost of essential goods and services.

A Harvard University study attributes the high frequency of middle-class bankruptcy to what it calls "the two-income trap." Because of the increased cost of housing, day care, and health insurance, the average two-income family has less discretionary income today than a single-income family had in the 1970s. If one spouse is laid off, unable to work, or no longer contributes to the family due to separation or divorce, the family is at high risk of having financial problems. Credit card debt accumulates just to pay for essentials such as groceries, insurance, and gas.²

"People are trying to fix their financial troubles by borrowing their way out of debt and creditors are happy to let them get in deeper. Today, debtors have significantly fewer options for resolving difficult financial problems without bankruptcy. Creditors have become more resistant to working one-on-one with people to develop plans that allow them to meet their obligations. Good people are falling to their financial death even though they want to meet their obligations in difficult times."

See [Credit Counseling](#) (page 147) for more information on this subject.

Credit Cards and College Students

A growing concern in the past decade has been the marketing of credit cards to college students, leading to what some experts call a student debt crisis. Credit card companies routinely market credit cards to college students, some as young as

17 years old, without first obtaining parental consent. While some students and parents alike see a credit card as a way to build credit, for many it has become a lifelong problem. Students are leaving college with more debt than ever before, especially when one considers that many students also take out student loans to help finance their education and must begin repayment within six months after graduation.

Credit card debt can be especially distressing for college students, many of whom are struggling financially just to stay in college. In 1998, a University of Indiana administrator admitted that the university lost more students to credit card debt than to academic failure; students are forced to drop out of school in order to work full time to pay off debts.¹¹

Student Loans

In today's economy, many college students with student loans face bleak employment prospects. Students start out with a large debt, and payments often become due just a few months after graduation. Default on federal guaranteed student loans might be interpreted as lack of respect for financial obligations and/or lack of respect for government regulations, both of which are a security concern. However, given current economic conditions and the high frequency of student defaults, as discussed below, it may often be more appropriate for adjudicators to apply mitigating condition (b). This mitigating condition specifies that "the conditions that resulted in the financial problem were largely beyond the person's control..., and the individual acted responsibly under the circumstances."

From 2010 to 2011, the overall student loan default rate increased from 7 percent to 8.8 percent – the highest rate since the government released similar data in 1999. An outsized share of that increase came from the for-profit college sector, which had both the highest percentage of defaults and the greatest increase in defaults, compared to public universities and private nonprofit schools.

"Defaults at for-profit schools jumped from 11.6 percent to 15 percent this year, as opposed to an increase of 6 percent to 7.2 percent at public institutions and 4 percent to 4.6 percent at private nonprofit schools, raising questions about the degree to which for-profit schools are preparing students for careers that will allow them to pay off debts.... The high number of loan defaults at for-profit institutions has prompted heightened government scrutiny in recent years, amid evidence that some schools aggressively market their programs to students but fail to deliver on the promise of careers. For-profit schools typically cost nearly twice as much as public colleges and universities, and students on average graduate with much higher student loan debt."

"Nearly half of all student loan defaults measured by the Department of Education could be attributed to students at for-profit colleges, even though students at such schools represent less than 28 percent of all borrowers.... Student loan debt is

among the most difficult to discharge, persisting beyond even bankruptcy. Borrowers in default on student loans can be subject to wage garnishment as well as deductions from federal income tax refunds, and they are ineligible to receive federal student aid in the future.... ‘What is really sad about this is that most of these people are done – this is their last chance, because they have now defaulted,’ said Anthony Carnevale, director of Georgetown University’s Center on Education and the Workforce. ‘That will follow them to their grave. You can default on your house, but you can’t default on a student loan.’¹²

Mortgage Loans

Predatory lending practices in the mortgage industry have also contributed to the financial burden of many people. Mortgage lenders can lend to anyone and still make a profit, thanks to higher interest rates they are now able to charge. Many families who would qualify for lower interest loans are talked into higher rate loans by subprime lenders. Deceptive marketing practices are sometimes used to bait and switch the interest rate or utilize extra fees or hidden costs. Many lenders have been caught intentionally issuing mortgages to people who cannot afford them, with the ultimate aim of foreclosure and reselling the property for more than the outstanding loan amount.¹³

Bad Checks

The significance of bad checks depends upon whether they were written knowingly, as a result of poor record keeping, or through no fault of one’s own.

The greater the frequency of bad check incidents, the greater the likelihood that these incidents indicate irresponsible or unethical behavior. It is noteworthy, however, that multiple bad checks written within a single 30-day period could be a single incident under some circumstances. If the checks are written in anticipation of an automatic paycheck deposit being made on a certain date, for example, and the deposit is delayed, the single incident can cause multiple checks to be returned for insufficient funds. This is common with military personnel who move frequently and who change banks frequently.

Tax Liens

Tax liens are a concern because, in addition to the amount of debt involved, they show a failure to comply with government rules and regulations. This applies to state and local as well as federal taxes. Ability and willingness to comply with rules and regulations is important for the protection of classified information. There are times when the subject of investigation is not at fault for the lien. For example, it may be caused by complications resulting from divorce or marriage.

Child Support Payments

Failure to pay child support is a concern because it indicates either an inability or refusal to accept responsibility for the consequences of one's actions. The Child Support Recovery Act of 1992 made it a federal crime to fail to pay support for a child residing in another state. All reasonable available remedies must have been exhausted before prosecution is undertaken.

Failure to pay child support costs federal and state governments large amounts of money, as many single mothers must then depend upon Aid to Families with Dependent Children (AFDC) and other welfare programs. In order to place the burden for child support on the parents, Congress in 1975 established the Child Support Enforcement Program, which is implemented by the states under federal policy guidelines and standards and with largely federal funding.

Elements of the federal enforcement program include intercepting federal income tax refunds, helping establish paternity and getting support orders issued, operating the Federal Parent Locator Service, encouraging states to report child support information to credit bureaus, and changing the law to allow states to withhold wages and impose liens on property for overdue child support. Since 1994, child support obligations can no longer be erased through bankruptcy.¹⁴

Disputed Debts

If a subject has formally disputed a debt (e.g., the subject has written the creditor, hired an attorney, initiated a court action) prior to adjudication proceedings, the adjudicator may elect to disregard this debt until the issue is resolved. However, if the investigation identifies a delinquent debt and the subject denies the delinquency, the burden of explaining, rebutting, or mitigating the adjudicator's findings remains with the subject. If the subject claims that a long-standing delinquent debt has been paid, the subject should, in most cases, be required to show proof of payment. A claim that a debt will be paid soon is irrelevant until the debt is actually paid.

When debts are disputed, it is sometimes difficult to distinguish fact from fiction when adjudicating these cases. The follow case is an example of this. It shows how, but focusing clearly on the adjudicative guideline, it is often possible to sort through a lot of conflicting information to make an appropriate decision.

Subject is a 45-year-old security guard. His Secret clearance is being reviewed. Subject has had problems with a car loan and credit card debt for the past five years. He states that his problems began when his car was stolen from him at gunpoint. The thieves also took his credit cards.

Although he had theft insurance on the car, the insurance company refused to pay his claim because they did not believe his car was really stolen. After the police found the car in damaged condition, subject allowed the lender to take it. After

selling the car, the lender claimed subject still owed \$1,069. Although subject has made no payments on the loan during the five years since the car was stolen, he states that he will satisfy the debt if the lender responds to his recent request for a status report on the loan.

Subject has five bank credit cards with a combined debt of about \$12,000 that has been delinquent for almost five years. Subject states that about \$9,000 of this debt was incurred before the credit cards were stolen and about \$3,000 after he reported the theft of the cards. Although the banks have acknowledged that the cards were used after he reported them stolen, they have told subject that he must pay the entire balance.

Subject has not made any voluntary payments since the reported theft of his credit cards. One bank which holds three of the credit cards has obtained a judgment against subject for approximately \$10,000, and subject's wages are now being garnished to pay this debt.

Subject explains that he has not paid these credit card debts for five years because his cards were stolen, the banks want him to pay for charges incurred after he reported the cards stolen, and the banks have not provided him with requested documentation on the debts.

Subject's clearance was revoked on the grounds that his explanation for his failure to pay debts for five years is not credible. Even if one accepts at face value subject's statements that (1) the insurance company refused to pay his claim, (2) that the banks insist he pay for charges incurred after he reported the cards stolen, and (3) the banks refuse to provide him with documentation, this does not justify subject's failure for five years to make voluntary payments on the \$9,000 debt incurred before the cards were stolen.

Illegal Financial Practices

Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, insurance fraud, filing deceptive loan statements, and other intentional financial breaches of trust are a serious concern. Illegal financial practices will often lead to adverse administrative action unless the offense was very small or long ago. When the offender is a cleared employee, investigation should seek to understand the reasons for the offense. If the subject is in debt, is he or she at fault for the debt? Is this offense part of a pattern of minor or major rule violations by the subject? Is there a gambling, drug, or alcohol problem?

Illegal financial practices should be evaluated under the [Criminal Conduct](#) (page 48) criterion and/or the [Personal Conduct](#) (page 222) criterion, as well as under Financial Considerations ([Finances – Affluence](#), [Finances – Debt](#), [Finances – Compulsive Gambling](#)).

Failure to Pay Taxes

Failure to file an income tax return when tax is due is a misdemeanor crime. It may also indicate financial problems, financial irresponsibility, or lack of respect for U.S. Government authority. Failure to file a tax return is more common among self-employed persons than among government or other employees whose salary is subject to tax withholding. However, failure to file occurs even among government employees, especially those whose financial situation is in considerable disarray.

If a subject has failed to file a tax return or owes back taxes to the government, there is a good chance that the subject has engaged in other illegal or at least improper financial activities, and the case should be investigated and adjudicated accordingly.

A check of IRS master file records (not the individual Form 1040 files) on 44 Americans arrested for espionage during the 1980s found that 13 to 17 (29.5% to 38.6%) of them failed to file an income tax return during at least one year prior to their arrest. The exact number is uncertain, as in four cases it was not clear whether the individual actually was required to file a tax return during the year in question. In four other cases in which timely returns had been filed, tax payments were delinquent and the individual had significant difficulties with the IRS prior to arrest for espionage.¹⁵

Mitigating Conditions

Extract from the Guideline

- (a) *the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;*
- (b) *the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;*
- (c) *the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;*
- (d) *the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;*
- (e) *the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue;*

The following supplemental information elaborates on these potential mitigating factors:

- **Not Recent:** Many immature young persons go through a period of some financial irresponsibility. The problems are often resolved as they mature and assume the obligations of steady employment or marriage. Past financial irresponsibility may be mitigated by a change to a more responsible lifestyle, including steady employment, reduction of credit card debt, and favorable change in financial habits over a period of time (generally one year). Other examples of a changed lifestyle that may affect a subject's finances are: destruction of credit cards, separation from a cohabitant or spouse that was causing financial problems, or a changed pattern of friendships or social activities.
- **Indebtedness Beyond Subject's Control:** Debt is often due to circumstances that are beyond a person's control. The financial issue may be mitigated if there is no clear personal fault and subject has responded to the indebtedness in a reasonable and responsible manner. The whole-person evaluation is relevant under these circumstances. A responsible person with good judgment and strong character is more likely to weather financial adversity without becoming a security risk than an individual with a record of immature, irresponsible, or rule-breaking behavior.
- **Receiving Counseling:** If the subject has participated conscientiously in credit counseling, a debt repayment program, or Debtors Anonymous for at least six months, it is likely that the problem is being resolved. The National Foundation for Consumer Credit reports that about 65% to 70% of the individuals who start a debt repayment plan complete it successfully, and that the recidivism rate is low. For more information, see [Credit Counseling below](#). Claims that past delinquent debts have been paid off should be documented.
- **Good-Faith Effort to Repay:** Even without a formal credit counseling program, a person may make a good-faith effort to repay overdue creditors or otherwise resolve debts. One year of systematic effort to satisfy creditors, or to acknowledge debts and arrange for reduced payments, may indicate responsible behavior toward financial obligations -- especially if the subject has also changed to a more responsible lifestyle. Claims that past delinquent debts have been paid off need to be documented.

Credit Counseling

The National Foundation for Credit Counseling (NFCC), is the largest credit counseling organization in the United States. It is a nonprofit organization whose purpose is to educate, counsel, and promote the wise use of credit. In 2012 its network included 90 member agencies with over 700 community-based offices in the United States and Puerto Rico that provide financial counseling and education

to more than 3 million consumers. More than 90% of the U.S. population has convenient access to one of the member offices.¹⁶

People who seek credit counseling report various situations that have led them into financial hardship. The table below shows the reasons that NFCC clients gave for their financial problems in 2003. The average client described by this table was 39 years old, had almost \$30,000 in debt, and had a debt-to-income ratio of 95.6%. In other words, their monthly debt payments were approaching the same amount as their monthly income.¹⁷

Reasons for Financial Problems

Poor Money Management	49.1%	Gambling	2.3%
Reduced Income/Unemployment	26.1%	Death of Family Member	.9%
Medical Bills, Accident/Disability	7.2%	Substance Abuse	.4%
Divorce/Separation	6.1%	Other or Not Classified	7.9%

It is interesting to note the number of cases in which the financial problems were caused by factors beyond the individual’s control. A total of almost 40% were caused by lost or reduced income, medical bills, or divorce/separation. In some of those cases, however, some type of undesirable behavior may have played a role in causing the unemployment, medical problem, or divorce/separation. The “poor money management” and “other” categories cover problems that were caused by immaturity, irresponsibility, and compulsive spending. They amounted to about 60% of all cases.¹⁷

In an outdated but still interesting report, NFCC reported that about 29% of those counseled are able to help themselves after budget counseling sessions; 29% require a debt repayment program, 6% are referred to legal assistance, and 26% are referred to other resources (e.g., programs for treating compulsive behavior). In the debt repayment program, counseling services make arrangements with creditors to reschedule payments; the consumer then makes a single monthly payment to the counseling service, which in turn pays creditors according to the arranged plan. The NFCC data also show that debt repayment programs are successful in more than 90% of cases.¹⁸

The NFCC recommends that consumers seek credit counseling when they are able to answer “Yes” to any of the following questions:

- Are you always late with bill payments?
- Would you find it impossible to pay for basic living expenses if you lost your job?
- Do you put off medical or dental visits because you cannot afford them?

When individuals who seek credit counseling are compared with those who do not, those who do receive counseling subsequently have a much higher loan repayment rate, have lower overall debt in the years following counseling, present more responsible spending patterns, and use credit less often and less frivolously. Data from a 2003 study of over 14,000 households counseled found that recidivism was low. Less than 10% continued to use credit unwisely and/or increased their overall debt in the three years following counseling.¹⁹

Example—Mitigating a History of Debt

The subject of this example of how a history of debt might be mitigated is a 29-year-old unmarried male employed as a security officer. The adjudicator drafted a Statement of Reasons why continuation of subject's Secret clearance was not clearly consistent with the national interest. The adjudicator found that financial irresponsibility resulted in excessive indebtedness and wage garnishments as follows:

- Automobile was repossessed four years ago with a remaining debt of \$2,946, and subject made no attempt to satisfy this debt.
- Debt of \$490 to Sears Roebuck, with last payment three years ago.
- Debt of \$72 to the May Company, with no payment during past two years.
- Wages garnished by the State of California for unpaid income tax of \$2,737 three years ago, and again for \$646 two years ago.

The adjudicator's supervisor approved continuation of the clearance based on special circumstances that caused the debts, systematic efforts to satisfy creditors, favorable change in financial habits, and subject's favorable employment record and favorable references.

Subject's financial difficulties arose four to five years ago after his fiancée, with whom he was living, became disabled and unable to work. Subject became the sole support of her, her daughter, and himself. The problem was aggravated by the fact that the fiancée spent too much money, did not inform subject of her spending, and would not pay debts even when she was working. He fell behind in their payments and his financial problems arose.

Subject has broken up with the fiancée and no longer lives with her. He currently has no charge accounts and pays cash for the things he buys. With his current income and expenses, he has a surplus of about \$75 per month.

His tax debt has been satisfied through garnishment of wages. Two other judgments for unpaid debts not listed in the Statement of Reasons have been paid. Subject paid the debt to Sears Roebuck (which was actually only \$4) and to the May Company after these debts became a security clearance issue.

Subject had made regular payments on the automobile for three years before falling behind. Subject himself asked the bank to repossess the car as he could no longer make payments. After this debt became a security clearance issue, subject reached agreement with the bank collection office to pay \$100 per month. By the time of the hearing examiner decision, he had made five monthly payments.

The supervisor found that subject has paid all debts except the car, which he is in process of paying, and that subject appears to have recovered financially and to have his legal and financial affairs in order.

Reference Materials

Basics of Bankruptcy

Bankruptcy is a legal procedure that relieves a debtor of responsibility for some or all debts. Bankruptcy is not always bad and is far more common than most people realize. During the 12 months prior to March 2012, 618,754 American households filed for bankruptcy. This was down 14 percent from the previous year.²⁰

Many people experience financial problems through no fault of their own, and the Bankruptcy Reform Act of 1978 loosened the rules for the express purpose of making it easier for people to get a fresh start. However, the continuing significant increase in bankruptcy filings since then led Congress to enact tighter bankruptcy rules in 2005. This law, which went into effect in October 2005, made it more difficult for people to have their debts erased. Some of the key changes in the law are discussed below.

It is important to understand the difference between discharge of a bankruptcy and dismissal of a bankruptcy, as these two similar words have opposite meanings.

- **Discharge** of a bankruptcy petition means the petition has been approved and the subject is no longer responsible for the debts specified in the petition.
- **Dismissal** of a bankruptcy petition means the bankruptcy court has rejected the petition or the debtor has withdrawn it. The individual is still responsible for his or her debts. Dismissal by the court may mean there has been some wrongdoing, such as fraud or failure to explain satisfactorily any loss or disappearance of assets that might be used to meet the debtor's liabilities. Or, it may mean that the debtor was unable or unwilling to comply with the terms of the bankruptcy.

Successful discharge of a bankruptcy petition does not necessarily wipe out all of a debtor's assets, nor does it necessarily eliminate all of the debts. A debtor's home is usually protected, as are income from Social Security benefits, unemployment benefits, veterans benefits, disability benefits, alimony, and child support to the extent that they are reasonably necessary for support of the debtor.

Some types of debts cannot be discharged through bankruptcy. These include certain tax liabilities; debts incurred by fraud, embezzlement, or larceny; alimony or child support; fines imposed by any government; student loans (unless not exempting them would cause “undue hardship”); debts from a credit spree just before filing for bankruptcy; damages from drunk driving; and any debt not included in the debtor’s list of liabilities included in the bankruptcy petition.

The bankruptcy law is divided into chapters. The two principal ways for an individual to file for personal bankruptcy are Chapter 7 and Chapter 13. Chapter 12 is similar to Chapter 13 but limited to individuals operating a family farm. Chapter 11 applies only to corporations.

Chapter 7: This has been the most common type of bankruptcy and is sometimes referred to as straight bankruptcy or liquidation. The debtor may retain future earnings but loses all current assets except those declared exempt from the bankruptcy. Certain essential assets, as noted above, are normally exempt. All nonexempt assets are sold by a court-appointed trustee to pay off unsecured creditors as much as possible. All remaining unsecured debt such as credit card debt and personal loans is wiped out, but all secured debt such as mortgages must still be paid. A Chapter 7 filing usually remains on a credit report for ten years and cannot be repeated for six years.

In the past, more than two-thirds of all bankruptcy filings were made under Chapter 7. The 2005 bankruptcy act made it more difficult to file for Chapter 7 and have all debts cancelled. Applicants are subject to a two-part means test to qualify for Chapter 7. First, individual or family income is compared with the state’s median income for a family of the same size. If income is below the state median, an applicant is automatically qualified for Chapter 7. Second, if income is above the state median, a formula is applied to determine if the individual can afford to pay 25 percent of the “nonpriority unsecured debt” such as credit card bills. This formula looks at income over the past six months and then determines if the applicant can afford to pay at least \$6,000 over five years, or \$100 per month, toward the debt. An applicant who is able to pay \$100 per month is ineligible for Chapter 7 and must file for Chapter 13. The expenses used in this calculation are not determined by your actual expenses, but by IRS rules that state what “reasonable” expenses are.²¹

Chapter 13: Under the 2005 law, Chapter 13 is designed for individuals with regular income who can make some payment on the debts. It consolidates and restructures debts to repay creditors, in full or in part, in installments over a three to five year period. During this time creditors are limited in their collection efforts. The payments are supervised by a court-appointed trustee. Most remaining debts are canceled at the time the individual emerges from the bankruptcy proceeding except that, under the 2005 law, debtors must pay at least 25 percent of their credit card debt. The record of the Chapter 13 filing remains in one’s credit report for seven years.

There are strict limits on the amount of income that can be claimed as living expenses. The court applies the IRS National and Local Standard Expense guidelines to determine what are reasonable expenses and, therefore, how much money is available to pay off debts. Different standards apply depending upon income. The court may order that spending on luxury items, vacations, or extracurricular activities for children (sports, etc.) be eliminated or reduced. 22

Other Changes in 2005 Law: The 2005 law also makes many other changes. Among the most significant are:

- **Lawyer Liability:** If information about a client's case is found to be inaccurate, the bankruptcy attorney may be subject to various fees and fines. This means bankruptcy attorney fees will be higher because of the legal liability and more work required to verify a client's information.
- **Mandatory Credit Counseling:** At the time they apply or within the prior six months, bankruptcy applicants must receive at their own expense counseling and a budget analysis from an approved, nonprofit budget and credit counseling agency. After the bankruptcy is approved and before the debts are actually discharged, individuals must attend government-approved money management classes at their own expense.
- **Protection from Eviction:** The automatic stay for evictions has been eliminated. This means that if a landlord has already begun eviction proceedings, the renter must now either move out or pay the entire rent owed within 30 days.

Business Bankruptcies: Most business bankruptcies are actually personal bankruptcies under Chapter 7 or Chapter 13. This is because most businesses are either sole proprietorships or partnerships where the individual is personally liable for the business debts. Corporations file for bankruptcy under Chapter 11 of the bankruptcy code, which allows a business to reorganize as a going concern rather than be liquidated. It provides the business with breathing room to scale down its operations and work out a plan of repayment acceptable to its creditors.

Glossary of Credit Abbreviations

- 30 DAY DEL -- Account past due 30 days
- 30 2 TIMES -- Account past due 30 days 2 times
- 30 6+TIMES -- Account past due 30 days 6 times or more
- 30 WAS 60 -- Account was delinquent 60 days, now 30 days
- BAD DEBT -- Bad debt; placed for collection; written off to profit and loss
- BK 7-FILE -- Voluntary or involuntary petition for Chapter 7 bankruptcy
- BK 7-DISC -- Voluntary or involuntary petition in Chapter 7 bankruptcy discharged

- BK 7-DISM -- Voluntary or involuntary petition in Chapter 7 bankruptcy dismissed
- BK 11-FILE -- Voluntary or involuntary petition in Chapter 11 bankruptcy filed
- BK 13-FILE -- Petition in Bankruptcy Chapter 13 filed
- BK 13-COMP -- Petition in Bankruptcy Chapter 13 completed
- BK ADJ PLN -- Debt included in or completed through Bankruptcy Chapter 13
- BK DISC -- Bankruptcy discharged
- BK LIQ REO -- Debt included in or discharged through Bankruptcy Chapter 7 or 11
- CH 13 CASE -- Chapter 13 bankruptcy
- CHARGE OFF -- Unpaid balance reported as a loss by credit grantor
- CHATTEL MO -- Chattel mortgage
- CIV JD SAT -- Civil judgment satisfied
- CLOS INAC -- Closed inactive account
- CLOS NP AA -- Credit line closed, not paying as agreed
- COLL ACCT -- Account seriously past due; account assigned to attorney, collection agency or credit grantor's internal collection department
- CO NOW PAY -- Now paying, was a charge-off
- COUNSEL SER -- Debt counseling service
- CO TAX LN -- County tax lien
- CO TAX REL -- County tax lien released
- CR CD LOST -- Credit card lost or stolen
- CR LN CLOS -- Credit line closed, reason unknown or by consumer request; there may be a balance due
- CR LN RNST -- Account now available for use and is in good standing. Was a closed account
- CURR ACCT -- This is either an open or closed account in good standing
- CUR WASCOL -- Current account was a collection account
- CUR WAS DL -- Current account was past due
- CUR WAS FOR -- Current account. Foreclosure was started.
- CUR WAS 30 -- Current account was 30 days past due
- CURWAS 30-2 -- Current account was 30 days past due twice
- CURWAS 30-3 -- Current account was 30 days past due 3 times
- CURWAS 30+6 -- Current account was 30 days past due 6 times or more
- CUR WAS 180 -- Current account was 180 days or more delinquent
- CV SUIT FI -- Civil suit filed

- DECEASED -- Consumer deceased
- DELINQ 60 -- Account delinquent 60 days
- DELINQ 90 -- Account delinquent 90 days
- DELINQ 180 -- Account delinquent 180 days
- DEL WAS 90 -- Account was delinquent 90 days, now 30 or 60 days
- DEL WAS 120 -- Account was delinquent 120 days, now 30, 60, or 90 days
- DEFLT JDGMT -- Judgment by default
- FED TAX LN -- Federal tax lien
- FED TX REL -- Federal tax lien released
- FIN COUNS -- Financial counselling
- FIN DIVORCE -- Final divorce
- FIN STMENT -- Financial statement
- FORECLOSURE -- Credit grantor sold collateral to settle defaulted mortgage
- FORE PROC -- Foreclosure proceeding started
- GOV CLAIM -- Claim filed with government for insured portion of loan balance
- INS CLAIM -- Claim filed for payment of insured portion of balance
- JD DEFAULT -- Judgment by default
- JUDJ RELEA -- Judgment released
- JUDGMENT SAT -- Judgment satisfied
- JUDG VACAT -- Judgment vacated or reversed
- MECH LIEN -- Mechanics lien
- MECH RELE -- Mechanics lien released
- NOT PD AA -- Account not being paid as agreed
- NT RESPON -- Not responsible notice e.g., husband or wife claims not responsible for debts incurred by the spouse
- OVER 30 -- Pays (or paid) in more than 30 days, but not more than 60 days,
- 1 PAST DUE -- Not more than 1 payment past due
- OVER 90 -- Pays (or paid) in more than 90 days, but not more than
- 3 PAST DUE 120 days -- 3 or more payments past due
- OVER 120 -- Pays (or paid) in 120 days or more
- PD BY DLER -- Credit grantor paid by company who originally sold the goods
- PD CHG OFF -- Paid account, was a charge-off
- PD COLL AC -- Paid account, was a collection account, insurance claim or education claim
- PD FORECLO -- Paid account. A foreclosure was started

- PD NOT AA -- Paid account. Some payments were made past agreed due dates
- PD REPO -- Paid account, was a repossession
- PD WAS 30 -- Paid account, was past due 30 days
- PD WAS 30-2 -- Paid account, was past due 30 days 2 or 3 times
- PD WAS 30-4 -- Paid account, was past due 30 days 4 times
- PD WAS 30+6 -- Paid account, was past due 30 days 6 times or more
- PD WAS 180 -- Paid account, was delinquent 180 days or more
- REMD REPO -- Account was a repossession, now redeemed
- REPO -- Merchandise taken back by credit grantor; balance may be due
- SCNL -- Credit grantor cannot locate consumer
- SCNL NWLOC -- Credit grantor could not locate consumer, consumer now located
- SETTLED -- Account legally paid in full for less than the full balance
- SLOW PAY -- Not paying as agreed
- STAT TX LN -- State tax lien
- STA TX REL -- State tax lien released
- SUIT DISMD -- Suit dismissed or discontinued
- TOO NEW RT -- Too new to rate
- TRANSFERRED -- Account transferred to another office
- VOLUN REPO -- Voluntary repossession
- WAGE ASIGN -- Wage assignment
- WAGE EARNR -- Making payments under Wage Earner Account Plan (Chapter 13 bankruptcy)
- W/A RELEASE -- Wage assignment released

Endnotes

- ¹ Boundy, D. (1993). *When money is the drug: The compulsion for credit, cash, and chronic debt*. New York: Harper Collins.
- ² Warren, E., & Tyagi, A. (2003). *The two-income trap: Why middle-class parents are going broke* (pp. 81, 128). New York: Basic Books.
- ³ Chaker, A.M. (2003, January 2). *Do you need a pill to stop shopping?* The Wall Street Journal, pp. D1, D4.
- ⁴ “American Household Credit Card Debt Statistics through 2012,” retrieved August 2012 at <http://www.nerdwallet.com/blog/credit-card-data/average-credit-card-debt-household/>
- ⁵ Sallie Mae, “How Undergraduate Students Use Credit Cards,” April 2009, retrieved August 2012 at <http://www.nerdwallet.com/blog/credit-card-data/average-credit-card-debt-household/>
- ⁶ “2011 College Grads Have Highest Average Debt to Date,” Consumer Reports, retrieved August 2012 at <http://news.consumerreports.org/money/2011/05/2011-college-grads-have-highest-average-debt-to-date.html>
- ⁷ National Foundation for Credit Counseling, 2011 Financial Literacy Survey, March 2011, retrieved August 2012 at <http://www.cardhub.com/edu/consumers-in-debt/>

- 8 Moody's February 2012 Report, retrieved August 2012 at <http://www.creditcards.com/credit-card-news/credit-card-industry-facts-personal-debt-statistics-1276.php>
- 9 Fitch Ratings, retrieved August 2012 at <http://www.creditcards.com/credit-card-news/credit-card-industry-facts-personal-debt-statistics-1276.php>
- 10 National Counterintelligence Center. (1996, March). Through the looking glass. *CI News & Developments*, 1.
- 11 Consumer Federation of America. (1999). *Credit card debt imposes huge costs on many college students: Previous research understates extent of debt and related problems*. Retrieved August 4, 2005, from <http://www.consumerfed.org/pdfs/ccstudent.pdf>
- 12 "Student Loan Defaults Reach Highest Level in More Than a Decade," Huffington Post, Sept. 12, 2011, retrieved August 2012 at http://www.huffingtonpost.com/2011/09/12/for-profit-colleges-student-loan-_n_959058.html
- 13 "What Is Predatory Lending?," Mortgage News Daily at http://www.mortgagenewsdaily.com/mortgage_fraud/Predatory_Lending.asp
- 14 Office of Child Support Enforcement. (1995). *Child support enforcement: Nineteenth annual report to Congress*. Washington, DC: U.S. Department of Health and Human Services.
- 15 Timm, H.W. (1989). Unpublished interim paper, no title. Monterey, CA: Defense Personnel Security Research and Education Center.
- 16 NFCC website at <http://www.nfcc.org/about/index.cfm>, retrieved July 2012.
- 17 Documentation provided by K. Swann, Communications Manager, National Foundation for Consumer Credit, to W.B. Fauth, PERSEREC, November 2003.
- 18 National Foundation for Consumer Credit. (1999). *The impact of credit counseling on bankruptcies: Executive summary*. Article no longer available on Internet.
- 19 Elliehausen, G., Lundquist, E.C., & Staten, M.E. (2003). *The impact of credit counseling on subsequent borrower credit usage and payment behavior*. Paper presented at the Federal Reserve System's Third Community Affairs Research Conference, Washington, DC. Retrieved October 2003 from http://www.federalreserve.gov/communityaffairs/national/CA_Conf_SusCommDev/pdf/statenmichael.pdf
- 20 United States Courts Bankruptcy Statistics, retrieved August 2012 from <http://www.uscourts.gov/Statistics/BankruptcyStatistics.aspx>
- 21 CNN Money. (2005, April 20). President signs bankruptcy bill. Retrieved August 16, 2005, from http://money.cnn.com/2005/04/20/pf/bankruptcy_bill/. Tomorrow's Money. (2005). *The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005*. Retrieved August 16, 2005, from http://www.tomorrowmoney.org/print.cfm/more_about/bapcpa.

Foreign Influence

Relevance to Security	157
Foreign Threats	159
Divided Loyalties and Competing Identities	159
Vulnerable to Influence or Manipulation	162
Vulnerable to Pressure or Coercion	162
Potentially Disqualifying Conditions	163
Extract from the Guideline	163
Criteria for Judging Security Risk	165
Foreign Contact's Occupation and Interests	165
Family Members	166
Scientific and Technical Personnel	167
Business Relationships	169
Foreign Citizen Spouse or Cohabitant	169
Foreign Financial Interests	170
American Students Abroad	170
Foreign Travel	172
Suspicious Travel	172
Noteworthy Events during Travel	174
Special Purpose Travel	175
Mitigating Conditions	178
Extract from the Guideline	178
Conflict of Interest Is Unlikely	178
Not Vulnerable to Foreign Influence	179
Contacts are Casual and Infrequent	179
Contacts Are on Government Business	179
All Contacts Are Fully Reported	179
Financial Interests Are Minimal	180
Endnotes	180

Relevance to Security

The adjudicative guideline specifies that foreign contacts and interests may be a security concern under the following circumstances:

- The individual “has divided loyalties or foreign financial interests.” This is discussed under [Divided Loyalties and Competing Identities](#) (page 159).
- The individual “may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests.” This is discussed under [Vulnerable to Influence or Manipulation](#) (page 162).
- The individual “is vulnerable to pressure or coercion by any foreign interest.” This is discussed under [Vulnerable to Pressure or Coercion](#) (page 162).

The adjudicative guideline also states that “Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target American citizens to obtain protected information or is associated with a risk of terrorism.” This is discussed under [Foreign Threats](#) (page 159).

The frequency of foreign influence issues has been increasing for many years for the following reasons:

- **Changes in the U.S. Population:** The total foreign-born population in the United States almost quadrupled, from 9.7 million in 1970 to nearly 40 million during the 40-year period from 1970 to 2010, according to the U.S. Census. Almost 13% of the U.S. population is now foreign-born. One in five Americans was born outside the United States or has at least one parent who was. Less than half have become naturalized citizens.¹ These changes in the U.S. work force as a whole are also reflected in the demographics of the cleared population.²
- **Globalization:** The globalization of the economy has greatly increased the interaction between Americans with access to classified, export-controlled, and dual-use proprietary information and foreign nationals interested in obtaining this information. This makes it easier for buyers of information to contact, assess, cultivate, and sometimes recruit Americans with access to protected information. It also makes it easier for Americans who wish to sell information to establish connections with potential buyers.²
- **Advances in Global Telecommunications:** E-mail, instant messaging, and inexpensive international telephone calls via the Internet have transformed the role that foreign relatives and friends play in the lives of immigrants to the United States. As a result of modern telecommunications, contact is immediate and frequent and one can maintain many more foreign contacts at minimal cost. This is believed to contribute to continued identification with a person’s country of birth.³

While opportunities for foreign influence have been growing, the opportunities and potential consequences of insider betrayal have also been increasing dramatically. The development of large, networked databases with automated search functions and the miniaturization of mass data-storage devices have increased exponentially the amount of information a single malicious insider can access and compromise.

Favorable adjudication of foreign contacts when an individual initially receives a security clearance does not eliminate this security concern. Continued eligibility for access to classified information will be determined following each periodic reinvestigation based on updated reporting on the foreign contacts and the individual’s current relationships with those contacts.

Foreign Threats

The National Counterintelligence Executive reports that almost 100 countries were involved in legal and illegal efforts to collect intelligence in the United States during 2004, but the bulk of the activity originates in a relatively small number of key countries.⁴ These key countries include friends and allies as well as strategic competitors. They conduct espionage against the United States for one or more of the following reasons:

- The country competes with the United States for global or regional political and economic influence.
- The country feels threatened by a hostile neighbor and seeks to develop or obtain the most advanced military technology. It may also seek information on U.S. policy concerning itself and the hostile neighbor, intelligence information the U.S. has pertaining to the hostile neighbor, and influence on U.S. policy toward itself and the hostile neighbor.
- The country has a developing economy and sees its economic future as being dependent upon the rapid acquisition and development of new technologies by every possible means, whether legal or illegal.
- The country competes with U.S. companies in the global marketplace for the sale of advanced technologies or military weaponry.

Location of an individual's foreign contacts or interests in a higher-risk country or region is NOT a disqualifying condition and shall not, by itself, be the basis for denial or revocation of any clearance. Many individuals are hired precisely because of their background in certain foreign countries. The country or region involved is only one of multiple risk factors to be considered when evaluating the applicability and significance of each disqualifying and mitigating condition in the [Foreign Influence](#) guideline (page 157).

Divided Loyalties and Competing Identities

Divided loyalty is a security concern because it can lead to the voluntary and deliberate compromise of information one is obligated to protect. However, loyalty is difficult to assess since it has many facets. One can be loyal to one's own values, family, profession, employer, religion, culture, or country, and conflicts between these diverse loyalties are not uncommon. Consider, for example, conflicts between loyalty to family and loyalty to employer. Life experiences can provoke a conflict or crisis that results in a reorganization of priorities. Similar conflicts and change of priorities may occur between loyalty to the United States and loyalty to a foreign country or friend.

Many naturalized American citizens view themselves as loyal to both countries -- the United States and their country of birth -- and they experience no conflict as a result of these dual loyalties. It is important to recognize, however, that obtaining a

security clearance for access to protected information or technology can disrupt this balance. It can create a conflict where no such conflict existed before.

An individual may obtain access to classified, export-controlled, or dual-use proprietary information or technology that would be of substantial value to a good friend or the government of the native country, but which the individual is obligated to withhold rather than share. This may be the first time the individual is required to make a hard choice between loyalty to the United States and loyalty to his or her native country. There are two common circumstances when such conflicting loyalties may occur.

- In the defense industry, foreign-born engineers and scientists play a critical role in the development of new technology. This technology may be of great interest to the countries where these engineers and scientists were born and maintain contacts, but the U.S. Government may prohibit its export to those countries.
- Many government employees and some contractors have access to a large network such as Intelink and the SIPRNET which contain U.S. Government intelligence reporting on many countries. Any foreign intelligence service would be very interested in obtaining classified U.S. intelligence reports on their own country or hostile neighboring countries. A recent example of this is the case of Leandro Aragoncillo, a naturalized U.S. citizen from the Philippines, who used his access to FBI databases to obtain U.S. intelligence reports on the Philippines. Aragoncillo then passed these reports to opponents of the Philippine government.⁵

Divided loyalties may also develop as a result of changes in the international environment after a clearance is granted. For example, many American citizens of Iraqi origin were recruited and approved for access to classified information to assist in overthrowing Saddam Hussein. In a very different environment of intra-Iraqi conflicts between Sunnis, Shiites, and Kurds, loyalty to the U.S. alone may be tested. An individual may be tempted to use access to U.S. classified information to help one of the ethnic groups in its conflict or competition with the others.

Before approving access to classified information, the adjudicator needs to judge how the subject is likely to react if the subject gains access to classified information or technology that must be protected, while knowing that this information or technology would have significant value to a friend, company, or the government of the subject's native country. If divided loyalties may be a significant issue, an interview by a specialist may be needed to obtain the information the adjudicator needs to make such a judgment.

A special interview on foreign influence issues can assess a subject's potential divided loyalty, conflict of interest, or vulnerability to coercion and may include an assessment of competing identities. Competing identities are defined as the dual self-identifications experienced by individuals who were born in a foreign country but have since established their residence in the United States.⁴ This special

interview might also ask the subject directly what he or she will do in the event of gaining access to classified information that would be of substantial value to a friend or relative or the government of the native country, but which cannot be shared with that country. It might also be useful to know if the subject realized before applying for a security clearance that access to classified information might cause him or her to encounter such a conflict of interest.

An analysis of competing identities uses a number of indicators to assess the degree to which the individual remains identified with his or her native country and the degree to which he or she has assimilated American culture and values. An individual may be inclined to identify with his or her native country if he or she:³

- Came to the United States for educational or economic benefits rather than as a political refugee or to be with family who had come previously to the United States.
- Education during the formative years was in the native country.
- Has extensive family in the native country.
- Provides financial or other support, such as medicine, to relatives in the native country.
- Communicates via telephone, e-mail, instant messaging, or mail with friends or relatives in the native country at least once every two weeks.
- Did not apply for U.S. citizenship as soon as he or she was eligible.
- Views acquisition of American citizenship as a means to gain economic opportunities rather than as a commitment to American values and traditions.
- Is reluctant to give up a foreign passport or to renounce foreign citizenship.
- Maintains or will inherit investments, property, or other financial interests in the native country.
- Obtains income from the native country or is involved in a joint business venture there with a friend or relative.
- Returns to the native country annually or on a regular schedule every two or three years.
- Resides in a culturally closed community with individuals from the same country of origin.
- Has a network of friends that consists largely of persons with the same national or ethnic background.
- After gaining U.S. citizenship, returned to native country to obtain a spouse and brought him or her back to the United States (or plans to do so).
- Frequently expresses a negative view of U.S. culture and values.
- Frequently expresses opposition to U.S. policy toward the native country.
- Has expressed feelings of obligation to the native country.

- Is actively involved in social or political organizations that support his or her native country.
- Contributes to charities in the native country or provides financial assistance to causes or individuals in that country.
- Makes references to wanting to return and live in the native country, for example, to retire there or be buried there.
- Maintains regular communication with individuals in the native country who share the same professional interests and expertise.

Vulnerable to Influence or Manipulation

All types of foreign contacts present some risk of foreign manipulation or influence. Friends, immediate family members, extended family members, and business and professional contacts all provide a potential avenue for a foreign intelligence service or other intelligence collector to contact, assess, develop, and attempt to obtain classified information or other protected information from an American target. Whether or not a specific foreign contact presents a disqualifying risk depends upon a combination of other factors including, but not limited to, the following:

- Foreign country or region where the contact is located.
- Closeness and frequency of the contact.
- Occupation, activities, and interests of the foreign contact, especially any occupation or interests that might cause the foreign contact to be interested in the types of classified or other protected information to which the subject has or will have access.
- Any circumstances that might cause the subject of investigation to have conflicting loyalties or a conflicting financial interest.
- Any circumstances or behavior by the subject of investigation that might have attracted the attention of the local security or intelligence service.

Vulnerable to Pressure or Coercion

Foreign intelligence officers have a good understanding of human psychology and how to manipulate people. They will generally avoid outright coercion whenever possible, as they know that a willing spy will be more effective and more trustworthy than one who is pressured. They will typically ask for cooperation and may offer inducements rather than threats. The foreign intelligence or security service can make a relative or friend's life better or worse and is more likely to be successful with the carrot than the stick. If it is an authoritarian government and the subject fears what the local authorities might do, the authorities may not need to make the threat explicit in order to be successful. Once a recruitment target has provided any information at all or has accepted any money or other benefit, that

individual is now compromised. This compromise then becomes the basis for continued control by the intelligence service.

Actual coercion is most likely to be used when the subject is caught engaging in some illegal activity, or when the subject is caught in a trap laid by the local intelligence or security service and made to believe that he or she is in serious trouble. For example, in one Middle Eastern country, an altercation between local nationals and three Americans visiting the country on official business was staged at a cafe. The police responded and took the Americans into custody. At the police station, questions posed to the Americans quickly shifted from inquiries about the incident at the cafe to questions about the nature of the Americans' duties while in the country. In instances such as this, the subject may be released quickly, with no attempt at recruitment. However, should the subject display weakness under pressure and a willingness to divulge information, a recruitment pitch may be made. Individuals caught in these circumstances may fail to report the incident to U.S. authorities out of fear or embarrassment.

When providing assistance to foreign relatives, it is easy to commit minor violations of complex currency exchange laws or laws concerning the import of foreign medicine, for example. The local security or intelligence service might exploit this by arresting the relative, making the subject feel guilty for getting the relative in trouble, and then requiring cooperation from the subject as a condition for release of the relative. There are many varieties of entrapment operations such as this.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;*
- (b) *connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information;*
- (c) *counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security;*
- (d) *sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion;*

- (e) *a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation;*
- (f) *failure to report, when required, association with a foreign national;*
- (g) *unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service;*
- (h) *indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion;*
- (i) *conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.*

Six of the nine potentially disqualifying conditions under the [Foreign Influence](#) guideline (page 157) are conditions that are potentially disqualifying *only if they cause heightened risk of foreign influence, exploitation, inducement, manipulation, pressure, or coercion*. Any foreign contact involves some risk of foreign influence or exploitation. Each of the disqualifying conditions applies only if there is an unacceptable level of risk. Therefore, much of this chapter is devoted to discussing [Criteria for Judging Security Risk](#) (page 165). The investigation needs to provide this type of risk information in sufficient detail for the adjudicator to assess the risk associated with each foreign contact, activity, or financial asset.

Failure to report association with a foreign national when this is required is also potentially disqualifying. Requirements for reporting foreign contacts vary depending upon level of clearance and organizational policies. Failure to report as required raises the question of whether the individual has something to hide or is unwilling to follow required security procedures. Adverse adjudicative action might be considered only if the failure to report is judged to be deliberate or the contact raises security or counterintelligence concerns.

Ongoing association with an individual suspected or known to be an agent, associate, or employee of a foreign intelligence service must always be reported. An individual's failure to do so may be disqualifying. When such contact is suspected, the adjudicative office usually consults with the appropriate counterintelligence authority. Information on such unreported contacts sometimes comes from counterintelligence sources.

Finally, adverse adjudicative action may be taken if counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security. It may be difficult for some agencies to use classified information as the grounds for denial or revocation of clearance must be provided to the individual concerned. For other agencies, however, classified information is sometimes the strongest basis for

adverse adjudicative action. This potentially disqualifying condition facilitates the use of classified information by those agencies.

Criteria for Judging Security Risk

Closest Foreign Contacts: Adjudicators need to learn from the investigation which of the subject's friends, family members (both immediate and extended family), business contacts, or professional associates are the ones to whom the subject feels the closest ties. These close ties might be ties of affection, obligation, common interests, or loyalty.

The stronger the ties, the more vulnerable the subject is to being manipulated if the friend, relative, or other close associate is brought under control and exploited by a foreign intelligence or security service. The risk also depends on the occupation and interests of the subject's close contact(s), as discussed below.

Most Frequent Foreign Contacts: Adjudicators need to know which of the subject's foreign contacts the subject communicates with most frequently. This includes communication by phone, e-mail, instant messaging, traditional mail, or in person. The frequency and method of communication is an independent measure of the closeness of an association. New telecommunications technologies are making it much easier and less expensive to maintain frequent contact with persons living in other countries. Foreign contacts with whom the subject communicates only once or twice a year for holiday or birthday greetings are generally not a security concern.

Repeated travel to the subject's country of birth is noteworthy. It raises questions about the purpose of the trips and suggests close ties with family or friends in that country.

Foreign Contact's Occupation and Interests

Adjudicators also need to know whether any of the subject's foreign contacts have occupations or interests that might cause them to be interested in classified or other protected information to which the subject has access or is likely to gain access if a clearance is granted. Such occupations often include the government, military, law enforcement or security agency, a research institute or university, or any business that produces weapons or equipment for the military. Foreign contacts involved in journalism or any form of political activism might also be interested in classified or other protected information.

If one or more of the subject's foreign contacts has an interest in obtaining protected information to which the subject has access, the subject may experience a conflict between a desire to help a friend or the foreign country and the obligation to protect sensitive information. The foreign contact, or someone associated with the foreign contact, might seek to exploit the relationship to obtain the information,

or the subject may become motivated to provide information voluntarily to assist the friend or the friend's country.

Several types of subjects often have contacts with people who would be interested in the classified or other information to which the subjects have access. These subjects include:

- Individuals who first came to this country for their undergraduate or postgraduate education and then remained here. These individuals often maintain contact with school friends in the same field in their native country.
- Individuals whose jobs involve frequent attendance at international conferences often develop close personal relationships with foreign colleagues in their field.
- Government officials who develop personal friendships with their official contacts in other countries.

Family Members

The personnel security form requires information only on immediate family members. However, security concerns are not limited to immediate family members. In many parts of the world, including areas that are a fertile ground for recruitment of terrorists, the extended family plays an important role in an individual's life. Some societies view cousins and other kin as equivalent to brothers and sisters, and extended families often occupy and grow up in the same house. In some countries of significant security concern, family loyalty extends not only to the extended family but also to the tribe or clan. Also see section on [Vulnerability to Pressure or Coercion](#) (page 315).

The subject's personal feelings of affection or obligation and the frequency of contact are more important than the exact nature of the family relationship. The closeness of the family ties may be affected by subject's early childhood experiences, relationship with parents or siblings, age upon leaving home, reasons for leaving home, and reasons for leaving the home country.

Frequency of contact with foreign relatives and number of relatives that are contacted are one measure of the extent to which a naturalized American citizen continues to identify with his or her native country. As a result of advances in telecommunications, contact can now be immediate, frequent, and inexpensive. This makes it easier for immigrants to the United States to remain closely tied to their country of origin. Another indicator of closeness is when foreign family members visit the United States and stay with the subject.

If the subject provides material support to the foreign family, such as money, clothing, or medicine, this shows that the subject feels a sense of obligation to or concern for the foreign family. This is potentially exploitable by the intelligence or security service in some countries, especially authoritarian countries where the police and security forces are feared by the local population. If the subject is a

potential recruitment target, local law enforcement agencies may find or trump up an alleged legal violation committed by either the subject or the family in connection with the import of foreign currency, exchange of foreign currency, import of medicines, or even the import of clothing. This is a tactic that foreign intelligence services sometimes use to establish the initial contact with a recruitment target.

Indicators that a foreign security or intelligence service may be seeking to assess the subject's vulnerabilities may become apparent to either the subject or the subject's family members. These indicators might include any of the following:

- Signs that mail to or from the subject's relatives is being monitored or read.
- Signs that telephone calls or e-mail to or from foreign relatives are being monitored.
- Discreet or official inquiries to the foreign relative or associate about the subject.
- The foreign relative has any type of difficulty with local authorities, or asks for money or medicine under circumstances that seem unusual.
- Any unusual contact between the subject and police or security authorities during foreign travel, especially foreign officials contacting the subject under any pretext while subject is visiting with relatives in the foreign country.

Scientific and Technical Personnel

High-technology industries in the United States, including defense industries, have become increasingly dependent upon foreign-born personnel who came to this country for educational and economic opportunities, not as political refugees escaping their homeland.

The ties that bind scientific and technical professionals to their foreign colleagues are usually based on common professional interests, sometimes a common economic interest, and often a common interest in furthering the development of technology in their native country. An increasingly common type of case is the foreign-born individual who comes to America to pursue educational and/or employment opportunities, often in science or engineering, stays in this country after obtaining a graduate degree, becomes an American citizen, and then obtains a security clearance.

A 1999 survey of 2,273 Indian and Chinese (including Mainland China, Hong Kong, and Taiwan) immigrant high-tech professionals in Silicon Valley, CA, examined their continuing relationships with their native countries. The survey found that 82% of the foreign-born respondents shared technological information with colleagues in their native countries, and 28% did this on a regular basis. Half of the subjects reported traveling to their native country for business at least yearly, and

5% made five or more trips per year. Thirty percent of respondents participated in meetings with government officials from their native countries.⁶

About 60% of respondents to this survey were U.S. permanent residents but not U.S. citizens, while the other 40% had become U.S. citizens. With one exception, the report of this survey does not provide separate numbers for permanent residents as compared with U.S. citizens. That exception deals with the likelihood of returning to the native country. Of respondents who had become naturalized U.S. citizens, 25% said it is either “quite likely” or “somewhat likely” they will one day return permanently to their native country.⁶

The pattern of these immigrants’ continuing relationships with their homelands demonstrates a desire to support the growing technological capabilities and economic development of their native countries. In most cases this is entirely consistent with the individual’s obligations to the United States. The U.S. Government supports these same goals. It supports economic and technological development, the growth of a market economy, and in some cases a strong military in the countries from which these immigrants come.

However, U.S. interests and the interests even of our friends and allies are not always identical, especially when it comes to classified or dual-use military technology. Individuals with divided loyalties may encounter situations in which their desire to help their homeland is in conflict with their obligations to the United States. This presents some risk that an individual will cooperate voluntarily with a foreign interest based on personal friendship with a fellow professional, a feeling of obligation to support the economic development or military defense of the native country, or a financial interest in facilitating a business relationship with the native country.

Before approving access to classified information, the adjudicator must judge how the subject is likely to react if the subject gains access to classified technology or information that must be protected, while knowing that this technology or information would have significant value to a friend, company, or the government of the subject’s native country. One way to do this is an assessment of competing identities. Competing identities are the dual self-identifications experienced by individuals who were born in a foreign country but have since established their residence in the United States. This procedure is discussed above under [Divided Loyalties and Competing Identities](#) (page 159). Indicators are used to assess the degree to which the individual remains identified with his or her native country and the degree to which he or she has assimilated American values. Strong identification with the native country plus limited assimilation of American values is indicative of increased risk.

Business Relationships

An individual who buys or sells a product or service in a foreign country is often dependent upon the good will of one or more foreign nationals for his or her success. This creates some vulnerability. The purchase or sale is often a negotiation in which buyers and sellers bargain over price, quantity, or quality.

It is not unusual for personal favors and financial inducements to become part of the negotiating and bargaining process in international business transactions. When a foreign company perceives that its American counterpart has access to information that is not being shared, various means are sometimes used to obtain that information.

Some companies or governments have been known to suggest, either directly or indirectly, that disclosure of certain information may help to close the deal. One inducement is to offer the American a private contract as a “technical consultant” to help the company “improve its products.” The American businessman and businesswoman with a security clearance then faces a conflict between their personal interest (a successful business transaction or profitable consulting contract) and their obligation to protect classified or other sensitive information or technology.

This was not a problem several decades ago when the defense industry was largely separate from the rest of the industrial establishment. Today, much defense technology is dual-use technology, that is, it has both military and civilian uses. In one case a defense contractor was in the awkward position of trying to sell an approved-for-export version of a product to a country whose intelligence service was seeking to acquire from that company, by espionage, the classified version of the same technology.

For a cleared individual with foreign business connections, adjudicators should know the extent to which a subject’s earnings or job depends upon the good will of any foreign individual, company, or government. In some cases, it may be appropriate to ask the subject what he or she would do if the success of the business relationship depended upon the subject’s willingness to provide information the subject is responsible for protecting.

Foreign Citizen Spouse or Cohabitant

If the subject’s spouse is not a U.S. citizen, the adjudicator should understand why. Is the spouse not yet eligible to apply? Is the spouse interested in becoming a U.S. citizen but has not gotten around to applying? Has the spouse decided not to become a U.S. citizen? It is not unusual these days for a foreign spouse to have no desire or intent to become an American citizen. The adjudicator may wish to consider whether this presents some risk. A spouse or cohabitant who has had an opportunity to become a citizen but decided not to may be a greater security

concern than a person who has just come to America and intends to become a citizen as soon as possible.

One requirement for an SCI clearance is that all immediate family members are American citizens. The term immediate family includes the subject's spouse or cohabitant. Exceptions to this requirement are allowed based upon a specific national security requirement and a certification of compelling need by a Senior Official of the Intelligence Community (SOIC) or his or her designee.⁷ This is discussed further in the [Foreign Preference](#) chapter in the section on [Citizenship of Immediate Family Members](#) (page 193). The process and requirements for becoming a naturalized American citizen are described in the section on [U.S. Citizenship Procedures](#) (page 197).

Foreign Financial Interests

Financial or property interests in a foreign country are a potential source or indicator of foreign influence. This includes foreign bank accounts, stock in foreign companies that is not sold on public markets in the United States, private equity ownership interest in a foreign business, and foreign real estate. (It usually does not include ownership of foreign stocks, bonds, or mutual funds that are purchased on public markets in the United States.)

Adjudicators should know the approximate value of the foreign assets in U.S. dollars and approximately what this amounts to as a percentage of the subject's overall income or financial net worth; how and why the subject initially acquired the foreign holdings; the level and frequency of the subject's involvement in managing the property or financial holdings or running the business; any income or dividends generated by the foreign financial interests; and any plans the subject may have to either expand or divest these interests, or transfer them to the United States or another country.

The adjudicator should be alert to any issues raised by the subject's financial holdings. Can a foreign organization or government bring pressure to bear on subject because of the holdings? Why does the subject maintain financial interests or property outside the United States? Does the subject plan to move or retire in the foreign country? Some foreign assets might raise the possibility of unexplained affluence. How did the subject initially acquire the foreign holdings? Can he or she provide proof that these financial assets are from a legal source? If the subject is reporting significant financial gain from profits, dividends, or an inheritance from outside the United States, can he or she provide documentation proving the source of the funds?

American Students Abroad

One semester of study abroad is increasingly common for American college students. As a general rule, this type of study abroad is not a security concern

unless the individual has family in that country, is a dual citizen of that country, or there is some specific indicator of concern. If the study is in a country where the student might be targeted by the local intelligence service or a dissident or terrorist group, it is advisable for the investigator to seek out and interview a fellow student who knew the individual while studying abroad.

Periods of study abroad for one school year or longer for the express purpose of learning the foreign language and culture because of family associations or to pursue career goals related to that geographic area are a potential concern. Such individuals are priority targets for the local intelligence service as they might be expected (or could be directed) to gain employment upon their return to America in a position that provides access to information of interest to that intelligence service. The foreign intelligence service has the time to assess, recruit, and train such an agent in a secure environment.

If the individual is nominated for a security clearance after returning from such study, the adjudicator will often ensure that the investigation identifies and interviews one or more persons who knew the student at the time of his or her overseas study. Very detailed questioning of the subject on his or her foreign contacts and activities is also appropriate.

NSEP Grant Recipients: Special consideration is warranted for Americans whose foreign study was funded by the National Security Education Program (NSEP). U.S. national security agencies have urgent needs to hire individuals with knowledge of foreign languages and cultures in regions of national security interest. The NSEP was created by Congress to help develop a pool of U.S. citizens with international professional skills including linguistic and cultural expertise. NSEP awards scholarships and fellowships for overseas study in selected areas to individuals who are screened and selected, in part, based on their career goals and motivation to seek federal employment.

Among other activities, the NSEP grants scholarships and fellowships to American students to study in areas such as the Middle East, Central and South Asia, Russia, and China. These are called Boren Scholarships for undergraduates, Boren Fellowships for graduate students, and National Flagship Language Program (NFLP) Fellowships for more advanced training in certain critical languages. Recipients of this government funding accept an obligation to seek employment with an agency or office of the federal government involved in national security affairs, and the NSEP actively assists award recipients in finding such employment.

Adjudicators should keep in mind that a NSEP award recipient's foreign residence, development of foreign contacts, and exposure to foreign influence has been sponsored by the U.S. Government to help meet an important national need. Therefore, if an issue arises, such an individual should usually be given the benefit of the doubt. The security clearance process should treat the NSEP program as it would a government-sponsored foreign immersion training exercise for employees.

Any decision to deny or delay a clearance on the basis of an NSEP scholarship or fellowship recipient's activities while abroad should usually be referred to a senior manager to weigh the security risk versus the government's need for this person's services.

Foreign Travel

Most foreign travel is normal and is not, by itself, a security concern. There is a security concern, however, about certain patterns of travel and about some of the things that can happen during foreign travel. Americans who have access to classified or other protected information are frequently assessed and occasionally recruited while traveling abroad. Americans are far more vulnerable when living or traveling on the other country's home turf. Foreign governments and others trying to obtain classified or other protected information from Americans have many more resources available and are more confident and aggressive when operating in their home country.

Unfortunately, most reference sources contacted during the investigation have very little information about a subject's behavior during foreign travel. The best independent sources are friends or coworkers who traveled abroad on business or vacation with the subject or have been assigned abroad with the subject. They may be well-informed about the subject's contacts and behavior while abroad.

The significance of foreign travel depends upon the country involved and the nature of the subject's contacts in that country. The risk that foreign contacts of American travelers will be exploited by the local intelligence or security service, or by other organizations or groups in the foreign country, is substantially greater in some countries than in others. Higher risk countries include the following:

- Countries in which government or nongovernmental entities are known to conduct a systematic program of intelligence collection operations against the United States, including the exploitation of American visitors to that country. See the discussion of such countries under [Foreign Threats](#) (page 159).
- Any country where the subject has relatives, friends, or business or professional associates in positions where they might benefit from classified or other protected information to which the subject has access. This may raise a question of conflicting interests or divided loyalties.
- Countries where there is a significant risk that a subject's contacts in that country may be associated with terrorism.

Suspicious Travel

Americans who voluntarily sell classified or other protected information to a foreign entity sometimes travel abroad to make the initial contact. Some Americans who are already spying for a foreign organization travel periodically to a foreign country

to meet with their foreign handler, as this is often safer than meeting in the United States. Americans supportive of terrorist movements sometimes travel abroad for terrorist training.

In all such cases, the purpose of the travel, and sometimes even the fact that one has traveled abroad, would need to be concealed. Travel abroad for ulterior purposes is sometimes explained as a visit to foreign family, a business trip, or vacation. Experience over the years has identified a number of observable indicators that the true purpose of travel may be being concealed. These include:

- A pattern of short-duration travel, usually over a weekend, and usually to the same foreign location. This can indicate illegal activity, including periodic meetings with a foreign intelligence officer. Such travel is particularly important when not reported by the subject but learned from other sources such as an ex-spouse.
- Travel to attend an Islamic religious school (madrassa). This may be legitimate, but it is often used as a cover for training at a terrorist camp.
- Repeated travel to any country where the subject has no apparent family or business connections, especially to countries and areas that are not common vacation destinations. Why is the subject traveling there?
- Unreported side travel within a foreign trip. Circuitous travel and unusual routings can indicate that an individual is trying to disguise the actual destination or hide activities that took place.
- Expensive foreign travel which is unusual for subject's age, family responsibilities, and apparent income. What is the source of funds for the travel?
- Destination of the travel seems inconsistent with the stated purpose. For example, it would be unusual for an individual who has seldom traveled overseas to travel on "vacation" to Syria.
- Duration of the trip is not consistent with a typical vacation. Most people will take at least a week to two weeks for a vacation trip out of the United States. It would be unusual for someone to pay for a trip to Europe, for example, and then spend only two days there. Short trips out of the United States have frequently been an indicator of illegal activity. Similarly, a vacation of a month or more, particularly if the subject has limited financial means, would be unusual. Longer trips out of the United States have been used as periods for training and indoctrination with terrorist organizations.
- If the subject is married but traveled alone without the spouse, why?

Noteworthy Events during Travel

Many things of potential adjudicative or investigative interest can happen during foreign travel. If such events are identified during the investigation, the adjudicator needs to have sufficient detail to assess potential security ramifications.

Security-Related Incidents: Americans traveling abroad, especially those traveling on government or commercial business or attending conferences, seminars, or trade shows of intelligence interest, often note signs of foreign intelligence activity. This includes bugging of the subject's phone or hotel room, the subject being followed, search of the subject's luggage or laptop computer, or efforts to elicit classified information. The fact that a subject is a foreign intelligence target is not, by itself, adverse information about the subject. However, it does increase the importance of knowing if that subject has any weaknesses or other circumstances that may make him or her susceptible to foreign recruitment.

Any involvement with law enforcement, customs, or security officials is also of security interest. Foreign intelligence and security services sometimes find, or deliberately contrive, reasons to detain and question American visitors. Americans may be threatened with imprisonment or other harsh punishments unless they agree to provide some form of assistance to the foreign government. This may be the start of a recruitment plan. It may just be a test to see how the target reacts under pressure, or it may be done as a warning to other Americans who are engaging in activities that the foreign government deems undesirable. Sometimes the American may be allowed to pay a "fine" on the spot to avoid arrest and not make a court appearance. Believing there is no formal record of the incident, the subject may not report it unless specifically asked.

Foreign Contacts: If a foreign intelligence service or other intelligence collector identifies the subject as a desirable recruitment target, it will seek to assess the subject to identify any exploitable weaknesses. This often means maneuvering informants into personal contact with the subject. New contacts, and old contacts with whom the relationship changes, need to be assessed in this context. It is particularly noteworthy when another person:

- Asks inappropriate questions relating to the subject's classified work.
- Asks the subject to send him or her any type of *unclassified* information.
- Asks the subject to do research for him or her, or to work as a consultant.
- Expresses interest in, or talks to the subject about, the subject's personal problems, e.g., the cost of medical or college expenses for his or her children, a drinking or gambling problem, marital problems, unhappiness with his or her employer, etc.
- Shows a surprising level of knowledge about the subject's personal life, job, or classified work.

- Makes a point of developing a personal (not work-related) relationship with the subject, or with whom the subject plans to take the initiative in maintaining future personal communication.
- Is someone with whom the subject had an amorous or sexual relationship.
- Solicits the subject to engage in any type of illegal or potentially compromising conduct.
- Asks the subject to carry letters or packages into or out of the United States, or from one foreign country to another.
- Contacts the subject unexpectedly from the foreign country after the subject returned to the United States.

Behaviors of Potential Concern: Some Americans seem to think that the rules they normally live by at home no longer apply when outside the United States. They act out and engage in behaviors they would normally not indulge in at home. Such persons feel that they have anonymity and are safe from exposure when outside the United States while, in fact, they may be at high risk of being spotted and pressured with threats of exposure to cooperate with a foreign intelligence service. Such activities are of security concern because they may be in violation of local laws, and because of the message they convey to a foreign observer about a person's weaknesses and potential vulnerability to recruitment as a spy.

Behaviors that may be and often are exploited by a local security or intelligence service include: smuggling anything to or from a relative or friend, black market currency exchange, sexual activity that is illegal or would be embarrassing if it became public knowledge, drug purchase or use, public drunkenness, traffic violations, any argument with officials of the foreign country, illegal export of antiquities, contact with dissident groups opposed to the government, or distribution of religious or political literature that is against the law in that country.

Special Purpose Travel

Most foreign travel is for vacation, business, education, or to visit family. There are some specific travel purposes that need to be addressed separately. These include "religious training," tax havens, sex tours, mail order brides, arranged marriages, and adoption of children.

"Religious" Training: Most training of terrorists is done in training camps overseas. That requires a cover story to explain the purpose of the travel and one's absence for a couple weeks to several months. The most common cover story is religious training or attendance at an Islamic religious school (madrassa). Arabic language training may also be used to explain the travel. Such travel is, of course, sometimes legitimate. Any foreign travel for religious or Arabic language training needs to be evaluated in the context of the subject's employment, past travel pattern, financial status, and how the travel was arranged and who paid for it.

Tax Havens: Repeated travel to any country that serves as a tax haven where a subject might be maintaining an undisclosed bank account is a potential concern. Are there indications of unexplained affluence? The Organization of Economic Co-operation and Development (OECD) identifies 39 countries or jurisdictions it considers to be tax havens. These are: Andorra, Anguilla, Antigua and Barbuda, Aruba, Bahamas, Bahrain, Barbados, Belize, Bermuda, British Virgin Islands, Cayman Islands, Cook Islands, Cyprus, Dominica, Gibraltar, Grenada, Guernsey, Isle of Man, Jersey, Liberia, Principality of Liechtenstein, Malta, Republic of the Marshall Islands, Mauritius, Principality of Monaco, Montserrat, Republic of Nauru, Netherlands Antilles, Niue, Panama, St. Christopher (St. Kitts) and Nevis, St. Lucia, St. Vincent and the Grenadines, Samoa, San Marino, Seychelles, Turks & Caicos, U.S. Virgin Islands, and Vanuatu.⁸

Many tax havens and offshore banking facilities are located in the Caribbean and other vacation destinations. Persons making repeated short trips to the same country need to be questioned closely concerning any financial activities conducted on the trips and whether they carried unusual sums of money. Whenever a subject admits to moving financial instruments into or out of the United States, adjudicators need to know the amounts involved, purpose of the transaction, other parties involved, financial benefits to the subject, existence and amounts of any foreign accounts held by the subject, and whether the transactions were in violation of any U.S. or foreign law.

Sex Tours: Travel abroad for the purpose of seeking sexual gratification is a thriving industry, and it is a security concern because it is easily exploited by foreign intelligence services for the identification and assessment of American targets. Travel agencies advertise “sex tour” packages on the Internet and in magazines. Tours for men provide a variety of sexual companions or allow selection of a single companion for the entire tour. Favored destinations for [sex tourism](#) (see page 301) include Russia and the former Soviet republics, Asian countries such as Thailand, India, and the Philippines, and Latin American countries such as Mexico and Panama. More recently East European locations, such as Prague in the Czech Republic, are developing reputations as sex tour destinations.

Some of these tours cater specifically to deviant sexual practices such as pedophilia. The pedophiles travel in organized groups to countries where child trafficking rings provide minors for sexual purposes. Adjudicators should know that travel to any foreign country to have sex with a minor is a serious violation of U.S. law subject to a penalty of 5 to 30 years in prison. These same countries are also destinations for legitimate tourist activities. For this reason, the investigator needs to be alert for indications that reported travel was for other than a simple tourist vacation. Such indicators may include a pattern of repeated trips to suspect locations; nervousness or hesitation on the part of the subject in discussing a trip itinerary or reasons for going to a specific country; any mention by the subject of a sexual motive or involvement connected to the trip; or information from other

sources that the subject may be involved in unusual sexual interests when traveling abroad.

Persons who feel the need to travel outside the United States to pursue deviant sexual interests will frequently take photos or obtain souvenirs relating to their activities. Sometimes a line of questioning concerning whether the subject did any photography on the trip, or the type of souvenirs brought back and their significance, can be revealing.

Mail Order Brides: Internet and other advertising for mail order brides or tours to meet marriageable young women is commonplace and apparently effective. Countries frequently involved include Russia, Ukraine, Belarus, and the Philippines, but a number of other countries also offer such services. An Internet search on “mail order brides” turns up over 1 million hits. U.S. military personnel are known to have found Russian brides through such advertisements. Some individuals have made repeated trips abroad to meet prospective marriage partners with no intention of getting married. They just use the trips to take a vacation with free sexual benefits.

Any travel to meet prospective spouses initially contacted over the Internet, or through magazine ads or businesses specializing in arranging meetings with potential foreign spouses, needs to be carefully evaluated. It is easily exploited by the foreign country’s intelligence service. The relationship between sex and spying has a long and colorful history, and the exploitation of amorous relationships to dispatch agents to foreign countries is an established intelligence *modus operandi*. If a subject of investigation brings back a mail order bride from a higher-risk country, this may be disqualifying due to counterintelligence concerns.

The adjudicator needs details of how the trip was arranged or how the introduction was made over the Internet, the identity of the partner, any financial arrangements or fees paid, and plans for bringing the partner to the United States. The involvement of any foreign organizations, either governmental or commercial, needs to be identified. Was subject required to fill out biographic forms in any kind of detail? Was the subject interviewed at length by any foreign entity? Was the subject asked to perform any act or service to facilitate the marriage process or to obtain an exit visa for the desired partner?

Arranged Marriages: First and second generation immigrants from the Middle East, as well as from India, elsewhere on the Asian subcontinent, and some other countries, frequently marry a person selected by their family in the native country with little or no input from either of the parties to the marriage. The adjudicator needs to assess what this means about the subject’s assimilation of American culture and values. Are there obligations to family or clan that the subject takes on by marrying a partner from the home country?

Adoption: Persons seeking to adopt a foreign baby are often involved in prolonged negotiations with a foreign organization. Occasionally, they are subjected to

coercion and extortion to facilitate the adoption. It is desirable for the adjudicator to know how the adoption was arranged and what agency is or was involved, whether the subject was required to submit biographic data in detail or be interviewed by any foreign entity, and whether the subject was required to pay bribes or questionable fees or to provide some service in exchange for the adoption being allowed to proceed.

Mitigating Conditions

Extract from the Guideline

- (a) *the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.;*
- (b) *there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;*
- (c) *contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;*
- (d) *the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;*
- (e) *the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country;*
- (f) *the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.*

The following discussion elaborates on the above mitigating conditions.

Conflict of Interest Is Unlikely

There is little likelihood of a conflicting interest if the subject has no foreign contacts in positions where they would be interested in the classified or other protected information to which the subject has access. Conflicting interests are also unlikely if contacts in the foreign country are only distant relatives or contact is indirect or infrequent. Likewise, conflicting interests are unlikely when foreign

contacts or financial interests are located in a foreign country that does not normally conduct intelligence operations against the United States.

Some potential for a conflicting interest might be mitigated if the subject fully understands the potential security problem, has a scrupulous record of following rules and regulations, has no known weaknesses or vulnerabilities, and can be counted on to report immediately any security issue that may arise.

Not Vulnerable to Foreign Influence

There is little possibility of undue influence if the subject has no feeling of loyalty or obligation to a foreign interest, and there are no circumstances or past behaviors that might make the subject vulnerable to pressure or coercion. A naturalized citizen's vulnerability to foreign influence may be reduced if he or she came to America as a youth or has been here long enough to assimilate American values and culture.

Contacts are Casual and Infrequent

Contact is clearly casual and infrequent if it is limited to a twice-yearly exchange of holiday or birthday greetings with a relative or former school friend one no longer sees. Whether contact qualifies as infrequent depends upon the nature and circumstances of the contact. Annual travel to a foreign country to visit family might be considered frequent, but an annual phone call would not be frequent. Contact with a foreign official in the United States is casual when it occurs as an incidental by-product of other activities, such as attending a party where a foreign official is also present.

Contacts Are on Government Business

Foreign contacts on U.S. Government business are not a security concern as long as the subject follows all appropriate procedures and regulations regarding reporting these contacts. Failure to follow appropriate procedures and regulations may be a security concern. If a government contact develops into a personal relationship independent of government business, the rules for personal contacts apply.

All Contacts Are Fully Reported

The [Foreign Influence](#) guideline is not intended to discourage cleared personnel from maintaining foreign contacts. The goal is to monitor contacts and ensure that personnel receive appropriate guidance for handling them. Security concern is mitigated if the subject has promptly reported to proper authorities all contacts, requests, or threats by persons or organizations from a foreign country, as required.

If an individual is targeted or approached for cooperation by interests hostile to the United States, this is often not derogatory and does not need to be mitigated as long as all relevant information is reported promptly and fully to proper counterintelligence or security authorities. Counterintelligence authorities need to evaluate why the subject was selected for special attention and to assess the completeness and accuracy of subject's account of what happened.

Financial Interests Are Minimal

For purposes of this guideline, foreign financial interests are minimal if control over those assets could not be used to put pressure on the subject of investigation. This depends upon the amount of the assets, the subject's overall financial situation, and what alternatives the subject would have if the foreign financial interests had to be abandoned. However, there may be other issues relating to how and why the financial assets were acquired and where or why they are being maintained.

Foreign financial assets are potentially disqualifying, and therefore need to be mitigated, only if they are "substantial." Foreign assets that might be considered not substantial from a Foreign Influence perspective include:

- Ownership of vacation property in Canada, Mexico, or the Caribbean.
- Ownership of a vacation timeshare anywhere.
- Ownership of stocks or bonds of any foreign company that is publicly traded on a U.S. stock exchange unless the value is over \$50,000 in a single company.

Endnotes

- ¹ Grieco, E.M. et al (May 2012). *The foreign-born population in the U.S.: 2010*. U.S. Census Bureau, *Current Population Reports*. Washington, DC: U.S. Government Printing Office. Retrieved Sept. 2012.
- ² Kramer, L.A., Heuer, R.J., & Crawford, K.S. (2005). *Technological, social, and economic trends that are increasing U.S. vulnerability to insider espionage* (Technical Report 05-10). Monterey: CA: Defense Personnel Security Research Center.
- ³ Gelles, M.G., & Krofcheck, J.L. (2006). *Behavioral consultation in personnel security: Training and reference manual for personnel security professionals* (Appendix A, Assessing Competing Identities). Fairfax, VA: Yarrow Associates.
- ⁴ Office of the National Counterintelligence Executive. (2005). *Annual report to Congress on foreign economic collection and industrial espionage - 2005* (NCIX 2005-10006). Washington, DC: Author.
- ⁵ Smothers, R. (2006, May 5). *Former Marine admits passing secret documents*. New York Times.
- ⁶ Saxenian, A. (2002). *Local and global networks of immigrant professionals in Silicon Valley*. Public Policy Institute of California. Retrieved March 16, 2006, from <http://www.ppic.org/main/publication.asp?i=160>
- ⁷ Director of Central Intelligence Directive 6/4, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information (SCI), Section 6: Exceptions to Personnel Security Standards.
- ⁸ General Accounting Office. (2004). *International taxation: Information on federal contractors with offshore subsidiaries* (GAO-04-293). Washington, DC: Author.

Foreign Preference

Relevance to Security	181
Citizenship Status Is Often Uncertain	182
Foreign Preference Issues Are Becoming Far More Common	183
An Increasing Number of Countries Now Allow and Encourage Dual Citizenship	183
An Increasing Number of Americans Have Foreign Backgrounds	184
Increasing Incentives for Americans to Obtain or Exercise the Privileges of Dual Citizenship	184
Lower Profile to Reduce Risk of Terrorism	184
Privileges within the European Union	184
India Offers New Benefits to Its Émigrés	185
Absentee Voting	186
Required Use of Foreign Passport	186
Potentially Disqualifying Conditions	187
Extract from the Guideline	187
Exercise of Foreign Citizenship	188
An Example of the Exercise of Foreign Citizenship	189
Obtaining Foreign Citizenship	190
Open Expressions of Preference	190
Examples of Past Espionage Cases	191
Frederick C. Hamilton	191
Thomas J. Dolce	192
Citizenship of Immediate Family Members	193
Mitigating Conditions	194
Extracts from the Guideline	194
Foreign Passport	195
Renunciation of Citizenship	196
Reference Materials	196
Glossary of Citizenship Terms	196
U.S. Citizenship Procedures	197
Citizenship Laws of Selected Foreign Countries	197
Library of Congress - Law Library	197
Department of State	198
Endnotes	198

Relevance to Security

Foreign Preference is an issue whenever a person acts in a way that indicates a possible preference for a foreign country over the United States. Such actions raise questions about a person's loyalty and allegiance, and how the person would behave if faced with a conflict between the interests of the United States and the interests of a foreign person, organization, or country. A preference for a foreign entity may

cause a person to make decisions that are contrary to the interests of the United States.

[Foreign Preference](#) is similar to [Foreign Influence](#) (page 157) in that both deal with potential conflicting foreign interests. Foreign Preference differs from the Foreign Influence guideline in that Foreign Preferences focuses on the legal obligations associated with foreign citizenship and expressions of foreign preference, as distinct from circumstances that indicate potential vulnerability to foreign influence. It differs from the [Allegiance](#) guideline (page 33) in that the individual is not seeking to overthrow or influence the U.S. Government or prevent others from exercising their Constitutional rights.

Citizenship Status Is Often Uncertain

Dual citizenship means that a person is a citizen of two countries at the same time. Dual citizenship, by itself, is not automatically a security concern, because many people have no control over their non-U.S. citizenship. Every country has its own citizenship laws, and they are quite different from one country to another. Some people automatically have dual citizenship as a result of the laws in effect in the country where they or one of their parents were born, rather than by choice.

It is not at all unusual for either a native-born American citizen or a naturalized American citizen to have an incorrect understanding of their dual citizenship status. The following are some of the circumstances under which this happens:

- A child born in the United States who has at least one parent who is now or was a foreign citizen, may be a foreign citizen as well as a U.S. citizen. Then again, such a child may not be. It depends upon the citizenship laws of the foreign country, not the laws of the United States, and there are several possible variations. It may depend upon whether the parent was a naturalized U.S. citizen at the time of birth, whether the parents registered the child as a foreign citizen at time of birth, whether the child is male or female, and whether the child had to register as a citizen of that foreign country at a certain age, usually 18, in order to maintain that citizenship.
- Some naturalized American citizens believe they are not dual citizens because they “renounced all foreign allegiances” when taking the oath of allegiance to the United States. However, their oath of allegiance to the United States may not be relevant in this regard. Their citizenship in the foreign country is governed by the laws of that country, not the laws of the United States, and it will often not be affected by their action to become a U.S. citizen. The foreign citizenship often remains in effect until such people follow prescribed procedures for renunciation of citizenship with the government of their native country.
- Some children born overseas of American citizen parents are under the impression that they are dual citizens of the foreign country in which they were born. In many cases they are mistaken. More likely, they had an option to

choose that citizenship at a certain age, usually 18. If they did not make such a choice, they are, in most cases, not dual citizens.

Foreign Preference Issues Are Becoming Far More Common

Foreign Preference issues are becoming increasingly common for three reasons: an increasing number of countries now allow and encourage dual citizenship, an increasing number of Americans have foreign backgrounds, and there are increasing incentives for Americans to exercise the privileges of foreign citizenship or even to obtain foreign citizenship. Because any exercise of foreign citizenship is potentially disqualifying, these changes have significant implications for the personnel security system.

An Increasing Number of Countries Now Allow and Encourage Dual Citizenship

For economic, political, and cultural reasons, other countries are taking legislative action to facilitate and encourage their emigrants to maintain ties with the “home” country. This is a new development. The number of foreign countries that allow their citizens to become citizens of one or more other countries has grown rapidly from 40 in 1996¹, to 89 in 2000¹, and over 100 in 2004.² For example, Mexico changed its law in 1998 to grant dual citizenship to naturalized U.S. citizens of Mexican origin. Among other things, dual citizenship makes it easier for American citizens of Mexican origin to purchase and inherit Mexican real estate.¹

It is estimated that almost 90% of all immigrants to the United States come from countries that now allow or encourage their citizens who emigrate to maintain dual citizenship. “Hoping to lure tourism, trade, and talent, Ireland and Italy encourage not only the children of their emigrants, but also the grandchildren of emigrants from an earlier generation to become dual citizens.”² Of the top 20 countries from which immigrants come to the United States, only three do not permit dual citizenship under any circumstances. These are China, Cuba, and South Korea.¹

When immigrants to this country become naturalized citizens, they take an oath of naturalization which includes a renunciation of all other loyalties and citizenships. However, U.S. courts have ruled that this oath of allegiance to the United States does not in fact result in renunciation of foreign citizenship. Although U.S. policy is not to encourage dual citizenship, our law does allow it. According to U.S. case law, renunciation of foreign citizenship must be specific and deliberate and be done to/with the other country.³ It is understandable, therefore, that many emigrants who are encouraged by their native country to maintain that citizenship may feel they can have the best of both worlds, with citizenship in both countries.

An Increasing Number of Americans Have Foreign Backgrounds

The total foreign-born population in the United States tripled, from 9.7 million to 28.5 million, during the 30-year period from 1970 to 2000, according to the U.S. Census. Over 10% of the U.S. population is now foreign-born. Twenty percent of all Americans either were born outside the United States or have at least one parent who was.⁴

The total foreign-born population in the United States quadrupled, from 9.7 million in 1970 to almost 40 million, during the 40-year period from 1970 to 2010, according to the 2010 U.S. Census. Almost 13% of the U.S. population is now foreign-born. Less than half have become U.S. citizens.⁴

Increasing Incentives for Americans to Obtain or Exercise the Privileges of Dual Citizenship

Interest in the privileges of dual citizenship is growing for many reasons. Some of the more specific incentives are discussed below. There also seem to be some cultural changes underway, whereby some younger Americans separate the legal concept of citizenship from the less tangible concept of loyalty. For some, a second citizenship is simply a practical reaction to the realities of working in a global economy. To others, it seems “cool” to think of themselves as an international person or a citizen of the world.⁵

Lower Profile to Reduce Risk of Terrorism

Owing to the increased risk of terrorism, many Americans who frequently travel abroad believe it is safer to travel on a foreign passport than an American passport. Many experienced travelers put a plain cover on their American passport to conceal their nationality from casual observers.

Privileges within the European Union

Any American who does business in Western Europe and is eligible for citizenship in a European Union (EU) country has incentive to obtain such citizenship. With some exceptions, a citizen of one EU country has the privileges of citizenship in the other EU countries. Citizenship in an EU country facilitates establishing residence and a business without the need for special permits anywhere in the European Union. It may provide access to free public health care and public education at all academic levels. For anyone working for an international company, citizenship in an EU country provides an advantage over one's peers. This citizenship enables one to be transferred almost anywhere in Europe without any hassle for the individual or the company.

The EU now includes Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain,

Sweden and the United Kingdom. The principal exception to equal treatment between all EU countries relates to travel. Internal border controls have been eliminated only between the signatories of the Schengen Agreement, which includes Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden (but not Ireland and the United Kingdom) plus Iceland and Norway (which are not EU members).

Most Americans with one parent who is a citizen of an EU country are eligible to obtain citizenship in that country. For Italy and Ireland, a single grandparent may be sufficient. Those countries grant citizenship based primarily on ancestry rather than place of birth. Many Americans with one grandparent who was an Italian or Irish citizen, and who can clearly document that ancestry, are eligible for that citizenship.⁶ It is also noteworthy that many individuals whose spouse is a citizen of an EU country, or eligible for such citizenship, may also be eligible for citizenship in the same country as their spouse.

India Offers New Benefits to Its Émigrés

Many countries are developing new programs to tie their émigrés closer to their home country, but none is more extensive than India's. Indian citizens who voluntarily acquire a foreign citizenship automatically lose their Indian citizenship. However, it is in India's interest to cultivate continuing contact with and maintain the loyalty of its large émigré population, so it has established two programs to achieve that goal.

Since 2002, American citizens of Indian origin can apply for a People of Indian Origin Card (PIO Card) which offers them all the rights of a Non-Resident Indian (NRI) citizen. They can admit their children to educational institutions in India under the quota for NRIs, buy nonagricultural property and benefit from various housing programs, and not have to register during visits to India if their stay is less than 180 days. They are not able to vote in Indian elections. Any foreign national who has ever held an Indian passport or anyone who has one parent, grandparent, or great grandparent who was born and permanently resided in India as the country was defined by the Government of India Act of 1935, or who was born or resided in any other territory that became part of India thereafter, is eligible to obtain a PIO Card. Only citizens of neighboring Pakistan and Bangladesh are excluded. The stated goal of this program is "renewing and strengthening the emotional bond amongst PIOs with the land of their origin" and encouraging them "to play an increasingly constructive role in the socioeconomic and cultural development of their country of origin."⁷

Since early 2006, most American citizens who are eligible for a PIO Card, as described above, are now eligible to register as an Overseas Citizen of India (OCI). Benefits of OCI status are a multiple entry, multi-purpose, lifelong visa for visiting India, exemption from registering with local police authorities for any length of stay in India, and parity with Non-Resident Indian citizens with respect to all economic,

financial, and educational benefits except the acquisition of agricultural or plantation properties. OCIs are not able to vote in Indian elections or hold high public office and normally cannot hold government employment. A registered OCI may be granted Indian citizenship after five years from date of registration provided he/she stays for one year in India before making application.

The eligibility criteria are slightly different than for the PIO Card. Eligibility criteria to become an OCI are as follows: any foreign national who was eligible to become a citizen of India on January 26, 1950, or was a citizen of India at any time after January 26, 1950, belonged to a territory that became part of India after August 15, 1947, and his or her children and grandchildren, provided that his or her country of citizenship allows dual citizenship in some form. Anyone who has ever been a citizen of Pakistan or Bangladesh is excluded. Upon approval of registration as an OCI, the Indian Embassy or Consulate issues two documents to the applicant. One is an OCI registration certificate in the form of a booklet. PIO Card holders must surrender their PIO Card at this time. The other is an OCI "U" visa sticker that the applicant pastes on his or her foreign passport. This is a permanent visa for entry into India. When the foreign passport expires or is replaced for any reason, a new visa sticker is issued.⁷

Indian law still formally prohibits dual citizenship. Indian authorities apparently consider the PIO and OCI programs consistent with this law as they do not grant *all* the privileges of Indian citizenship -- just most of them. It is noteworthy that an American OCI would travel to India on his or her American passport, not an Indian passport. However, the Indian Ministry of Home Affairs web site promotes OCI as "Dual Citizenship," and an application for OCI status or even PIO status is an application for benefits from a foreign country. It is comparable to an application for the benefits of foreign citizenship and may, therefore, be disqualifying.

Absentee Voting

Over 50 countries now allow absentee voting by their citizens living abroad. The number is increasing, with Mexico one of the most recent. Others that allow absentee voting by citizens living abroad include the United Kingdom, South Africa, Iraq, Netherlands, Philippines, Argentina, Columbia, Dominican Republic, Peru, and Venezuela.^{1,2}

Required Use of Foreign Passport

U.S. law requires that all U.S. citizens use a U.S. passport to enter and leave the United States. Some other countries have similar laws. They require their citizens, including those who have become naturalized citizens of the United States, to use their country's passport to enter and leave their country. If an American citizen uses a foreign passport to enter one of these countries, it does not endanger U.S. citizenship, but it is an exercise of foreign citizenship that is usually disqualifying for a security clearance.

Most countries do not enforce this law, but the law is enforced in at least three countries: Israel, Iran, and Brazil. In Iran, a dual citizen visiting the country is even required to obtain an exit visa in order to leave Iran.⁸

Applicants for a U.S. security clearance and clearance holders who are dual citizens of one of those countries, and want to be able to travel there, will have to formally renounce that citizenship in order to travel on a U.S. passport.

Some individuals are reluctant to renounce their citizenship because of family interests, or because it may affect their ability to conduct business or inherit property in that country. More important, renunciation of the foreign citizenship may be inadvisable for security reasons. Going through the renunciation process at the foreign consulate, and explaining the reasons for it, may put the clearance applicant in contact with a foreign intelligence officer under cover in the consulate whose job it is to assess and recruit such people. See [Renunciation of Citizenship](#) (page 196) for further discussion of this risk.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to:*
- (1) *possession of a current foreign passport;*
 - (2) *military service or a willingness to bear arms for a foreign country;*
 - (3) *accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;*
 - (4) *residence in a foreign country to meet citizenship requirements;*
 - (5) *using foreign citizenship to protect financial or business interests in another country;*
 - (6) *seeking or holding political office in a foreign country;*
 - (7) *voting in a foreign election;*
- (b) *action to acquire or obtain recognition of a foreign citizenship by an American citizen;*
- (c) *performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest;*

- (d) *any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.*

These potentially disqualifying conditions are discussed below under the following headings:

- [Exercise of Foreign Citizenship](#) (page 188).
- [Obtaining Foreign Citizenship](#) (page 190).
- [Open Expressions of Preference](#) (page 190).

DCI Directive 6/4 governing access to Sensitive Compartmented Information (SCI) has an additional requirement for access to SCI. All of the subject's immediate family members must also be U.S. citizens. There are provisions for exceptions under some circumstances. These are discussed under [Citizenship of Immediate Family Members](#) (page 193).

Exercise of Foreign Citizenship

Dual citizens owe allegiance to both the United States and the foreign country, and they are required to obey the laws of both countries whether they want to or not. The laws of foreign countries sometimes create privileges or obligations that lead to issues under the Foreign Preference guideline. However, dual citizenship, by itself, is *not* disqualifying because many people have no control over their foreign citizenship. The reasons for this are discussed above under [Citizenship Status Is Often Uncertain](#) (page 182).

If a person has taken any steps to obtain, maintain, or exercise any right, privilege, or obligation of a foreign citizenship after becoming an American citizen, this is a potentially disqualifying Foreign Preference issue. Examples of this include but are not limited to the following.

- Possession of a currently valid foreign passport is a concern even if it has not been used. Possession of an expired foreign passport is not a concern as long as the individual has no intention of renewing it. (It can be argued that even possession of an expired passport is a concern, as the individual could use this to apply for a current one. However, individuals will normally have other forms of documentation that can be used to obtain a foreign passport if they are eligible for one and want to obtain one. There is nothing the government can do to prevent an individual who is eligible for a foreign passport from getting one. However, if a person cannot be trusted not to obtain a foreign passport, perhaps that person should not be trusted with access to classified information. If a person has a compelling reason to have a foreign passport, perhaps possession of the passport should be approved as described under mitigating conditions for a foreign passport.)

- Registering for military service or serving in the military forces of a foreign country after becoming a U.S. citizen. Service in a foreign military involves swearing allegiance to that country. This can be a problem for some dual citizens. Some countries with compulsory military service, including South Korea, Israel, and Cuba, require even their citizens residing abroad to register and serve.^{8,9} If they do not, they may be drafted or imprisoned if they return to visit their country of birth.
- Accepting or exercising benefits (including but not limited to educational, employment, retirement, medical, or social welfare benefits) provided to citizens of a foreign country. Many countries make these benefits available to dual citizens.
- Registering with a foreign consulate or embassy to obtain such benefits.
- Traveling to or residing in a foreign country for the purpose of fulfilling citizenship requirements or obligations.
- Maintaining dual citizenship to protect financial interests or gain financial benefits. (In many countries, the laws pertaining to property ownership, taxes, business licenses, and inheritance are different for citizens and noncitizens. For example, a noncitizen cannot inherit property in Switzerland.)
- Voting in a foreign election. As noted above, about 50 countries now allow absentee voting by their citizens living abroad. Voting in a foreign election can be mitigated if such voting was encouraged by the U.S. Government, as in the 2005 Iraq elections. This is discussed further under Mitigating Conditions.

Travel to the other country of citizenship can become an issue under the [Foreign Influence](#) guideline (page 157), depending on the purpose and frequency of travel, foreign contacts during the travel, and actions while in that country.

An Example of the Exercise of Foreign Citizenship

The subject is a 40-year-old graphic artist being hired as a subcontractor by a defense contractor. She was born in the United States of an American father and French mother who was then a French citizen. She has traveled often to France and worked in France for four years, but was educated in the United States and considers herself an American.

Because her mother was a French citizen, the subject automatically became a French citizen at birth. Due to her American father and birth in the United States, she also became an American citizen at birth. At age 18, pursuant to the French Code of Nationality, she elected to remain a French citizen. This did not affect her American citizenship. Her mother subsequently became a naturalized American citizen.

While living in France for four years, the subject became part owner of a business in Paris. It was financially advantageous for all owners to be French citizens. The

subject returned to the United States three years ago to open a U.S. branch of the business. She still travels frequently to France and other European countries. She uses a French passport when traveling on business in order to protect her financial interests.

The subject's conscious decision at age 18 to retain French citizenship and her continuing use of a French passport to protect her financial interests in France indicate a disqualifying foreign preference. Although France is a friendly country, it has conducted intelligence operations against the United States. There is no overriding need for the subject's services; other graphic artists are available to the defense contractor.

Obtaining Foreign Citizenship

It is not unusual today for American citizens born in this country to seek voluntarily dual citizenship in a foreign country, usually a country in which they have some family heritage. Some of the reasons why Americans seek dual citizenship are discussed above under [Increasing Incentives for Americans to Obtain or Exercise the Privileges of Dual Citizenship](#) (page 184). However, any such action is potentially disqualifying.

A child born in the United States of a parent who is an American citizen but still has citizenship in his or her native country is often eligible to become a citizen of the parent's native country. For some countries, such as Italy and Ireland, even a grandchild may be eligible for citizenship. Because Italy and Ireland are members of the European Union, citizenship in these countries conveys benefits comparable to citizenship throughout most of Europe as discussed above.

An American citizen who voluntarily becomes a citizen of another country, and who takes an oath of allegiance to that country, does *not* lose his or her American citizenship unless this is done "with the intention of giving up U.S. citizenship," which is rarely the case.³ However, this action is usually disqualifying for an applicant for a security clearance or a holder of a security clearance.

Open Expressions of Preference

Due to family, ethnic, religious, ideological, or other loyalties, many loyal Americans actively support a foreign country or minority nationality or ethnic group. This is often a country or group that is struggling to gain or maintain its political independence or develop its economy. More often than not, it is a cause that is also supported by U.S. policy.

Many forms of support for a foreign country are entirely legal and proper. Some forms of support are illegal. It is illegal for a person with access to classified information to:

- Pass classified documents or other protected technology to foreign nationals without appropriate authorization, even though a person believes this will not harm or may even support U.S. interests. Classified information may be released to foreign nationals only by designated officials under the National Disclosure Policy.
- Improperly make or influence decisions to aid a foreign government or group beyond or contrary to official U.S. policy. For example, it would be illegal for an official in a position to influence or authorize the transfer of information or equipment to a foreign country to pursue a personal agenda that is different from government policy.

Some cleared personnel handle information or are in a position to make decisions that may help or harm a foreign individual, organization, or country. This information must be handled, or these decisions must be made, in a manner that is not influenced by conflicting loyalties. Any failure to do so is usually disqualifying.

Some individuals express such strong opinions or beliefs about another country, or about U.S. policy toward a foreign country or group, that it suggests an individual may be willing to circumvent U.S. policy or security regulations in order to help or harm a foreign individual, group, or country. The following are two examples from recent investigative reports. If such information comes from a credible source, it is usually disqualifying.¹⁰

- “Subject made repeated bitter comments about United States culture and policy in the Middle East. Subject stated his allegiance was to his family, Palestine, and Kuwait.”
- “Subject has stated that the United States is an ‘immoral country’ and he ‘hates the U.S.’ Subject indicated he is only in the United States ‘to make money.’”

Examples of Past Espionage Cases

Several Americans with security clearance have been convicted of espionage as a result of their desire to help a foreign country. They had persuaded themselves that they could pass classified information to a foreign country to help that country without harming U.S. interests. Two examples of this follow.

Frederick C. Hamilton

Frederick C. Hamilton was a civilian employee of the Defense Intelligence Agency assigned as a bilingual research technician in the Defense Attaché’s Office at the U.S. Embassy in Lima, Peru. He was arrested in 1991 for passing classified DIA reports to the Ecuadorian Military Attaché office in Lima.

Hamilton was unmarried, lived in an apartment on the economy rather than in the U.S. Embassy compound, and spent most of his free time associating with local citizens rather than Americans. He had learned Spanish from his Spanish mother.

He devoted much time to humanitarian efforts, helping a local community establish a hospital and volunteering assistance during a cholera epidemic. Hamilton was particularly impressed by his experiences touring sites where Peruvian civilians had been massacred by terrorists. Peru had a major terrorism problem at that time.

Hamilton learned in early 1991 that the Peruvian government was concerned about a possible border war with Ecuador. It was relocating troops to the Ecuadorian border that had been deployed against the terrorist threat. Two concerned officials from the Ecuadorian Military Attaché Office in Lima asked Hamilton if, in the event of war, they and their families could take refuge in Hamilton's apartment. Hamilton agreed.

Hamilton began to consider ways to reduce tensions between Peru and Ecuador. His colleagues in the U.S. Defense Attaché's Office agreed that if either side knew the true capabilities and intentions of the other, the tensions would be greatly reduced. However, it seemed unlikely that DIA Headquarters would grant approval in a timely manner to pass information to the Peruvians or Ecuadorians.

Hamilton identified so closely with the local citizens that he lost his ability to remain objective. He also had a disdain for "bureaucracy," which he saw as often hindering rather than helping U.S. foreign policy. He took it upon himself on two occasions to pass classified documents to the Ecuadorians. These included raw intelligence reports that could have compromised a confidential source. He was motivated by a desire to prevent a war between Peru and Ecuador and was not paid for his efforts. He rationalized that what he did would be in the best interests not only of the people of Peru and Ecuador, but also of the U.S. Government.

Although Hamilton's humanitarian efforts and desire to prevent a war were laudable, his unilateral action to compromise classified information cannot be condoned. He was sentenced to 37 months in prison.¹¹

Thomas J. Dolce

Thomas J. Dolce worked as a weapons analyst at the Army Materiel Systems Analysis Activity in Aberdeen, MD. From 1979 to 1983 he regularly provided classified information about Soviet military equipment to South African Military Attaches in Washington, DC.

Dolce had a long-standing interest in South Africa. In 1971, he resigned his government position (with a security clearance), sold his home and emigrated to South Africa. He returned to the United States because he was "disappointed with employment opportunities" there and frustrated by the one-year residency requirement before he could get a defense-related job. In 1973, his Secret clearance was reinstated and he began work at Aberdeen.

He wrote an unclassified paper on clandestine warfare and circulated it to the State Department, CIA, and the South African Embassy. Only the South African Embassy responded, and this led to the clandestine relationship.

Dolce was motivated by a desire to help South Africa rather than financial reasons. There is no evidence that he received money for his services. He reasoned that South African forces were confronted with Soviet equipment in neighboring Angola, and that the United States should be providing information on this Soviet equipment to the South Africans. He told FBI agents, he “believed he was doing for South Africa what the United States should have been doing,” but was sentenced to 10 years in prison for espionage.¹²

Citizenship of Immediate Family Members

Intelligence Community Directive 704 on Access to SCI, paragraph 5, specifies that “the individual’s immediate family must also be US citizens.” Immediate family is defined as “the spouse, parents, siblings, children, and cohabitant of the individual requiring SCI access.” Paragraph 6 authorizes exceptions to this requirement if there is “a specific national security requirement and a certification of compelling need.” A compelling need is defined as “a signed determination by a Senior Official of the Intelligence Community (SOIC) or his/her designee that the services of an individual are deemed essential to operation or mission accomplishment.” Paragraph 7(b) states that “When conditions indicate, investigation of immediate family members will be conducted to the extent necessary to permit a determination by the adjudicating agency that the provisions of paragraph 5 of this directive are met.”

ICD 704 defines three types of exceptions -- condition, deviation, and waiver. If an adjudicative facility grants access to classified information based on an exception, this needs to be documented in manner that ensures anyone checking on the person’s clearance status will be alerted to the exception.

Any exception to the ICD 704 citizenship requirement is a risk management decision. In addition to considering the need for the subject’s services, it is also necessary to consider the nature of the subject’s relationship with the family member, where the family member is located, the family member’s occupation and activities, and the security risks associated with the family member’s country of citizenship.

From a security perspective, the most important immediate family member may be the spouse or cohabitant. If the subject’s spouse or cohabitant is a foreign citizen, the adjudicator needs to consider whether or not this person is moving diligently toward becoming a U.S. citizen. It is not unusual these days for a foreign spouse to have no desire or intent to become an American citizen. A spouse or cohabitant who has had an opportunity to become a citizen but decided not to may be a greater security concern than a person who has just come to the U.S. and intends to

become a citizen as soon as possible. The process and requirements for becoming a naturalized American citizen are described under [U.S. Citizenship Procedures](#) (page 197).

Mitigating Conditions

Extracts from the Guideline

- (a) dual citizenship is based solely on parents' citizenship or birth in a foreign country;*
- (b) the individual has expressed a willingness to renounce dual citizenship; (c) exercise of the rights, privileges, or obligations of foreign citizenship*
- (c) occurred before the individual became a U.S. citizen or when the individual was a minor;*
- (d) use of a foreign passport is approved by the cognizant security authority; (e) the passport has been destroyed, surrendered to the cognizant security*
- (e) authority, or otherwise invalidated;*
- (f) the vote in a foreign election was encouraged by the U.S. Government.*

The phrase “cognizant security authority” in the mitigating conditions is used in two different ways. For the purpose of providing official approval for the possession or use of a foreign passport, the phrase cognizant security authority is usually interpreted to mean a high-level official within the relevant Department or Agency. For example, in the Department of Defense it means an official at least as high as the Director of Security within the Office of USD(I). For the purpose of supervising the surrender, destruction, or invalidation of a foreign passport, the cognizant security authority is an operational security officer within the subject's component or employer.

The easiest mitigating conditions to deal with are (a) and (c) above. If dual citizenship is involuntary, based solely on subject's birth in a foreign country or parents' citizenship in a foreign country, and the subject has not exercised or gained benefits from the foreign citizenship, the foreign citizenship is clearly not an issue. Similarly, if the rights, privileges, or obligations of foreign citizenship were exercised *before* the subject became an American citizen, that is usually normal and to be expected. It becomes an issue only if the rights, privileges, or obligations of foreign citizenship were exercised after taking the Oath of Allegiance to the United States.

Mitigating condition (f) was added because important elections in Iraq were in process as the updated [Adjudicative Guidelines](#) were going through the approval process. A heavy turnout in those elections was in the U.S. Government's interest. One can only speculate on how this might be handled in future Iraqi elections or elections in other countries where the United States may have a strong vested

interest in the outcome. This mitigating condition might be interpreted as giving senior security officials authority to approve such voting in selected cases that are clearly in the national interest.

Foreign Passport

Two mitigating conditions apply to possession or use of a foreign passport.

- Use of the foreign passport may be approved by the cognizant security authority if there is good reason to do so. As noted above, the cognizant security authority in this context is usually a high-level official within the relevant Department or Agency. For example, in the Department of Defense it means an official at least as high as the Director of Security within the Office of USD(I). Reasons for granting such approval may include the following: use of the foreign passport is in the best interests of the U.S. Government, travel in certain parts of the world may be safer on a foreign passport than on a U.S. passport, and unusual circumstances are such that use of the foreign passport does not raise any question about the subject's loyalty to the United States. As discussed above under [Increasing Incentives for Americans to Obtain or Exercise the Privileges of Dual Citizenship](#) (page 184), the laws of some countries prohibit a citizen from returning to their native country using a foreign passport. Israel, Iran, and Brazil are known to enforce this law, so American citizens with dual citizenship in one of these countries may be unable to return to their native country unless they use their passport from that country. As citizens of the country they are entering, they are subject to the laws of that country and cannot enter with an American passport. This can create some difficult situations such as, for example, when an individual feels compelled to visit a dying parent in the home country.
- The passport may be destroyed, surrendered to the cognizant security authority, or otherwise invalidated. As noted above, the cognizant security authority for this purpose will usually be an operational security officer within the subject's component or employer.

The goal of these mitigating conditions is to provide alternatives to surrendering the passport to the foreign consulate or embassy and obtaining a receipt, as has been required by some agencies. The Personnel Security Working Group subcommittee that approved these guidelines concluded that such action is ill-advised. Surrendering a passport and requesting a receipt is an uncommon action that tends to label the person who does it as someone who has or is obtaining a security clearance. The consular officer the person deals with may be an undercover intelligence officer whose job is to recruit Americans with access to classified information. In other words, the counterintelligence risk involved in asking individuals to surrender their passport to a foreign consulate is greater than any potential security gain.

Renunciation of Citizenship

Individuals with dual citizenship are often asked if they would be willing to renounce the foreign citizenship if asked to do so. If they answer affirmatively, that is a good sign. If the subject is answering truthfully, it generally indicates an absence of foreign interests or obligations that might be manipulated by the foreign intelligence or security service. Such a response may be a mitigating factor. On the other hand, hesitation or expressed reluctance to renounce the foreign citizenship suggests conflicting interests or loyalties that need to be fully explored and may be relevant to both the [Foreign Influence](#) and Foreign Preference guidelines.

Regardless of the subject's answer to the question about willingness to renounce foreign citizenship, the subject should *not* be asked to renounce the foreign citizenship. Any legally effective renunciation usually requires the subject to work through the relevant foreign consulate or embassy. The process for renouncing citizenship varies considerably from one country to another. It is frequently complex and time-consuming, sometimes taking six to 12 months and offering the other country opportunities to manipulate the process for its own purposes. This is undesirable for the same reasons discussed above under [Foreign Passport](#) (page 195), except that the complex and lengthy process makes the counterintelligence risk even greater. This risk outweighs any potential security gain from the actual renunciation of citizenship.

Reference Materials

Glossary of Citizenship Terms

Alien: Any person currently in the United States who is not a U.S. citizen or a U.S. national is an alien.

Immigrant Alien: Any person who has been lawfully admitted into the United States for permanent residence under an immigrant visa is an immigrant alien. Immigrant aliens are sometimes called green card holders, after the green card that shows they have been legally approved for residence in the United States.

Foreign National: Any person who is not a U.S. citizen or a U.S. national is a foreign national.

U.S. Citizen by Birth: This refers to any person who is entitled to U.S. citizenship at the time of birth, regardless of where the birth took place.

U.S. National: A person who is not a citizen of the United States but owes permanent allegiance to the United States is a U.S. national. This applies to certain persons born in current or former U.S. territories or possessions (e.g. Puerto Rico, Guam, Virgin Islands, American Samoa, Philippines, and Canal Zone). Whether a person born in one of these areas is a U.S. citizen, U.S. national, or foreign national

depends upon which possession or territory, date of birth, and status of the parents. The rules can be quite complicated, especially for persons born prior to about 1950. Younger persons born in current U.S. territories are normally U.S. citizens. If there is a question, the status should be evaluated by Immigration and Customs Enforcement (ICE).

Naturalized Citizen: Any person who is granted citizenship of a country other than the country of their original citizenship at birth is a naturalized citizen.

Derivative Citizen: Any person who derives U.S. citizenship through the naturalization of a parent is a derivative citizen.

U.S. Citizenship Procedures

It is sometimes necessary for an investigator or adjudicator to evaluate an individual's statements about citizenship -- to assess whether an immediate relative is eligible for citizenship or evaluate an explanation for why one has not obtained citizenship. This is particularly relevant for foreign-born spouses, some of whom decide not to become American citizens. There is a growing tendency for some immigrants to the United States to make a deliberate decision not to become U.S. citizens.^{1,13} One might argue that a spouse who has deliberately opted not to become a citizen may be a greater security concern than one who has just come to the United States and intends to become a citizen as soon as possible. Knowledge of procedures for becoming a U.S. citizen may be useful when evaluating these situations.

Detailed information on U.S. citizenship requirements, procedures, and laws is available at the U.S. Citizenship and Immigration Services web site at <http://www.us-citizenship.com>.

Citizenship Laws of Selected Foreign Countries

Information on the laws of a specific country is available on the country's web site or by telephone from the country's consulate in the United States. Current and authoritative information on foreign citizenship laws and practices may also be available from the Library of Congress Foreign Law Division and/or the Department of State at the addresses below.

Library of Congress - Law Library

The Foreign Division of the Law Library contains a staff of lawyers who provide research for the U.S. Congress and other government agencies on foreign legal systems -- to include citizenship laws. The staff represent a wide range of linguistic capacities and has amassed a large collection of foreign laws and constitutions. This office is best used for questions of a purely legal nature.

The phone number for the Library of Congress Law Library is 202-707-4351

Department of State

The department does not serve as an official repository of foreign law, but may be able to answer some questions. It is divided into two different offices that deal with foreign countries.

The Office of Citizen Consular Services in the Bureau of Consular Affairs is often familiar with the citizenship laws and practices of at least the more populous countries.

State Department Desk Officers can be of help with questions concerning political, social or cultural factors in their area of responsibility, for example, the political and practical feasibility of a given individual renouncing a foreign country's citizenship. Desk officers do not, however, deal with foreign citizenship laws.

The phone number for State Department Information is 202-647-4000.

Endnotes

- 1 Renshon, S. A. (Oct. 2001). *Dual citizenship and American national identity*. Washington, DC: Center for Immigration Studies. Retrieved July 5, 2005, from www.cis.org/articles/2001/paper20/renshontoc.html
- 2 Wucker, M. (Fall, 2004). The perpetual migration machine and political power. *World Policy Journal*. 21(3). Retrieved December 9, 2005, from <http://www.worldpolicy.newschool.edu/wpi/journal/articles/wpj04-3/Wucker.html>
- 3 Siskind, G. (n.d.). *The ABCs of immigration: Losing US citizenship*. Retrieved June 22, 2006 from <http://www.visalaw.com/02aug5/2aug502.html>
- 4 Schmidley, A. (2011). U.S. Census Bureau Current Population Reports, Series P23-206. *Profile of the foreign-born population in the U.S.: 2010*. Washington, DC: U.S. Government Printing Office.
- 5 Fitz, M. (1998, April 6). *Pledging multiple allegiances*. Los Angeles Times. Retrieved from <http://articles.latimes.com/1998/apr/06/news/mn-36623>
- 6 Italylink.com. (n.d.). *Information on Italian citizenship for Americans of Italian descent*. Retrieved from http://italylink.com/dual_citizenship.html; Also Irishlinks. (n.d.). *Getting Irish citizenship through grandparents*. Retrieved June 23, 2006, from <http://www.irishlinks.co.uk/irish-citizenship-grandparents.htm>
- 7 Indian Embassy in Washington, DC. (n.d.) Retrieved from <https://www.indianembassy.org/visa.php>. Also Indian Ministry of Home Affairs web site. (n.d.). Retrieved from <http://www.mha.nic.in/>
- 8 Department of State, Consular Information Sheets. Retrieved from http://travel.state.gov/travel/cis_pa_tw/cis/cis_4965.html
- 9 Noh, Y.H., & Lee, A.S. (n.d.). Korean military service laws and implications for U.S. immigration laws. Retrieved June 22, 2006, from <http://www.ilw.com/articles/2005,0114-noh.shtm>
- 10 Kramer, L.S., Jung, C.G., Gonzalez, J.L., & Richmond, D.A. (2006). *Behaviors and characteristics of counterintelligence concern exhibited by DoD security clearance applicants* (Draft). Monterey, CA: Defense Personnel Security Research Center.
- 11 Based on declassified extracts from classified DIA report on Hamilton investigation.
- 12 Valentine, P. (1988, Oct. 12). *Md. man admits to espionage for South Africa*. Washington Post.
- 13 Massey, D. (1995). The new immigration and ethnicity in the United States. *Population and Development Review*, 21, 631-652.

Handling Protected Information

Relevance to Security	199
Social Networking	200
Encouragement of Information-Sharing	200
The Ease of Creating False Identities	201
False Sense of Privacy Control	201
Potentially Disqualifying Conditions	202
Extract from the Guideline	202
Indicators of Negligence or Carelessness	203
Indicators of Deliberate Violation	204
Storing Classified or Other Protected Information at Home	204
Taking Classified Papers Home Just to Work on Them During the Evening or Weekend	204
Seeking Information Outside of a Person's Need to Know	204
Any Deliberate Revelation of Classified or Other Protected Information to any Unauthorized Person	204
Insider Threat Indicators	206
Mitigating Conditions	207
Extract from the Guideline	207
Points of Explanation	208
Case Examples	208
Issue Cases	209
Close Call	211
Non-Issue Cases	211
Endnotes	212

Relevance to Security

Deliberate or negligent failure to comply with rules and regulations for protecting classified information, or for protecting controlled but unclassified information (such as For Official Use Only, proprietary, export-controlled, or privacy information), raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern. Although the adjudicative process considers trustworthiness and reliability in regards to protecting national security-related information, an applicant's prior history with handling other forms of protected information is relevant (e.g., mishandling proprietary information while employed with a private company).

Two general types of behaviors related to mishandling protected information are relevant to security: 1) deliberate violation of security rules and regulations, and 2) pattern of negligence, carelessness, or inattention to following the security rules and regulations. Any deliberate violation of security rules or regulations (including

during previous employment in the private sector) is a significant concern, as it may indicate indifference toward national security or a general inability or unwillingness to abide by the security regulations.

Social Networking

Cleared personnel have a responsibility to safeguard protected information in a variety of mediums. No matter whether the information exists electronically or in hardcopy, the individual must use appropriate methods of storage and communication. Similarly, individuals must safeguard protected information equally in all methods of communication, including in person, on the phone, over email, or through social networking sites. Online social networking activities have become an extremely popular form of communication. The government recognizes social networking sites as an important tool for personal and professional communication, and encourages its use by personnel, including those with security clearances.¹ However, certain dangers exist for mishandling protected information through the use of these sites, and various government guidelines and training tools have been created to address these issues.²

Although the internet simply offers a new medium for old behaviors, this context does facilitate the sharing of protected information due to the ease with which individuals can communicate with their loved ones, friends, and complete strangers. This means that some instances of oversharing may be mitigated if they do not include serious violations or a pattern of negligent and careless behavior.

There are many types of social networking sites that encourage online social interaction. Popular current examples of social networking sites include (but are not limited to): Facebook, Google +, Twitter, YouTube, MySpace, chat rooms, multi-player games, discussion boards, and blogs. Social interaction has even been integrated into traditionally individual activities, such as reading news articles. It is standard practice now for online readers to post their thoughts and even engage in back-and-forth discussion regarding the topic with others.

Certain aspects of online social networking may increase the propensity of individuals to mishandle protected information. These include:

Encouragement of Information-Sharing

Social networking sites are designed to facilitate the sharing of personal information, including biographical data, knowledge, and opinions. There is a concern that the design of these sites creates the potential for over-sharing sensitive information.³ Mark Zuckerberg, the founder of Facebook, has said: “people have really gotten comfortable not only sharing more information and different kinds, but more openly and with more people. That social norm is just something that’s evolved over time.”⁴ Such a mindset could prompt individuals to question the

need for strict protection of sensitive information, or could encourage careless sharing without proper consideration of the rules regarding protected information.

The Ease of Creating False Identities

It is possible for one person to create multiple personas on social networking sites, including posting fake personal information about themselves such as pictures and employment information. This may be done to create an attractive persona that others will want to interact with or to impersonate certain individuals to get close to their contacts.⁵ Because social networking sites do not include measures to verify identities, it is almost impossible to know whether an online contact is who they say they are.³ Individuals with access to protected information may be tricked into revealing more than they should because they believe they are communicating with a trusted contact.

False Sense of Privacy Control

Many social networking sites have enabled privacy controls so that the user can choose to share information only with a select set of contacts. This creates a sense of control that may encourage sharing of information that the user would normally not post. However, these privacy settings offer a perception of security more than real security. First, any system can be hacked and information stolen. Second, once users share information with another person online, they no longer own that information. The recipient may re-post that information to a less-secure location. Finally, social networking sites may change their privacy settings without notice, so information that was once protected becomes public.

None of these characteristics of online sites should be considered absolute mitigators for mishandling protected information. Guidelines and tips for responsible social networking are offered through training and such sites as the DoD Social Media Hub (<http://www.defense.gov/socialmedia/education-and-training.aspx/>), which offers a variety of information regarding expectations for online behavior. A lack of proper training may be a mitigating factor, but should be verified if possible. Posting protected information online can have very serious consequences because one piece of information can reach hundreds of thousands of people, including enemies of the United States. The Taliban is on Twitter and al Qaeda is on YouTube; these terrorist organizations and others would benefit greatly from the release of protected government information online.^{6,7} When evaluating the seriousness of a breach of online security, one should use a whole-person approach to determine if the behavior fits within a general pattern of untrustworthy or negligent behavior, or if the individual may have succumbed to certain aspects of the online context that facilitate information over-sharing. If the violation was relatively minor and the individual has demonstrated increased vigilance regarding online security, then the benefit of the doubt may be appropriate.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *deliberate or negligent disclosure of classified or other protected information to unauthorized persons, including but not limited to personal or business contacts, to the media, or to persons present at seminars, meetings, or conferences;*
- (b) *collecting or storing classified or other protected information at home or in any other unauthorized location;*
- (c) *loading, drafting, editing, modifying, storing, transmitting, or otherwise handling classified reports, data, or other information on any unapproved equipment including but not limited to any typewriter, word processor, or computer hardware, software, drive, system, gameboard, handheld, “palm” or pocket device or other adjunct equipment;*
- (d) *inappropriate efforts to obtain or view classified or other protected information outside one’s need to know;*
- (e) *copying classified or other protected information in a manner designed to conceal or remove classification or other document control markings;*
- (f) *viewing or downloading information from a secure system when the information is beyond the individual’s need-to-know;*
- (g) *any failure to comply with rules for the protection of classified or other sensitive information;*
- (h) *negligence or lax security habits that persist despite counseling by management.*
- (i) *failure to comply with rules or regulations that results in damage to the national security, regardless of whether it was deliberate or negligent.*

If it is a close call whether any specific behavior or pattern of behavior warrants adverse adjudicative action under this guideline, the adjudicator should make a whole-person judgment based on everything else that is known about the individual’s reliability, trustworthiness, loyalty, and attitude toward compliance with rules and regulations. Serious derogatory information that falls under this guideline may be given substantial weight in the whole-person assessment, as past security-related behavior is a good predictor of future security-related behavior. Security violations have preceded many cases of insider attacks, including espionage.

Indicators of Negligence or Carelessness

A pattern of routine security violations due to negligence, carelessness, inattention, or a cynical attitude toward security discipline is potentially disqualifying regardless of whether or not information was actually compromised.

In order for the adjudicator to determine if there is negligence to a degree that warrants adverse adjudicative action, the investigator must obtain and provide to the adjudicator considerable background information. This may require interviews of additional sources, such as supervisors, coworkers, the security officer who investigated the violation, or the individual discovering or reporting the violation. If there is a potential issue, the information that should be available to the adjudicator includes:

- Dates, circumstances, and whether the violation(s) are believed to be accidental, part of a pattern of carelessness or inattention to security, or deliberate.
- The subject's overall attitude toward security requirements.
- Whether the offense was due, in part, to inadequate security training. Did the subject receive security briefings and/or training regarding security procedures that should have prevented this violation?
- How the violation was discovered, e.g., whether the subject self-reported the violation.
- Exactly which rules or regulations were violated.
- Any punitive actions or counseling the subject has already received.
- Any history of failure to comply with other established procedures, rules, or regulations.

Some violations demonstrate obvious failure to exercise due care. This includes any security offenses that occur as a result of intoxication. For example: CIA operations officer Aldrich Ames, who was arrested for espionage in 1994, had a reputation for drinking too much. Ames became seriously inebriated while playing in a CIA-FBI softball game. He had to be driven home that night. He left behind at the field a jacket with his CIA badge, a wallet that included alias documentation, and cryptic notes on a classified meeting he attended prior to coming to the softball game. On another occasion, at a meeting at CIA Headquarters with foreign officials, Ames was so intoxicated after lunch that he made inappropriate remarks about CIA operations and then passed out at the table.⁸ The Ames case is an extreme example. More typical examples of negligence or carelessness are discussed below under [Case Examples](#) (page 208).

Indicators of Deliberate Violation

Storing Classified or Other Protected Information at Home

This is one of the most serious offenses, as it often indicates intent to misuse this information in some way in the future. This is listed below as one of the behaviors that may indicate current or potential future espionage. Many well-known spies were found, at the time of their arrest, to have large quantities of classified documents at their residences. CIA spy Aldrich Ames had 144 classified documents at his home, while Edward Moore had 10 boxes of CIA documents at home. Of various Navy spies, Jonathan Pollard had a suitcase full of classified materials, Michael Walker had 15 pounds of classified material, and [Samuel Morison](#) (page 219) had portions of two Navy documents marked Secret.⁹ A study of arrested spies that began their espionage since 2000 found that 27% had stored classified documents in unauthorized locations.¹⁰ Any report that an individual is maintaining classified information at any unauthorized location should trigger referral to the appropriate counterintelligence office.

Taking Classified Papers Home Just to Work on Them During the Evening or Weekend

This is also a serious offense even if the papers are returned to work the following day. This may indicate a degree of self-centeredness or feeling that one is above the rules that could lead to undesirable behavior in other types of situations. Such an attitude may be an indication of narcissism, a personality disorder discussed in detail in the [Psychological Conditions](#) section (page 254). Sensitive but unclassified information usually may be taken home as long as it is appropriately protected.

Seeking Information Outside of a Person's Need to Know

This is a concern because it may indicate a desire to gather valuable information of special interest to others. Research has found that a common precursor to espionage is accessing information outside a spy's official purview.¹¹ If evidence of this type of behavior is revealed through the clearance application investigation, it should be considered derogatory and should trigger a referral to the appropriate counterintelligence office.

Any Deliberate Revelation of Classified or Other Protected Information to any Unauthorized Person

This is a particularly egregious offense. Examples of this include:

- Leaking protected information to journalists or others in an effort to influence U.S. Government policy.

- Giving protected information to a private company or corporation to pursue some personal business interest or to pave the way for seeking a job there, or to help a relative or friend in their business even if not done for personal gain.
- Giving protected information to a friend or business associate just to impress them with one's importance.

Although leaking classified information to the press is not a new phenomenon, certain technological and cultural changes have increased the prominence of these cases. Websites such as WikiLeaks reflect a subculture that embraces transparency and rejects government secrecy, even at the expense of national security. Technical advances allow these websites to offer government leakers a “safe” method to transmit classified information through anonymous channels. An Army intelligence specialist, Bradley Manning, is accused of leaking hundreds of thousands of classified documents, including video footage from an attack in Afghanistan, field reports from Iraq and Afghanistan, and U.S. diplomatic cables. Manning allegedly leaked these documents anonymously to the website WikiLeaks, which then made the information available to newspapers and later directly to the public.¹²

Naval Intelligence analyst Jonathan Jay Pollard passed several classified political and economic analyses to three different friends whom he felt could use the information in their business. Although Pollard hoped to get some benefit in return, his principal motive was simply to impress his friends with his knowledge and the importance of his work. Willingness to sacrifice security for minor personal gain indicates a degree of narcissism that is a serious concern. This attitude can be dangerous and may portend future problems. In Pollard's case, for example, his need to feel important and to have others validate that importance subsequently led him to volunteer his services to Israeli Intelligence. He is now serving a life term in prison.¹³ For additional information, see [Behavior Patterns and Personality Characteristics Associated with Espionage](#) (page 261) in the [Psychological Conditions](#) module.

Another type of deliberate offense is the sale of proprietary information to a competitor. In one case, for example, it was learned that an engineer being processed for a Secret clearance had probably sold trade secrets belonging to a previous employer. When the subject left this employer, designs of a new product under development for the Defense Department were found on his computer. This was information that the subject had no need to have. Two of the subject's friends had earlier left the company to start a new company that was bidding on the same Defense Department project. Subsequent investigation developed evidence that the subject had been paid for the design information. An individual who has sold proprietary information cannot be trusted to protect classified information.¹⁴ For other examples of deliberate violations, see [Case Examples](#) (page 208).

The following example illustrates the dangers of over-sharing information with associates to impress them, especially when the associates are only known through online social networking sites. In 2011, a scandal erupted in national security

social networking circles.¹⁵ A woman claiming to be a missile expert holding a security clearance (who sometimes also claimed to work with the CIA and other times claimed to work for an undisclosed government contractor) created accounts on multiple social networking sites such as Twitter and Facebook. This person was known by different names on different sites, but followers understood her to be the same individual. Names she used included PrimorisEra, LadyCeasar, Shawn Elizabeth Gorman, Shawna Gorman, and Shawna Felchner. The persona posted revealing pictures that were presumably of herself but in reality were stolen from other sites. She also posted information about national security topics and flirted online with national security experts. By crafting an appealing, but entirely false, persona, this individual made many contacts, including high-level officials such as NATO's Supreme Allied Commander, who friended her on Facebook. After another Twitter user revealed publicly that she had evidence this persona was false and the individual behind it was collecting protected information from her national security contacts, the Pentagon opened an official investigation. The accounts have since been shut down, and while the person who claims to have created them denies fishing for protected information, she does admit that her contacts may have shared information with her that they should not have. The truth behind the persona may never be known, but this case illustrates the danger of sharing protected information with online contacts.

Insider Threat Indicators

Some behaviors that surface during the course of an investigation or adjudication are also potential indicators of espionage, terrorism, or cyber security threats. Such information should be reported to an appropriate security office. The following insider threat indicators are taken from DoD Directive 5240.06, Counterintelligence Awareness and Reporting (CIAR).¹⁶

- Acquiring, or permitting others to acquire, unauthorized access to classified or sensitive information systems.
- Attempts to obtain classified or sensitive information by an individual not authorized to receive such information.
- Persons attempting to obtain access to sensitive information inconsistent with their duty requirements.
- Attempting to expand access to classified information by volunteering for assignments or duties beyond the normal scope of responsibilities.
- Unauthorized possession or operation of cameras, recording devices, computers, and communication devices where classified information is handled or stored.
- Discussions of classified information over a non-secure communication device.
- Reading or discussing classified or sensitive information in a location where such activity is not permitted.

- Transmitting or transporting classified information by unsecured or unauthorized means.
- Removing or sending classified or sensitive material out of secured areas without proper authorization.
- Unauthorized storage of classified material, regardless of medium or location, to include unauthorized storage of classified material at home.
- Unauthorized copying, printing, faxing, e-mailing, or transmitting classified material.
- Improperly removing classification markings from documents or improperly changing classification markings on documents.
- Requests for witness signatures certifying the destruction of classified information when the witness did not observe the destruction.
- Requests for information that make an individual suspicious, to include suspicious or questionable requests over the internet or SNS.
- Actual or attempted unauthorized access into U.S. automated information systems and unauthorized transmissions of classified or controlled unclassified information.
- Network spillage incidents or information compromise.
- Use of account credentials by unauthorized parties.
- Unauthorized downloads or uploads of sensitive data.
- Unauthorized use of Universal Serial Bus, removable media, or other transfer devices.
- Excessive and abnormal intranet browsing, beyond the individual's duties and responsibilities, of internal file servers or other networked system contents.
- Data exfiltrated to unauthorized domains.
- Unexplained storage of encrypted data.

Mitigating Conditions

Extract from the Guideline

- (a) *so much time has elapsed since the behavior, or it has happened so infrequently or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;*
- (b) *the individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities;*
- (c) *the security violations were due to improper or inadequate training.*

Points of Explanation

Even careful, conscientious employees occasionally fail to lock a safe or secure a classified document. Infrequent accidental violations are not an adjudicative issue. Similarly, unintended violations attributable to inadequate training or inexperience are not an adjudicative issue.

For individuals with multiple routine violations, attitude is important, as a positive attitude toward security may mitigate the violations. On the other hand, if the individual disparages the importance of security regulations, this exacerbates the violation. Cynicism about security may be the first step on a path toward conscious disregard for security regulations.

If the subject claims that he or she was unaware of the required security procedure due to lack of appropriate training, this may be a mitigating factor. However, the investigation must verify this claim by interviewing personnel who are knowledgeable about the security briefings and training the subject has received.

Deliberate violations can seldom be mitigated, but there are exceptions. For example, movement of naval ships is sometimes classified. Disclosure of a forthcoming ship movement to a spouse or other immediate family member can be a security compromise. It may be mitigated if it is an isolated and infrequent occurrence and there are no other significant security problems.

When the violation involves online disclosure of protected information, claims by the subject that the information was posted by someone else who had assumed their identity should be investigated. As described above, social networking sites are not secure. Someone may access another person's account if they know or guess their password, or may gain access through hacking. Also, it is possible to create a fake account with someone else's name, as social networking sites do not include identity verification. There have been instances of individuals creating false accounts to defame others. For example, a teacher in Australia was the victim of such social networking identity theft when someone created a fake account with the teacher's name and pictures.¹⁷ This person then made contact with the teacher's students and posted inappropriate comments meant to paint the teacher as a pedophile. Although the fake profile made some students suspicious, others appeared to accept it as real. This indicates that fake profiles or fake messages from legitimate profiles may appear very convincing to references who may be interviewed for a background investigation, even if they know the applicant well. If there is evidence that a subject in a clearance investigation may be the victim of similar identity theft, the derogatory information should be mitigated.

Case Examples

The following examples of actual cases of security violations are intended to help adjudicators and investigators distinguish nonissue from issue cases. If the

violation was accidental and not part of a pattern of carelessness or negligence, it is a nonissue and reporting requirements are minimal. If it was deliberate or part of a pattern of carelessness or negligence, it is a potential issue and there are some details that adjudicators need to know before making a decision.

Issue Cases

Example 1: A coworker reported observing the subject take a package of appropriately wrapped and marked classified material out of the building at the end of the workday on Friday. Although the package was appropriately wrapped and the subject had a courier pass to carry such material to a neighboring building, which was not unusual, it did seem suspicious at that time on a Friday, especially since the subject got into a car with his wife.

Interpretation: This is a counterintelligence lead that should be passed to the appropriate CI office. The above is a true story from the Jonathon Pollard case. This report triggered an investigation leading to the arrest of Pollard as an Israeli spy. Any unauthorized removal of classified information is a serious counterintelligence concern. Investigation quickly showed that Pollard was requesting a large number of Top Secret documents for which he had no need-to-know. He was requesting so many, in fact, that his requests were becoming a burden on the clerk who had to log them in.¹³

Example 2: Coworkers observed the subject monitoring and copying information on a sensitive communications line without authorization, saw classified papers in subject's personal locker, and knew the subject took classified materials home but believed he was doing it only to keep his work current.

Interpretation: This is a counterintelligence lead that should be passed to the appropriate CI office, as these observations are all serious counterintelligence indicators. Actually, this subject was Jerry Whitworth, subsequently arrested for espionage as part of the infamous John Walker spy ring. Unfortunately, his coworkers never reported these observations until after Whitworth's arrest. Failure to report such observations was also a significant violation of security regulations.¹⁸

Example 3: During a routine investigative interview, a coworker reported that the subject took a classified photograph with him when departing an overseas assignment. The subject used "whiteout" on the classification markings and then took the photograph to a civilian frame shop for framing. He intended to give it to another Marine as a souvenir. When questioned about it during the subject interview, the subject admitted this violation. The command from which the photograph was obtained confirmed that it was still classified.

Interpretation: Some form of counseling, reprimand, or warning is appropriate. The nature of this deliberate violation suggests that the subject might have engaged in other immature and irresponsible behavior that falls under one or more of the other guidelines. If so, this person's eligibility for continued access to classified

information should also be adjudicated under the [Personal Conduct](#) guideline (page 222).

Example 4: Subject's job is the processing and routing of classified information. Nine months ago, subject left a group of 47 classified documents unattended in the reproduction room. Subject was suspended from work for two days as a result. Within the past three months, subject mailed classified material incorrectly six times, received and processed classified mail incorrectly once, and left classified material unattended once.

Interpretation: Due to the nature of subject's job, the subject has far more opportunity for security lapses than the average employee, but this number of violations shows a clear pattern of routine security violations due to inattention, carelessness, or a cynical attitude toward security. Since discipline was ineffective, it appears that the subject is not the right person for this type of job. Whether that means transfer to a different position or revocation of clearance depends upon the circumstances.

Example 5: A research scientist working on an important project wanted to review some of her research notes over the weekend. She said she would have worked in her lab over the weekend, but it was being painted. So she took the papers home even though she did not have permission to do so and knew it was against regulations. She explained that either she or her husband was in the house that whole weekend, and that the papers were carefully locked in her desk drawer when she was not working on them.

Interpretation: This is a noteworthy violation because it was deliberate, but additional information is needed in order to determine the appropriate adjudicative action. Did subject take the initiative in reporting it to her supervisor or to the investigator? How often has she done this sort of thing? What is her attitude toward security? Is there any indication of an arrogant, I am above-the-rules attitude?

Example 6: A military intelligence analyst posted video messages online describing classified materials. This information included descriptions of classified buildings and rooms used to store classified information.

Interpretation: This is a serious violation. The classified information was posted deliberately in a public forum by an individual who has been entrusted with highly sensitive military intelligence information. The individual in question was Bradley Manning, who is accused of making hundreds of thousands of classified documents publicly available via the website WikiLeaks.¹⁹ Manning received a non-judicial punishment for the violation described above; if this incident had been considered during a background investigation it should have cast doubt on his ability to protect classified information.

Close Call

Example 7: Subject was cited for three security violations about one year apart. Each violation was quickly discovered by a cleared guard. The most recent violation was two years ago. In each case subject neglected to engage the lock to secure properly the container. Subject attributes the violations to carelessness on her part, and says she now pays closer attention when securing her container. There is no other adverse information.

Interpretation: Three violations over three years might be enough to be called a pattern of carelessness, but it depends on the circumstances. In this case, the subject claims to have learned from the experience and this is supported by the fact that there have been no violations in the last two years. Unless there is some other basis for concern about this subject, no adjudicative action is warranted other than counseling by a security manager.

Example 8: On two or three occasions the subject inadvertently included some personal notes on classified information with unclassified papers that he took home with him. He secured the notes at home and returned them to work the next day. They were his own notes and were not stamped with the appropriate level of classification, "Secret." Subject did not report the incidents at the time they happened.

Interpretation: Although accidental and self-reported, there is a pattern of carelessness that is of some concern. Since the notes were in the subject's personal custody, there is little chance of compromise. Some counseling by a security manager would be in order.

Example 9: Developed sources reported during interviews that subject frequently posts updates on his social networking accounts about his activities while deployed to Iraq. These updates have included sensitive information such as his deployment dates and locations. However, subject has not been formally cited for mishandling protected information.

Interpretation: Given the social nature of such sites, some amount of sensitive information may be expected to be posted by military members. It is important to note that DoD regulations permit social networking activities by deployed personnel and honest mistakes may happen. However, if the subject displays a pattern of revealing protected information or if a serious violation has occurred, this should be weighed more heavily. Appropriate security officials should be contacted for follow-up investigation of these claims to determine the extent of possible violations.

Non-Issue Cases

Example 10: Subject had a security incident in which he "forgot to spin the lock" when he left the office. There were two locks on the door, one manual and one automatic. He forgot the manual one. This was written up as a security violation.

Interpretation: An occasional accidental violation like this is not a security concern.

Example 11: Subject personally took a CD-ROM with Secret material, appropriately wrapped in an envelope, from one office to another office of the same company located in a nearby town. When he wanted to check the material into the other office, he learned that it should have been checked out of his own office prior to taking it out. Subject explained he did not realize that he had to sign out the information as he was just transporting it from one office to another. He misunderstood the required procedures and was given a verbal reprimand.

Interpretation: There is no serious security issue here, as this was a single incident due to a misunderstanding, and appropriate action has already been taken.

Example 12: A records check identified an unfavorable report due to a security investigation. Subject was accused of using classified materials in an unclassified report. During investigation, the subject proved that the information was available from the Congressional Quarterly and other unclassified library sources, so the investigation was closed as unfounded.

Interpretation: There is no security issue here.

Example 13: Subject reported being approached by two Chinese women during a street celebration in New York City. After one of them asked if he worked on a nuclear carrier, he told them to go away. Subject did not report the incident at the time.

Interpretation: This is not a security issue as subject did nothing wrong, there was no continuing relationship with the Chinese women and no way to identify them. If the subject could identify the Chinese women, or, for example, their place of work, the information should be reported to the appropriate CI office.

Example 14: Subject self-reports a violation two years ago while she was deployed to Afghanistan for uploading pictures containing location data onto her public Facebook profile. While she admits to deliberately uploading the pictures, the subject was unaware at the time that they had been geotagged because she had forgotten to configure the settings on her phone correctly. Subject has received no additional violations.

Interpretation: Given the complexity of technology today, mistakes will happen. The subject was forthcoming about the violation and has not had any other violations in two years. There is no continuing security concern.

Endnotes

- ¹ Office of the Chief of Public Affairs. (2011). U.S. Army social media handbook. Washington, D.C.: U.S. Army.
- ² <http://www.defense.gov/socialmedia/>
- ³ Smith, S. A. & Cole, S. A. (in press). *Mymoralpanic: Adolescents, social networking, and the sex crime panic*. In C. Krinsky (Ed.) *The Ashgate Research Companion to Moral Panics*. UK: Ashgate Publishing Limited.

- 4 Paul, R. A., & Chung, L. H. (2008). Brave new cyberworld: The employer's legal guide to the interactive Internet. *The Labor Lawyer*, 24, 109-143.
- 5 Systems and Network Analysis Center. (2009). *Social networking sites*. National Security Agency.
- 6 Sharif, U. (2011, May 15). Taliban on Twitter for Afghan internet age. Agence France-Presse.
- 7 Black, I. & Macleod, H. (May 7, 2010). *YouTube Islamist: how Anwar al-Awlaki became al-Qaida's link to local terror*. The Guardian.
- 8 U.S. Senate Select Committee on Intelligence. (1994). *An assessment of the Aldrich H. Ames espionage case and its implications for U.S. intelligence*. Washington, DC: Author.
- 9 Defense Personnel Security Research Center. (2009). *Espionage and other compromises to national security: Case summaries from 1975 to 2008*. Monterey, CA: Author.
- 10 Herbig, K. L. (2008). *Changes in espionage by Americans: 1947-2007* (Tech. Rep. 08-05). Monterey, CA: Defense Personnel Security Research Center.
- 11 Band, S. R., Cappelli, D. M., Fischer, L. F., Moore, A. P., Shaw, E. D., & Trzeciak, R. F. (2006). *Comparing insider IT sabotage and espionage: A model based analysis*. Pittsburgh, PA: Software Engineering Institute.
- 12 Nakashima, E. (2011, May 8). *The WikiLeaks suspect*. Washington Post Magazine.
- 13 Blitzer, W. (1989). *Territory of lies: The rise, fall, and betrayal of Jonathan Jay Pollard*. New York: Harper & Row.
- 14 Kramer, L.S., Jung, C.G., Gonzalez, J.L., & Richmond, D.A. (2006). *Behaviors and characteristics exhibited by DoD security clearance applicants of counterintelligence concern* (Draft). Monterey, CA: Defense Personnel Security Research Center.
- 15 Ackerman, S. (2011, April 28). *Unfollowed: How a (possible) social network spy came undone*. Wired. <http://www.wired.com/dangerroom/2011/04/unfollowed-how-a-possible-social-network-spy-came-undone/all/1>
- 16 Department of Defense. (2011, May 17). DoD Directive 5240.06: Counterintelligence awareness and reporting (CIAR). Washington, D. C.: Author.
- 17 Moses, A. (2011, August 5). *Evil fiction: Teacher a target of fake Facebook profile*. The Sydney Morning Herald. <http://www.smh.com.au/technology/technology-news/evil-fiction-teacher-a-target-of-fake-facebook-profile-20110805-1iefm.html#ixzz1UAhBTK6R>
- 18 Declassified extracts from post-arrest Naval Investigative Service investigation of Jerry Whitworth.
- 19 CNN National Security Team. (2010). *Leak suspect had been disciplined at least twice before arrest*. Retrieved from <http://www.cnn.com/2010/US/08/02/wikileaks.suspect/index.html>

Outside Activities

Relevance to Security	214
Role Conflict with Foreign Employment or Service	215
Role Conflict with Outside Activities Related to Area of Expertise	215
Role Conflict Related to National Security Ideology	216
Potentially Disqualifying Conditions	216
Extract from the Guideline	216
Indicators of Potential Role Conflict	217
Mitigating Conditions	218
Extract from the Guideline	218
Case Examples	219
Samuel Morison	219
Bradley Manning	220
Endnotes	221

Relevance to Security

Certain types of outside employment or other activities are of security concern if they pose a potential conflict with an individual’s security responsibilities or could create an increased risk of unauthorized disclosure of classified information. Involvement with any activity that presents a conflict of interest is of potential concern due to unconscious social influence and identity conflict. The activities we engage in and the groups we belong to influence our sense of self, our attitudes, and our behaviors. Positions that require a security clearance are one source of influence on an individual; part of one’s identity is tied to being a “clearance holder,” which promotes an attitude in favor of protecting national security and behaviors such as keeping classified information secure. However, people do not have just one identity¹. Someone’s sense of self may be comprised of multiple identities or roles such as being a clearance holder, a mother, a conservative, an environmentalist. Having multiple identities is normal and healthy, but at times they may conflict with one another. It is when an individual’s activities present a potential conflict with their role as a clearance holder that a national security concern exists. Conflicts of interest can take many forms, including employment, consulting, volunteering, and political activities.

When an organization is central to an individual’s identity, one shows more support for and commitment to that organization.² This means that an individual could join a group with no intention of sharing classified information, but unconsciously may incorporate their role in outside activities into his or her personal identity. These social influences are not a concern for organizations that are unlikely to request or benefit from classified information (e.g., volunteering at a homeless shelter), but are

a concern when individuals are associated with organizations that present a conflict of interest.

Of particular concern are three types of role conflict: 1) employment or service with a foreign government, organization, or interest group, 2) foreign or domestic outside activities related to the individual's area of expertise, and 3) ideological conflict with core concepts of national security. These three types of role conflict are described in detail below.

Role Conflict with Foreign Employment or Service

Outside activities of concern often involve foreign connections, so there is substantial overlap between this guideline and the [Foreign Influence](#) and [Foreign Preference](#) guidelines. When [Outside Activities](#) are cited as grounds for denial or revocation of access, the [Foreign Influence](#) or [Foreign Preference](#) guidelines, or both, are also frequently cited. Association with a foreign organization may indicate national and or cultural conflict with an individual's identity as a U.S. citizen. In addition, ties to foreign organizations may provide a contact point for foreign intelligence officers or other individuals who target U.S. citizens for information. In one example, a businessman convinced U.S. government employees to share classified information and then sold the information to Chinese contacts.³ The businessman was recruited into conducting espionage by an individual who worked for the Guangdong Friendship Association, a group in China with the ostensible goal of promoting good relations with foreign countries and organizations. This group and other "friendship groups" like it have been identified as part of intelligence gathering efforts. See chapters on [Foreign Preference](#) (page 181) and [Foreign Influence](#) (page 157) for more detail regarding concerns with foreign associations and activities.

Role Conflict with Outside Activities Related to Area of Expertise

An outside activity is likely to be a security concern when it relates to the same general subject area as an individual's classified activities. For example, if the outside activity is important to the subject of investigation as a source of income or as a source of personal prestige or self-esteem (publication of one's work, ability to influence the media, meeting influential people, etc.), there is a potential vulnerability to manipulation or pressure. The other organization or individual can easily terminate the relationship if the subject fails to provide what is asked or expected.

To bolster one's credentials or make a persuasive argument, one may be tempted to answer questions or supply information about one's classified work. To make oneself appear more interesting, important, or well-informed, one may be tempted to talk about the type of political, military, scientific or other classified information to which one has access. If an individual becomes disgruntled with his or her

classified work and wants to develop the outside activity into an alternative career, there may be a strong temptation to reveal deliberately classified information. This happened in the case of Navy intelligence officer [Samuel Morison](#) (page 219). Morison was convicted of espionage as a consequence of outside employment with a foreign publication that tracks the world's naval ships and weapons.

Role Conflict Related to National Security Ideology

Outside activities may also be of concern if they are related to domestic groups or ideologies that conflict with national security. For instance, involvement in a movement that advocates leaking classified information to the public would be a clear conflict of interest. Individuals are typically able to maintain dual loyalties when those loyalties are compatible; however, when conflict exists one may feel pressure to “choose a side.”⁴ Studies suggest that individuals who feel conflict about their professional role are more likely to sabotage tasks of which they personally disapprove. This was especially true if the individuals were also rewarded for their disobedience.⁵ Rewards take many shapes, including social approval and status among fellow group members.⁶ This means outside activities related to anti-national security movements are of special concern, even if the individual is not employed or paid for his or her involvement. Someone who feels a conflict with his or her clearance holder identity may sabotage his or her work (e.g., leak classified information) to relieve this perceived pressure. For example, Bradley Manning, an Army intelligence specialist who is accused of leaking classified materials to the public, engaged in activities related to a hacker subculture. This is suggestive of a conflict between a hacker identity and his clearance holder responsibilities, described in detail below.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *any employment or service, whether compensated or volunteer, with:*
 - (1) *the government of a foreign country;*
 - (2) *any foreign national, organization, or other entity;*
 - (3) *a representative of any foreign interest;*
 - (4) *any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology;*
- (b) *failure to report or fully disclose an outside activity when this is required.*

Indicators of Potential Role Conflict

Association with a group, organization, or movement that may conflict with the subject's primary role as a clearance holder: This includes the three types of role conflict described earlier: employment or service with a foreign entity; outside activities related to area of expertise; and activities revealing ambivalence or antipathy toward national security issues. Mere association with such groups or activities can be considered derogatory, as outlined in the [Adjudicative Guidelines](#) criteria listed above: “*any employment or service, whether compensated or volunteer...*” This is because associating with groups through employment or volunteer activities may be an indicator of pre-existing identity conflicts, or they may gradually create such conflicts in an individual over time. Individuals tend to join groups and engage in activities related to their identity, but they also may incorporate new aspects of the group into their sense of self.¹ Strong personal identification with a group may be felt even if the individual has not been a member long or has not enjoyed any obvious benefit from their membership.⁷

Indebtedness or obligation to a group, organization, or movement that may conflict with the subject's primary role as a clearance holder: Concern exists regarding potential conflicts of interest even if a subject is confident that he or she will not be influenced by these outside activities. Influence is often an unconscious process and an individual will not always be aware when they are affected. For example, there are laws limiting the amount of money lobbyists can spend on gifts to our political leaders. Even though a politician *thinks* he or she would not be influenced by these gifts, research shows that it is likely he or she would develop an unconscious bias towards those who give them. Favours create a strong feeling of indebtedness and individuals may provide a much greater service in return to ease this discomfort.⁶ Similar unconscious processes could prompt a clearance holder to share classified information with an organization he or she feels indebted to for extra income or other services. Individuals might also be unconsciously influenced by authority figures present in outside organizations to which they belong (e.g., a supervisor or the group leader). Obedience to authority is a strong tendency in humans.⁸ Evidence of indebtedness in a background investigation can include (but is not limited to) disclosure of financial or other compensation for outside activities. Evidence of perceived obligation may be found in reference interviews, where the source reports examples of the subject obeying or fulfilling requests from members of the group. Subject interviews may also reveal feelings of obligation or indebtedness; however, as described earlier, individuals do not always consciously realize when they are influenced in this way.

Positive feelings toward a group, organization, or movement that may conflict with the subject's primary role as a clearance holder: Belonging to a group can increase positive feelings toward group members.¹ People are social beings and are in some ways hardwired to act in their role as a group member. Studies that have placed strangers in randomly assigned groups show that individuals will support

their fellow members⁹ and change their own behavior to conform with group expectations,¹⁰ even when there is no good reason to do so. Usually, however, there is good reason to identify with the groups we join. Groups tend to offer things that we value, such as shared goals, a common history, and relationships with people who are similar to us.¹ For these reasons, it is likely that an individual will incorporate the new group into his or her own identity.¹¹ If there is evidence that a subject strongly identifies with, or feels strong positive feelings for, a role that conflicts with their security clearance responsibilities, then there is cause for concern. Evidence of such conflict may arise in subject or reference interviews, with sources reporting examples of behaviors or verbal statements that indicate strong feelings regarding outside activities and associations.

Mitigating Conditions

Extract from the Guideline

- (a) *evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States;*
- (b) *the individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.*

Cleared personnel are supposed to obtain approval prior to engaging in outside activities that could present a conflict of interest, but the presence of a potential conflict is not always readily apparent. Implementation of this requirement varies from one organization to another. Although not explicitly stated in the adjudicative guideline, prior approval generally means the outside activity is not a security concern. If an activity has not been approved and the individual was unaware of the requirement, the employee may be given an opportunity to terminate the activity before adverse administrative action is taken.

Approval is often granted for outside activities such as part-time teaching or assuming a position of leadership in a professional organization. Factors that might mitigate security concerns and lead to approval of an outside activity include:

- Subject's supervisor and security office have been advised of the outside employment or activity and determined that it does not pose a conflict with the subject's security responsibilities.
- The activity is in the government's interest.
- The individual is unlikely to encounter pressure or to have any incentive for disclosing information that should not be disclosed.
- The activity is unlikely to bring the employee to the attention of hostile elements as a potential target.

- The foreign connection relates only to cultural activities, not political, economic, military, science, or technology.
- The foreign connection is infrequent or is through a U.S. subsidiary of a foreign company that is known to operate independently of its foreign ownership.

Case Examples

Samuel Morison

Summary: The case of Samuel Loring Morison is a prime example of the type of outside activity that is a concern under the [Outside Activities](#) guideline. Morison worked at the Naval Intelligence Support Center in Suitland, MD, from 1974 to 1984. The grandson of the famous naval historian Samuel Eliot Morison, he was an intelligence analyst specializing in Soviet amphibious and mine-laying vessels.

At the same time, Morison earned \$5,000 per year as a part-time contributor and editor of the American section of *Jane's Fighting Ships*, an annual reference work on the world's navies published in England. There were repeated complaints about Morison using office time and facilities to do his work for *Jane's* and warnings to him about conflict of interest between the jobs.

In 1984, conflicts with his supervisors led Morison to seek a full-time position with *Jane's* in London. To ingratiate himself with his desired future employer, Morison began overstepping the boundary of permissible information that could be sent to *Jane's*. The case came to a head when Morison took from a coworker's desk three classified aerial surveillance photographs showing construction of the first Soviet nuclear-powered aircraft carrier. He sent these photographs to *Jane's*. The coworker missed the photographs, and soon thereafter they appeared in *Jane's Defence Weekly* and were traced back to Morison.

Morison was motivated by a desire to curry favor with *Jane's* to increase his chances of being offered a job. He also had a political motive for passing classified information to the media -- to influence American public opinion in favor of a stronger defense posture. He believed that the new nuclear-powered aircraft carrier would transform Soviet capabilities, and that "if the American people knew what the Soviets were doing, they would increase the defense budget."¹² Morison was sentenced to two years in prison for espionage and theft of government property.

Interpretation: If all of the above information about Morison's association with *Jane's Fighting Ships* had been known during a background investigation, he would have been considered a serious issue case. Morison sought to contribute to an English publication related to his work at the Naval Intelligence Support Center. This association falls under two of the three types of role conflict described above: 1) employment or service with a foreign entity and 2) outside activities related to area of expertise. By earning \$5,000 a year as a part-time contributor, Morison placed himself in a position of indebtedness to the organization. Complaints

regarding Morison's use of official work time to support his outside publishing activities likely reveal positive feelings or a sense of obligation to the publication as well, to the detriment of his intelligence analyst responsibilities. Finally, his stated motivation to influence politics through release of classified information suggests an ideological association that conflicted with this role as a clearance holder. The fact that Morison's outside activities were associated with a foreign country considered to be an ally of the U.S. should not have mitigated issues raised above.

Bradley Manning

Summary: Bradley Manning was an intelligence specialist in the Army who is accused of leaking classified information to the anti-secrecy website WikiLeaks. Manning is accused of leaking a video of a helicopter firing on civilians in Iraq, daily field reports from Iraq and Afghanistan, and U.S. diplomatic cables. These leaks are considered to be extremely serious and involve hundreds of thousands of classified documents. After having been formally charged under the Espionage Act, Manning pled guilty to numerous espionage and theft-related counts and was sentenced to 35 years' imprisonment in August 2013.

From a young age, Manning expressed an interest in hacking, initially focusing on theory rather than practice.¹³ He expressed to friends the idea that "information wants to be free," a key tenet of "hactivism" (hacking as a form of political activism). After joining the Army, Manning reported experiencing conflict with his role as a military analyst, telling friends that he did not approve of information he was learning about the war and that the American public would not support the war in Iraq if they knew what he knew. Supervisors also reported that Manning was experiencing conflict in the military setting, including social problems, serious mental health-related problems, and assaultive behavior. Much of this strain appears to be due to Manning's personal conflict as a gay soldier serving under Don't Ask Don't Tell restrictions. He was evaluated by a mental health professional but remained on duty with continued access to classified information.

Manning attempted to relieve his identity conflict by maintaining contact with civilian friends in a community that he hoped to join after discharge from the military. Some of these friends were involved in the hacking subculture, and at one point while on leave Manning attended a grand opening of a "hacker space." The founder of this space reported later that upon meeting Manning he "immediately sensed" that Manning was part of the hacker community and understood the political uses of technology.

After WikiLeaks began releasing the classified information that Manning is suspected of leaking, he made contact with a well-known convicted hacker, Adrian Lamo. During online chats with Lamo, Manning revealed deep feelings of identity conflict, describing himself as "isolated," "desperate," "broken," and "self-medicating like crazy." He also stated that he had access to classified information, and had leaked a video and diplomatic cables, according to chat transcripts. Lamo, although

a hacker himself, was uneasy about the apparent leaks of national security information and reported his conversations to government authorities. Under direction from investigators, Lamo continued chatting with Manning to gather more details. During one of these chats, Manning again revealed extreme role conflict, stating that he was “actively involved in something that I was completely against.” Instead of selling the information to a foreign power for personal profit, Manning said that he felt the information should be released for public benefit, because “information should be free.”

Interpretation: The case of Bradley Manning is an example of conflict of interest due to an ideological opposition to national security concerns. Manning’s involvement in the hacking subculture and incorporation of hacking ideology in his personal identity constituted a clear conflict of interest. His outside activities in the form of discussions with friends, visits to hacking spaces, and chats with members of the hacking community, if they had been revealed at the time of adjudication, should have been considered issues of concern for his ability to safeguard classified information.

Endnotes

- 1 Ashforth, B. E. & Mael, F. (1989). Social identity theory and the organization. *Academy of Management Review*, 14, 20-39.
- 2 Van Vugt, M. & Hart, C. M. (2004). Social identity as social glue: The origins of group loyalty. *Journal of Personality and Social Psychology*, 86, 585-598.
- 3 Arrillaga, P. (2011, May 8). *How a networking immigrant became a spy*. The Miami Herald.
- 4 Reed, C. S., Young, W. R., & McHugh, P. P. (1994). A comparative look at dual commitment: An international study. *Human Relations*, 47, 1269-1293.
- 5 Grover, S. L. (1997). *Lying in organizations*. In R. A. Giacalone & J. Greenberg (Eds.), *Antisocial Behavior in Organizations*. London: Sage Publications.
- 6 Cialdini, R. B. (2009). *Influence: Science and practice*. Fifth Edition. New York: Pearson.
- 7 Mael, F. A. & Ashforth, B. E. (1995). Loyal from day one: Biodata, organizational identification, and turnover among newcomers. *Personnel Psychology*, 48, 309-333.
- 8 Milgram, S. (1974). *Obedience to Authority*. New York: HarperCollins Publishers.
- 9 Tajfel, H. (1970). Experiments in intergroup discrimination. *Scientific American*, 223, 96-102.
- 10 Abrams, D., Wetherell, M., Cochrane, S., Hogg, M. A., & Turner, J. C. (1990). Knowing what to think by knowing who you are: Self-categorization and the nature of norm formation, conformity, and group polarization. *British Journal of Social Psychology*, 29, 97-119.
- 11 Meyer, J. P., Stanley, D. J., Herscovitch, L. & Topolnytsky, L. (2002). Affective, continuance, and normative commitment to the organization: A meta-analysis of antecedents, correlates, and consequences. *Journal of Vocational Behavior*, 61, 20-52.
- 12 Weiss, P. (1989, September). *The quiet coup: U.S. v. Morison - a victory for secret government*. Harper’s.
- 13 Nakashima, E. (2011, May 8). *The WikiLeaks suspect*. Washington Post Magazine.

Personal Conduct

Relevance to Security	222
Potentially Disqualifying Conditions	223
Extract from the Guideline	223
Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior	224
Other Unfavorable Information	225
Problems in Work Performance	226
Employment History	226
Conditions of Military Discharge	226
Multiple Traffic Offenses	226
Arguing/Fighting/Uncontrolled Anger	227
Civil Litigation	227
Weapons Issues	227
Gang Membership	227
Online Behavior	227
Vulnerability to Coercion or Duress	228
Violation of Any Condition for Approving Access	229
Association with Persons Involved in Criminal Activity	230
Insider Threat Concerns	230
Mitigating Conditions	230
Extract from the Guideline	230
Points of Explanation	231
Vulnerability to Exploitation, Manipulation, or Duress	231
Association with Persons Involved in Criminal Activity	231
Coercion or Duress	231
Gang Membership	232
Dishonesty	232
Age and Maturity	232
Unsubstantiated Evidence	232
Motivation for Behavior	233
Online Identity Theft	233
Avoiding Potential Bias	233
Case Examples	234
General Irresponsibility	234
Vulnerability to Coercion	236
Pattern of Unreliable Behavior	236
Endnotes	237

Relevance to Security

NOTE: The falsification and failure to cooperate issues in the [Personal Conduct](#) adjudicative guideline are covered in a separate chapter, [Personal Conduct – Falsification](#) (page 239).

The [Personal Conduct](#) adjudicative guideline covers unreliable or untrustworthy behavior not considered under other guidelines, or which falls below the threshold for action under any other single guideline. It provides a means for adjudicators to consider a *pattern of unreliable and untrustworthy behavior* that may encompass multiple guidelines. Importantly, the [Personal Conduct](#) guideline also covers vulnerability to coercion, exploitation, or duress. The falsification and failure to cooperate issues that are part of the [Personal Conduct](#) guideline are discussed in a separate module.

Protection of classified information requires compliance with a complex set of rules and regulations. Willingness and ability to comply with rules and regulations is, therefore, an important qualification for access to classified information. Any conduct that indicates disrespect for rules and regulations can be a security concern under Personal Conduct as well as several other guidelines.

Honesty and integrity are other important qualifications. Many people during the course of their lives are beset by problems or stressors that tempt them to engage in improper or illegal behavior. The ability to weather these situations without engaging in improper or illegal activity depends, in large part, upon a person's basic character and integrity.

These and other types of conduct may raise questions about a subject's judgment, trustworthiness, or reliability, but may not be disqualifying by themselves. They may, however, contribute to an adverse adjudicative decision if they are part of a *pattern* of undesirable behavior that casts doubt on the subject's willingness or ability to safeguard classified information.

Potentially Disqualifying Conditions

Extract from the Guideline

- (c) *credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;*
- (d) *credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:*

- (1) *untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information;*
 - (2) *disruptive, violent, or other inappropriate behavior in the workplace;*
 - (3) *a pattern of dishonesty or rule violations;*
 - (4) *evidence of significant misuse of Government or other employer's time or resources;*
- (e) *personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as*
- (1) *engaging in activities which, if known, may affect the person's personal, professional, or community standing, or*
 - (2) *while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;*
- (f) *violation of a written or recorded commitment made by the individual to the employer as a condition of employment;*
- (g) *association with persons involved in criminal activity.*

This chapter discusses five types of potentially disqualifying conditions.

- [Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior](#) (page 224)
- [Other Unfavorable Information](#) (page 225)
- [Vulnerability to Coercion or Duress](#) (page 228)
- [Violation of Any Condition for Approving Access](#) (page 229)
- [Association with Persons Involved in Criminal Activity](#) (page 230)

Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior

Unreliable and untrustworthy behavior appears in many forms, not all of which fall into specific adjudicative issue categories such as alcohol abuse, drug use, crime, or financial irresponsibility. Under Personal Conduct, the adjudicator considers broad questions about character, reputation, judgment, honesty, integrity, respect for rules and regulations, ability to make and stand by commitments, ethics, and morality.

Any single item of adverse information may fall below the threshold for denying or revoking a clearance, but it may help establish a *pattern* of unreliable or untrustworthy behavior. A *pattern* of unreliable or untrustworthy behavior

increases the security concern associated with any single behavior. The combination of unfavorable information over multiple issue areas usually adds up to more than the sum of the individual parts. See the following case examples of [General Irresponsibility](#) and [Pattern of Unreliable Behavior](#).

Behaviors that should be considered when evaluating a pattern of undesirable behavior include, but are not limited to, the following:

- Misdemeanor criminal offenses or alcohol incidents that are not serious enough for disqualification under the [Criminal Conduct](#) (page 48) or [Alcohol Consumption](#) (page 8) guidelines but that do provide information relevant to evaluating a person's reliability, trustworthiness, or judgment.
- Financial irresponsibility (e.g., skipping from an apartment without paying the rent, writing bad checks, deliberately stiffing a creditor) that is not sufficient for disqualification under Financial Considerations but which does convey significant information about the individual's reliability, trustworthiness, or judgment.
- Behaviors discussed below under Other Unfavorable Information, which includes certain types of problems in work performance, indicators relating to employment history or conditions of military discharge, multiple traffic offenses, uncontrolled anger, involvement in multiple lawsuits, and weapons issues that are not explicitly covered by other guidelines.
- Deliberate dishonesty during the security clearance process, even if it is not material and, therefore, not immediately disqualifying under *Omission*, *Concealment*, *Falsification of Information* as described in the [Personal Conduct – Falsification](#) module (page 239).
- Undesirable personality characteristics as discussed in [Behavior Patterns and Personality Characteristics Associated with Espionage](#) (page 261) under [Psychological Conditions](#). These include antisocial behavior, narcissism, paranoia, impulsiveness, inability to form a commitment, vindictiveness, and high-risk behaviors that show bad judgment.

The seriousness of a pattern of undesirable behavior may be judged in two ways:

- By the seriousness of the individual behaviors that make up the pattern; or
- By the number of different types of undesirable conduct or facets of a subject's life that are included in the pattern. The broader the variety of undesirable behavior, the greater the likelihood that reliability and trustworthiness in protecting classified information will also be affected.

Other Unfavorable Information

Many behaviors can be warning signals that a person may not possess the "strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment" required to uphold national security responsibilities. Most fall within the

scope of the other adjudicative guidelines, but some do not. Some additional warning signs are listed below. When combined with other adverse information, these indicators may contribute to an adverse action. For an example, see the case of [Pattern of Unreliable Behavior](#) (page 236).

Problems in Work Performance

An individual may exhibit behavioral or psychological problems in the work place. These problems include: rebellious attitude toward supervisors, habitual cutting of corners or failure to comply with regulations or procedures, lying to cover up mistakes, overreaction to real or imagined criticism, lack of commitment to the organization, pattern of attendance or tardiness problems, careless operation of equipment.

Employment History

Depending upon an individual's age and circumstances, frequent changes of employment without advancement raise the possibility of unsatisfactory work performance due to dishonesty, irresponsibility, drug use, emotional/mental problems, or other issues of security concern. It is often difficult for investigators to determine the true circumstances under which an individual terminates employment. Fearing lawsuits, many employers refuse to provide derogatory information about a former employee. A key judgment recorded in the personnel records at many organizations is whether a former employee is eligible for rehire.

Conditions of Military Discharge

Applicants often claim "honorable discharge" from military service when, in fact, they were given a "general discharge under honorable conditions." The latter means the individual was discharged for cause. The cause is often inability to adapt to military life or some other form of unsuitability, such as a drug, alcohol, criminal, or emotional/mental problem. The personnel security questionnaire does not distinguish between these two types of "honorable" discharge, but it does contain one easily recognized clue that the subject was discharged for cause. If the applicant served less than the minimum time of service (e.g., only 18 months of a four-year enlistment), or was discharged on a date other than the anniversary date of his or her enlistment, it may be a general discharge under honorable conditions. In this case, adjudicators may wish to evaluate the cause for the subject's early discharge.

Multiple Traffic Offenses

Multiple traffic citations for reckless or high-speed driving, including driving with a suspended license, are examples of high-risk behavior that may be a security concern. Some of these offenses may actually be arrests for [driving while intoxicated](#) (see page 14) that have been plea-bargained down to a lesser offense. A

person with a large number of unpaid parking tickets may be considered a scofflaw. Multiple minor offenses raise concerns about a person's attitude toward authority and responsibility. A person who feels above the law in this respect may also feel that some security regulations are unnecessary and do not merit his or her compliance.

Arguing/Fighting/Uncontrolled Anger

There are questions of judgment and reliability if an individual has offenses for disorderly conduct, shows anger or argues at inappropriate times, or has fits of temper.

Civil Litigation

As discussed in the [Criminal Conduct](#) chapter (page 48), a number of crimes are now pursued through civil actions rather than criminal proceedings. Spouse abuse and child abuse are often pursued as civil litigation requesting damages, because pressing criminal charges could cause the offender to lose his job and jeopardize his ability to pay spousal or child support. New laws make it easier and faster for merchants to pursue shoplifting charges in civil rather than criminal court. Some people who file numerous lawsuits have problems in interpersonal relations.

Weapons Issues

Carrying a concealed handgun without a permit or any other weapons violation is a concern. The belief that one has specific enemies against whom one must be armed is also a concern regardless of whether the fear is paranoid or justified.

Gang Membership

Gang membership, by itself, is a security concern. Individuals who join gangs are in general more predisposed to rule and law violations than those who do not join gangs.¹ In addition, belonging to a gang increases an individual's likelihood of committing rule and legal violations, even more so than simply having criminal or delinquent friends.² In questionable cases, local criminal investigative agencies may be able to provide relevant information about a subject's alleged gang membership.

Online Behavior

Online behavior, although "virtual," should be considered as valid a source of information as any other type of behavior. The difference between online behavior and off-line behavior should be considered equivalent to behavior in the workplace versus at home. Different contexts tend to bring out different aspects of an individual's personality. Given the popularity of online social media use, there is much potential for reports of unfavorable behavior in this context to emerge in an investigation (see [Handling Protected Information](#) [page 199] for detailed discussion

of social media issues). For example, minor instances of mishandling protected information that would not be serious enough for a clearance denial alone may, when combined with other unfavorable information, indicate a serious pattern of unreliable behavior deserving of negative adjudication decision. Examples of potentially relevant unfavorable online behavior not directly related to other adjudicative criteria include (but are not limited to) the following:³

- Engaging in unprofessional communication with subordinates (e.g., posting unprofessional content on a subordinate's social media profile).
- Posting unprofessional or offensive content on public pages, especially when the subject is in a leadership role and/or the posted content may impact working relationships (e.g., racist, sexist, or homophobic comments). This may also include private pages where the subject has allowed certain professional contacts access to objectionable content that may affect his or her working relationships.
- Using professional credentials, such as rank, job and/or responsibilities, for personal gain.
- Engaging in cyber bullying, or other overly aggressive behavior online.
- Behavior that violates the Uniform Code of Military Justice, if applicable to the subject.
- Over-sharing sensitive information through social media. Even information that is not officially protected may be considered sensitive (e.g., one's home address and cell phone number). While some sharing of personal information is expected and encouraged in social media, a subject who shares very personal and potentially dangerous information online may lack the requisite sensitivity to information security that is required for clearance holders.

Vulnerability to Coercion or Duress

Vulnerability to pressure or blackmail exists whenever a person engages in conduct which, if exposed, could cause the person to have severe problems with spouse, family, or employer or adversely affect the person's personal, professional, or community standing. Examples of behaviors that might make a person vulnerable are listed below.

- Misrepresentation or falsification of educational or professional credentials that, if discovered, might cause loss of job.
- Concealment of drug use when applying for a security clearance.
- Participation in any undiscovered crime that others are aware of and might try to exploit.
- Large financial losses (from stock market or compulsive gambling) that have been concealed from one's spouse or family.

- Sexual behavior which could cause the subject severe problems with spouse or family if exposed, or about which the subject has intense feelings of shame. See the [Vulnerability to Coercion](#) (page 236) case example.
- Any activity in a foreign country that makes the individual vulnerable to arrest in that country. For example: black market currency exchange, illegal export of antiquities, even distribution of religious literature in some countries.

Vulnerability to coercion is difficult to assess, as the vulnerability exists only in the mind of the individual concerned. Different individuals may react differently to the same circumstance. Moreover, most individuals who want to obtain or retain a security clearance will automatically answer no if asked whether a certain circumstance makes them vulnerable to coercion or pressure.

To make an informed decision about vulnerability to coercion or duress, the adjudicator needs a great deal of information, including the following:

- What is the magnitude of the subject's potential loss if the behavior were exposed -- for example, loss of job, financial loss, marital strain, or other serious personal problem?
- Are any of the subject's friends or relatives, or the subject's spouse, aware of this situation?
- How much time and effort has the subject invested in keeping the behavior secret?
- Is the subject ashamed of the behavior? If so, how ashamed? (Shame is an extremely powerful human emotion.)
- What is the likelihood that anyone else might learn the truth and seek to exploit it?
- Is the subject likely to continue the same type of behavior?

The risk is very small that an individual's vulnerability to coercion or duress will be exploited by an American in the United States in a way that threatens national security. The risk is somewhat larger, however, when the behavior occurs in a foreign country or becomes known to foreign nationals. This is the kind of weakness or vulnerability that aggressive foreign intelligence and security services try to identify and exploit.

Violation of Any Condition for Approving Access

Access to classified information may be approved with conditions. For example, there may be a written or other recorded agreement between the individual and the organization in which, as a condition for approval, the individual agrees to abstain from drug use, pay off debts within a specific time, or cease an outside activity that conflicts with the individual's classified duties.

Violation of any written or other recorded condition for clearance approval may be a basis for revocation of clearance.

Association with Persons Involved in Criminal Activity

Ongoing voluntary association with a person or persons whom one has reason to believe are involved in illegal activity is potentially disqualifying. Association with criminal peers is a strong and consistent predictor of criminal and rule-violating behavior.^{4,5} Any such association needs to be explained. What is the reason for the association and what, if anything, does it say about the subject's own values? Is one's loyalty to criminal friend(s) greater than loyalty to employer or loyalty to country? If the subject of investigation has anything to hide, and this is known to a relative or friend with a criminal background, subject may be vulnerable to pressure or coercion to engage in illegal activity.

A close relative involved in criminal activity may not be a voluntary association, as one cannot choose one's relatives. Under some special circumstances, such as a father or brother who is a Mafia leader, there could be an issue of undesirable influence.

Insider Threat Concerns

Some behaviors that surface during the course of an investigation or adjudication are also potential indicators of espionage, terrorism, or cyber security threats. Such information should be reported to an appropriate security office. The following insider threat indicators are taken from DoD Directive 5240.06, Counterintelligence Awareness and Reporting (CIAR).⁶

- Unwarranted work outside of normal duty hours.
- Attempts to entice co-workers into criminal situations that could lead to blackmail or extortion.
- Attempts to entice DoD personnel or contractors into situations that could place them in a compromising position.
- Attempts to place DoD personnel or contractors under obligation through special treatment, favors, gifts, or money.

Mitigating Conditions

Extract from the Guideline

- (c) *the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;*

- (d) *the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;*
- (e) *the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;*
- (f) *the information was unsubstantiated or from a source of questionable reliability;*
- (g) *association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.*

Points of Explanation

The mitigating conditions are clear, but a few points of explanation may be useful:

Vulnerability to Exploitation, Manipulation, or Duress

The most positive step one can take to mitigate this risk is to inform spouse, family, friends, or employer of the behavior that was previously concealed. Alternatively, when the risk is low, it might also be mitigated by open discussion of the behavior with the investigator or adjudicative office, and a commitment that any attempted coercion will be promptly reported.

Association with Persons Involved in Criminal Activity

Special circumstances may apply if the criminal is a family member such as a brother, father, or son. Some association at family events may be unavoidable. This may not apply if the criminal is a spouse, as marriage is a voluntary association. For example, a woman who is so enamored with or intimidated that she stays with a husband with an extensive criminal record may not be a reliable custodian of classified information. Past association with criminal peers may be less of a concern, as individuals may change their social contacts with age and changes in lifestyle (e.g., marriage and stable employment).[7.8](#)

Coercion or Duress

Although information may suggest that the potential for coercion exists, this does not mean that it is likely to occur. Coercion is one of the least common motives reported for committing espionage.[9.10](#) Thus, coercion does not appear to be highly related to insider threat activities. When weighing factors in a whole-person assessment, potential for coercion may be offset by other positive factors revealed in an investigation.

Gang Membership

It appears that the majority of gang members do not continue their involvement indefinitely; most members end up leaving the gang after a short period of time. After their association with the gang has ended, criminal activity tends to lessen.¹ Therefore, if there is clear evidence the subject is no longer associated with the gang, their involvement may be mitigated.

Dishonesty

Dishonesty may be considered under Personal Conduct, even if it is not material and, therefore, not immediately disqualifying under Omission, Concealment, Falsification of Information as described in the Personal Conduct - Falsification chapter. However, as described in that chapter, care should be taken when determining whether a subject has engaged in deliberate deceit or has simply made a mistake. Memory is not infallible and memory distortion (i.e., forgetting or remembering things differently than they actually happened) is common.¹¹ In addition, humans are not very good at determining whether someone is lying or telling the truth based on verbal or non-verbal cues.¹² See [Personal Conduct – Falsification](#) (page 239) for a detailed discussion of lie detection and memory distortion.

Age and Maturity

The individual's age and personal circumstances should be taken into account when evaluating behaviors that may indicate unreliability, untrustworthiness, or poor judgment. It is common for many young persons, especially males, to engage in some high-risk, immature or impulsive behavior that gets them into trouble. Some tolerance is appropriate if the behavior is not too frequent or too serious and the person is relatively young. Many such persons mature and become more even-tempered and responsible as they grow older, enter the work force and take on added responsibilities such as marriage and family.^{7,8,13,14}

Unsubstantiated Evidence

Before discounting any credible report of adverse information because it is unsubstantiated, the adjudicator should ask this question: If this report is true, what are the chances that I could learn about this from any other source? Many of the deepest and most important secrets are known to only a few people. There will be times when a credible report of derogatory information from one well-placed source should outweigh reports from many acquaintances who report never having seen evidence of such behavior.

Motivation for Behavior

When examining evidence related to Personal Conduct, it is often important to understand motivations underlying the subject's behavior. What on the surface may appear to be irresponsible or unreliable actions may seem reasonable once background context or the subject's own perspective is understood. However, subject explanations for the reasons behind their behavior should not necessarily be taken at face value. Subjects may lie to justify their decisions, but they may also genuinely not understand or remember their own motivations. Although it seems as if our motivations are clear, often people are more influenced by unconscious factors than the reasons they assume underlie their behaviors.¹⁵ In addition, even if an individual accurately understands the reasons for their behavior at the time of an event, their memory may fade or change over time.¹⁶ Therefore, if at all possible, objective evidence should be sought to verify a subject's justification for seemingly unfavorable actions.

Online Identity Theft

When the violation involves online disclosure of protected information, claims by the subject that the information was posted by someone else who had assumed their identity should be investigated. Despite privacy settings, social networking sites are not secure. Someone may access another person's account if they know or guess their password, or may gain access through hacking. Also, it is possible to create a fake account with someone else's name, as social networking sites do not include identity verification. There have been instances of individuals creating false accounts to defame others. For example, a teacher in Australia was the victim of such social networking identity theft when someone created a fake account with the teacher's name and pictures.¹⁷ This person then made contact with the teacher's students and posted inappropriate comments meant to paint the teacher as a pedophile. Although the fake profile made some students suspicious, others appeared to accept it as real. This indicates that fake profiles or fake messages from legitimate profiles may appear very convincing to references who may be interviewed for a background investigation, even if they know the applicant well. If there is evidence that a subject in a clearance investigation may be the victim of similar identity theft the derogatory information should be mitigated.

Avoiding Potential Bias

Under Personal Conduct, the adjudicator considers broad questions about character, reputation, judgment, honesty, integrity, respect for rules and regulations, ability to make and stand by commitments, ethics, and morality. There are no objective standards for these topics, and different segments of society disagree on what is and is not appropriate or moral behavior. To the extent possible, it is important for the investigator and adjudicator to interpret subject behavior only as it relates to national security concerns and not as it relates to their

own personal values. This is true for the entire adjudication process, but is especially relevant for Person Conduct given the inherently subjective nature of the criteria.

As described above, individuals do not always fully appreciate the factors that influence their decisions; this applies to investigators, adjudicators, and applicants alike. Decision-making in everyday life is complex, and humans have developed mental shortcuts to help reduce the amount of cognitive effort required to analyze information. These shortcuts, called “heuristics,” are often unconscious, and are used when making many types of decisions, including important decisions with serious consequences. Usually these heuristics serve us well enough, but sometimes they color our judgment in negative ways (e.g., stereotypes are one example of heuristics that can cause problems). However, through conscious effort people may reduce their reliance on these mental shortcuts.¹⁸

One common heuristic that affects human judgment is the “halo effect.” This refers to the tendency to view people as generally all good or all bad. Of course, this is not true, but often one piece of positive or negative information about a person unconsciously affects the interpretation of other unrelated information about that person.¹⁹ This effect is common in personal interactions, but has also been shown to affect expert judgments in risk assessment fields such as auditing.²⁰ For risk assessment in personnel security, there is a possibility that a subject with nonmaterial positive traits may unconsciously be given more benefit of the doubt in regards to derogatory information. For example, unfavorable information about a subject who appears friendly (a trait not related to adjudicative criteria) may be unconsciously discounted more than equally unfavorable information about a subject who appears unfriendly. The halo effect may affect how investigators interpret and report information, as well as how adjudicators apply information when making clearance decisions. Nonmaterial traits that may unconsciously influence interpretation of behavior include, but are not limited to: likability, similarity to the investigator/adjudicator, length of employment or number of years a clearance has been held, and job status or expertise.

Case Examples

General Irresponsibility

Summary: Subject is a 33-year-old computer operator assigned to an intelligence organization. He has a Secret clearance and is being investigated for TS/SCI access as required for his future duties.

Subject has experienced financial problems for the past seven years. The problems began shortly before entering military service when the subject married and had a child with no medical insurance. He is now earning more money and budgeting more carefully with the advice of friends. He is paying off \$300 per month on remaining debts of \$4,000.

A neighbor reported her belief that subject has not demonstrated the basic responsibility required of a person authorized access to classified material. The neighbor provided the following, much of which was confirmed by a second neighbor:

“Subject has neglected his property ever since the family moved in five years ago. The grass is rarely cut, there is trash and toys in the yard, and their garbage piles up for weeks at a time without being taken out for pickup. The family is reported frequently to the health department because their garbage causes problems with rats.

“On one occasion the subject and his family went to Florida for three weeks, leaving their clothes hanging on the line outside for the entire period. Subject once borrowed a shovel from me but failed to return it. I eventually discovered the shovel left outside in the weather in the subject’s back yard and retrieved it.

“I believe subject’s children are neglected. They are allowed to go outside on the coldest winter days wearing summer clothes. They are dirty and not monitored while playing outside. Subject’s wife locks the children out of the house for hours at a time. On one occasion the children asked to use our bathroom, as their mother had locked them out of the house. I have seen the children drinking water out of a mud hole in subject’s back yard. Subject’s oldest child was kept out of school for a year because her mother did not like something being taught at school. I saw no evidence that the mother was teaching the child at home.

“The inside of subject’s home is filthy, with food and clothes everywhere. The home is infested with roaches.

“I was warned by a friend who knows subject through church membership that subject and his family are ‘users.’” They take advantage of people if given an opportunity. My friend said that subject had car problems and wanted members of the church to buy him a new car. He became upset with the congregation when that did not happen.

“I believe subject is irresponsible at home and cannot take care of himself, his property, or his children. He does not have his priorities in order, as he puts himself ahead of caring for his children. He seems to have money for frivolous purchases, such as a motorcycle and a canoe, while his children are dirty and not well clothed. I would not want to give a security clearance to such an irresponsible person.”

Interpretation: Subject’s behavior does not fit neatly under any specific disqualifying criteria in the [Adjudicative Guidelines](#). The behavior is noteworthy, however, and raises questions about the subject’s ability to be responsible and to exercise good judgment. The neighbor’s derogatory comments appear to be confirmed by a second source. The neighbor is not knowledgeable about

appropriate grounds for denial of clearance, but her common sense judgment that such a person should not have access to classified information merits attention.

This type of unfavorable information may be adjudicated under the [Personal Conduct](#) guideline. The subject's financial difficulties, while not severe enough to fall under the Financial Considerations guideline, may be seen as part of a pattern of dishonest, unreliable, or rule-breaking behavior. The irresponsible behavior shown in his personal life in regard to his house and his children should be considered additional unfavorable information, even though this does not directly relate to any specific adjudicative criteria. Together the information reported in the investigation is evidence of irresponsibility and poor judgment that is not appropriate for an individual seeking a TS/SCI clearance with an intelligence organization. Although much of this information was reported by the subject's neighbor, it was supported by the statements from a second source. If the adjudicator wished to request further information before making a decision, the additional investigation might focus on personal interviews of coworkers and current and past supervisors to explore potential irresponsible behavior or poor judgment on the job.

Vulnerability to Coercion

Summary: Consider the case of a 31-year-old employee of a defense contractor being processed for Top Secret clearance. The only derogatory information is that two years ago he resisted arrest by a police officer who observed him committing a homosexual act in a public place, and he failed to list this arrest on his personnel security questionnaire. The arrest for resisting a police officer was reported in the newspaper, but the homosexual circumstance was not. The applicant told his wife that he was arrested for having intercourse with a female prostitute, and he told his coworkers that he was arrested for urinating in public.

Interpretation: This single incident, by itself, is probably not disqualifying under either [Sexual Behavior](#) (page 298) or [Criminal Conduct](#) (page 48) or on the basis of falsification. The employee's sexual orientation cannot be the basis, by itself, of any inference concerning his eligibility for a clearance. [Executive Order 12968](#) (page 405) and the adjudicative guidelines prohibit any such inference. The applicant's vulnerability to coercion may be the most significant issue. The applicant is obviously ashamed of his behavior, as he concealed it from both spouse and coworkers. If exposure of this homosexual incident would cause the applicant to have severe problems with his spouse or at work, he may be vulnerable to pressure or coercion by someone who learns the true story.

Pattern of Unreliable Behavior

Summary: Nasir Ahmad Ahmadi was hired by DoD contractor Mission Essential Personnel as an interpreter in Afghanistan.²¹ Ahmadi had been employed at an Army Special Forces base near Kabul, but due to his poor performance was fired

only a few months after he arrived. In response to this news, Ahmadi allegedly grabbed an assault rifle and proceeded to shoot three unarmed soldiers in the vicinity, two of whom were fatally wounded.

The families of the deceased soldiers have lodged a lawsuit against Mission Essential Personnel for lack of proper personnel security vetting and oversight. During his tenure at the base, Ahmadi apparently displayed several professional and personal behaviors that indicated he was not reliable and trustworthy. According to news reports, Ahmadi was characterized by others at the base as “a sloppy, lazy, unhygienic and untrustworthy loner, who often disappeared when work needed to be done.”²² During the investigation into the attack, soldiers told investigators that Ahmadi was unreliable at his job “because he was always ad-libbing and making stuff up.” Ahmadi was also unable to establish normal personal relationships and at one point he even threatened to kill a coworker with an axe. His living quarters were unhygienic, with rotten food, dirty dishes, and rat droppings spread across the floor. Ahmadi was also suspected of having a drug problem and was accused of using “nass,” a mixture of tobacco, paint thinner and powdered hashish.

Interpretation: If the above information had been discovered during a background investigation, it would have led to a denial of clearance under the [Personal Conduct](#) guideline. Each piece of information, by itself, may not have been considered seriously derogatory information, but together they form a clear pattern of untrustworthy and unreliable behavior. Ahmadi displayed problems in his professional and personal life, including dishonesty in his official duties as an interpreter. He displayed aggression toward a coworker and was suspected of using drugs. If this case had been under adjudication, enough unfavorable information existed to warrant further investigation, and if confirmed, should have resulted in a clearance denial.

Endnotes

- ¹ Gordon, R. A., Lahey, B. B., Kawai, E., Loeber, R., Stouthamer-Loeber, M., & Farrington, D. (2004). Antisocial behavior and youth gang membership: Selection and socialization. *Criminology*, 42, 55-87.
- ² Battin-Pearson, S. R., Thornberry, T. P., Hawkins, J. D., & Krohn, M. D. (1998). *Gang membership, delinquent peers, and delinquent behavior*. OJJDP Juvenile Justice Bulletin. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- ³ Office of the Chief of Public Affairs. (2011, January). *U.S. Army social media handbook*. Washington, D.C.: U.S. Army
- ⁴ Pratt, T. C. & Cullen, F. T. (2000). The empirical status of Gottfredson & Hirschi's General Theory of Crime: A meta-analysis. *Criminology*, 38, 931-964.
- ⁵ Cottle, C. C., Lee, R. J., & Heilbrun, K. (2001). The prediction of criminal recidivism in juveniles: A meta-analysis. *Criminal Justice and Behavior*, 28, 367-394.
- ⁶ Department of Defense. (2011, May 17). DoD Directive 5240.06: Counterintelligence awareness and reporting (CIAR). Washington, D. C.: Author.
- ⁷ Warr, M. (1998). Life-course transitions and desistance from crime. *Criminology*, 36, 183-216.
- ⁸ Wright, J. P. & Cullen, F. T. (2004). Employment, peers, and life-course transitions. *Justice Quarterly*, 21, 183-205.
- ⁹ Herbig, K. L. (2008). *Changes in espionage by Americans: 1947-2007* (Tech. Rep. 08-05). Monterey, CA: Defense Personnel Security Research Center.

- 10 Taylor, S. A. & Snow, D. (1997). Cold war spies: Why they spied and how they got caught. *Intelligence and National Security*, 12(2), 101-125.
- 11 Loftus, E. F. (2005). Planting misinformation in the human mind: A 30-year investigation into the malleability of memory. *Learning & Memory*, 12, 361-366.
- 12 Hartwig, M. & Bond Jr., C. F. (2011). Why do lie-catchers fail? A lens model meta-analysis of lie judgments. *Psychological Bulletin*, 137, 643-659.
- 13 Galambos, N. L., Barker, E. T., & Krahn, H. J. (2006). Depression, self-esteem, and anger in emerging adulthood: Seven-year trajectories. *Developmental Psychology*, 42, 350-365.
- 14 Blanchard-Fields, F. & Coats, A. H. (2008). The expression of anger and sadness in everyday problems impacts age differences in emotion regulation. *Developmental Psychology*, 44, 1547-1556.
- 15 Nisbett, R. E. & Wilson, T. D. (1977). Telling more than we can know: Verbal reports on mental processes. *Psychological Review*, 84(3), 231-259.
- 16 Kaasa, S. O., Morris, E. K. & Loftus, E. F. (2011). Remembering why: Can people consistently recall reasons for their behavior? *Applied Cognitive Psychology*, 25, 35-42.
- 17 Moses, A. (2011, August 5). *Evil fiction: Teacher a target of fake Facebook profile*. The Sydney Morning Herald. <http://www.smh.com.au/technology/technology-news/evil-fiction-teacher-a-target-of-fake-facebook-profile-20110805-1iefm.html#ixzz1UAhBTK6R>
- 18 Cialdini, R. B. (2009). *Influence: Science and practice*. Fifth Edition. New York: Pearson.
- 19 Nisbett, R. E. & Wilson, T. D. (1977). The halo effect: Evidence for unconscious alteration of judgments. *Journal of Personality and Social Psychology*, 35, 250-256.
- 20 O'Donnell, E. & Schultz, J. J., Jr. (2005). The halo effect in business risk audits: Can strategic risk assessment bias auditor judgment about accounting details? *The Accounting Review*, 80, 921-939.
- 21 Associated Press. (2011, July 12). *Contractor accused of negligence in soldier deaths*. New York Times.
- 22 Brooks, D. (2011, July 12). *Families sue military contractor over soldier deaths in Afghanistan*. FayObserver.com

Personal Conduct – Falsification

Relevance to Security	239
Potentially Disqualifying Conditions	240
Extract from the Guideline	240
Refusal to Cooperate During Security Processing	240
Indicators of Omission, Concealment, Falsification of Information	241
Vulnerability to Coercion	249
Mitigating Conditions	249
Extract from the Guideline	250
Lie Detection	250
Memory Distortion	251
Endnotes	252

Relevance to Security

NOTE: Other aspects of the Personal Conduct adjudicative guideline are discussed under [Personal Conduct](#).

An individual's failure to cooperate in any element of the security clearance process, including failure to be forthcoming with complete and accurate information, may indicate unwillingness to comply with required security procedures and regulations and may raise serious questions about an individual's character, reliability, trustworthiness, and judgment.

There are three separate issues of security concern during the clearance process. First, applicants may refuse to cooperate by withholding information from the investigation. These individuals may refuse to fill out forms, provide follow up information, or meet with investigators. In this case, subjects do not attempt to conceal their noncompliance with the investigation process. In other circumstances, applicants may fail to cooperate by attempting to mislead the investigation. To hide potentially derogatory information, subjects may falsify, conceal, or omit information on forms or in discussions with investigators. This behavior is a security concern in itself, as it is related to trustworthiness and reliability. However, deliberately falsifying information also creates an additional security concern when applicants have made themselves vulnerable to coercion by lying during an investigation. These issues are discussed in depth below.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;*
- (b) *deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative.*

In addition to the potentially disqualifying factors listed above, the guidelines state that refusal to cooperate or to provide required information during security processing “*will normally result*” in an unfavorable clearance action or administrative termination of further processing for clearance eligibility. This is the strongest wording in the [Adjudicative Guidelines](#) (page 366). For all other adjudicative issues, the guidelines state only that the behavior “may be disqualifying.”

Refusal to Cooperate During Security Processing

Persons undergoing security processing must complete a personnel security questionnaire, sign release forms that authorize other agencies or medical personnel to provide relevant information, answer fully and truthfully all lawful questions from persons authorized to ask them, and cooperate with medical and psychological examination or testing as required.

Refusal to cooperate in any element of the security clearance process suggests the possibility that the subject may be hiding relevant information. Security clearance is a privilege not a right. The 5th Amendment right to refuse to provide self-incriminating information applies only to situations where criminal proceedings may be involved. Individuals may not be compelled to answer questions during a clearance investigation, but the refusal to answer is a legitimate basis for denying a clearance in spite of assertion of 5th Amendment rights.

Individuals do have a genuine interest in the privacy protection of information they provide. The government has strong privacy regulations to protect this information, so privacy rights are not acceptable as a basis for refusing to provide information in a security clearance investigation.¹

Types of refusal encountered most frequently include: refusal or failure without reasonable cause to sign and return required forms or to meet with a security investigator for a personal interview; refusal to continue the personal interview after

questions are asked about a sensitive subject; refusal to authorize a mental health professional to provide information; and refusal to undergo psychological testing.

The reasons applicants cite most frequently for refusing to provide information are that the information is no one else's business or that legal counsel has advised against providing the information. In such cases, the applicant is advised of the necessity for full cooperation and the possible consequences of continued refusal. If the applicant continues to refuse, the clearance is usually denied or processing is terminated. If the subject subsequently expresses willingness to cooperate, the case may be reopened.

Indicators of Omission, Concealment, Falsification of Information

Deliberate omission, concealment, or falsification of a material fact in any written document or oral statement to the government when applying for security processing, processing for a position of responsibility, or in other official matters is a security concern. Under Title 18 of the U.S. Code, Section 1001, it is also a crime punishable by a fine up to \$10,000 and imprisonment for not more than five years, or both.

Advice of legal counsel is not an acceptable basis for refusal to provide information as long as the information requested is reasonably related to security needs and disclosure of the information is not precluded by law or regulation.¹ Advice of counsel may help mitigate the omission, however, if it is asserted in good faith and the applicant provides the information when the requirement for it is explained. If an individual continues to refuse to disclose information after being advised of the requirement to do so, processing may be terminated based on refusal to cooperate.

Some states have laws that authorize subjects whose records have been expunged or sealed to deny legally that they have been arrested or convicted when asked. At the time of expungement or sealing, these subjects may even be explicitly instructed of their rights upon being questioned about criminal records. A person who has received these instructions and then sees a question about criminal records on a security clearance form can reasonably justify having withheld the information. However, the information must be provided when the need for it is explained.

Unfortunately, lying about one's background is not unusual. For example, one study examining sources of information leading to clearance revocations found that less than 2% of cases were self-reported.² As these issues were serious enough to warrant clearance revocations, the clearance holders had a responsibility to self-report and failure to do so would be considered omission or concealment of information.

The deliberate omission, concealment or falsification may be disqualifying. It is “deliberate” if it is done knowingly and willfully. Omission of a past arrest or past drug use, for example, is not deliberate if the person genuinely forgot about it, inadvertently overlooked it, misunderstood the question, or thought the arrest had been expunged from the record and did not need to be reported. Based on information in the report of investigation, the adjudicator may have to judge whether such explanations are genuine or fabricated excuses. This judgment may take into account the subject’s overall record and the whole-person evaluation.

The seriousness of any omission, concealment or falsification during the security clearance process depends upon the following factors.

- *Whether the omission, concealment or falsification is relevant and “material”:* It is material if it could influence the adjudicative decision. Whether or not information might influence the decision is not always clear-cut. For example, omission of a misdemeanor conviction for disorderly conduct (fight outside a bar) would not by itself cause an adverse decision. Combined with other derogatory information, however, it may well influence an adverse decision or prompt more extensive investigation.
- *Motivation for the omission, concealment or falsification:* Some individuals omit information because they genuinely believe it is not relevant, others because they fear it is relevant and may cause denial of access.
- *Whether information is omitted or a false story is fabricated:* Fabricating false information on the personnel security questionnaire is more serious than simply omitting information. If an applicant fabricates information about a college degree he or she does not really have, or a job he or she never held, the dishonesty is active, deliberate and calculated. Blatant dishonesty tells a lot about the person even if the truth would not materially affect the decision to hire that person.

Evaluation of dishonesty comes down to a whole-person judgment. Is this a basically honest, well-meaning person who may have made mistakes but has admitted them and shown signs of rehabilitation, or is it someone who is habitually skating on the edge. This is evaluated in the Personal Conduct chapter.

Omitting, falsifying, and misrepresenting information to improve one’s apparent qualifications or to conceal unfavorable information are common. This is one of the principal causes for denial or revocation of a security clearance. Mistakes early in life can be forgiven if one has become older and wiser, but covering up past mistakes or misrepresenting one’s achievements during the security clearance process brings the record of unreliable or untrustworthy behavior up to the current time.

Three common areas of concern are withholding or underreporting information on drug use, withholding information on past arrests, and misrepresenting educational qualifications. Other areas of particular adjudicative concern are failure to disclose

a period of employment (in order to conceal unfavorable circumstances under which that employment was terminated), misrepresentation of the circumstances under which one left an employment that was listed on the security form, and withholding information about dual citizenship.

Failure to report criminal record: According to a study of over 14,000 subjects for whom reportable arrest, charge, or conviction data were discovered in the course of DSS personnel security investigations during calendar year 2000, 38% had failed to report this criminal record on their security form. Rates of self-reporting vary significantly based on type of offense, with alcohol-related offenses the most likely to be reported and felony offenses among the least. Self-reporting was somewhat lower among military subjects compared with nonmilitary subjects.³

A large 1995 study of over 340,000 military recruits from Florida, Illinois and California found that self-admission combined with FBI National Agency Checks (NAC) identified about 14% as having been arrested at least once. After checking state criminal records, it was determined that 30% had been arrested at least once. In other words, more than half of those military recruits who had been arrested withheld this information during their enlistment processing and were also not detected through the NAC. They were detected through state and local records. This is a measure of the limitations of the NAC as well as the frequency with which recruits withhold information about their arrest record. (For additional information on the limitations of the NAC, see [Criminal Records Are Often Incomplete](#) (page 55) in the [Criminal Conduct](#) chapter.

The same study found that recruits with a single arrest (even if not convicted) were 65% more likely than other recruits to be discharged for unsuitability before the end of their four-year enlistment. Therefore, information on a single arrest of any type is potentially useful.⁴

Fabricated experience: Researchers have investigated the extent to which individuals fabricate qualifications on job applications. The results of several studies suggest that approximately one-fourth to one-half of job applications contain inaccurate information.⁵ One international survey of more than 300 executive recruiters found that the most common fabricated information included in applications were the reasons for leaving previous positions, descriptions of accomplishments, and job responsibilities.⁶ Another study found high rates (20-40%) of individuals fabricating claims about prior work experience, educational, credentials, and professional licenses.⁷

A similar series of studies have examined misrepresentation of peer-reviewed publication history by applicants in a variety of medical fields. Of the applicants who listed such experience, the number who were found to have misrepresented these qualifications ranged from a low of 1.8% for an internal medicine residency to a high of 30.2% for a gastroenterology fellowship.⁸

Other research found that 12% of doctors who advertised in the Yellow Pages misrepresented their board certification status, which is an indicator of professional training. Of doctors applying for a job at a managed-care organization, 5% lied about their credentials.⁹

Falsify drug test: The Government Accountability Office (GAO) investigated the wide availability of products intended to enable users of illegal drugs to pass federal government drug tests.¹⁰ An Internet search on the words “pass drug test” turns up dozens of companies that advertise such products. One web site claims that “passing a urine drug test has never been easier.” Another advises prospective customers that its product formulas are changed about every 6 to 9 months to stay ahead of new validity tests performed by drug testing laboratories. The masking products fall into four categories:

- Dilution substances that are added to a urine specimen at the time it is collected or are ingested before an individual submits a urine specimen.
- Cleansing substances that detoxify or cleanse the urine and are ingested prior to the time that an individual submits a urine specimen.
- Adulterants that are used to destroy or alter the chemical make-up of drugs and are added to a urine specimen at the time that it is provided for testing. About 400 different adulterant products are available.
- Synthetic or drug-free urine that is substituted in place of an individual’s specimen and provided for testing.

Web sites and sales representatives recommend different types of masking products based on which drugs are used, how frequently they are used, how recently they were used, whether tests are announced or conducted randomly, and whether testing administrators closely monitor the collection of urine samples. Some web sites provide an interactive format for prospective customers to find out which products best meet their individual needs. Some web sites provide a search mechanism to identify the nearest dealer who sells the products. The prices range from \$30 to \$79 dollars per package to get through one test. The GAO investigator bought such products from a dealer in the Washington, DC, area, as well as from a number of web sites.

The GAO investigation concluded that “the sheer number of these products, and the ease with which they are marketed and distributed through the Internet, present formidable obstacles to the integrity of the drug testing process.”

Misrepresenting educational qualifications: When checking an individual’s academic credentials, there are two issues. First, did the individual actually graduate from that school, college, or university? Second, is it an accredited post-secondary educational institution or is it a diploma mill whose degree has little or no value? Misrepresentation of education credentials takes various forms.

A false claim to have a degree from a legitimate school, college, or university: The subject may have actually attended the designated academic institution but failed to graduate or obtain the claimed degree. Or the subject may be using a totally fake diploma and transcript that appear to come from a legitimate college or university and may even be backed up by a telephone answering service that “confirms” the degree. Both of these are falsification issues. Internet hucksters specialize in creating fake diplomas and transcripts, including diplomas and transcripts that appear to come from well-known universities such as Harvard and the University of Southern California. The wide availability of desktop publishing, scanning technology, and color printers has made it easy for any savvy computer user to create authentic-looking transcripts, diplomas and letters of recommendation. A retired FBI officer who investigates corporate fraud identified about 20 Internet sites that offer to create fake transcripts from established colleges. Several states are considering legislation to make it illegal for people to make false claims about their academic credentials to secure a job or promotion.¹¹

One example, diplomasandtranscripts.com, offers authentic looking “novelty” diplomas, transcripts, paychecks, and birth certificates. For \$45, one can purchase a diploma with their choice of school name, seal, degree, and graduation date. Transcripts are printed on “genuine transcript style security paper” and arrive in a “tamper-resistant” envelope. Individuals may choose from nearly 100 different degrees and majors. Discounts are offered for a combined diploma and transcript order of only \$80. For \$12 more the company will add a metallic gold seal “for the ultimate in realism.” Fake paystubs are offered and include such details as accurate Federal and State tax withholding calculations. This website has been in operation since 2004 and provides 355 testimonials from satisfied customers.

Incomplete education: Some of those making false claims may never have attended the college at all. Others may have actually completed most of the course work but never finished all requirements for the degree. *Newsweek* had a short article on “ResumeGate” that identified five senior executives of prominent corporations who were exposed during the previous year as having not earned the degrees they claimed.¹² During the same year, the President of the United States Olympic Committee resigned after admitting she lied about her academic credentials. One national study on educational credentials found that about 6% of Bachelor’s degrees, 35% of Associate’s degrees, and 73% of vocational certificates are falsely claimed.¹³ The survey revealed that most individuals actually attended the educational institution but stopped short of completing the required credits for graduation.

A degree from a diploma mill that has little education value because it is based almost entirely on “life experience” and/or negligible academic work: If the organization actually exists and requires at least some academic work, listing it on the SF-86 may not be falsification. The most recent or highest degree is supposed to be listed on the security form. A diploma mill degree may be a

suitability issue, however, if the subject has misrepresented his or her educational qualifications for the job.

Most established colleges and universities that grant a BA or BS degree or higher are accredited by an independent organization that inspects them and certifies that they meet appropriate educational standards. Today, however, many people's educational needs are met by some form of nontraditional educational program that often involves distance learning or self-directed learning. Most of these that provide a good education are accredited, but some are not. For example, "Columbia State University" offered a degree in business administration to persons who summarize a \$25 textbook and send in a total of about \$2,000. Diploma mills are proliferating on the Internet, seeking to exploit the growing interest in legitimate distance education programs. They are capitalizing on the publicity about distance-learning degrees to lure students into their fraudulent programs.¹⁴

A 2004 GAO investigation found that over 400 federal employees were students of two popular diploma mill institutions. These included 28 senior-level employees who listed degrees from unaccredited schools, three of whom had security clearances.¹⁵

The following sources can be used to determine if an academic institution has been formally accredited.

- The Department of Education web site at <http://ope.ed.gov/accreditation/search.aspx> has a list including thousands of accredited postsecondary educational institutions. It can be searched by name of the school.
- The National Center for Educational Statistics maintains a similar site at <http://nces.ed.gov/ipeds/cool/>
- The Council for Higher Education Accreditation web site at www.chea.org has an annual Directory of CHEA Participating and Recognized Organizations. If a school in the United States claims to be accredited by an organization not listed in this directory, it is not a legitimate school. The Directory lists addresses, phone numbers and e-mail addresses for accrediting organizations that can be contacted to check on a school's accreditation.

The book *Bears' Guide to Earning Degrees Nontraditionally* provides basic information on both accredited and nonaccredited degree programs nationwide. It may be the only available source to provide information on nonaccredited degree programs. It is updated periodically and is available from B & C Publishing, Benicia, CA.

There are a number of red flags that indicate a so-called educational institution may be a diploma mill, and that the claimed degree has no value.¹⁶ These are useful points for discussion with the subject of investigation to determine if the degree is from a diploma mill, or to check the plausibility of any claim that Subject was unaware it is a diploma mill.

Name and Location of the School

- Name is the same as or similar to a well-known college or university, but in different state.
- Operating in a state with few licensing laws (i.e., Hawaii, Louisiana).
- School existed for only a short time or previously existed under another name.
- School operates from a single room in a private home or office in a commercial building.
- Mail is received at a postal box or mail-forwarding service.
- Postmark and return address from different states.

Accreditation of the School

- Not accredited by a legitimate accrediting institution recognized by the U.S. Department of Education.
- Nonrecognized accrediting agency may be connected to the school.
- Instead of saying the school is accredited, uses words like pursuing accreditation, licensed, authorized, (state) approved, recognized, chartered.

Faculty and Staff of the School

- Few, if any, full-time staff.
- Wide variety of functions performed by one person.
- Faculty lacks advanced degrees from recognized college or university.
- Faculty not listed in catalog.
- Preoccupation with degree-identification (long list of degrees follow the names of officials).

Admission Policy and Cost

- Little or no selectivity in admission policy.
- Offers “finder’s fee” for new students.
- Offers discounts for students who pay in cash.
- Tuition and fees are typically on a per-degree basis rather than a per-semester, quarter, or course basis.

Degree and Transcript

- Few, if any, or unspecified, degree requirements.
- Offers backdated degrees.
- Pictures of the degree, transcript, and/or accreditation appear in catalog or on web site.
- Degrees can be obtained in a short time frame.
- Emphasis placed on credit for work experience and prior life experience.

- School does not verify experience or degrees claimed by student.
- Degrees/coursework not accepted by legitimate institutions.

Due to the prevalence of diploma mills, fake transcripts and diplomas that appear to come from legitimate schools, and telephone services that validate these fakes as discussed below, the *only valid verification* of educational achievement is that which comes directly from the school, college, or university. Investigators and adjudicators should not accept credentials provided by the subject of investigation or think they can validate these credentials by calling any phone number provided by the subject of investigation.

As an example, a GAO investigation of diploma mills identified an Internet site, Degrees-R-Us, which also does business as the University Services Corporation. It offers degrees in 161 majors, including military science and criminal justice. A GAO investigator purchased a “premium package” from the company for \$1,515. The package included a BA degree in biology and a MS degree in medical technology from a nonexistent institution called Lexington University, purportedly in Middletown, NY. The package included honors distinctions and access to a “student services” office that verifies the legitimacy of the degrees for potential employers over the telephone. There was no learning requirement for the investigator to obtain this package.¹⁷

When reviewing a background investigation, be alert to any education inquiry that is reported as “no record,” “undeliverable,” or “pending.” This is a sign that the subject of investigation might have made a fraudulent claim. The following are some of the other things that may be encountered when reviewing applications or investigation forms that suggest a need for further inquiry.

- Application shows advanced degrees, but no undergraduate degree.
- One or more degrees received in a short period of time.
- Multiple degrees received in the same year at the same school.
- Application shows full-time employment and full-time college attendance at the same time, particularly if employment and college were in different locations. (There can be a legitimate explanation for this if the education was principally online.)
- The application form shows no residence in the area where the college is located.
- School is located in a foreign country, but the application form does not show foreign travel.
- Education claims on job application form are different from claims on the investigation form.

Vulnerability to Coercion

Any omission, concealment, or falsification of material information increases an individual's vulnerability to coercion, exploitation, or pressure. A previous topic looked at the significance of the omission, concealment, or falsification. Under this topic, the adjudicator evaluates the risk of coercion, exploitation, or pressure as a consequence of the concealment or falsification.

Consider, for example, the case of a 31-year old employee of a defense contractor being processed for Top Secret clearance. The only derogatory information is that two years ago he resisted arrest by a police officer who observed him committing a homosexual act in a public place, and he failed to list this arrest on his personnel security questionnaire. This single incident, by itself, is probably not disqualifying under either [Sexual Behavior](#) or [Criminal Conduct](#), or on the basis of falsification. The employee's sexual orientation cannot be the basis, by itself, of any inference concerning his eligibility for a clearance.

In this case, the applicant's vulnerability to coercion may be the most significant issue. The arrest for resisting a police officer was reported in the newspaper, but the homosexual circumstance was not. The applicant told his wife that he was arrested for having intercourse with a female prostitute, and he told his coworkers that he was arrested for urinating in public.

The applicant is obviously ashamed of his behavior, and shame is one of the more powerful human emotions. If exposure of this homosexual incident would cause the applicant to have severe problems with his spouse or at work, he may be vulnerable to pressure or coercion by someone who learns the true story.

Vulnerability to coercion is often difficult to assess, as it depends upon circumstances such as:

- How ashamed one is of the behavior;
- The lengths to which an individual has gone to keep the behavior secret;
- The magnitude of potential loss if the behavior were exposed -- for example, loss of job, financial loss, marital stress, or other serious personal problem;
- Likelihood that anyone else might learn the truth and seek to exploit it.

Mitigating Conditions

It is not unusual for applicants, in particular, to treat the personnel security questionnaire as just one more piece of bureaucratic paperwork. They fill it out in a cavalier manner, because they do not understand its significance in the security clearance process. It is also not unusual for individuals to receive bad advice from either military recruiters trying to meet their quota or from coworker or lawyer friends trying to be "helpful." Some recruiters actually fill out the security questionnaire for the recruits to ensure that the recruit will be accepted. The

following mitigating conditions in the guideline take into account the various circumstances that might result in an otherwise honest person providing incomplete information on the personnel security questionnaire.

Extract from the Guideline

- (a) *the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;*
- (b) *the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully;*
- (c) *the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress.*

Lie Detection

An important distinction in evaluating the weight of omitted or false information is whether the subject knowingly lied or simply misremembered. In some cases, the only evidence available is the subject's own explanation for why they submitted incorrect information during the background investigation. Unfortunately, humans are poor lie-detectors and tend to make correct judgments about others' statements only about 50% of the time.¹⁸ Unlike other skills, the range in natural lie detection ability is very small; it does not appear that some individuals are naturally better at identifying lies.¹⁹ Training and experience may increase confidence, but they do not increase accuracy.¹⁸ In fact, the main difference between lie detection "experts" and non-experts is that the former tend to be more skeptical.

The reason for this poor performance is that there are no obvious and reliable behavioral differences between individuals who are lying and those who are telling the truth.²⁰ Relying on gut feeling or hunches, or perceived non-verbal cues (e.g., avoiding eye contact) is not an appropriate method for determining that an individual has lied. These types of cues may simply reveal the subject is nervous, which is an understandable reaction to the intensive background process. In fact, motivation to be believed can backfire and make others more likely to think a person is lying.¹⁸

Finally, subjects may not know themselves why they submitted incorrect information. They may unconsciously convince themselves that the misinformation was a mistake, or simply forget why they filled out the form a certain way weeks or months prior. Memory for the reasons behind behaviors, like memory in general, is prone to forgetting and distortion.²¹ Therefore, it is important for investigators and

adjudicators to rely solely on objective evidence when deciding that a subject has knowingly falsified information.

Memory Distortion

Although it may seem unlikely that someone could forget or misremember important pieces of information about their lives, memory distortion is quite common. Human brains are not perfect memory traps; they do not record every aspect of a person's life nor store every memory in pristine condition indefinitely. In fact, memory is a reconstructive process, and sometimes it is reconstructed incorrectly.²² Memory can be inaccurate in three different ways: 1) information can be forgotten, 2) details for events may be changed, or 3) entire events may be remembered that never really occurred. All three are considered types of memory distortion, and the last two are examples of "false memories."

Forgetting and false memories occur with mundane as well as important life events. For example, when individuals were questioned twice about their memories of learning about the Challenger Space Shuttle explosion (once soon after the event and again years later), there were high rates of forgetting and memory distortion in their second reports.²³ This was true even though participants reported the event was emotional and very memorable. In addition, individuals have come to falsely remember emotionally upsetting events that never actually happened, such as getting lost in the mall as a child or even being abused by their parents.^{24,25} If individuals can misremember those situations, they can misremember the types of information included in the clearance application process.

There are certain factors that tend to affect memory and either increase or decrease its accuracy. These factors can be used to help judge the reasonableness of a subject's claim that he or she provided misinformation during the investigation due to problems with memory (rather than intentional lying or omission).

Timing: Memory fades with time. Events that occurred in the distant past are more prone to memory distortion than recent events.²²

Social influence: Memory can be altered by many things, including misinformation. It is possible (and common) for individuals to hear different accounts of an event and unconsciously incorporate those details into their own memory. This is called "social contagion of memory," and individuals can be affected even if they are warned that others' versions of events may be incorrect.^{26,27} In fact, memory is so malleable that individuals can even develop false memories after listening to other people tell stories about different events from their own lives.²⁸ If it is likely an applicant has discussed certain information with other people outside of the background investigation, it is possible that these discussions influenced his or her memory. Similarly, if the applicant describes some other source of misinformation, this explanation should be considered.

Some characteristics of memory are mistakenly believed to be indicators of accuracy. For instance, perceived confidence in a memory tends to increase belief that it is true. However, in reality confidence is not reliably related to accuracy.²² Similarly, individuals can give very detailed and clear descriptions of false memories.²⁸ This means that subjects may have confidently provided detailed information during the investigation that later was shown to be false. Claims of confidence and a high level of detail for incorrect information should not be taken as indications the subject was lying. Also, the fact that subjects were warned to be careful when reporting information during the investigation should not automatically discount claims of honest memory failure. Once a memory has been altered, the true memory is no longer available. Subjects will not know if some of their memories are false, and it is natural for humans to rely on their memories without verifying each one every time we recall it.²⁸ Especially conscientious applicants may double-check every piece of information before submitting it, but others may reasonably report information they are confident about without taking this extra step. In certain cases, without objective evidence of lying it may be preferable to give applicants the benefit of the doubt.

Endnotes

- ¹ The absence of property rights or liberty interests in a security clearance is discussed in *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988). The lower courts have uniformly followed *Egan*. See *Jones v. Department of the Navy*, 978 F.2d 1223, 1225 (Fed. Cir. 1992), *Dorfmont v. Brown*, 913 F. 2d 1399, 1403 (9th Cir.), cert. denied, 499 U.S. 905 (1991).
- ² Fischer, L. F. & Morgan, R. W. (2002). *Sources of information and issues leading to clearance revocations* (Tech. Rep. 02-1). Monterey, CA: Defense Personnel Security Research Center
- ³ Buck, K. R., & Rose, A. E. (2004). *Crime self-reporting study: Phase I* (Tech. Rep. 05-1). Monterey, CA: Defense Personnel Security Research Center.
- ⁴ Flyer, E.S. (1995, February). *Recruits with a preservice arrest history: Identification, characteristics and behavior on active duty* (Contract No. DAAL03-91-C-0034). Report for Directorate of Accession Policy, Office of the Assistant Secretary for Defense (Force Management Policy).
- ⁵ Money-Zine.com. (2009). *Resume fraud*. Retrieved from the internet on August 18, 2011. <http://www.money-zine.com/Career-Development/Resume-Writing/Resume-Fraud/>
- ⁶ Korn / Ferry International. (2004). *Reason for leaving a prior job is the information most frequently fabricated by job seekers, according to global survey of executive recruiters*. Press Release.
- ⁷ Buckhoff, T.A. (2003). Preventing fraud by conducting background checks. *The CPA Journal*, 73, 52.
- ⁸ Caplan, J. P., Borus, J. F., Chang, G., & Greenberg, W. E. (2008). Poor intentions or poor attention: Misrepresentation by applicants to psychiatry residency. *Academic Psychiatry*, 32, 225-229.
- ⁹ Information provided by Office of Personnel Management.
- ¹⁰ Government Accountability Office. (2005, May). *Products to defraud drug use screening tests are widely available* (GAO-05-653T). Washington, DC: Author.
- ¹¹ Foster, A.L. (2003, February 7). *On the web, it's easy to earn straight A's*. The Chronicle of Higher Education.
- ¹² *Resumegate*. (2003, February 10). Newsweek, p. 10.
- ¹³ Attewell, P. & Domina, T. (2011). Educational imposters and fake degrees. *Research in Social Stratification and Mobility*, 29, 57-69.
- ¹⁴ Guernsey, L. (1997, December). *Is the Internet becoming a bonanza for diploma mills?* The Chronicle of Higher Education.

- 15 Government Accountability Office. (2004, September). *Diploma mills are easily created and some have issued bogus degrees to federal employees at government expense* (GAO-04-1096T). Washington, D.C.: Author.
- 16 Information provided by Office of Personnel Management.
- 17 Government Accounting Office. (2002, November 21). *Purchases of degrees from diploma mills* (GAO-03-269R). Washington, DC: Author.
- 18 Bond, C. F., Jr. & DePaulo, B. M. (2006). Accuracy of deception judgments. *Personality and Social Psychology Review*, 10, 214-234
- 19 Bond, C. F., Jr. & DePaulo, B. M. (2008). Individual differences in judging deception: Accuracy and bias. *Psychological Bulletin*, 134, 477-492.
- 20 Hartwig, M. & Bond Jr., C. F. (2011). Why do lie-catchers fail? A lens model meta-analysis of lie judgments. *Psychological Bulletin*, 137, 643-659.
- 21 Kaasa, S. O., Morris, E. K. & Loftus, E. F. (2011). Remembering why: Can people consistently recall reasons for their behavior? *Applied Cognitive Psychology*, 25, 35-42.
- 22 Loftus, E. F. (2005). Planting misinformation in the human mind: A 30-year investigation into the malleability of memory. *Learning & Memory*, 12, 361-366.
- 23 Neisser, U., & Harsch, N. (1992). Phantom flashbulbs: False recollections of hearing the news about Challenger. In E. Winograd, & U. Neisser (Eds.), *Affect and accuracy in recall: Studies of 'flashbulb' memories* (Vol. 4, pp. 9-31). New York: Cambridge University Press.
- 24 Loftus, E. F., & Pickrell, J. E. (1995). The formation of false memories. *Psychiatric Annals*, 25, 720-725.
- 25 Loftus, E.F. & Ketcham, K. (1994) *The Myth of Repressed Memory*. NY: St. Martin's Press.
- 26 Roediger, H. L. III, Meade, M. L., & Bergman, E. T. (2001). Social contagion of memory. *Psychonomic Bulletin & Review*, 8, 365-371.
- 27 Meade, M. L. & Roediger, H. L. III. (2002). Explorations in the social contagion of memory. *Memory & Cognition*, 30, 995-1009.
- 28 Peterson, T., Kaasa, S. O., & Loftus, E. F. (2008). Me too!: Social modeling influences on early autobiographical memories. *Applied Cognitive Psychology*, 22, 1-11.

Psychological Conditions

Relevance to Security	255
Potentially Disqualifying Conditions	255
Extract from the Guideline	255
Clinical Indicators of a Potential Emotional or Mental Problem	257
Other Observable Behaviors	258
Counseling and Treatment	258
Using Professional Diagnoses	259
Pollard Example	261
Behavior Patterns and Personality Characteristics	
Associated with Espionage	261
Antisocial Behavior	262
Example: John Walker	264
Narcissism/Grandiosity	264
Grandiosity	265
Entitlement	265
Lack of Empathy	266
Relevance to Security	266
Example: Jonathan Pollard	267
Impulsiveness/Immaturity	268
Example: Robert Hanssen	269
Inability to Form a Commitment	270
Example: Christopher Boyce	271
Vindictiveness	271
Example: John Walker	272
Paranoia	272
Risk-Seeking	272
Example: Aldrich Ames	273
Nontechnical Descriptions Of Selected Psychological Conditions	273
Adjustment Disorder	275
Antisocial Personality Disorder	275
Example: John Walker	277
Anxiety Disorders	277
Bipolar Disorder	278
Borderline Personality Disorder	279
Dependent Personality Disorder	280
Depression	280
Eating Disorders	281
Histrionic Personality Disorder	281
Narcissistic Personality Disorder	282
Grandiosity	282
Entitlement	283
Lack of Empathy	283
Relevance to Security	284
Example: Jonathan Pollard	284
Obsessive-Compulsive Disorder	285

Paranoid Personality Disorder _____	286
Schizophrenia _____	287
Schizotypal Personality Disorder _____	287
Mitigating Conditions _____	288
Extract from the Guideline _____	288
Controlling Disorders with Drugs _____	289
Reference Materials _____	289
Glossary of Selected Psychiatric Terms _____	289
Understanding Five-Axis System of Psychiatric Evaluations _____	295
Global Assessment of Functioning (GAF) Scale _____	295
Endnotes _____	296

Relevance to Security

Mental health is a security concern because it influences how a person perceives the world, makes decisions, and manages stress. The fact that an individual has had, or continues to have, an emotional, mental, or psychological condition does not, by itself, preclude granting access to classified information. The issue is whether the individual's condition causes, or may cause, poor judgment or unreliable, untrustworthy, or dysfunctional behavior.

Many people, perhaps most people, experience some form of stress that threatens their self-image at some time in their lives. They experience failure to compete effectively with their peers; perceive injustice at the hands of a supervisor or employing organization; are terminated from a job under circumstances that prompt resentment; feel rejected or betrayed by a spouse; confront serious financial or medical problems; or are tempted by a seemingly easy opportunity for illegal monetary gain.

Emotionally stable and well-adjusted individuals generally respond to these experiences in positive ways: by learning from them, adjusting their expectations, working harder, or sticking with their core values. Individuals who are unstable or poorly adjusted, have a significant character weakness, or suffer from mental illness may react in ways that are self-destructive, counterproductive, or illegal. They may harm the organization by actions that run the gamut from absenteeism to self-serving decisions, theft, fraud, sabotage, or espionage.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *behavior that casts doubt on an individual's judgment, reliability, or trustworthiness that is not covered under any other guideline, including but not*

limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid, or bizarre behavior;

- (b) an opinion by a duly qualified mental health professional that the individual has a condition not covered under any other guideline that may impair judgment, reliability, or trustworthiness;*
- (c) the individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g., failure to take prescribed medication.*

The potentially disqualifying conditions are quite general. Some of the more specific circumstances that may be disqualifying under these guidelines include the following:

- History of violent or abusive behavior toward spouse, children, elders, or work associates.
- Behaviors such as compulsive gambling, compulsive sexual behavior, compulsive lying. A behavior is compulsive when it is beyond a person's control, i.e., the person continues to engage in it despite adverse medical, legal, social, family, or work consequences.
- Abnormal preoccupation with or irresponsible use of weapons.
- Observed symptoms of a possible emotional or mental problem. Symptoms are listed in the section entitled [Clinical Indicators of a Potential Emotional or Mental Problem](#).
- Taking a prescription drug that has side effects of potential security concern. See the section entitled [Controlling Disorders with Drugs](#) (page 289).
- Refusal to take medical/psychiatric tests when so directed by competent authority.

The potential security significance of a psychological condition depends upon how it affects the subject's judgment, reliability or trustworthiness, its severity (intensity and duration of symptoms), whether there has been appropriate treatment or whether the condition is typically responsive to treatment, and the judgment of a qualified mental health consultant about possible recurrence and what else might happen in the future. Also, as already stated above, it is very important to understand whether an individual will cope with stressful situations adaptively or maladaptively.

In adjudicating mental health issues, we do not look only at an individual's past and current mental health and stability. We also look for potential future instability, unreliability, or untrustworthiness. Whether past behavior is likely to continue, get better, or get worse in the future is a professional judgment that requires the training of a qualified mental health professional.

Clinical Indicators of a Potential Emotional or Mental Problem

The *Diagnostic and Statistical Manual of Mental Disorders, Edition V (DSM-V)* published by the American Psychiatric Association describes hundreds of mental disorders. Important categories of disorders of potential security concern include anxiety disorders such as panic disorder, generalized anxiety disorder and phobias; mood disorders such as depression or bipolar mood disorders; cognitive disorders such as dementia; personality disorders such as antisocial (psychopathy), malignant narcissism, paranoid, schizotypal, or borderline personality disorder; and psychotic disorders such as schizophrenia, schizoaffective disorder, and delusional disorder.

As stated earlier, the existence of a psychological condition does not preclude the granting of a security clearance. Some conditions are unrelated to security issues and others can be mitigated by ongoing treatment or other factors. If indicators of a psychological condition are reported, additional inquiries should be made and consultation with a qualified mental health professional should be considered.

The following list provides examples of some of the most commonly observed clinical indicators of a possible mental health problem. In general, clinical indicators of the greatest concern are those that are disruptive to an individual's work or social functioning and/or activities of daily living. These indicators are sometimes identified during investigative interviews with supervisors, coworkers, friends, and neighbors.¹

- Repetitive worrying or recurrent or persistent thoughts that cause anxiety or distress; recurrent nervousness, restlessness, or hyperactivity that impairs function or performance.
- Incidents of explosive anger or sudden outbursts of temper; failure to resist anger or aggressive impulses that result in serious acts of assault or destruction of property.
- State of sadness or depressed mood that has advanced to the point of being disruptive to functioning.
- Intense and unstable (dysfunctional) personal relationships.
- Ongoing suspicions, without sufficient basis, that others are exploiting, harming, or deceiving oneself; talk of being watched or followed.
- Grossly disorganized behavior and/or speech (e.g., dressing inappropriately, severe neglect in self-care, frequent loose association of thoughts or speech, odd use of words or language structure).
- Delusions or false beliefs based on incorrect inferences about reality that are firmly sustained despite evidence to the contrary and lack of corroboration from others.

Other Observable Behaviors

There are a number of other observable behaviors that relate to issues under [Personal Conduct](#) (page 222) as well as the [Psychological Conditions](#) guideline. These behaviors are often found in persons who commit espionage or other white-collar crimes. They are also found to some degree in many law-abiding and successful individuals, so they are not disqualifying by themselves. However, they can and should be part of a whole-person evaluation when there is other adverse information about the individual. For further discussion of these behaviors and how they relate to security concerns, see [Behavior Patterns and Personality Characteristics Associated with Espionage](#) (page 261).

- Pattern of lying, misrepresentation, gross exaggeration, or failure to follow through on promises or commitments.
- Pattern of doing whatever feels good at the moment, without regard for duties or obligations, or without regard for the long-term consequences for self or others.
- Stretching the limits to see what one can get away with, taking pleasure in beating the system and not getting caught, or cutting corners to achieve personal objectives.
- Treating other people as objects to be manipulated for the benefit of one's own self-interest or to indulge one's own desires.
- Seeking to dominate others through violence or intimidation.
- Overreaction to criticism, responding with anger even to constructive and well-intentioned criticism.
- Vindictive. Seeks revenge for any real or imagined wrongs.
- Feels so smart or so important that the rules, which were made for ordinary people, do not apply.
- Taking risks just for the thrill of it.
- Inability to form personal relationships; limited capacity to express either positive or negative emotions towards others.
- Tends to make repeated suicidal threats or gestures, either as a "cry for help" or as an effort to manipulate others.

Counseling and Treatment

Executive Order 12968, dated August 4, 1995, states that "no negative inference concerning eligibility for access to classified information may be made *solely on the basis of mental health counseling.*" The fact that an individual has sought treatment or counseling for a mental health problem does not suggest that the individual's problem is more serious than one who has not received counseling. When self-initiated, treatment is often a favorable indication that the subject recognizes the problem and is taking care of it. This voluntary action is positive evidence of reliability and a willingness to fulfill personnel security responsibilities. When

investigative results are reviewed to make a security clearance decision, the fact that the individual voluntarily sought professional help is a significant positive factor in the decision.

The SF-86 security questionnaire filled out by all security clearance applicants requires reporting any mental health counseling or treatment received during the previous 7 years *unless* it is “strictly for a marital, family, or grief issue not related to violence by you, or strictly related to adjustments from service in a military combat environment.”

Military and civilian personnel on tours in combat areas such as Iraq and Afghanistan have been subjected to extreme stress that often requires some form of mental health counseling, and this does not need to be reported on the security questionnaire. DoD Instruction 6490.06, dated April 21, 2009, specifies responsibilities and procedures for implementing DoD policy to:

- Promote a culture that encourages delivery and receipt of counseling.
- Eliminate barriers to and the negative stigma associated with seeking counseling support.
- Empower leaders to advocate for those in their charge to receive counseling.
- Provide easy access to a continuum of counseling support to include prevention, early intervention, and treatment to enhance coping and build resilience.
- View counseling support as a force multiplier enhancing military and family readiness.

The security questionnaire exempts reporting of marital or family counseling that does not involved the use of violence. However, life is not that simple. Marital problems may be a security concern if they are caused by alcohol, drugs, financial irresponsibility, certain types of sexual behavior, or any other behavior that would be of concern independent of the marital issues. The adjudicator needs to know if the marital or family problem was related to any form of physical abuse, alcohol abuse, drug use, financial irresponsibility, compulsive gambling, irresponsible use of weapons, or any other potentially disqualifying issue. The adjudicator also needs to know if family or marital counseling resulted in (1) prescribed medication that affects mental or emotional functions, (2) referral for additional evaluation or treatment, or (3) a diagnosis of any mental or emotional condition.

Many other forms of short-term counseling (six months or less) have no relevance to security. This includes counseling for adolescent or school adjustment problems during the previous 7 years, grief or bereavement counseling, self-improvement counseling, or counseling for victims of rape, incest, or other trauma.

Using Professional Diagnoses

A duly qualified mental health professional associated with the adjudicative facility and experienced in making personnel security judgments plays an important role in

advising the adjudicator about the significance of an individual's behavior, how it relates to security concerns, amenability to treatment or counseling, and the prognosis for future behavior. However, it remains the adjudicator's responsibility to judge, based on all the available information, whether an individual's actions meet appropriate standards of reliability, trustworthiness, and good judgment.

As stated in the guideline, formal diagnosis of an emotional, mental, or personality disorder is not required for an adverse decision. This is because:

- Some behaviors that are disqualifying do not meet all the criteria for diagnosis of a disorder.
- Information for a formal diagnosis may not be available if the individual withholds information for fear it would put his or her security clearance at risk. The mental health professional can make a diagnosis only on the basis of the incomplete information disclosed by the individual, or what information the mental health professional has been provided from the investigation.
- A private mental health professional is serving the best interests of his or her client and may not understand the government's security requirements. Private mental health professionals sometimes provide a relatively benign diagnosis because they do not want their clients to lose their job, or because they are concerned about legal liability if their clients do lose their job because of the diagnosis.
- There is disagreement among mental health professionals on what constitutes a disorder and, in many cases, about when behavior meets the threshold for diagnosis of a specific disorder. For example, psychopathy, is not in the present edition of the DSM-V, however its related variant, antisocial personality disorder is a part of it. Psychopathy has a stronger nexus to personnel security than antisocial personality disorder.

Conversely, the diagnosis of an emotional, mental, or personality disorder does not necessarily mean an individual actually has a security-relevant problem. This is because:

- Not all diagnosed disorders are a security concern.
- The mental health provider may list a diagnosis only to ensure the visit will be covered by medical insurance.
- Some mental health providers give a diagnosis because the patient would be dissatisfied if the doctor failed to provide a "diagnosis" for whatever the patient perceived as a problem. Some persons seek regular psychiatric or psychological counseling for minor problems.
- Medication that is being taken regularly keeps the condition under control.

The Jonathan Pollard case, described briefly below, is an example of why it is often preferable to focus the adjudicative decision on the individual's behavior rather than any formal diagnosis.

Pollard Example

The case of Jonathan Pollard, the Naval Intelligence analyst who spied for Israel, illustrates the problem that can arise from relying too heavily on a medical diagnosis.² Well before he was suspected as a spy, Pollard's clearance was revoked on grounds that he was a compulsive liar. Pollard had been given approval from his supervisors to establish a back-channel contact with South African Intelligence through a South African friend he had known in graduate school. Through a combination of circumstances, he told fictitious stories about his relationship with the South Africans and these stories began to unravel. After telling Navy investigators tales about having lived in South Africa and his father having been CIA Station Chief there, which was easily checkable and proven false, Pollard's security clearance was pulled and he was told to obtain psychiatric help. The only apparent purpose of these stories was to make himself appear more important.

Pollard filed a formal grievance and got his clearance and his job back after a doctor testified on Pollard's behalf that he was not "mentally ill." The point is, that whether or not Pollard met the formal criteria for diagnosis of mental illness was irrelevant. His pervasive lying about official business demonstrated clearly that he failed to meet appropriate standards of reliability, trustworthiness, and good judgment. His lying was a symptom of his narcissism and grandiosity that subsequently played a role in his becoming an Israeli spy.

Behavior Patterns and Personality Characteristics Associated with Espionage

There is no single profile of the employee who is likely to betray an employer's trust. However, clinical assessment of Americans arrested for espionage³ and academic research findings on white-collar criminals in general⁴ do identify a number of behavior patterns and personality characteristics that are commonly found among such persons. The following are discussed in this section:

- [Antisocial Behavior](#) (page 262)
- [Narcissism/Grandiosity](#) (page 264)
- [Grandiosity](#) (page 265)
- [Entitlement](#) (page 265)
- [Lack of Empathy](#) (page 266)
- [Relevance to Security](#) (page 266)
- [Impulsiveness/Immaturity](#) (page 268)
- [Inability to Form a Commitment](#) (page 270)
- [Vindictiveness](#) (page 271)
- [Paranoia](#) (page 272)

- [Risk-Seeking](#) (page 272)

Individuals who betray their employer's trust may have a propensity for violating rules and regulations. They may have a grossly inflated view of their own abilities, so that disappointment and bitterness against those who fail to recognize their special talents are inevitable. They may be inclined to regard criticism or disagreement as a personal insult that calls for revenge. They may be impulsive or immature, and predisposed to do whatever feels good at the moment. They may have drifted from one relationship or job to another, with little sense of purpose or loyalty to anyone or anything. They may engage in high-risk activities without thinking about the consequences.

Sometimes these weaknesses are so severe that they can be clinically diagnosed as symptoms of a mental, emotional, or personality disorder. More often, however, they are better described as behavioral or personality weaknesses rather than as psychological "disorders." When these behaviors are reported, consultation with a psychologist may be appropriate.

Because these weaknesses are also found to some degree in many good and loyal personnel, they are not specified in the [Adjudicative Guidelines](#) (page 366) as disqualifying for access to classified information. However, they can and should be reported by investigators and used in the adjudicative process in the following ways.

- As a basis for adverse action if the behavior meets the disqualifying criteria under the [Psychological Conditions](#) or [Personal Conduct](#) (page 222) guidelines.
- As part of a negative whole-person judgment. Financial problems, substance abuse and other issues are more significant when accompanied by some of the unfavorable behavioral or personality characteristics described here.
- As a basis for requesting further investigation, psychological evaluation, or psychological testing.

Antisocial Behavior

Behavior that habitually violates the commonly accepted rules of society is called antisocial behavior. Psychologists sometimes call a person who exhibits such behavior a psychopath or sociopath. Psychopathy, however, is a more comprehensive term which in addition to antisocial behavior also includes a corrupt system of morals. Manipulation of others and deceit are central features of this type of behavior. John Walker, the infamous Soviet spy in the U.S. Navy who is described below, epitomizes antisocial behavior.

Antisocial behavior is a serious security concern that is found, according to one study, in approximately 3.6% of the U.S. population. It is one of the most difficult personality disorders to treat, largely because individuals affected by it have poor

insight into their own behavior. They tend to deny their symptoms and reject their diagnosis.

Values that normally inhibit illegal or vindictive behavior are missing. This can lead to fraud, embezzlement, computer sabotage or espionage when an individual sees an easy opportunity for illicit gain or becomes disaffected with the organization. Selling secrets may be viewed as a simple business opportunity rather than as treason.

Persons with antisocial personality disorder shamelessly take others for granted and manipulate them to serve their own self-interest or indulge their own desires. Such persons take pleasure in beating the system without getting caught. Lying to others is common, as is lack of gratitude. Stealing, shoplifting, cheating on taxes, failure to pay parking tickets, aggressive or reckless driving, failure to pay bills even though money is available, picking fights, extreme promiscuity, [sexual harassment](#), cruelty to animals, and spouse, child, or elder abuse are examples of antisocial behaviors. There is little remorse about the adverse effects of one's behavior on others.

At work, typical antisocial behaviors include padding travel vouchers or expense accounts; being consistently late to work or leaving earlier than is reasonable; abusing sick leave; lack of concern with meeting deadlines; taking classified information home; misusing the diplomatic pouch; pilfering office supplies; lying to cover up a mistake or to make oneself look good; maneuvering to undermine a colleague who is viewed as a competitor for promotion; drug use or any other violation of regulations by a government employee.

Antisocial persons tend to resent authority and dislike supervision, to attribute their lack of success to others "having it in for me," to think no one understands them and that life is giving them a raw deal. When antisocial individuals have a problem at work, they are likely to focus the blame on their supervisor. They may submit extensive written appeals in response to any criticism in their performance evaluation. When antisocial subjects feel offended or frustrated in their desires, they may be inclined to hold a grudge and to seek revenge.

Antisocial persons believe such improper behavior is commonplace and will not be punished. They have a high opinion of their ability to con their way out of trouble, and a low opinion of the astuteness of authorities who would catch them. The con man's self-confidence and ability to manipulate others may be very useful in certain occupations (intelligence operations officer, undercover police officer, sales person), so it is sometimes difficult to distinguish a valuable talent from a serious character defect.

In severe cases of antisocial personality, individuals are likely to have a criminal record that clearly disqualifies them for access to classified information. They are also unlikely to have the history of academic or career success that qualifies them to apply for a position of responsibility. Moderately antisocial personalities, also

called “successful psychopaths” however, may appear to be very desirable candidates for employment. Such candidates are able to manipulate people so effectively that they do exceptionally well in interviews and are evaluated favorably by casual acquaintances. Their true character is revealed only after prolonged or intimate contact.

If a series of incidents shows a pattern of untrustworthy and unreliable behavior, it may not qualify as a psychological “disorder,” but it may be adjudicated adversely under the [Personal Conduct](#) guideline (page 222) or be considered as part of the whole-person evaluation under any other adjudicative guideline.

Antisocial behavior usually begins in childhood or adolescence. The most flagrant antisocial behavior may diminish after age 30. However, inability to sustain lasting, close, and responsible relationships with family, friends, sexual partners, or employer may persist into late adult life.⁵

Example: John Walker

As a youth, Navy spy John Walker rolled used tires down hills at cars passing below, threw rocks through school windows, stole money from purses and coats left unattended at school functions, stole coins from church donation boxes for the poor, set fires, and shot at the headlights of cars. When arrested for attempted burglary at age 17, Walker admitted to six other burglaries. He was pardoned on condition that he follow through on his plan to join the Navy. A childhood friend, who says he knew Walker like a brother, described him many years later as “cunning, intelligent, clever, personable, and intrinsically evil.”

After his arrest as a Soviet spy, he enjoyed the publicity; he had no remorse. He rationalized involving his brother, son, and friend in espionage, and trying to recruit his daughter, as trying to help them be successful in life. He later criticized them for using him. He felt his only real mistake was allowing himself to be surrounded by weaker people who eventually brought him down. He concluded, “I am the real victim in this entire unpleasant episode.”

One author who spent about 160 hours interviewing Walker after his conviction wrote: “He is totally without principle. There was no right or wrong, no morality or immorality, in his eyes. There were only his own wants, his own needs, whatever those might be at the moment.” He betrayed his country, crippled his wife emotionally, corrupted his children, and manipulated his friends. Yet all the while, he did not see himself as different from others, only a little smarter. In his view, “Everyone is corrupt...everyone has a scam.”⁶

Narcissism/Grandiosity

A narcissistic personality is characterized by unwarranted feelings of self-importance or self-esteem (grandiosity), a sense of entitlement, and a lack of

empathy for others. These characteristics are discussed separately below and then related to security issues.

Grandiosity

Wholly unwarranted feelings of self-importance or self-esteem are referred to by psychologists as grandiosity. Grandiose persons grossly overestimate their abilities and inflate their accomplishments. They are often preoccupied with fantasies of success, power, beauty, or love. They may need constant reinforcement of this fantasy image of themselves. Grandiose persons expect to be viewed as “special” even without appropriate accomplishments.

Need for praise and sensitivity to criticism dominate relationships with others. Personal friendships, relationships with supervisors and coworkers, and amorous relationships turn quickly from love to hate, and vice versa, depending upon whether the relationship supports or undermines subject’s self-esteem. The narcissist demands unconditional acceptance of his or her specialness, and relationships blossom only when this is given, and sour quickly when it is not.

Self-esteem is almost always fragile. An unreasonably high, overt self-evaluation masks inner doubts and insecurities. It is paradoxical that someone with such a crippling sense of inadequacy should act in such an arrogant, imperious, and grandiloquent manner.

Grandiose persons feel they are so smart or so important that the rules, which were made for ordinary people, do not apply to them. Rules and social values are not necessarily rejected as they are by the antisocial personality; it is just that one feels above the rules.

Entitlement

A sense of entitlement is characterized by *unreasonable* expectation of especially favorable treatment. Such persons expect to be given whatever they want or feel they need.

They may feel entitled to a promotion or to a higher grade in school just because they worked hard for it, regardless of the quality of their performance; entitled to more money because housing or college costs are so high, even though they did not earn it; entitled to cut in front of the line because they are so busy or their time is so valuable. They may also feel entitled to punish others, to “give them what they deserve,” because others failed to recognize their special abilities or frustrated their desires in some other way.

Instead of congratulating a colleague who receives a promotion, the narcissist may feel bitter and grouse that the promotion was not deserved. Several persons arrested for embezzlement have revealed that they started to take money only after

someone on a par with them got a promotion that they did not receive. They felt entitled to take the money because they too should have been promoted.

Many people genuinely do get a raw deal, and may be justified in feeling they deserve better. Feelings of entitlement in such cases become a security problem only if the person is planning revenge or retaliation.

Lack of Empathy

Narcissists generally view the world from the perspective of how it affects them, and them only. There is little empathy or ability to understand the feelings or problems of others. For example, when a coworker becomes seriously ill, a narcissist may be upset by the inconvenience caused by the worker's absence and relatively unconcerned about the welfare of the worker.

Narcissistic persons shamelessly take others for granted and manipulate or exploit them to achieve their own ends. They may be unusually aggressive and ambitious in seeking relationships with others in positions of power. In romantic relationships, the partner is often treated as an object to be used to bolster one's self-esteem.

In extreme cases, the narcissist who gains power over others, as in a relationship between supervisor and subordinate, may use this power in humiliating and cruel ways, sometimes just for what seems like personal amusement.⁵

Relevance to Security

Narcissism should not be confused with the simple egotism found in many capable and loyal employees and leaders who progress to senior positions due to their strong abilities, self-confidence, and ambition. An unwarranted sense of self-importance is a concern only when self-evaluation is so far out of line with reality, and with how one is perceived by supervisors and colleagues, that disappointment and resentment are inevitable.

The narcissist's need for recognition is so strong that failure provokes a need for vindication and revenge. The compelling need to justify unwarranted self-esteem may cause a grandiose person with a grudge to seek recognition elsewhere -- with an opposition intelligence service or business competitor.

Feelings of entitlement are a security concern because they may be used to rationalize illegal behavior or may reduce the inhibitions that otherwise deter illegal behavior. When combined with antisocial attitudes, grandiosity, or desperate need or greed for money, a feeling of entitlement leads to easy rationalization of theft, fraud, or other illegal activity for monetary gain. "I'm only taking what I deserve." It is also an easy rationalization for revenge. "If they hadn't screwed me, I wouldn't be doing this, so it's their fault; they deserve it."

When narcissists fail to perform adequately at work, it is always someone else's fault. The many arrested spies who exhibited this characteristic blamed others for their treason. They blamed their behavior on the counterculture movement of the 1960s, on an insensitive and intrusive Intelligence Community, poor security practices, supervisors who failed to recognize their potential, spouses for not being understanding, or government for not taking the right political stance. Few saw themselves as traitors; they saw themselves as victims.

Self-deception and rationalization facilitate criminal behavior, as they enable an individual to consider such behavior in a more justifiable light. They also soothe an offender's conscience as the activity progresses. Narcissism is illustrated by the following example.

Example: Jonathan Pollard

Jonathan Jay Pollard was a Naval Intelligence analyst arrested for espionage on behalf of Israel. From an early age, Pollard had a fantasy of himself as a master strategist and a superhero defending Israel from its enemies. He became obsessed with the threats facing Israel and a desire to serve that country.

In college, Pollard boasted that he had dual citizenship and was a Colonel in the Israeli Army. His Stanford senior yearbook photo listed him as "Colonel" Pollard, and he reportedly convinced almost everyone that Israeli Intelligence was paying his tuition. After his arrest, Pollard said this was all "fun and games," and "no one took it seriously." But most of his fellow students did not see it as a game.

Pollard kept his pro-Israeli views to himself while working for Naval Intelligence, but other tall tales about himself were more or less a joke in the office. He was unpopular among his colleagues, as they resented his bragging, his arrogance, and his know-it-all attitude.

At one point, Pollard received permission to establish a back-channel contact with South African Intelligence through a South African friend he had known in graduate school. Through a combination of circumstances, Pollard's story about his relationship with the South Africans began to unravel. After telling Navy investigators fantastic tales about having lived in South Africa and his father having been CIA Station Chief there, Pollard's security clearance was pulled and he was told to obtain psychiatric help. When the doctor concluded he was not mentally ill, Pollard filed a formal grievance and got his clearance and job back.

Pollard's need to feel important, and to have others validate that importance, led him to pass several classified political and economic analyses to three different friends whom he felt could use the information in their business. This was before he volunteered his services to Israel. Although he hoped to get something in return, his principal motive was simply to impress his friends with his knowledge and the importance of his work.

Several years later, under a different supervisor, it was again Pollard's grandiosity that attracted adverse attention, contributing to his eventual compromise and arrest. The supervisor caught Pollard lying about his dealings with another government agency. The only purpose of the lie was apparently to make Pollard appear to be a more important person than he was.

The supervisor wondered why Pollard would make up stories like this and began paying much closer attention to Pollard's activities. He noticed that Pollard was requesting so many Top Secret documents concerning Soviet equipment being supplied to the Arab world that it was becoming a burden on the clerk who had to log them in. What triggered the espionage investigation leading to Pollard's arrest was a report by a coworker who observed Pollard leaving the office at 4:30 on a Friday afternoon with a wrapped package of classified material and then getting into a car with his wife.

The risk Pollard ran by requesting so many documents may also be explained by his grandiosity; grandiose persons often think they are too smart to be caught.²

Impulsiveness/Immaturity

Impulsive and immature individuals lack self-control. They are a security concern because they may use poor judgment or be irresponsible or unpredictable in their behavior. Impulsive or immature behavior should usually also be assessed under the [Personal Conduct](#) guideline (page 222), as a pattern of dishonest, unreliable or rule-breaking behavior. Self-control, which is the opposite of impulsiveness or immaturity, is a favorable trait that may offset a variety of personal weaknesses.

Many of the immature, young military personnel who have volunteered their services to foreign intelligence services reported afterwards that they made an impulsive decision without thinking through the potential consequences. They did whatever gave them satisfaction or seemed to solve their financial problems at the moment, without considering the long-term effects on themselves or others.

Impulsive persons are motivated by the quick, easy gratification of desires and fail to consider the consequences of their actions. Goals or gains that can be achieved quickly are overvalued, while those that are more distant are undervalued. When a younger person exhibits this pattern, it is often described as immaturity.

Impulsive individuals may not be concerned about duties and obligations and may be careless or lazy. They cannot tolerate boredom and often require constant stimulation. Inability to tolerate frustration may lead to a sudden outburst of hostility or violence.

Immaturity is also characterized by propensity to take risks, susceptibility to peer pressure, and belief that one is invincible so nothing bad could happen. Although immature persons may be ambitious, they seldom appreciate the connection

between current performance and long-term rewards. Excessive fascination with intrigue and clandestine intelligence tradecraft may be a sign of immaturity.

One of the prominent current theories of criminality argues that low self-control is the *only* personal characteristic that differentiates offenders from nonoffenders. According to this view, the necessary conditions for criminal acts are too little self-restraint and a desirable and conveniently accessible target.⁷ Other persuasive theories of criminality focus on a wider range of social, biological and psychological variables.

Impulsiveness/immaturity and antisocial tendencies are a volatile mix. When combined with resentment, a desire for revenge, or judgment clouded by alcohol abuse, they comprise a recipe for trouble.

Example: Robert Hanssen

FBI Special Agent Robert Hanssen spied for the Russians for over 20 years until his arrest in 2001. Although he was quiet and withdrawn both at home and at work, childhood friends described Hanssen's behavior as sporadically impulsive and immature. One friend noted, "When he got an idea to do something enormously risky, there was no stopping him." During his teenage years, such risks included reckless shooting and irresponsible driving. Once, while shooting at targets in a friend's basement, he suddenly began shooting at the wall as his friends watched in amazement. Frequently, he liked to scare his friends with erratic, fast, and reckless driving. He would challenge friends to street races on narrow, winding roads, or try to find the maximum speed his small car could reach while turning corners. His friends noted that he never warned them or asked them before he took off on an erratic driving spree, and that they often feared for their safety.

Hanssen's impulsivity and lack of self-control continued into his adult years, where it took on a more sexual nature. Within days of his marriage to his wife, he cheated on her with an ex-girlfriend. Twice during the early years of his marriage, he snuck up on his sister-in-law and touched her breast while she was breastfeeding, prompting suspicion from many of his relatives. He also liked to post erotic stories about himself and his wife on web sites, risking identification by using their real names and real situations. His most disturbing sexual adventure, unbeknownst to his wife, was asking his best friend to watch them having sex through the window of their bedroom, and later, on closed circuit TV wired from the bedroom into his very own living room.

There is evidence that Hanssen's first deal to sell classified information to the Russians was impulsive as well. From childhood, Robert Hanssen had been enthralled with KGB spycraft and fascinated with the spy game in general. When he joined the FBI he was idealistic. He was ready to nab Russian spies in what seemed the most exciting job of his life, especially considering his knowledge and understanding of the KGB. Unfortunately, his idealistic start turned to sour

disregard, and even disdain, for his fellow FBI agents when he thought they did not share his enthusiasm for thwarting Russian Intelligence activities in the United States.

Lack of support and enthusiasm from his colleagues left Hanssen reeling. It also sparked an old fantasy--to become the best spy the world had ever seen. Hanssen had access to classified information that he knew was useful to the KGB. His first transaction, unfortunately, was not as glorious and well thought out as he would have hoped. When his wife walked in on him in the aftermath of the trade and discovered his first act of espionage, Hanssen was forced to rethink his means of operation, and to become a much more careful spy.

During the 20 years that Hanssen worked as a spy for the KGB, his impulsive behavior affected his spycraft. He would often not show up for “drops” or cancel a transaction without cause. He insisted that the KGB do things his way or no way. He felt this put him a step ahead of the KGB and ensured his personal anonymity and security. He believed that his intellectual superiority to both his fellow FBI agents and to the KGB rendered him untouchable. Although he knew the great risk of his spying, he was confident that he was invincible.⁸

Inability to Form a Commitment

Inability to maintain healthy, long-term personal or work relationships is a serious security concern as it indicates a low capacity for loyalty. Because emotional, mental, and personality disorders often become apparent through their impact on interpersonal relationships, inability to form a commitment is a surrogate measure for a wide variety of suitability and mental health issues. It is often found together with antisocial behavior and/or narcissism.

Inability to make a commitment is not identified by a single event, such as a divorce. It refers to a *pattern* of poor relationships and an aimless or erratic life style or work history. Employment history may show a pattern of frequent job changes without corresponding career advancement (e.g., three or more jobs in five years not explained by the nature of job or economic or seasonal fluctuation; walking off several jobs without other jobs in sight). Relationships tend to be one-sided and often last less than one year. There may be a history of unhappy love affairs. Marriages are often unstable. After divorce, there may be no continuing contact with children. Inability to form enduring emotional commitments is often traced to abuse or neglect, split loyalties, or broken allegiances during childhood or adolescence.

Persons who are *unable* to form a commitment should be distinguished from the socially withdrawn individual who remains alone by choice. Most Americans who have been arrested for espionage were not loners. They had greater than average need for the attention, approval, and admiration of others, but many were *unable* to

sustain long-term relationships because their behavior engendered resentment among family, friends, and coworkers.

Example: Christopher Boyce

Christopher Boyce compromised highly sensitive communications satellite programs to the former Soviet Union. He had been a model youth -- president of his middle school class and an altar boy who aspired to a career in the priesthood. In high school in the 1960s during the Vietnam War, he became deeply disillusioned with his religion and with the U.S. Government.⁹

When Boyce was investigated and approved for special access program and cryptographic clearances at age 21, the only evidence of his inner turmoil was having dropped out of three colleges during the previous three years and holding six part-time jobs during the previous two years. Of the six positions, he left three positions without giving notice, being ineligible for rehire at one of them, eligible for rehire at the second, and questionable for rehire at the third. A former landlord indicated he failed to take care of his apartment and moved without notice. He was described as young, immature and unsettled, and his friends in his last college town were considered "hippies." His then-current supervisor questioned his abilities and initiative and said he showed up for work on Mondays with a hangover.¹⁰

This information might have indicated to an astute observer that Boyce was not the type of person one could count on to make any form of long-term commitment involving access to some of the nation's most sensitive secrets.

Vindictiveness

Desire for revenge can trigger sabotage, espionage, violent attack, or other illegal behavior. Several well-known spies are known to have had a strong propensity toward vindictiveness.

Vindictiveness is often found in narcissists whose self-esteem is based on a grossly inflated opinion of their own abilities. They interpret criticism, disagreement, or failure to recognize their special talents as a personal insult that merits retribution. The retribution is a means of restoring injured self-esteem.

Vindictive behavior should be reported. Implied threats of vindictive behavior should be taken seriously. They merit management attention and careful security evaluation. This includes statements such as "You haven't seen the last of me; I'll be back." "I'll get even for that." "They can't treat me like that and get away with it." "Don't worry, I'll find my own way to get what they owe me." "If he does that one more time I'll..." Even if the individual seems to be just blowing off steam, such statements indicate a level of frustration that should be dealt with proactively. Review of security and personnel files by a mental health professional may be an appropriate first step in some cases.

Example: John Walker

Navy spy John Walker 's daughter reported that he had books on revenge and on dirty tricks, such as putting epoxy glue into locks of cars and homes. Walker once told a friend: "You never confront a person face to face. You get even. Maybe three years from now."⁶

Paranoia

The paranoid personality is distinguished by a pervasive distrust and suspicion of other people. Such persons are preoccupied with unjustified doubts about the loyalty or trustworthiness of friends or associates. They are reluctant to confide in others for fear that information they share will be used against them. They may refuse to answer personal questions, saying the information is "nobody's business." They read hidden meanings that are demeaning or threatening into innocent remarks or unrelated events. They may interpret an innocent mistake by a store clerk as a deliberate attempt to shortchange them.

A supervisor's compliment on an accomplishment may be misinterpreted as an attempt to coerce more or better performance. An offer of help may be viewed as a criticism that the person is not doing well enough on his or her own. Minor slights arouse major hostility, and these slights are never forgiven or forgotten. Such persons often have unjustified suspicions that their spouse or sexual partner is unfaithful. They want to maintain complete control over intimate relationships to avoid being betrayed. They may gather trivial and circumstantial "evidence" to support their jealous beliefs.

Paranoid personalities may blame others for their own shortcomings. Because they are quick to counterattack in response to perceived threats, they may become involved in legal disputes. Such persons are attracted to simplistic black-and-white explanations of events, and are often wary of ambiguous situations. Paranoia often disrupts relationships with supervisors and coworkers. Severe paranoia is often a precursor of other mental disorders or found together with other disorders.⁵

Paranoia is a serious security concern, as the paranoid can easily view his or her employer or the U.S. Government as the enemy, and act accordingly. Alternatively, what appears to be paranoia may have a factual basis. Seemingly extreme concern about being investigated or watched or searching for listening devices or hidden cameras may indicate that a person is engaged in illegal activity and fears detection.

Risk-Seeking

Risk-seeking is one particularly significant form of impulsive, irresponsible behavior. Risk-seekers ignore or gloss over risks (impulsiveness or immaturity) or think the risks do not apply to them because they are so clever or talented

(grandiosity). They are inclined to become involved in reckless driving, gambling, fighting, vandalism, use of drugs such as LSD and PCP, holding up the local 7-11 convenience store, or becoming a spy.

When risk-seeking is combined with other weaknesses such as antisocial attitudes and inability to make a commitment, it may contribute to illegal behavior. Such persons may be attracted by the excitement of espionage rather than repelled by the risk. Examples from actual espionage cases are discussed below.

Risk-seekers often consider conventional lifestyles beneath them. They are restless and impetuous and cannot tolerate boredom or inactivity. Since work is not always exciting, they find it hard to sustain consistent work behavior.

This type of person cannot turn down a dare. They may think it is fun to see how close they can come to breaking the rules without getting caught. Sex is often just another way of getting kicks, so it is impersonal and devoid of emotional attachment.

It is important to distinguish thoughtless risk from calculated risk. Persons involved in the riskier hobbies or occupations, such as a mountain climber, downhill ski racer, skydiver, or military specialties such as fighter pilot undergo considerable training. They learn to control their nerves and emotions, carefully calculate the level of risk, and take appropriate precautions to reduce the chances of adverse consequences. This is, in fact, good training in self-control.

Example: Aldrich Ames

In his CIA work, Aldrich Ames demonstrated the inconsistent performance typical of many thrill-seekers. He displayed what the CIA Inspector General's report on this case called "selective enthusiasm." According to this report: "With the passage of time, Ames increasingly demonstrated zeal only for those few tasks that captured his imagination while ignoring elements of his job that were of little personal interest to him."

In his espionage activity, Aldrich Ames ignored risks by conspicuous spending of his illegal income, carrying large packages of money across international borders, and leaving evidence of his espionage on his home computer and hidden elsewhere in his home.¹¹

Nontechnical Descriptions Of Selected Psychological Conditions

- [Adjustment Disorder](#) (page 275)
- [Antisocial Personality Disorder](#) (page 275)
- [Anxiety Disorders](#) (page277)

- [Bipolar Disorder](#) (page 278)
- [Borderline Personality Disorder](#) (page 279)
- [Dependent Personality Disorder](#) (page 280)
- [Depression](#) (page 280)
- [Eating Disorders](#) (page 281)
- [Histrionic Personality Disorder](#) (page 281)
- [Narcissistic Personality Disorder](#) (page 282)
- [Grandiosity](#) (page 282)
- [Entitlement](#) (page 283)
- [Lack of Empathy](#) (page 283)
- [Obsessive-Compulsive Disorder](#) (page 285)
- [Paranoid Personality Disorder](#) (page 286)
- [Schizophrenia](#) (page 287)
- [Schizotypal Personality Disorder](#) (page 287)

This section describes in nontechnical terms 14 of the more common psychological conditions encountered by personnel security investigators and adjudicators. These descriptions are based mainly on the *Diagnostic and Statistical Manual of Mental Disorders* (DSM-V), published by the American Psychiatric Association. Refer to DSM-V for specific diagnostic criteria and for information on conditions or disorders not described here. Discussion of three of these disorders that are most directly related to the risk of espionage or other white-collar crime is a repetition of information in the section on [Behavior Patterns and Personality Characteristics Associated with Espionage](#) (page 261). These disorders are antisocial personality disorder, narcissistic personality disorder, and paranoid personality disorder.

When investigating or adjudicating emotional, mental, and personality issues, the key point is not what disorder a subject has, if any. It is whether subject has behaved in a manner that suggests unreliability, untrustworthiness, poor judgment, or any other reason for believing subject may be a poor security risk. Psychologists and psychiatrists frequently disagree on whether an individual's behavior qualifies as a disorder. Many undesirable behaviors are disqualifying for a security clearance before they reach a level of severity that qualifies for diagnosis as a "mental disorder."

Emotional, mental, and personality disorders are not as easily recognized as some physical illnesses like measles and mumps. Although the description of each disorder contains a general pattern of symptoms, there are many differences in the symptoms present from one case to another. The severity and duration of symptoms also varies. Many symptoms are characteristic of several different disorders. The boundaries that divide one disorder from other emotional or mental disorders are not always clear. Many individuals have multiple disorders.

Adjustment Disorder

Adjustment disorder occurs as a reaction to a stressful circumstance. It is diagnosed if the distress the individual feels is greater than expected given the nature of the stressful event, or if there is significant impairment in social relationships or work performance.

By definition, adjustment disorder must begin within three months of the stressful event and be resolved within six months afterwards, unless the stressful circumstance is ongoing. If the problem was triggered by death of a close relative or friend, it is generally considered bereavement rather than adjustment disorder.

This disorder is generally classified by subtype -- adjustment disorder with depressed mood, with anxiety, or with disturbance of conduct. Depressed mood refers to depression, tearfulness, or feelings of hopelessness. Anxiety refers to nervousness, worry, or jitteriness. Disturbance of conduct generally refers to antisocial behavior. Unless some type of antisocial behavior is involved, this is usually not a security issue unless it lasts more than six months, in which case the diagnosis may be changed to something more serious.

Antisocial Personality Disorder

Behavior that shows a lack of respect for the commonly accepted rules of society is antisocial behavior. Manipulation of others and deceit are central features of this type of behavior. It is epitomized by the example of John Walker, a famous Soviet spy in the U.S. Navy, who is described below. Psychologists sometimes call such a person a sociopath. (This is something very different from the introvert who is not very friendly and is sometimes described as “antisocial.”)

Antisocial personality disorder is a serious security concern that is found, according to one study, in approximately 3.6% of the U.S. population. It is one of the most difficult personality disorders to treat, largely because individuals affected by it have poor insight into their own behavior. They tend to deny their symptoms and reject their diagnosis.

Antisocial behavior is a serious security concern. Values that normally inhibit illegal or vindictive behavior are missing. This can lead to fraud, embezzlement, computer sabotage or espionage when an individual sees an easy opportunity for illicit gain or becomes disaffected from the organization. Selling secrets may be viewed as a simple business opportunity rather than as treason

Persons with antisocial personality disorder shamelessly take others for granted and manipulate them to serve their own self-interest or indulge their own desires. Such persons take pleasure in beating the system and not getting caught. Lying to others is common, as is lack of gratitude. Stealing, shoplifting, cheating on taxes, failure to pay parking tickets, aggressive or reckless driving, failure to pay bills even though money is available, picking fights, extreme promiscuity, [sexual harassment](#),

cruelty to animals, and spouse or child abuse are examples of antisocial behaviors. There is little remorse about the adverse effects of one's behavior on others.

At work, typical behaviors include padding travel vouchers or expense accounts; being consistently late to work or leaving earlier than is reasonable; abusing sick leave; lack of concern with meeting deadlines; taking classified information home; misusing the diplomatic pouch; pilfering office supplies; lying to cover up a mistake or to make oneself look good; maneuvering to undermine a colleague who is viewed as a competitor for promotion; drug use or any other violation of regulations by a government employee.

Antisocial persons tend to resent authority and dislike supervision, to attribute their lack of success to others "having it in for me," to think no one understands them, and that life is giving them a raw deal. Most people tend to blame others for their problems, but antisocial individuals are likely to focus the blame on their supervisor. They may submit extensive written appeals in response to any criticism in their performance evaluation. When antisocial subjects feel offended or frustrated in their desires, they may be inclined to hold a grudge and to seek revenge.

Antisocial persons believe such improper behavior is commonplace and will not be punished. They have a high opinion of their ability to con their way out of trouble, and a low opinion of the astuteness of authorities who would catch them. The con man's self-confidence and ability to manipulate others may be very useful in certain occupations (intelligence operations officer, undercover police officer, salesperson), so it is sometimes difficult to distinguish a valuable talent from a serious character defect.

In severe cases of antisocial personality disorder, individuals are likely to have a criminal record that clearly disqualifies them for access to classified information. They are also unlikely to have the history of academic or career success that qualifies them to apply for a position of responsibility. Moderately antisocial personalities, however, may appear to be very desirable candidates for employment. They are able to manipulate people so effectively that they do exceptionally well in interviews and are evaluated favorably by casual acquaintances. The true character is revealed only after prolonged or intimate contact.

If a series of incidents shows a pattern of untrustworthy and unreliable behavior, it may not qualify as a psychological "disorder," but it may be adjudicated adversely under the [Personal Conduct](#) guideline (page 222) or be considered as part of the whole person evaluation under any other adjudicative guideline.

Antisocial behavior usually begins in childhood or adolescence. The most flagrant antisocial behavior may diminish after age 30. However, inability to sustain lasting, close, and responsible relationships with family, friends, sexual partners, or employer may persist into late adult life.

Example: John Walker

As a youth, Navy spy John Walker rolled used tires down hills at cars passing below, threw rocks through school windows, stole money from purses and coats left unattended at school functions, stole coins from church donation boxes for the poor, set fires, and shot at the headlights of cars. When arrested for attempted burglary at age 17, Walker admitted six other burglaries. He was pardoned on condition that he follow through on his plan to join the Navy. A childhood friend, who says he knew Walker like a brother, described him many years later as “cunning, intelligent, clever, personable, and intrinsically evil.”

After his arrest as a Soviet spy, he enjoyed the publicity; he had no remorse. He rationalized involving his brother, son and friend in espionage, and trying to recruit his daughter, as trying to help *them* be successful in life, and he later criticized *them* for using *him*. He felt his only real mistake was allowing himself to be surrounded by weaker people who eventually brought him down. He concluded, “I am the real victim in this entire unpleasant episode.”

One author who spent about 160 hours interviewing Walker after his conviction wrote: “He is totally without principle. There was no right or wrong, no morality or immorality, in his eyes. There were only his own wants, his own needs, whatever those might be at the moment.” He betrayed his country, crippled his wife emotionally, corrupted his children, and manipulated his friends. Yet all the while, he did not see himself as different from others, only a little smarter. In his view, “Everyone is corrupt...everyone has a scam.”⁶

Anxiety Disorders

Anxiety disorders are characterized by unrealistic or irrational fear and anxiety. With such disorders, anxiety may be generalized and experienced for no specific reason or with no identifiable trigger (Generalized Anxiety Disorder, or GAD), or it may be experienced only upon exposure to particularly potent triggers.

A phobia is a strong and persistent fear of some specific object or situation. A phobia may cause anxiety, such as fear of heights or fear of flying. In more serious cases, it may precipitate a panic attack. A panic attack is a sudden and usually short period of intense fear or discomfort accompanied by symptoms such as pounding heart, sweating, trembling, shortness of breath, feeling of choking, chest pain, nausea, dizziness, numbness, chills or hot flushes, fear of going crazy, or fear of death. Phobias that could entail security risk in some work environments include Agoraphobia and Social Phobia.

Agoraphobia is fear of being in places or situations from which escape might be difficult or embarrassing, or in which help may not be available, in case of a panic attack. Typically, this leads to avoidance of situations such as being alone outside the home or at home alone, being in a crowd of people, traveling in an automobile or airplane, or being on a bridge or in an elevator. Seriousness is measured by the

extent to which avoidance of these situations interferes with a person's daily routine, work performance, or social life.

Social phobia is fear of social situations in which one is exposed to unfamiliar people, or fear of any situation in which one's performance will be observed by others, such as public speaking. The subject fears their anxiety will be apparent to others and cause embarrassment or humiliation.

Some anxiety is common. It qualifies as a phobia only if avoidance of the feared situation interferes with social relationships or work performance or causes marked distress.

Post-traumatic Stress Disorder (PTSD) is a special form of anxiety disorder most commonly associated with military combatants and those who have experienced terrifying, traumatic, and life-altering events such as war, natural disaster, devastating car crashes, or terrorist attacks.

Victims of PTSD repeatedly re-experience these traumatic events in the form of vivid memories, nightmares, and flashbacks. These memories may be triggered by situations reminiscent of the traumatic event, anniversaries of the event, or sights and sounds that provoke flashbacks to the event.

PTSD alone does not indicate a security risk. However, alcohol and drug abuse and other emotional or mental problems that are linked to increased security concern are very likely to co-occur with PTSD. Additionally, PTSD sufferers are more likely to experience increased irritability and increased anger, which may affect personal and work relationships and should be evaluated carefully.¹²

Bipolar Disorder

Bipolar disorder is characterized by episodes of extreme excitability (mania) and usually, but not invariably, also some degree of depression. It is the current terminology for what used to be called manic-depressive. If only episodes of mania are present, or mainly mania with some depression, it is called bipolar I disorder. If it is mainly depression, with some mania, it is called bipolar II disorder. If only episodes of depression are present, it is called depressive disorder.

Episodes of mania are identified by:

- An abnormally elevated, expansive, or irritable mood that leads to hyperactivity, impulsive behavior, and poor judgment. Mood may alternate between euphoric and irritable if subject's wishes are thwarted.
- Inflated self-esteem, decreased need for sleep, increased talkativeness, thoughts that race faster than they can be expressed, easily distracted.
- Abnormal (for the individual) involvement in pleasurable activities with high potential for painful consequences, e.g., unrestrained buying sprees, sexual indiscretions, foolish business investments.

Episodes of depression are identified by:

- Feelings of sadness and emptiness, or loss of interest or pleasure in normal activities.
- Weight loss or weight gain, insomnia, fatigue or loss of energy, feelings of worthlessness or inappropriate guilt, diminished ability to concentrate, indecisiveness, or recurrent thoughts of death.
- Significant distress or significant adverse effects on work, social, or family activities.

Bipolar disorder is a recurring disorder. More than 90% of people who have one manic episode go on to have future episodes, although there may be several years between episodes and individuals may be fully functional between episodes. Because it recurs, and because it causes talkativeness and poor judgment, bipolar disorder is a significant security concern.

Borderline Personality Disorder

The principal characteristics of borderline personality disorder are:

- Unwarranted fear of rejection or being abandoned, usually associated with low self-esteem. Such persons are uncomfortable alone. Examples of such behavior include inappropriate anger when someone important to them must cancel an appointment, or panic at a temporary separation.
- A pattern of unstable relationships with friends, lovers, or bosses. Such persons need a great deal of nurturing and support from any relationship. They may initially idolize someone who provides that nurturing, but then shift suddenly and dramatically to view that same person as hostile or cruel if they do not care enough or are not “there” enough for them.
- Suicide, threats of suicide, or self-mutilation precipitated by fears of separation or rejection, such as fear of abandonment by a lover.
- Unstable self-image leading to sudden changes in career goals, values, or types of friends.
- Potentially damaging impulsive behavior in several areas such as substance abuse, unsafe sex, gambling, spending money irresponsibly, reckless driving, or binge eating.
- Inappropriate expressions of anger, or difficulty controlling anger; chronic feelings of emptiness or boredom; or short but intense periods of irritability or anxiety.

Lacking self-confidence, such persons may undermine themselves just at the moment a goal is about to be achieved, e.g., dropping out of school just before graduation, destroying a good relationship just when it is clear that the relationship could last. Self-destructive acts may also be precipitated by fear of having to assume increased responsibility.

Borderline personality disorder is a significant security concern, because loyalty may shift so suddenly and dramatically to whoever purports to offer the necessary nurturing and support. Irrational feelings of abandonment by a supervisor or employing organization may precipitate self-destructive behavior or vindictive rage at one's employer.

Borderline personality disorder is present in about 2% of the general population. It may occur together with other disorders. It is diagnosed about three times as often in females as in males. Physical and sexual abuse, neglect, family conflict, and early loss or separation from parents are common in the family histories of persons with this disorder.

Dependent Personality Disorder

Persons with dependent personality disorder have a pervasive and excessive need to be taken care of that leads to submissive behavior, fears of separation, and great difficulty making everyday decisions. Such individuals tend to be passive and to need an excessive amount of advice and reassurance from others. They want to be told what to do. They may agree to things they know are wrong rather than risk losing the support of those on whom they depend. Dependent personality disorder often occurs together with other disorders, such as borderline, avoidant, and histrionic personality disorder s.

Depression

The essential feature of depression is either a feeling of being depressed, sad, hopeless or discouraged, or the loss of interest or pleasure in nearly all activities previously considered enjoyable. Brief periods of depression are normal, especially if life is difficult, one is ill, or after a traumatic experience such as divorce, death of a close friend or relative, or personal failure of some kind.

To qualify as a major depressive disorder, depression must persist for most of the day, nearly every day, for at least two consecutive weeks and must include one or more of the following characteristics:

- Decreased energy, tiredness, apathy, or fatigue.
- Sense of worthlessness or guilt, such as guilty preoccupation over minor past failings; or a sense of helplessness.
- Changes in sleeping patterns -- insomnia or somnolence.
- Marked changes in appetite.
- Agitation, e.g., inability to sit still, pacing, hand-wringing, pulling or rubbing of skin or clothing.
- Talk about death or suicide.
- Difficulty in thinking, concentrating, or making decisions.

Depression can generally be controlled by medication or professional counseling. The security significance depends upon whether the depression affects judgment or work performance. It is quite possible for some persons to feel considerable personal distress from depression without this affecting their judgment or work performance. *As in a number of other areas, how the individual actually behaves may be more relevant for security evaluation than the medical diagnosis.*

Eating Disorders

The individual with anorexia nervosa refuses to maintain a minimally normal body weight. Weight loss is usually achieved primarily by restricting food intake, although there may be some self-induced vomiting or misuse of laxatives or diuretics. The self-esteem of individuals with anorexia nervosa is highly dependent upon their body shape and weight. As a result, there is an intense fear of gaining weight or becoming fat. Paradoxically, concern about gaining weight often increases as actual weight declines. Self-starvation has significant physical and sometimes psychological consequences. Hospitalization is common and death is not infrequent.

The essential features of bulimia nervosa are binge eating a couple times a week followed by self-induced vomiting or misuse of laxatives to avoid gaining weight. Individuals with bulimia nervosa are similar to those with anorexia nervosa in their fear of gaining weight and high level of dissatisfaction with their own bodies, but generally do maintain a normal weight.

Anorexia and bulimia both indicate fundamental problems of low self-esteem and poor adjustment. Bulimia is a greater security concern than anorexia as bulimics are typically ashamed of their eating problems and attempt to conceal them. Binge eating usually occurs in secrecy. Bulimia is frequently accompanied by other mood, anxiety, and personality disorders. About one-third of those with bulimia also have a substance abuse problem. From one-third to one-half also have one or more personality disorders, most frequently borderline personality disorder.

Histrionic Personality Disorder

The word histrionic refers to behavior that is theatrical, deliberately affected, or deliberately displaying emotion for the effect that it has. The histrionic personality is identified by excessive emotionality and attention-seeking behavior that begins in early childhood and is present in a variety of contexts. Histrionic individuals appear very charming, enthusiastic, and open or flirtatious, but this wears thin as they constantly demand to be the center of attention. They feel so uncomfortable or unappreciated when not the center of attention that they may make up stories or create a scene to focus attention on themselves.

Physical appearance is often used to draw attention. For a woman, there may be seductive dress or behavior; for a man, macho dress or behavior. Romantic fantasy

is common, but such persons often have difficulty achieving emotional intimacy in romantic relationships. Relationships fluctuate between emotional manipulation of the partner and strong dependence on the partner.

Dramatic expression of emotions may be turned on and off so quickly that others may suspect the individual is faking these feelings. Histrionic personalities may express strong feelings with dramatic flair, but without any supporting facts or details. They are impulsive, bored with routine work, and crave the excitement of new experiences.

Histrionic Personality Disorder often occurs together with other disorders such as Borderline Personality, Antisocial Personality, Narcissistic Personality, and Dependent Personality Disorder.

Histrionic personality is a security concern because such persons are easily influenced by others and by current fads. They make quick and impulsive judgments and crave excitement. They may be overly trusting, especially of strong authority figures whom they see as magically solving their problems.

Narcissistic Personality Disorder

A narcissistic personality is characterized by unwarranted feelings of self-importance or self-esteem (grandiosity), a sense of entitlement, and a lack of empathy for others. These characteristics are discussed separately below and then related to security issues.

Grandiosity

Wholly unwarranted feelings of self-importance or self-esteem are referred to by psychologists as grandiosity. Grandiose persons grossly overestimate their abilities and inflate their accomplishments. They are often preoccupied with fantasies of success, power, beauty or love. They may need constant reinforcement of this fantasy image of themselves. Grandiose persons expect to be viewed as “special” even without appropriate accomplishments.

Need for praise and sensitivity to criticism dominate relationships with others. Personal friendships, relationships with supervisors and coworkers, and amorous relationships turn quickly from love to hate, and vice versa, depending upon whether the relationship supports or undermines subject’s self-esteem. The narcissist demands unconditional acceptance of his or her specialness, and relationships blossom only when this is given and sour quickly when it is not.

Self-esteem is almost always fragile. An unreasonably high, overt self-evaluation masks inner doubts and insecurities. It is paradoxical that someone with such a crippling sense of inadequacy should act in such an arrogant, imperious, and grandiloquent manner.

Grandiose persons feel they are so smart or so important that the rules, which were made for ordinary people, do not apply to them. Rules and social values are not necessarily rejected as they are by the antisocial personality; it is just that one feels above the rules.

Entitlement

A sense of entitlement is characterized by *unreasonable* expectation of especially favorable treatment. Such persons expect to be given whatever they want or feel they need.

They may feel entitled to a promotion or to a higher grade in school just because they worked hard for it, regardless of the quality of their performance; entitled to more money because housing or college costs are so high, even though they didn't earn it; entitled to cut in front of the line because they are so busy or their time is so valuable. They may also feel entitled to punish others, to "give them what they deserve," because others failed to recognize their special abilities or frustrated their desires in some other way.

Instead of congratulating a colleague who receives a promotion, the narcissist may feel bitter and grouse that the promotion was not deserved. Several persons arrested for embezzlement have revealed that they started to take money only after someone on a par with them got a promotion that they did not receive. They felt entitled to take the money because they should have been promoted.

Many people genuinely do get a raw deal, and may be justified in feeling they deserve better. Feelings of entitlement in such cases become a security problem only if the person is planning revenge or retaliation.

Lack of Empathy

Narcissists generally view the world only from the perspective of how it affects themselves. There is little empathy or ability to understand the feelings or problems of others. For example, when a coworker becomes seriously ill, one may be upset by the inconvenience caused by the worker's absence and relatively unconcerned about the welfare of the worker.

Narcissistic persons shamelessly take others for granted and manipulate or exploit them to achieve their own ends. They may be unusually aggressive and ambitious in seeking relationships with others in positions of power. In romantic relationships, the partner is often treated as an object to be used to bolster one's self-esteem.

In extreme cases, the narcissist who gains power over others, as in a relationship between supervisor and subordinate, may use this power in humiliating and cruel ways, sometimes just for what seems like personal amusement.

Relevance to Security

Narcissism should not be confused with the simple egotism found in many capable and loyal employees who progress to senior positions due to their strong abilities, self-confidence, and ambition. An unwarranted sense of self-importance is a concern only when self-evaluation is so far out of line with reality, and with how one is perceived by supervisors and colleagues, that disappointment and resentment are inevitable.

The narcissist's need for recognition is so strong that failure provokes a need for vindication and revenge. The compelling need to justify unwarranted self-esteem may cause a grandiose person with a grudge to seek recognition elsewhere -- with an opposition intelligence service or business competitor.

Feelings of entitlement are a security concern because they may be used to rationalize illegal behavior or may reduce the inhibitions that otherwise deter illegal behavior. When combined with antisocial attitudes, grandiosity, or desperate need or greed for money, a feeling of entitlement leads to easy rationalization of theft, fraud, or other illegal activity for monetary gain. "I'm only taking what I deserve." It is also an easy rationalization for revenge. "If they hadn't screwed me, I wouldn't be doing this, so it's their fault; they deserve it."

When narcissists fail to perform adequately at work, it is always someone else's fault. The many arrested spies who exhibited this characteristic blamed others for their treason. They blamed their behavior on the poor economy, on an insensitive and intrusive Intelligence Community, poor security practices, supervisors who failed to recognize their potential, spouses for not being understanding, or government for not taking the right political stance. Few saw themselves as traitors; they saw themselves as victims.

Self-deception and rationalization facilitate criminal behavior, as they enable an individual to consider such behavior in a more justifiable light. They also soothe an offender's conscience as the activity progresses. Narcissism is illustrated by the following example.

Example: Jonathan Pollard

Jonathan Jay Pollard was a Naval Intelligence analyst arrested for espionage on behalf of Israel. From an early age, Pollard had a fantasy of himself as a master strategist and a superhero defending Israel from its enemies. He became obsessed with the threats facing Israel and a desire to serve that country.

In college, Pollard boasted that he had dual citizenship and was a Colonel in the Israeli Army. His Stanford senior yearbook photo listed him as "Colonel" Pollard, and he reportedly convinced almost everyone that Israeli Intelligence was paying his tuition. After his arrest, Pollard said this was all "fun and games," and "no one took it seriously." But most of his fellow students did not see it as a game.

Pollard kept his pro-Israeli views to himself while working for Naval Intelligence, but other tall tales about himself were more or less a joke in the office. He was unpopular among his colleagues, as they resented his bragging, his arrogance, and his know-it-all attitude.

At one point, Pollard received permission to establish a back-channel contact with South African Intelligence through a South African friend he had known in graduate school. Through a combination of circumstances, Pollard's story about his relationship with the South Africans began to unravel. After telling Navy investigators fantastic tales about having lived in South Africa and his father having been CIA Station Chief there, Pollard's security clearance was pulled and he was told to obtain psychiatric help. When the doctor concluded he was not mentally ill, Pollard filed a formal grievance and got his clearance and job back.

Pollard's need to feel important, and to have others validate that importance, led him to pass several classified political and economic analyses to three different friends whom he felt could use the information in their business. This was before he volunteered his services to Israel. Although he hoped to get something in return, his principal motive was simply to impress his friends with his knowledge and the importance of his work.

Several years later, under a different supervisor, it was again Pollard's grandiosity that attracted adverse attention, contributing to his eventual compromise and arrest. The supervisor caught Pollard lying about his dealings with another government agency. The only purpose of the lie was apparently to make Pollard appear to be a more important person than he was.

The supervisor wondered why Pollard would make up stories like this and began paying much closer attention to Pollard's activities. He noticed that Pollard was requesting so many Top Secret documents concerning Soviet equipment being supplied to the Arab world that it was becoming a burden on the clerk who had to log them in. The risk Pollard ran by requesting so many documents may also be explained by his grandiosity; such persons often think they are too smart to be caught. 2

Obsessive-Compulsive Disorder

This disorder is characterized by recurrent obsessions or compulsions. Obsessions are persistent ideas, impulses, or images that intrude on one's consciousness and that cause anxiety or distress. Compulsions are repetitive behaviors usually performed to relieve the anxiety or distress caused by obsessions.

For example, an obsession about cleanliness might be relieved by compulsive hand washing. An obsession about having things in order might be relieved by reordering things every morning to ensure they are in exactly the right place. An obsession with an obscene sexual image may be driven from the mind by counting to 10 forward and backward 100 times.

Many obsessions or compulsions are insignificant. Obsessive-compulsive disorder is diagnosed only when there is a problem severe enough to be time-consuming, cause distress, or adversely affect an individual's performance. Obsessive-compulsive disorder suggests the presence of unresolved underlying problems. It is often associated with other emotional disorders.

There is a distinction between this disorder and obsessive-compulsive personality disorder. The obsessive-compulsive personality attempts to maintain a sense of control through painstaking attention to rules, trivial details, procedures, lists, and schedules. Individuals with obsessive-compulsive personality disorder pursue orderliness and perfection at the expense of flexibility and efficiency. Although job performance may be adversely affected by inflexibility and stubbornness, the obsessive-compulsive personality is likely to follow all security regulations to the letter. Such a person is unlikely to ever, under any circumstances, leave a safe unlocked.

Paranoid Personality Disorder

The paranoid personality is distinguished by a pervasive distrust and suspicion of other people. Such persons are preoccupied with unjustified doubts about the loyalty or trustworthiness of friends or associates. They are reluctant to confide in others for fear that information they share will be used against them. They may refuse to answer personal questions, saying the information is "nobody's business." They read hidden meanings that are demeaning or threatening into innocent remarks or unrelated events. They may interpret an innocent mistake by a store clerk as a deliberate attempt to shortchange them.

A supervisor's compliment on an accomplishment may be misinterpreted as an attempt to coerce more or better performance. An offer of help may be viewed as a criticism that they are not doing well enough on their own. Minor slights arouse major hostility, and these slights are never forgiven or forgotten. Such persons often have unjustified suspicions that their spouse or sexual partner is unfaithful. They want to maintain complete control over intimate relationships to avoid being betrayed. They may gather trivial and circumstantial "evidence" to support their jealous beliefs.

Paranoid personalities may blame others for their own shortcomings. Because they are quick to counterattack in response to perceived threats, they may become involved in legal disputes. Such persons are attracted to simplistic black and white explanations of events, and are often wary of ambiguous situations. Paranoia often disrupts relationships with supervisors and co-workers.

Severe paranoia is often a precursor of other mental disorders or found together with other disorders.

Paranoia is a serious security concern, as the paranoid can easily view his or her employer or the U.S. Government as the enemy, and act accordingly. Alternatively,

what appears to be paranoia may have a factual basis. Seemingly extreme concern about being investigated or watched or searching for listening devices or hidden cameras may indicate that a person is engaged in illegal activity and fears detection.

Schizophrenia

There is no single definitive symptom for schizophrenia, but a constellation of various possible symptoms that together cause a significant reduction in ability to function effectively at work, in interpersonal relations, or in care for oneself. The following symptoms are characteristic but do not normally all appear in any single case.

- Delusions, such as belief that one is being persecuted or ridiculed, or that one's thoughts or body parts are being manipulated or have been replaced by someone else's.
- Hallucinations, such as hearing voices.
- Disorganized thinking and speech, such as slipping off the track from one topic to another, or completely unrelated responses.
- Bizarre behavior, such as wearing multiple overcoats on a hot day, maintaining a rigid posture, or being unaware of one's surroundings.
- Absence of emotion; inability to initiate or complete common, everyday activities at work or at home,

Schizophrenia is a serious mental illness that is usually disqualifying. Although some symptoms respond to treatment, complete remission is unusual.

Schizotypal Personality Disorder

Schizotypal personality disorder can be viewed as a mild form of schizophrenia. Behavior is eccentric rather than bizarre. Instead of delusions and hallucinations, there are milder perceptual distortions. Such persons may be preoccupied with superstitions or paranormal phenomena. They may believe they have magical control over others, e.g., believing that their spouse taking the dog for a walk is a direct result of their thinking it should be done an hour earlier. They may incorrectly interpret unrelated events as having a special message for them.

A defining element of schizotypal personality disorder is a pervasive pattern of having little desire for, being uncomfortable with, and having little capacity for maintaining close relationships. Such persons prefer to keep to themselves as they feel they are different and do not fit in. They usually have no or few close friends or confidants other than a close relative.

Schizotypal personality disorder is a serious security concern, as judgment is distorted. Inability to form close relationships suggests inability to develop loyalty.

Mitigating Conditions

Extract from the Guideline

- (a) *the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;*
- (b) *the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;*
- (c) *recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;*
- (d) *the past emotional instability was a temporary condition (e.g., one caused by death, illness, or marital breakup), the situation has been resolved, and the individual no longer shows indications of emotional instability;*
- (e) *there is no indication of a current problem.*

The following points elaborate on the above potentially disqualifying conditions:

- **Controllable with Treatment:** Depression is perhaps the most common example of a condition that is controllable with treatment. The required period of compliance may depend upon the severity of the symptoms that would be expected if the individual failed to take the prescribed medication. Long-term continuation of the medication must be medically practical and must be expected to preclude recurrence of any condition that may affect judgment or reliability.
- **Voluntary Counseling or Treatment:** The individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional approved by or acceptable to the U.S. Government (i.e., the adjudicative facility). The fact that an individual has entered treatment voluntarily, without it being required by a supervisor or a court, is a definite plus. It shows that an individual is aware of the problem and trying to deal with it. This mitigation would apply only to an individual who already has a clearance, not to a new applicant. An employer has an obligation to help an employee who develops a problem while on the job, but no such obligation to hire a new employee who already has a mental health problem.

- Professional Opinion: This mitigating condition is used when a duly qualified mental health professional determines that a known previous condition is now under control or in remission and has a low probability of recurrence or becoming worse.
- Temporary Condition: Traumatic personal circumstances often cause a temporary condition that requires some counseling or treatment but is not a security concern. If such a condition has not been resolved within six months, however, this suggests the possibility of a longer term condition.
- No Current Problem: This mitigating condition is used when the adjudicator or a duly qualified mental health professional determines that the reported information is not really a security concern.

Controlling Disorders with Drugs

Many psychological conditions are the result of imbalances of brain chemicals called neurotransmitters. These imbalances can produce the observed symptoms and changes in behavior and are often treated with medication. In most cases, the source of the imbalance is both genetic and environmental, and often both medication and therapy are useful for treating the condition.

There are many different types of psychiatric medications, and the effects and side effects of the medications vary a great deal. Important questions to be considered when adjudicating a psychological condition being treated by medication include: What symptoms caused the doctor to prescribe medication, or caused the subject to start taking medication on his or her own? How do these symptoms affect the subject's reliability and judgment? How does the medication affect the subject's reliability and judgment? What happens if the subject stops taking medication? Has subject ever failed or refused to take the medication?

Some psychiatric medications can have side effects that are relevant to security concerns and may require careful monitoring, particularly since different individuals react to psychiatric medication in different ways. The field of psychopharmacology is highly technical and is evolving as a result of ongoing and new research. Adjudicators should rely in each case on the input of their qualified mental health consultant.

Reference Materials

Glossary of Selected Psychiatric Terms

This glossary of nontechnical descriptions of technical terms was prepared by Dr. Ted Sarbin and Dr. Leissa Nelson of the Defense Personnel Security Research Center. The unlined terms are linked to previous use of the term in this chapter.

Abreaction: expressing feelings that have been suppressed.

Acrophobia: excessive fear of heights.

Acute: sudden onset and brief duration (as opposed to chronic).

Adjustment Disorder: a reaction to a stressful event or circumstance that causes significant distress or impairs work performance or social relationships.

Affect: generally, a synonym for feelings, moods, emotions.

Affective Disorders: conditions in which feelings of sadness or elation are excessive and not realistic, given the person's life conditions. Depression and mania are affective disorders.

Agitation: (psychomotor agitation) excessive motor activity that coincides with and is accompanied by feelings of inner tension. The activity is usually repetitious and pointless and may include pacing, fidgeting, wringing of the hands, pulling of clothes, and inability to sit still.

Agoraphobia: unrealistic fear of open spaces.

Ambivalence: contradictory attitudes toward a person, such as love and hate, that occur at the same time.

Anesthesia: numbness of part of the body surface, absence of sense of touch.

Anorexia Nervosa: aversion to food, usually caused by psychological conditions.

Antisocial Personality Disorder: persons who are in constant conflict with society, without conscience, incapable or unwilling to establish bonds of affection or loyalty (see also sociopath, psychopath).

Anxiety: a state characterized by apprehensiveness, nervousness, fear.

Atypical: not typical, unusual or infrequent.

Axis: some psychiatric reports classify patients on five dimensions or axes. See [Understanding Five-Axis System of Psychiatric Evaluations](#) (page 295).

Avoidant Personality: a pervasive pattern of avoiding interpersonal contact for fear of criticism, disapproval, or rejection.

Bipolar Disorder: behavior that involves both depressive and manic episodes (depressive = unusual degree of sadness; manic = excitable, expansive, unrealistically cheerful).

Borderline Personality Disorder: a term applied to very unstable persons who are impulsive, unpredictable, often self-destructive, and deficient in interpersonal skills.

Bulimia: a disorder characterized by periods of overeating followed by induced vomiting or the use of laxatives.

Chronic: a condition of lengthy duration; sometimes used to mean irreversible and incurable.

Comorbidity: the appearance of two or more illnesses at the same time, such as the co-occurrence of schizophrenia and substance abuse or of alcohol dependence and depression.

Compulsion: an irrational and repetitive impulse to perform some act, e.g., frequent hand washing.

Compulsive Personality: excessive concern with rules, efficiency, order, neatness, and punctuality.

Conduct Disorder: patterns of behavior that consistently violate established norms, usually applied to children and adolescents.

Conversion Reaction: bodily symptoms, in the absence of any tissue damage, that symbolize the patient's psychological conflict.

Defense Mechanism: a pattern of behavior that protects the person from anxious feelings.

Delusion: a persistent or dominating false conception regarding matters of fact, and which is resistant to reason.

Dementia: impairment of mental abilities, such as memory and problem-solving.

Dependent Personality Disorder: a person who lacks of self-confidence, is easily influenced through dependence on others, and often avoids initiating action.

Depressed Affect: refers to sadness or depression.

Depression: extreme sadness, often accompanied by self-blame.

Dissociation: the action of separating psychological processes that ordinarily are associated or connected; for example, upon experiencing misfortune the person fails to show expected or conventional signs of sadness.

DSM-V: *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*. This manual for diagnosing psychiatric disorders is published by the American Psychiatric Association. Previous editions have been widely used for many years. However, in May 2013 the National Institute of Mental Health withdrew its support for this manual on the grounds that DSM diagnoses are based on a consensus about clusters of clinical symptoms, not any objective laboratory measure.

Dysfunction: impairment of judgment or action, abnormal function.

Dyslexia: reading disorder characterized by omission, distortion, and modification of words while reading, often leading to avoidance of situations requiring normal reading skills.

Dysphoria: unhappy, feeling bad, unpleasant feelings (opposite of euphoria).

Dysthymia: a chronic type of depression that occurs on most days and lasts for a period of 2 or more years.

Ego-Dystonic: refers to thoughts, images, and feelings that a person regards as alien, unwanted, and inconsistent with self-image.

Endogenous Depression: feelings of sadness attributable to internal causes in the absence of external circumstances such as loss of job, death of a loved one, etc.

Entitlement: unreasonable expectation of especially favorable treatment.

Epilepsy: a physical illness, not a mental illness, characterized by seizures and loss of consciousness. Epileptics who conscientiously take standard doses of medication and who are free of seizures are not a security concern. Unusually high doses of medication or continued seizures indicate need for a medical evaluation.

Exhibitionism: displaying one's genitals or other private parts to an involuntary observer for the purpose of sexual arousal.

Exogenous Depression: feelings of sadness associated with external circumstances such as loss of job, death of a spouse, not winning a coveted prize, etc.

Euphoria: feeling good, experiencing pleasant feelings.

Flashback: vivid, intense reliving of a past experience, usually an experience associated with the use of mind-altering drugs or post-traumatic stress disorder.

Functional Psychosis: severe disturbance in thought, emotional display, and overt conduct in the absence of brain damage, intoxication, or chemical imbalance.

Grandiosity: exaggerated self-importance, conceited, exaggerated expectations of recognition for ordinary job performance.

Hallucination: the report of imaginings that are bizarre and that others regard as inappropriate. The person "sees" things or events, or "hears" voices that cannot be validated by others.

Histrionic Personality Disorder: a person who is typically overly dramatic, usually for the purpose of manipulating others.

Hysteria: a diagnostic term that has been replaced by either histrionic personality or conversion reaction. Historically, bodily symptoms in the absence of organic pathology.

Inappropriate Affect: an affect type that is unusual and does not match with the circumstances or the content or speed or thought.

Kleptomania: a persistent neurotic impulse to steal, especially without economic motive.

Labile Affect: abnormal, sudden, rapid shifts in affect; readily or frequently changing moods.

Magical Thinking: the inaccurate belief that one's thoughts, words, or actions will cause or prevent a specific outcome that does not demonstrate a realistic relationship between cause and effect.

Mania: extreme excitability, unrealistic cheerfulness, grandiose thinking often accompanied by insomnia.

Masochism: a term to denote a person's achieving sexual gratification from pain inflicted by another person.

Narcissism: self-indulgent, self-love, absorbed in self.

Neurosis: dominant feelings of anxiety, obsessive thoughts, compulsive actions, or physical complaints without objective evidence of physical disease. The concept of neurosis has been virtually displaced by "personality disorders."

Neurotic: pertaining to behavior associated with excessive use of defense mechanisms.

Neurotic Disorder: a disorder in which the main disturbance is a relatively enduring and upsetting symptom or group of symptoms that is considered unacceptable but does not grossly violate social norms.

Obsessive-Compulsive Disorder: the person is preoccupied with unwanted thoughts and images (obsessions) and/or involuntary, repetitive actions that have no apparent purpose (compulsions).

Organic Brain Syndrome: impaired behavior attributable to brain disease or damage (sometimes called organic psychosis).

Panic Attacks: distinct periods of intense apprehension, fearfulness, or terror, often associated with feelings of impending doom that occur suddenly and are often associated with physical symptoms such as shortness of breath, accelerated heart rate; chest pain or discomfort; or fear of going crazy or losing control.

Paranoid: suspicious and mistrustful in the absence of reasons for such behavior.

Paraphilia: recurrent and intense sexual urge or sexually arousing fantasy generally involving either objects, suffering or humiliation, children, or nonconsenting partners.

Pathology: abnormal physical or psychological condition.

Personality: enduring patterns of perceiving, relating to, and thinking about the environment and oneself. Personality traits are prominent aspects of personality that are exhibited in a wide range of important social and personal contexts. Only when personality traits are inflexible and maladaptive and cause either significant

functional impairment or subjective distress do they constitute a Personality Disorder.

Phobia: irrational fear, often associated with avoidance of the object of such fears.

Physiological: pertaining to bodily, organic functioning.

Posttraumatic Stress Disorder: delayed stress resulting from some earlier traumatic event, flashbacks, nightmares, lack of concentration, and reports of feeling strange and out of touch with everyday events.

Premorbid: the psychological status of a person before the development of abnormal conduct.

Projection: a defense mechanism; attributing to another person, or to the environment, some undesirable impulse or characteristic which is actually within oneself.

Psychopathic Personality: see antisocial personality.

Psychosis: a serious mental disorder involving severe distortion of reality; extreme impairment of thought and action (equivalent to everyday terms such as insanity, lunacy, madness, crazy).

Remission: marked improvement or recovery from an illness, although the improvement may be temporary.

Repression: a defense mechanism; a threatening thought is ignored in order to avoid the pain of acknowledging one's guilt or shame. Some authorities define repression as the mental condition of not being conscious of a painful thought or feeling.

Sadism: sexual gratification achieved by inflicting pain on others.

Schizophrenia: a term used to describe undesirable conduct characterized by hallucinations, delusions, or bizarre behavior.

Schizoid: a descriptive term for a person who appears alienated from others, has poor interpersonal skills, and withdraws from social interaction.

Sociopathic Personality: see antisocial personality.

Somatic: refers to the body.

Stupor: unresponsiveness, sometimes equivalent to unconsciousness.

Voyeurism: sexual pleasure through observing others in the act of undressing, colloquially such a person is called a "Peeping Tom."

Word Salad: a jumble of meaningless or illogical words and phrases; commonly seen in schizophrenic states.

Understanding Five-Axis System of Psychiatric Evaluations

Some psychiatric evaluations follow a format suggested by the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition*. The diagnosis is given on five dimensions, or "axes."

Axes I and II are for reporting any emotional, mental, or personality disorders or other conditions that are a focus of clinical attention. These are the heart of any assessment. Many psychiatric evaluations deal only with Axes I and II.

Axis III is for reporting other general medical conditions that are potentially relevant to the understanding or management of the Axes I and II problems. For example, depression may be caused by a thyroid problem.

Axis IV is for reporting stressful circumstances that may affect the diagnosis, treatment, or prognosis for mental disorders reported under Axis I and II. Examples of such circumstances are death of a family member, financial problems, job problems, sexual or physical abuse, and inadequate health care. These stressful circumstances are sometimes categorized on a scale that ranges from mild through moderate, severe, and extreme to catastrophic.

Axis V is for reporting clinical judgment of the individual's overall level of psychological, social, and occupational functioning. How well the subject functions is summarized by a single number on a scale from 1 to 100. This can be useful to an adjudicator as a measure of how subject's mental condition may impact on work performance and ability to maintain the security of classified information. For an explanation of what these numbers mean, see the [Global Assessment of Functioning \(GAF\) Scale](#) below.

Global Assessment of Functioning (GAF) Scale

Psychological, social, and occupational functioning is measured on a hypothetical continuum of mental health - illness. Impairment in functioning due to physical (or environmental) limitations is not included. Intermediate numbers such as 45, 68, or 72 may be used as appropriate.

100 - 91: Superior functioning in a wide range of activities, life's problems never seem to get out of hand, is sought out by others because of his or her many positive qualities. No symptoms.

90 - 81: Absent or minimal symptoms (e.g., mild anxiety before an exam), good functioning in all areas, interested and involved in a wide range of activities, socially effective, generally satisfied with life, no more than everyday problems or concerns (e.g., an occasional argument with family members)

80 - 71: If symptoms are present, they are transient and expectable reactions to psychosocial stressors (e.g., difficulty concentrating after family argument); no more

than slight impairment in social occupational or school functioning (e.g., temporarily falling behind in schoolwork).

70 - 61: Some mild symptoms (e.g., depressed mood and mild insomnia) OR some difficulty in social, occupational, or school functioning (e.g., occasional truancy, or theft within the household), but generally functioning pretty well, has some meaningful interpersonal relationships.

60 - 51: Moderate symptoms (e.g., flat affect and unnecessarily detailed or repetitive speech, occasional panic attacks) OR moderate difficulty in social, occupational or school functioning (e.g., few friends, conflicts with peers or co-workers).

50 - 41: Serious symptoms (e.g., suicidal ideation, severe obsessional rituals, frequent shoplifting) OR any serious impairment in social, occupational, or school functioning (e.g., no friends, unable to keep a job).

40 - 31: Some impairment in reality testing or communication (e.g., speech is at times illogical, obscure, or irrelevant) OR major impairment in several areas, such as work or school, family relations, judgment, thinking, or mood (e.g., depressed man avoids friends, neglects family, and is unable to work; child frequently beats up younger children, is defiant at home, and is failing at school).

30 - 21: Behavior is considerably influenced by delusions or hallucinations OR serious impairment in communication or judgment (e.g., sometimes incoherent, acts grossly inappropriately, suicidal preoccupation) OR inability to function in almost all areas (e.g. stays in bed all day; no job, home, or friends).

20 - 11: Some danger of hurting self or others (e.g., suicide attempts without clear expectation of death; frequently violent; manic excitement) OR occasionally fails to maintain minimal personal hygiene (e.g., smears feces) OR gross impairment in communication (e.g., largely incoherent or mute).

10 - 1: Persistent danger of severely hurting self or others (e.g., recurrent violence) OR persistent inability to maintain minimal personal hygiene OR serious suicidal act with clear expectation of death.

0: Inadequate information.

Endnotes

- ¹ List provided by Dr. Leissa Nelson, PERSEREC.
- ² Blitzer, W. (1989). *Territory of Lies: The Rise, Fall, and Betrayal of Jonathan Jay Pollard*. New York: Harper & Row.
- ³ Several government agencies have conducted comprehensive psychological assessments of their employees arrested for espionage, and an Intelligence Community project has interviewed and administered psychological tests to a number of Americans serving jail terms for espionage. Most interviews and tests were conducted after conviction and incarceration and were subject to agreements that protect the privacy of the offenders. Privacy and security considerations preclude public release of these studies.
- ⁴ Gottfredson, M.R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press. Parker, J.P., & Wiskoff, M.F. (1992). *Temperament constructs related to betrayal of trust* (Technical Report 92-002). Monterey, CA: Defense Personnel Security

- Research Center. Collins, J.M., & Schmidt, F.L. (1993). Personality, integrity, and white collar crime: A construct validity study. *Personnel Psychology*, 46, 295-311. Brodsky, S.L., & Smitherman, H.O. (1983). *Handbook of scales for research in crime and delinquency*. New York: Plenum Press. Hogan, R., & Hogan, J. (1989). How to measure employee reliability. *Journal of Applied Psychology*, 74, 273-279. Collins, J.M., & Muchinsky, P.M. (1994). Fraud in the executive offices: Personality differentiation of white collar criminality among managers. Paper presented at 23rd International Congress of Applied Psychology, Madrid, Spain.
- 5 American Psychiatric Association. (1995). *Diagnostic and statistical manual of mental disorders* (4th ed.) (DSM-IV). Washington, DC: Author.
 - 6 Kneece, J. (1986). *Family treason: The Walker spy case*. Briarcliff Manor, NY: Stein & Day.
 - And Earley, P. (1988). *Family of spies: Inside the John Walker spy ring*. New York: Bantam Books.
 - 7 Gottfredson, M.R., & Hirschi, T. (1990). *A general theory of crime*. Stanford, CA: Stanford University Press.
 - 8 Vise, D.A. (2002). *The bureau and the mole: The unmasking of Robert Philip Hanssen, the most dangerous double agent in FBI history*. New York, NY: Grove Press.
 - 9 Lindsey, R. (1980). *The falcon and the snowman*. New York: Pocket Books.
 - 10 Declassified extracts from preemployment security investigation of Christopher Boyce.
 - 11 Unclassified Abstract of the CIA Inspector General's Report on the Aldrich H. Ames Case.
 - 12 National Institute of Mental Health. (2001). *Post-traumatic stress disorder* (NIH Publication No. 01-4597). Bethesda, MD: Author. Fact Sheet retrieved April 15, 2010, from <http://www.nimh.nih.gov/health/publications/post-traumatic-stress-disorder-easy-to-read/index.shtml>

Sexual Behavior

Relevance to Security	299
Sexual Behavior as a CI Concern	300
Sex Tourism	301
Mail-Order Brides	301
Potentially Disqualifying Conditions	302
Extract from the Guideline	302
Criminal Behaviors	302
Rape	303
Incest	305
Possession of Child Pornography	306
Pornography in the Workplace	307
Sexual Harassment	307
Sexual Harassment - Legal Issues	308
Sexual Harassment: Prevalence in the Federal Workplace	309
Sexual Behavior as Indicator of Emotional Disorder	310
Compulsive or Addictive Sexual Behavior	311
Diagnosis of Sexual Addiction	311
Sexual Addiction and the Internet	313
Lack of Judgment or Discretion	314
Vulnerability to Pressure or Coercion	315
Mitigating Conditions	316
Extract from the Guideline	316
Mitigating Factors	316
Behavior During Adolescence	316
Not Recent	316
No Longer Vulnerable to Pressure	317
Private, Consensual, and Discreet	317
Successful Treatment	317
Recovery Programs for Sex Addiction	317
12-Step Programs	317
Treatment	318
Cognitive-Behavior Therapy	318
Interpersonal Therapy	318
Group Therapy	318
Medication	319
Reference Materials	319
Information About Specific Sexual Practices	319
Promiscuity - General	319
Group Sex and Swinging	319
Research on Swinging	321
Use of Prostitutes	322
Premarital and Extramarital Relations	323
Gender Identity or Role Transpositions	323
Homosexuality	325
Homosexuality and Emotional Stability	326
Prevalence of Homosexuality	327

Classifying Homosexual Lifestyles _____	327
Homosexual Vulnerability to Coercion _____	330
Bisexuality _____	331
Transsexualism _____	333
Transsexuals in the Military _____	335
Transvestism _____	335
Research on Transvestism _____	337
Paraphilia (Sexual Perversion) - General _____	338
Fetishism _____	341
Sexual Sadism and Masochism _____	341
Pedophilia _____	344
Pedophiles and the Internet _____	345
Voyeurism (Peeping Tom) _____	346
Exhibitionism _____	347
Obscene Telephone Callers _____	348
Bestiality _____	349
Other Paraphilias _____	350
Sources of Additional Information _____	350
Endnotes _____	350

Relevance to Security

Sexual behavior can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information when it: involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or it causes an individual to be vulnerable to undue influence, exploitation, or duress. No adverse inference concerning the standards in this guideline may be made solely on the basis of the sexual orientation of the individual.

Most scientific research and past espionage cases show that the connection between sexual behavior and personnel security is far more complex than the simple notion that "normal" sex is acceptable and "nonconforming" sexual practices are a security risk.¹ Self-control, social maturity, strength of character, and overall psychological adjustment are more important security indicators than the specific sexual practices in which people engage. Sexual orientation or preference may not be used as a basis for disqualification in adjudicating eligibility for security clearance.

A common error in thinking about sexuality is to reason that "since I'm normal, most other normal people must think and behave more or less the way I do." Actually, "normal" human sexual behavior is far more diverse than most people realize, and many seemingly unusual behaviors have little or no relationship to security. What is considered normal in one realm of society may be distinctly abnormal in another.

Normality and abnormality, or deviance, are not appropriate criteria for determining the security relevance of sexual behavior. Many sexual fetishes may not be common, but they are harmless unless carried to an extreme. There is no “normal” amount of frequency of sexual activity. Celibacy is unusual but is not by itself a concern to security clearance adjudicators. On the other hand, “normal” heterosexual relations can be a security problem if pursued in a compulsive or irresponsible manner, and any sexual conduct may be cause for concern if it is part of a pattern of emotional maladjustment.

To protect employee rights to privacy and civil liberties, adjudication of sexual behavior needs to be based on demonstrable security concerns, not on commonly accepted myths or the personal moral values of individual adjudicators. Case-by-case judgment is more appropriate than automatic disqualification for any particular variety of sexual behavior.

Sexual Behavior as a CI Concern

The relationship between sex and spying has a long and colorful history. During the Cold War, communist intelligence services maintained a stable of attractive, female “swallows” used in efforts to seduce male Western officials and visitors. There are many cases of Americans in Moscow and other Eastern European capitals being approached by local intelligence services as a result of sexual affairs or indiscretions.²

Some Americans were successfully recruited in this manner. For example, an Army Sergeant assigned to the American Embassy in Moscow had a one-night-stand with a Soviet woman. Several weeks later, he was told that she was pregnant and that, as the father of a Soviet national, he would not receive an exit permit to leave the country unless he cooperated. He did cooperate, and continued to cooperate after his return to the United States.³

The noteworthy point is that these individuals were engaging in normal rather than nonconforming or deviant sexual practices. Inability or unwillingness to control their sexual desires or emotional needs led to poor judgment (such as promiscuity in Moscow). Their sexual behavior exposed them to assessment and eventually pressure and recruitment by a hostile intelligence service.

Also during the Cold War, the East German Intelligence Service had a large and highly successful program of sending male agents to West Germany as “refugees” with a mission to seduce, assess, and when appropriate, recruit West German secretaries employed in sensitive positions.⁴

Such techniques certainly did not end with the Cold War. Americans living and traveling abroad are still frequent targets of the local security and intelligence services, and the exploitation of sexual attraction or sexual needs continues to be a favored *modus operandi*.

Any sexual relationship with a foreign national while traveling or stationed abroad in a country that conducts intelligence operations against the United States should be of interest to adjudicators. Foreign security and intelligence services have many resources available when working on their home turf. They can monitor and, to some extent, control the environment in which an American lives and works. Sexual interests are one of the things that many foreign intelligence and security services try to identify and exploit. An American is at a disadvantage, because he or she is in unfamiliar territory.

Any American government official, scientist, business traveler, or tourist with access to useful information can become the target of a foreign intelligence or security service at any time in many different countries. When an individual is being targeted, sexual lures are one of the standard tools of the trade, and they are very effective as the physical intimacy of sex may lead to personal intimacy. The bedroom is an ideal location to learn of an individual's longing to be rich, resentment of a boss, or other exploitable weaknesses.

The most common target is an American male, but women are not overlooked. For example, Sharon Scranage, a CIA secretary at the American Embassy in Accra, Ghana, was recruited by Ghanaian Intelligence as a result of her amorous relationship with a Ghanaian national.⁵

Sex Tourism

Sex tourism is said to have become the third largest sector of illegal trade after drugs and arms trafficking, and it is easily exploited by foreign intelligence services for the identification and assessment of American targets. Information on "sex travel" is widely available on the Internet. Tours for men provide a variety of sexual companions or allow selection of a single companion to accompany one throughout the tour. Russia and the former Soviet states, the Far East and Latin America are favored destinations for such tours. Other tours provide partners for a specific type of sex. For example, pedophiles travel in organized groups to the Philippines, Thailand, India, Costa Rica and other countries where child trafficking rings provide minors for sex. Participation in a child sex tour is against U.S. law, and will, under nearly all circumstances, be disqualifying.

Mail-Order Brides

"Mail-order brides" from Russia, China and other countries provide a mechanism for those countries to place foreign agents in the United States. An Internet search for "mail-order bride" reveals numerous opportunities in this area. A number of American citizens who have been processed for security clearances or reinvestigated for a security clearance have obtained foreign wives in this manner. Because of the risk that a wife provided by a foreign marriage or "dating" service may be a foreign agent, marriage to one of these women from a higher-risk country is often disqualifying for a security clearance.

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *sexual behavior of a criminal nature, whether or not the individual has been prosecuted;*
- (b) *a pattern of compulsive, self-destructive, or high risk sexual behavior that the person is unable to stop or that may be symptomatic of a personality disorder;*
- (c) *sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress;*
- (d) *sexual behavior of a public nature and/or that reflects lack of discretion or judgment.*

Adjudicators must take care to ensure that interpretation of these criteria is based on analysis of security risk and not on their personal approval or disapproval of the conduct being adjudicated. Everyone involved in the security clearance process is obliged to keep personal values and prejudices out of the process as much as possible.

The first question to be asked about any report of sexual behavior is not “Is it true?” but “Is it relevant?” Sexual behavior is relevant only if the sexual behavior is [criminal](#), [compulsive](#), symptomatic of a [personality disorder](#), makes an individual [vulnerable to coercion](#), or shows a [lack of discretion or judgment](#) -- each of which is discussed in some detail below.

Personal codes of sexual morality are not an appropriate criterion for adjudicating sexual behavior. As noted by one judge when overturning the termination of a homosexual federal employee: “The notion that it could be an appropriate function of the federal bureaucracy to enforce the majority’s conventional codes of conduct in the private lives of its employees is at war with elementary concepts of liberty, privacy, and diversity.”⁶

The security significance of questionable sexual behavior depends in part on recency, frequency, intent to continue the conduct, and whether force, violence or intimidation are involved. For background information on specific sexual practices and discussion of their relevance or irrelevance to security concerns, see [Information About Specific Sexual Practices](#) (page 319).

Criminal Behaviors

Some behaviors are almost universally condemned and prosecuted when sufficient evidence is available. These include [rape](#), [incest](#), sexual relations with children ([pedophilia](#)), [possession of child pornography](#), [voyeurism](#) (Peeping Tom), [exhibitionism](#), and making [obscene phone calls](#). [Sexual harassment](#) may also be

illegal, depending upon seriousness. For further information, see the discussion below of these specific behaviors. These behaviors should be assessed under [Criminal Conduct](#) as well as [Sexual Behavior](#). They may also be evaluated under Personal Conduct if they are part of a pattern of unreliability, dishonesty, or poor judgment.

Sex offenders seldom limit the activity to a single offense. The behavior is likely to be repeated. One study shows that sex offenders are four times more likely than other types of offenders to be rearrested for their crimes.⁷ Such offenses indicate mental health problems, and treatment is often ineffective.

It bears mentioning that some behaviors, such as adultery between consenting adults and oral or anal sex, are still on the books as crimes in some jurisdictions. However, these laws are seldom if ever enforced. Such behavior should be evaluated only if the subject is charged with a criminal offense.

For purposes of adjudicating security clearances, the precise legal interpretation of the behavior may be less important than what the behavior shows about a person's judgment, reliability, and willingness or ability to follow rules.

Rape

Rape is defined by state statute, which means the definition of this crime differs from state to state. Many states now use the gender-neutral term "sexual assault," which covers sexual crimes against men as well as women. More importantly, state statutes are gradually changing to put greater emphasis on absence of consent rather than use of force as the defining characteristic of sexual assault, including rape. The crime is aggravated if force is used, but can occur without it.

A fairly typical legal definition of Criminal Sexual Assault is any genital, anal, or oral penetration, by a part of the accuser's body or by an object, using force or without the victim's consent. Aggravated Criminal Sexual Assault occurs when any of the following circumstances accompany the attack:

- Use or display of a weapon.
- The life of the victim or someone else's life is endangered or threatened.
- The victim is over age 60, physically handicapped, or profoundly mentally retarded.
- The perpetrator causes bodily harm to the victim.
- The attack occurs during the commission of another felony.
- Force is used, including either physical violence or threat of bodily harm.⁸

Judicial interpretations may differ from state to state, or be ambiguous, as to whether "consent" to sexual intercourse requires an affirmative yes or may be inferred from a failure to say no. Intercourse with a person whose mental function

has been impaired by alcohol and/or drugs, or who is asleep or unconscious, will usually be interpreted as without consent, and, therefore, as rape.

When rape is defined by absence of consent, rather than use of force, it becomes more difficult to determine when rape has occurred, especially when it is alleged to have occurred between friends or acquaintances. Within the context of a complex male-female dating or social relationship, absence of consent is sometimes hard to define and difficult to prove.

Owing to the frequency of acquaintance rape and date rape, many colleges and universities have adopted codes of conduct dealing with sexual behavior. These are not legally binding, but they may be a basis for disciplinary action. Many of these codes of conduct do not define specifically what is meant by consent, but some do. One of the more complete definitions of consent is provided in the student conduct code of the University of California, Berkeley. It states:

“Consent is defined as positive cooperation in act or attitude pursuant to an exercise of free will. The individuals consenting must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. It is a defense to the allegation of nonconsent that a defendant held a reasonable and good faith belief that the complainant was consenting. A current or previous dating relationship is not sufficient to constitute consent. The determination regarding the presence or absence of consent should be based on the totality of circumstances, including the context in which the alleged incident occurred. The fact that an individual was intoxicated at the time may be considered in determining whether that person had consented to the act in question. Students should understand that consent may not be inferred from silence or passivity alone.”⁹

Statutory rape generally refers to sexual intercourse or penetration, whether or not voluntary, with a person who is incapable of informed consent. That includes children under a specified age, with the age varying from 12 to 18 depending upon the state, and may also include mentally handicapped persons.

Most studies of persons convicted of forcible rape show that rapists do not lack available sexual partners. Forcible rape is a crime of violence, motivated by anger and the desire for power and control, not an act of sexual desire by an oversexed or sexually frustrated man. Researchers have consistently found that rapists tend to exhibit more sociopathic tendencies and more generalized lack of empathy than that found in the normal population.^{10,11}

As rape is a crime rather than a medical diagnosis, most convicted rapists are sent to prison and there is little attempt at treatment. Three quarters of convicted rapists become repeat offenders. Counseling of rape offenders often fails to quell the inner compulsion to rape. Depo-Provera, a drug that causes a marked drop in sex drive helps to deter rapists by eliminating their ability to have normal physical sexual responses, but it is effective only for as long as the drug is taken.¹² Also, the absence of a physical response does not mean a man is incapable of rape. Men have

used objects to rape women, and there is debate as to whether penetration must occur for an assault to be classified as rape.

Incest

Incest generally refers to sexual activity between blood relatives, but there is no agreement on a universal and precise definition of the term. The degree of relationship that makes it a crime is defined by law in each state. If stepfathers are counted along with natural fathers, incest is more prevalent, as stepfathers are seven times more likely to abuse their daughters than natural fathers.¹³

Incest takes many forms ranging from fondling to intercourse, from a one-time event to continuing activity over many years, and from mutual consent (where adults are concerned, as a child cannot consent), to rape. It occurs in wealthy and well-educated families as often as in poorer families, as described in one book about incest, *The Best Kept Secret*.¹⁴

Two reviews of research on incest concluded that “current knowledge rests on a very insecure scientific basis,” as there have been few empirical studies with large sample sizes, adequate comparison groups and objective measures.^{14,15} One of the best empirical studies used a random household survey of 930 adult women in the San Francisco area who were interviewed by trained female interviewers. The study found that 16% of the women had experienced at least one incident of intrafamilial sexual abuse prior to age 18, and 12% had at least one such experience prior to age 14. Further analysis of the 16% figure revealed the percentage of incestuous relationships with various relatives: biological fathers (2.5%), stepfathers (2%), uncles (4.9%), cousins (3%), and brothers (2%). The 2% figure for stepfathers is noteworthy, as most daughters do not have stepfathers; of those who were reared by stepfathers, 16.7% were abused.¹⁶

Although these figures are dated, they are consistent with recent, although less scientific, survey results. A 1995 study of 420 randomly selected women in Toronto revealed that 17% had experienced unwanted sexual contact (narrowly defined as intercourse and/or other genital contact) by a relative prior to age 16. When other forms of sexual conduct were considered, 34% reported unwanted physical contact by a relative.¹⁷

There are conflicting reports on the significance of an incestuous brother-sister relationship. It is sometimes the result of mutual sexual exploration. One study reports that about half of the participants perceive it as relatively harmless. In another survey of 796 college students, 15% of females and 10% of males reported sibling incest experiences; one quarter of the experiences were categorized as exploitive.¹⁸ A more recent but smaller study of 72 girls aged between 5 and 16 found that 90% of the victims of both fathers and brothers experienced clinically significant distress as a result of the relationship.¹⁹ Mother-son incest is rare, but can have extremely detrimental psychological effects on its victims.²⁰

Incest is often so traumatic that many children repress memory of it, while others are unable to admit incest because of feelings of shame. As a result, surveys of the prevalence of incest likely underreport its frequency. Nonetheless, as reported incidents of familial sexual abuse increase, the public is becoming more aware of its prevalence. This has led researchers to focus their interests on its perpetrators. Sibling incest usually occurs in two situations: (1) when one sibling is extremely nurturing, leading to a sexual relationship; and (2) when one sibling exerts his power over another sibling without fear of punishment. The latter is obviously a much bigger concern because the perpetrator is using sex as power, much like that seen in cases of rape.²¹

More is understood about fathers who commit incest. Approximately one-quarter were themselves sexually abused as children.²² Many of them say that they were sharing something special with the victim and claim that their behavior was considerate and fair, even though in almost all cases they refused to stop the behavior when the victim wanted them to.²³

Incest is a serious security concern for the perpetrator, not just because it is illegal, but also because it usually indicates the perpetrator's sexual behavior is out of control.

Possession of Child Pornography

Child pornography may include actual or simulated sexual intercourse involving minors, deviant sexual acts, bestiality, masturbation, sadomasochistic abuse, or the exhibition of genitals in a sexually arousing fashion. In most instances, however, the mere visual depiction of a nude or partially nude minor does not rise to the level of child pornography. Thus, home movies, family pictures, and educational books depicting nude children in a realistic, non-erotic setting are protected by the Free Speech Clause of the First Amendment to the U.S. Constitution and do not constitute child pornography.

In the 1980s, enforcement of laws that criminalize the possession of child pornography forced it out of sex bookshops and into underground networks of collectors. The Internet has now made child pornography so readily available and profitable that it is increasingly attracting the interest of organized crime with its business and money-laundering skills.

Child-protection experts estimate that there are thousands of child-pornography web sites and that as many as 100 new ones pop up each month. The largest child-pornography investigation to date (2005) identified 40,000 Americans who downloaded child porn and led to more than 1,400 arrests worldwide including about 330 in the U.S.²⁴ Also see [Pedophilia](#) (page 344).

Most large organizations have a policy against employees using the office Internet to view sexually explicit material on the Internet on their office network. This is covered under the [Use of IT Systems](#) adjudicative guideline (page 356) and is

usually a disciplinary issue. If this involves viewing child pornography, it is a crime that should be prosecuted. Conviction for possession of child pornography will, under most circumstances, be disqualifying.

Pornography in the Workplace

The Internet has made pornography readily accessible, free, and anonymous. A *Newsweek* article, “The Sex Addiction Epidemic” in November 2011 reports that about 40 million people a day, or about 13% of the U.S. population, are logging into porn websites. “Up to 9 million may qualify under the strict definition of a ‘sex addict.’ Psychologists specializing in this disorder have multiplied from 100 a decade ago to over 1,500 today.”

The 40 million people a day hitting on porn websites does not include the simple peer-to-peer sharing of pornography. Viewing adult pornography is not a crime, but doing it during work hours on an office computer is a clear violation of rules and regulations in government offices and most civilian businesses. This is a potential security issue under the [Personal Conduct](#) (page 222) and [Use of IT Systems](#) (page 356) guidelines, and it suggests a need to consider the possibility of sexual addiction.

Sexual Harassment

Sexual harassment is uninvited and unwanted sexual attention that creates an unpleasant or unproductive work atmosphere. Whether or not a specific behavior falls within this definition is not always clear. All conduct commonly referred to as sexual harassment does not necessarily meet the more narrow legal definition of that term as established by the courts. For more information on regulations and legal decisions defining sexual harassment, see [Sexual Harassment - Legal Issues](#) (page 308).

Sexual harassment is often a disciplinary issue best handled in a personnel management context. It becomes a security issue for the person responsible for the harassment if it meets one or more of the following criteria:

- It leads to criminal prosecution. The crime may serve as a basis for adverse action.
- It persists after due warning. This may indicate lack of judgment, gross immaturity, or inability to control one’s sexual behavior. Each of these is a security concern.
- It is part of a broader pattern of unreliability, untrustworthiness, or poor judgment. In this case, it should be assessed under [Pattern of Dishonest, Unreliable, or Rule-Breaking Behavior](#) (page 224) under the [Personal Conduct](#) (page 222) guideline.

Sexual Harassment - Legal Issues

Workplace discrimination was first made illegal by Title VII of the Civil Rights Act of 1964.^{25,26} Appellate court decisions in the late 1970s determined that sexual harassment is a form of sex discrimination and is, therefore, subject to legal sanctions under the Civil Rights Act. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

The U.S. Government has identified six types of behavior that, when they are done repeatedly and are uninvited, are generally described as sexual harassment:²⁷

- Sending letters, making telephone calls, or displaying materials of a sexual nature
- Deliberate touching, leaning over, cornering, or pinching
- Making sexually suggestive looks or gestures
- Pressuring a person for sexual favors
- Pressuring a person for a date
- Teasing in a sexual way, making sexual jokes or remarks, or asking sexual questions

Supreme Court decisions in 1986 and 1993²⁸ addressed what is meant by creating an intimidating, hostile, or offensive working environment. The 1986 decision determined that, to be a cause of legal action, the harassment must be severe enough to alter the conditions of the victim's employment. This requires statements or actions that are pervasive as well as offensive.

The 1993 Supreme Court decision stated that whether conduct is legally actionable depends upon the circumstances, including how often the conduct occurs, how serious the conduct is, whether the behavior physically threatens the victim or stops at offensive comments, and whether the behavior unreasonably interferes with work performance.

Many lower courts have used a "reasonable person" standard in determining whether sexual conduct is offensive. That is, sexual conduct may be judged offensive if a reasonable person would have found the alleged harassing behavior to be offensive.

There is still no unambiguous standard for determining when vulgar, demeaning, or offensive behavior crosses the line to become illegal sexual harassment. The line is probably destined to remain ambiguous as long as human relationships remain

complicated and human behavior continues to be interpreted in so many different ways.

For purposes of adjudicating security clearances, the key issue is not the legality of the behavior, but what the behavior shows about a person's judgment, reliability, and willingness or ability to follow rules.

Sexual Harassment: Prevalence in the Federal Workplace

In a 1994 survey of almost 8,000 federal employees in 22 different federal departments or agencies, 44% of women and 19% of men reported they had experienced some form of unwanted sexual harassment during the preceding two years. The following table shows the different forms of sexual harassment as perceived by both men and women.²⁵

Forms of Sexual Harassment		
Percentage of respondents who experienced these behaviors during preceding 2 years.		
	Men	Women
Sexual teasing, jokes, remarks	14%	37%
Sexual looks, gestures	9%	29%
Deliberate touching, cornering, pinching	8%	24%
Pressure for dates	4%	13%
Suggestive letters, calls, materials	4%	10%
Stalking	2%	7%
Pressure for sexual favors	2%	7%
Actual/attempted rape, assault	2%	4%

Many of the behaviors perceived as sexual harassment by the victims do not meet the criteria for legal action under the Civil Rights Act. In addition to the ambiguity of the law, individual government employees also differ in their opinion as to whether certain behaviors represent sexual harassment or simply crude and thoughtless conduct. For example, 77% of women and 64% of men respondents considered uninvited sexual teasing, jokes, remarks or questions by a coworker as sexual harassment. Conversely, 23% of women and 36% of men either did not know or did not consider it sexual harassment.

Of those who experienced some form of perceived sexual harassment, 8% of the men and 13% of the women reported the behavior to a supervisor or other official. The others did nothing or handled the matter themselves. Of those who did not report the harassment, a large majority did not think the situation was serious enough to warrant such action or were successful in handling the situation

themselves. On the other hand, 20% to 30% did not report it because they thought reporting it would make their work situation more unpleasant, nothing would be done, and/or the situation would not be kept confidential.

More recent studies of sexual harassment in the private sector suggest that the occurrence of sexual harassment in the workplace has been declining since the early 1990s, doubtless because of increased awareness of the problem. A Supreme Court decision in 1998, *Faragher v. City of Boca Raton*, made it clear that employers need to go beyond simply having an anti-harassment policy. They need to train managers and supervisors in how to deal with this issue and inform employees of their anti-harassment policy.

A DoD survey of the military services found a 22% decline in sexual harassment incidents from 1995 to 2002. This survey also found that 79% of male respondents and 79% of female respondents reported having received anti-sexual harassment training in the past year.²⁹

If a person engages in sexual harassment despite this increased awareness and education, it amplifies the security concern. Although each situation must be carefully scrutinized to ensure any charges were not fraudulent or retaliatory, sexual harassment in today's workplace may be indicative of underlying emotional or mental instability, and should be taken seriously. At least one recent study shows that a proclivity for sexual harassment is strongly related to personal dishonesty.³⁰

Sexual Behavior as Indicator of Emotional Disorder

“Sexual behavior is a barometer, and a highly sensitive barometer, of the whole-person. When things go awry, sexual behavior is one of the first places where we see it.” Therefore, problems with sexual behavior may be clues to the existence of other problems that are not as readily apparent. For example, inability to maintain a long-term emotional commitment (as indicated by a pattern of unsuccessful, short-term relationships) may indicate underlying emotional problems.

Unusual or problematic sexual behavior should be evaluated in a whole person context. In some cases, it may indicate a mental health problem. In other cases, the specific sexual practices in which a person engages may be less important than positive evidence of self-control, ability to make a long-standing loving commitment, strength of character, and overall psychological adjustment. Qualified medical expertise will be required when making these judgments.

For background information on a number of specific sexual behaviors, and discussion of their relevance or irrelevance to security concerns, see [Information About Specific Sexual Practices](#) (page 319).

Compulsive or Addictive Sexual Behavior

The emotionally healthy individual is able to exercise some control over his or her sexual urges. One's sexual needs should be pursued at appropriate times and places and in a manner that does not create problems with employment, health, marriage, social relationships, or the law, or cause a significant lowering of self-esteem. Inability to do so suggests that sexual behavior is compulsive and out of control. This may result from a personality disorder or what is now described by many specialists as sexual addiction.³¹

Compulsive or addictive sexual behavior is a security concern because it may indicate emotional problems, poor judgment, make one vulnerable to exploitation, manipulation, or extortion, and attract the attention of hostile intelligence or security services. Such behavior may take various forms, including what many regard as "normal" heterosexual behavior. It is not the type of sexual activity or even the frequency of sexual activity or number of partners that is indicative of addiction, but a pattern of self-destructive and high-risk behavior that is unfulfilling and that the individual is unable to stop.

The term "addiction" has become a popular metaphor to describe any form of excessive, self-destructive behavior. Scientists specializing in sexual behavior generally agree on what constitutes out-of-control sexual behavior, but they disagree over whether it is appropriately diagnosed as an addiction or as a symptom of an underlying obsessive-compulsive disorder.³² The following discussion uses the terms "addiction" and "compulsion" interchangeably.

Many people ask how sex can be an addiction when it does not involve abuse of a psychoactive substance. The scientific argument for addiction is based, in part, on research in neurochemistry that shows we carry within us our own source of addictive chemicals. When pleasure centers in the human brain are stimulated, chemicals called endorphins are released into the blood stream. Experiments with male hamsters have shown that the level of endorphins in their blood increases dramatically after several ejaculations. Experimental rats habituated to endorphins will go through much pain in order to obtain more. In rats, the addiction to endorphins is even stronger than to morphine or heroin.

Humans have comparable reactions. Peptides released during sexual activity are similar in molecular construction to opiates such as morphine and heroin, but are many times more powerful and therefore produce extreme "highs" following sexual release.³³ Any chemical that causes mood changes can be addictive, with repeated exposure altering brain chemistry to the point that more of the chemical is "required" in order to feel "normal."^{31,34}

Diagnosis of Sexual Addiction

If sexual behavior repeatedly causes problems in the areas of employment, health, marriage, social relationships, finances, or the law, or if it causes a significant

lowering of self-esteem, the diagnosis of sexual addiction or compulsion may be appropriate.

“Sex and the thought of sex tend to dominate the sex addict’s thinking, making it difficult to work or engage in healthy personal relationships. Sex addicts engage in distorted thinking, often rationalizing and justifying their behavior and blaming others for their problems. They generally deny they have a problem and make excuses for their actions.

“Sexual addiction is also associated with risk-taking. A person with a sex addiction engages in various forms of sexual activity, despite the potential for negative and/or dangerous consequences. In addition to damaging the addict’s relationships and interfering with his or her work and social life, a sexual addiction also puts the person at risk for emotional and physical injury.

“For some people, the sex addiction progresses to involve illegal activities such as exhibitionism (exposing oneself in public), making obscene phone calls, or molestation. However, it should be noted that sex addicts do not necessarily become sex offenders.

“Generally, a person with a sex addiction gains little satisfaction from the sexual activity and forms no emotional bond with his or her sex partners. In addition, the problem of sex addiction often leads to feelings of guilt and shame.”³⁵

Deviation from an assumed normal *type* or *frequency* of sexual activity is not an appropriate indicator of addiction. Some individuals have a naturally stronger sex drive than others, and the range of human sexual activity is so broad that it is difficult to define “normal” frequency of any sexual activity. The traditional disorders of exaggerated sexuality, nymphomania in the female and satyriasis in the male, are quite different from sexual addiction. They are believed to be caused by a disorder of the pituitary gland or irritation of the brain cortex by a tumor, arteriosclerosis, or epilepsy. These physical disorders are rare.^{36,37}

The first extensive empirical study of sexual addiction, and perhaps the most extensive done to date, was published by Dr. Patrick Carnes in 1991.³¹ It was based on questionnaires filled out by 932 patients diagnosed as sex addicts, most of them admitted for treatment in the in-patient Sexual Dependency Unit of a hospital in Minnesota. Of the sex addicts in this survey, 63% were heterosexual, 18% homosexual, 11% bisexual, and 8% were unsure of their sexual preference.

Respondents to Dr. Carnes’ questionnaire were typically unable to form close friendships. Their feelings of shame and unworthiness made them unable to accept real intimacy. They were certain they would be rejected if others knew what they were “really” like, so they found myriad obsessive ways to turn away a potential friend or loving partner. Despite a large number of superficial sexual contacts, they suffered from loneliness, and many developed a sense of leading two lives--one sexual, the other centered around their occupation or other “normal” activity.

In Dr. Carnes' survey, 97% responded that their sexual activity led to loss of self-esteem. Other reported emotional costs were strong feelings of guilt or shame, 96%; strong feelings of isolation and loneliness, 94%; feelings of extreme hopelessness or despair, 91%; acting against personal values and beliefs, 90%; feeling like two people, 88%; emotional exhaustion, 83%; strong fears about their own future, 82%; and emotional instability, 78%.

Out-of-control sexuality may have serious adverse consequences. In the Carnes survey of individuals in treatment, 38% of the men and 45% of the women contracted venereal diseases; 64% reported that they continued their sexual behavior despite the risk of disease or infection. Of the women, 70% routinely risked unwanted pregnancy by not using birth control, and 42% reported having unwanted pregnancies.

Many patients had pursued their sexual activities to the point of exhaustion (59%) or even physical injury requiring medical treatment (38%). Many (58%) pursued activities for which they felt they could be arrested, and 19% were arrested. Sleep disorders were reported by 65%; they usually resulted from stress or shame connected with the sexual activity.

Of the survey respondents, 56% experienced severe financial difficulty because of their sexual activity. Loss of job productivity was reported by 80%, and 11% were actually demoted as a result. Many of these problems are, of course, encountered by persons whose sexuality is not out of control, but the percentages are much lower.³¹

Statistics on the prevalence of sexual addiction are difficult to obtain. Dr. Carnes estimates that three to six percent of the population may suffer from some form of sexual addiction.³³

Concurrent presence of other addictions is also indicative. Carnes found that 42% of sex addicts in his sample had a problem with substance abuse and 38% had eating disorders.

Sexual Addiction and the Internet

The Internet has made access to sexually stimulating materials widely available. Pornographic pictures and movies, erotic literature, and one-on-one sexual conversation are available with little regulation. Sex addicts can access such materials at any time of the day or night from any computer connected to the World Wide Web.

Although many people regularly participate in online sexual activities with relatively little consequence, addiction to Internet-based sexual encounters, or cyber-sex, is becoming more common. The Internet does not cause cyber-sex addiction, but "it provides the opportunity for sexually acting out that can eventually lead to sexually addictive behaviors."³⁸

The cyber-sex addict's life revolves around opportunities to logon for sex and in turn leads to many of the same negative consequences as "regular" sex addiction, with the exception of medical risks such as sexually transmitted disease. Cyber-sex addicts spend much of their time seeking out chances to access secretly the Internet for sexual stimulation. Like all sex addicts, they exert tremendous effort to hide the behaviors from colleagues, bosses, friends, and family. Although cyber-sex addiction may be "easier" because it can take place in one's own home, it may be harder to hide over time as one spends more and more time alone with the computer and away from family.

Lack of Judgment or Discretion

Sexual behavior may indicate lack of judgment or discretion when it:

- occurs at an inappropriate time or place;
- is public or offensive to others or becomes notorious;
- involves high risk.

The security significance of poor judgment or indiscretion depends, in part, on the location of the subject's assignment, the nature and visibility of subject's position, and the openness of the behavior. Foreign intelligence and security services actively exploit and provoke sexual indiscretions as a means of assessing and recruiting Americans traveling or assigned abroad.

Sexual activity with a local national in a foreign country that conducts intelligence operations against the United States can be a counterintelligence concern, as it increases the chances of the person being targeted for recruitment. Any behavior that increases the chances of being targeted for recruitment shows poor judgment and is a security concern. For further information, see [Sexual Behavior as a CI Concern](#) (page 300).

Sexual behavior is classified as notorious when it is sufficiently well known and noteworthy that it becomes the subject of talk among coworkers and/or social contacts. Notorious sexual behavior is a security concern because it may attract attention of an opposition security or intelligence service, terrorist group, or criminal element. It increases the risk that an individual will be targeted for recruitment or unwitting exploitation, and that increases the chances that any other vulnerabilities that exist will be discovered and exploited. The risk is greater for individuals whose job brings them into contact with foreign nationals who may be tasked to report on them to a foreign intelligence or security service.

In some cases, notorious sexual behavior may be a personnel issue as well as a security concern. The notoriety may reflect adversely on the U.S. Government or make it more difficult for an employee to accomplish his or her assigned tasks. For example, sexual harassment in the workplace and adultery with a consenting subordinate fall into this category.

Many foreign countries have laws and cultural standards regulating sexual behavior that differ from our own. Failure to recognize these different standards may bring one to the attention of local officials. A man who is accustomed to casual sexual relationships may encounter problems while working or traveling in a Muslim country. Similarly, a homosexual may have problems in a country where homosexuality is repressed and the overt homosexual community is carefully monitored by the police. An American who violates local laws or customs while in a foreign country becomes vulnerable to pressure or coercion.

Lack of judgment or discretion that is not serious enough for adverse action under the [Sexual Behavior](#) guideline should also be assessed under the [Personal Conduct](#) guideline (page 222). When combined with information about criminal behavior, substance abuse, financial irresponsibility, or other derogatory information, it may be part of a broad pattern of unreliability, untrustworthiness, or poor judgment.

Vulnerability to Pressure or Coercion

Shame is one of the more powerful human emotions. People are sometimes ashamed of their sexual behavior if it deviates from their own or society's standards of what is normal or proper. Intense feelings of shame may make a person vulnerable to pressure or coercion. Also see the discussion of [Vulnerability to Coercion or Duress](#) (page 228) in the [Personal Conduct](#) guideline (page 222).

If exposure of sexual behavior would cause acute embarrassment to the individual or severe problems with spouse, family, or employer, the individual may be vulnerable to pressure or coercion. This is a counterintelligence concern if the individual is serving in a position where he or she comes into contact with foreign nationals who might exploit such vulnerability if they became aware of it.

Vulnerability to coercion is difficult to assess, as it depends upon the circumstances, such as:

- how ashamed one is of the behavior;
- the lengths to which an individual has gone to keep the behavior secret;
- the magnitude of potential loss if the behavior were exposed -- for example, loss of job, financial loss, marital strain, or other serious personal problem;
- one's moral standards. (Note: People can be very ashamed of something they did, *because* they have high moral standards, but not capable of being coerced into committing a crime to cover up their source of embarrassment, also *because* they have high moral standards.

The adjudicator may take into account the subject's own assessment of his or her vulnerability to pressure. For example, subject's assurance that he or she would respond to attempted coercion by advising spouse and/or family of the behavior may be considered a mitigating condition.

Ironically, sanctions associated with the personnel security system may increase the vulnerability to pressure of those who engage in nonconforming sexual practices. If one believes that admission of homosexuality or transvestism, for example, would affect one's eligibility for a security clearance, one is more likely to conceal this information and thus, perhaps, be more susceptible to threats of disclosure.

For background information on a number of specific sexual behaviors, and discussion of their relevance or irrelevance to security concerns, see [Information About Specific Sexual Practices](#) (page 319).

Mitigating Conditions

Extract from the Guideline

- (a) *the behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;*
- (b) *the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;*
- (c) *the behavior no longer serves as a basis for coercion, exploitation, or duress.*
- (d) *the sexual behavior is strictly private, consensual, and discreet.*

Mitigating Factors

Behavior During Adolescence

Past behavior may be mitigated if it occurred on an isolated basis during adolescence and there is a clear indication that subject has no intention of participating in such behavior in the future. Sexual experimentation or indiscretion is not uncommon during adolescence. If the unacceptable behavior happened only once, it is unlikely to be repeated and is not a concern. If there was a pattern of unacceptable behavior, the question is how certain one can be that it is no longer continuing. Some criminal behaviors such as pedophilia, voyeurism and exhibitionism start during adolescence, are difficult to stop, and are commonly denied.

Not Recent

Even if the unacceptable behavior occurred after adolescence, it might be mitigated if it was not recent and there is no evidence of subsequent conduct of a similar nature. The amount of time that must elapse depends upon the nature, frequency,

and seriousness of the behavior, the circumstances under which it occurred, and how certain one can be that it has not continued.

No Longer Vulnerable to Pressure

Behavior that caused vulnerability to blackmail, coercion or pressure may be mitigated if subsequent developments have eliminated this vulnerability. This might happen, for example, if the information has already become public knowledge, subject has advised spouse or family or security personnel of the activity, or if subject has separated from spouse. A commitment to advise spouse or family of the behavior, or to advise the security office, in the event of attempted pressure or coercion may also be considered a mitigating factor.

Private, Consensual, and Discreet

Some unusual sexual behaviors, such as swinging, transvestism, and moderate fetishism, are not illegal and not necessarily associated with other serious emotional or behavioral problems. They might be mitigated if there is no other evidence of questionable judgment, irresponsibility, or emotional instability, and the nature of the subject's position and other circumstances are such that subject's sexual behavior is unlikely to attract the attention of others who might wish to exploit this behavior.

Successful Treatment

Successful completion of professional therapy may mitigate past behavior if the subject has been rehabilitated and diagnosed by competent medical authority as no longer likely to engage in the questionable behavior. The likelihood that treatment will be successful varies for different types of sexual behavior problems. When the ease or difficulty of treatment for a specific behavior is known, this is noted in the discussion of that behavior under [Information About Specific Sexual Practices](#) (page 319).

Recovery Programs for Sex Addiction

The rapid growth, recognition, and understanding of sex addiction spawned a number of different approaches to dealing with this problem. It is difficult to assess which might be most effective for any given individual.

12-Step Programs

Sex Addicts Anonymous, Sex & Love Addicts Anonymous, Sexaholics Anonymous, and Sexual Compulsives Anonymous are all 12-step recovery programs patterned after Alcoholics Anonymous. Participants attend regular meetings where they are encouraged to admit powerlessness over their addictions, seek the help of God or higher power, follow the required steps, and seek the support of a sponsor. Many

addicts have found that such programs help them regain intimacy in their personal relationships. It is common for these and other self-help recovery programs to have a disproportionate number of well-educated members. It appears that well-educated persons are more likely to seek out such groups. There is no evidence that well-educated persons are either more or less likely than others to suffer from sexual problems or to gain benefit from the 12-step approach.

Treatment

This focuses on two main issues. The first is the need to separate the addict from harmful sexual behavior in the same way that drug addicts need to be separated from drugs. This might require inpatient or residential treatment for several weeks. An inpatient setting protects the addict from the many sexual images and specific situations or people that trigger compulsive sexual behavior. It is simply harder to relapse in a structured and tightly controlled setting. Sometimes, one can succeed in an outpatient setting with adequate social, family and spiritual support.

The second and most difficult issue involves facing the guilt, shame and [depression](#) associated with this illness. It takes trust and time with a competent therapist to work through these emotions. If the addict is very depressed, the best treatment might be an inpatient residential setting where professionals can monitor and properly manage the symptoms.³⁹

Cognitive-Behavior Therapy

“This approach looks at what triggers and reinforces actions related to sexual addiction and looks for methods of short-circuiting the process. Treatment approaches include teaching addicts to stop sexual thoughts by thinking about something else; substituting sexual behavior with some other behavior, such as exercising or working out; and preventing the relapse of addictive behavior.”³⁹

Interpersonal Therapy

“People addicted to sex often have significant emotional baggage from their early lives. Traditional “talk therapy” can be helpful in increasing self-control and in treating related mood disorders and effects of past [trauma](#).”³⁹

Group Therapy

Group therapy typically consists of a health care professional working with a group of between six and 10 patients. Working with other addicts allows the addict to see that their problem is not unique. It also enables the addict to learn about what works and what does not from others’ experiences, and draw on others’ strengths and hopes. A group format is ideal for confronting the denial and rationalizations common among addicts. Such confrontation from other addicts is powerful not only

for the addict being confronted, but also for the person doing the confronting, who learns how personal denial and rationalization sustained addiction.³⁹

Medication

“Recent research suggests that [antidepressants](#) may be useful in treating sexual addiction. In addition to treating mood symptoms common among sex addicts, these [medications](#) may have some benefit in reducing sexual obsessions.”³⁹

Reference Materials

Information About Specific Sexual Practices

The purpose of this section is to provide greater understanding of the many diverse forms of sexual behavior as they relate to personnel security. This will facilitate adjudicative decisions based on demonstrable security concerns rather than commonly accepted myths or the personal moral values of individual adjudicators.

Promiscuity - General

Promiscuity is a potential concern to the extent that it is concealed or regarded as shameful, as it may create vulnerability to influence or coercion. Given the risk of sexually transmitted diseases, including AIDS, extreme promiscuity may indicate a propensity for high-risk behavior, poor judgment, or behavior that is out of control, i.e., sex addiction.

This section discusses heterosexual promiscuity under the following topics:

- Group sex and swinging
- Use of prostitutes
- Premarital and extramarital relations

Homosexual promiscuity is discussed briefly under homosexuality.

Group Sex and Swinging

Group sex takes various forms including threesomes, orgies, partner-swapping or swinging, group marriages, and some communal arrangements. A common element is that sexual activity is pursued as recreation, rather than as an expression of emotional commitment to another person. One study estimated that 24% of single males and 7% of single females have engaged in some form of group sex, although most did this only once.⁴⁰

Some research suggests that 2% of all married couples, mainly middle to upper class couples with children, have shared mates at least once during their marriage. The same source reported that in 1998 there were “about 3 million married, middle-

aged, middle-class swingers,” an increase of about 1 million since 1990.⁴¹ In 2000, the president of the North American Swing Club Association (NASCA) reported that his group had increased from 150 to 310 affiliates in the previous five years.⁴² NASCA reported in 2003 that there were about 400 swing clubs in the United States, most of which were open to couples only. As many as 4,000 have attended a popular, annual swingers convention and NASCA’s mailing list consists of approximately 30,000 individuals and couples.^{41,43} One possible explanation for the continuing increase is that the Internet has replaced swingers’ magazines as the principal means of locating interested participants.

Swinging, or partner swapping, is an attempt to reconcile two seemingly conflicting desires--the desire for sexual variety and the wish to maintain a stable relationship. Generally, couples engage in swinging, although singles commonly participate. Recreational sex of this type may take place only in private with close friends (closed swinging) or with strangers at organized events held for that purpose (open swinging).⁴¹

Some couples have rigid agreements as to when, where, and what is permissible, while other couples mutually agree on complete sexual freedom. Swingers often refer to the three primary rules of swinging etiquette: 1) consideration for your spouse; 2) decency--meaning you do not touch another unless invited; and 3) politeness (i.e., using a condom if the partner requests).⁴¹ For additional information, see [Research on Swinging](#) (page 321).

Group sex may raise moral issues for many people. Whether or not it raises security concerns depends upon the type, frequency, recency, and circumstances of the activity.

Depending upon recency and frequency, participation in any form of group sex may contribute to a decision against security approval if it is part of a pattern of dissolute behavior (drinking, drugs, gambling), high-risk behavior, or emotional immaturity. It may not be a significant security concern if pursued discreetly, and if subject shows no other behavioral weaknesses and medical evaluation indicates no emotional instability.

Potential for influence or coercion may not be a significant security issue if the swinging is a consensual activity with one’s spouse or primary partner. Swinging in private with a few close friends is of less concern than attending a swinger’s club or having a number of anonymous contacts.

Swinging may become a security concern when behavior is in direct opposition to the subject’s espoused beliefs and values (i.e., social, political or religious). Even when he or she rationalizes the behavior as being acceptable, a willingness to act out against one’s personally stated beliefs and morals values of the organizations one publicly supports may indicate disloyalty as well as increased vulnerability to influence or coercion.

Research on Swinging

Valid research on psychological attributes of swingers is very limited and dated. Many swingers believe that so long as behavior is accordant with espoused beliefs, it can be healthy. What little research is available, combined with anecdotal evidence, suggests that swinging may be one of several unusual varieties of sexual preference that are not necessarily associated with emotional disorder. Nevertheless, psychological or psychiatric evaluation would be appropriate prior to denial or approval of any case in which group sex is an issue.

One serious problem with studies of swingers is that the sample is limited to currently active swingers; the unsuccessful swingers had dropped out. One study found that about three-quarters dropped the activity within one year.⁴⁵ Another found that many couples tended to expand gradually from swinging, in which the couple participated together, to individual sexual involvements and long-term intimate relationships with others.⁴⁴

In 1998, Dr. Richard Jenks reviewed fifteen studies of swinging conducted since 1970. He reports that most swingers are middle- to upper-middle class with above average educations, incomes, and organizational status (i.e., management and professional positions). Over 90% of swingers are white and nearly two-thirds are between age 28 and 45. Swingers tend to be politically conservative.⁴⁶

Across these studies Jenks found no major personality differences between swingers and nonswingers. In one study, swingers were slightly more irritable and had less self-restraint than nonswingers. Another study reviewed by Jenks, and conducted by Brian Gilmartin in 1978, compared 100 swingers in suburban Los Angeles with a matched control group of 100 nonswingers.⁴⁷

A strong finding of the Gilmartin study was that, as adolescents, swingers experienced all forms of erotic and romantic behavior at an earlier age than nonswingers. This generally correlates with a life-long, stronger-than-average sex drive. Swingers were far more likely to have experienced divorce; many married young and divorced soon thereafter. Swingers were as happy as or happier with their current relationships as the nonswingers. Swingers considered themselves monogamous from the standpoint of emotional and psychological commitment to their spouses, and they had intercourse with their spouses a great deal more frequently than the nonswingers.

Gilmartin also found that many swingers (38%) first met their spouses at swinging singles gatherings; in other words, the swinging preceded the marriage. Almost as many swingers as nonswingers had children, and most swingers said they would be pleased if their children adopted the same lifestyle; in many cases the parents had already facilitated their children's introduction to swinging.

Jenks found that the most pressing problem associated with swinging was that of sexually transmitted diseases. At least one study showed that 33% of husbands

and 10% of wives feared contracting a venereal disease. About 58% expressed some fear of AIDS and 22% knew someone with the virus. Many, 62%, had become “safer” swingers because of AIDS and 7% had quit swinging altogether.⁴⁰

Two problems addressed by Jenks have direct implications for personnel security. First, Jenks notes that fear of exposure is a common concern among swingers. Such fear makes subjects vulnerable to influence or coercion. Next, Jenks notes that swinging may be a precursor to sexual addiction if the time devoted to swinging comes to dominate the swinger’s life. For more information see [Compulsive or Addictive Sexual Behavior](#) (page 311).

Use of Prostitutes

Use of prostitutes by a married man may reflect poor judgment, a propensity for irresponsible or high-risk behavior, adjustment problems, or that sexual behavior is out of control. For many men who use prostitutes, this is a secret activity that potentially has substantial penalties. These penalties include public embarrassment and marital problems. There may be a financial drain as well as call girls can charge as much as \$2,000 per encounter.

Paying for sex while traveling abroad on official business is definitely a security concern, as it may attract attention from the local security service. Even within the United States, there is potential for arrest and embarrassment as police in many areas mount periodic crackdowns on prostitution.

There have been few systematic studies of men who patronize prostitutes. Demographics from a 2001 study of 140 men arrested for soliciting sex from a prostitute found them to have an average age of 34 years, with ages ranging from 19 to 66. Most had at least some college education, 43% were married, 42% were single, 15% were divorced, separated, or widowed, and 63% reported having no children. Seventeen percent had sought professional help for their use of prostitutes, 17% reported that other people had expressed concern over their use of prostitutes, and over half had tried to stop using prostitutes. Older men were more likely to report enjoying sex with a prostitute.⁴⁸

In a 1990-1991 Los Angeles County study using a probability sample of 638 street prostitutes, blood tests found that 33.7% had been infected with syphilis at some point in their lives, 15.2% were probably infected at the time of the study, 32.6% were infected with Hepatitis-B, and 2.5% were infected with the AIDS virus. The percentage of prostitutes with AIDS is believed to be much higher in other areas; the low percentage in Los Angeles reflects the unusually low percentage of HIV virus among heterosexual drug users in that area. In Miami, for example, where 91% of female sex workers were also crack-cocaine users, a study of 300 prostitutes has found that 17% were infected with HIV, 51% tested positive for Hepatitis B, and 41% were positive for Hepatitis C.⁴⁹

Premarital and Extramarital Relations

Premarital sex, by itself, is not a security concern. It could become of interest if it falls into another category of concern, such as sexual addiction or a pattern of notorious behavior that shows poor judgment.

Cohabitation of unmarried persons is relevant to security only because the partner must also be investigated.

Adultery or marital infidelity is voluntary sexual intercourse with a person who is not the lawful spouse. This may be a security concern only if it creates vulnerability to blackmail, financial pressures, or is sufficiently notorious to indicate poor judgment.

Most surveys of marital infidelity have used a group of volunteers rather than a scientifically selected sample, a methodological flaw that raises serious questions about the validity of the findings. Such studies typically report infidelity rates that are considerably higher than scientifically conducted surveys. One study in 2002 that did use a scientifically selected sample of 2,765 respondents found that 24% of married men and 16% of married women had had at least one sexual partner other than their spouse at some time during their marriage. Additionally, 90% of men and 94% of women felt it was “always wrong” or “almost always wrong” to have sex outside of marriage.⁵⁰

When one or both partners give permission to the other to engage in extramarital sexual relations, this is sometimes referred to as an open marriage. One study of 4,246 persons over age 50 found that about 5% had the spouse’s approval for extramarital relations.⁵¹ Reasons for such agreements may include incompatible sexual needs, one partner has a sexual dysfunction, the marriage is continued for practical reasons without emotional commitment, or there is mutual consent to separate sex from emotional commitment.

Gender Identity or Role Transpositions

The term “gender transposition” signifies that one or more components of masculine or feminine identity is transposed so as to be opposite from the anatomical gender. Scientific understanding of gender transpositions is still limited, but there is a growing conviction among researchers that these conditions are, to a substantial degree, influenced prior to birth.

This section deals with:

- [Homosexuality](#) (page 325)
- [Bisexuality](#) (page 331)
- [Transsexualism](#) (page 333)
- [Transvestism](#) (page 335)

All fetuses start their development as females. If the male Y chromosome is present, it normally triggers the release of male sex hormones and neurohormonal chemicals which cause development of male organs during the first to fifth month of pregnancy.

Release of some hormones may be insufficient to establish clearly one or more aspects of the male identity. Based on experimental studies with animals, there is reason to suspect that an anomaly in prenatal hormone function may influence sexual pathways in the central nervous system to remain sexually undifferentiated or potentially bisexual. If so, individuals affected by this would respond easily to postnatal influences that tip sexual orientation in one direction or the other.⁵¹

During gestation, complex chemical processes occur in the brain and throughout the body of the fetus. Because these processes operate over time, one or more of them may not continue to completion, which can cause either obvious or subtle and hidden results. Transpositions may take different forms and vary in degree of severity. The following transpositions may occur:

- Sexual anatomy may be incompletely formed, as in hermaphroditism and other physical anomalies.
- Sexual orientation, or the preference for sexual partners of one gender or another, may differ from what is commonly associated with the anatomical sex, as in homosexuality.
- Gender identity, or one's internal understanding of oneself as a man or woman, may differ from either anatomical sex or sexual orientation, as in transsexualism and perhaps, to a lesser degree, transvestism.
- Secondary sex characteristics such as voice, body hair, body type, and mannerisms may differ from anatomical sex, as in the effeminate male or the masculine female.

Sexual transpositions occur naturally in other mammals as well as in humans. Transpositions have also been induced in experiments with pregnant laboratory animals which then gave birth to homosexual offspring. For example, male offspring of female rats subjected to severe emotional stress during the last trimester of pregnancy are likely to be homosexual. This happens because stress reduces the level of testosterone in the mother's blood, which in turn affects development of the fetus.⁵²

Researchers differ on whether prenatal developments only predispose to a given sexual orientation or rather firmly determine that orientation. Both could be true under different circumstances. According to Masters et al., "There may be different types of homosexuality, each of which originates in a different way."⁵⁴

John Money, a leading researcher on the psychobiology of sex, writes that "with respect to orientation as homosexual or bisexual in the human species, there is no evidence that prenatal hormonalization alone, independently of postnatal history,

inexorably preordains either orientation.” He explains that prenatal developments will facilitate subsequent development of a homosexual or bisexual orientation, but only if the postnatal determinants are also present. Money believes that one’s “lovemap” is formed during late infancy and childhood prior to puberty, and that developments during puberty and adolescence play little role.⁵⁵

On the other hand, Lee Ellis and Ashley Ames, after reviewing more than 300 research reports on this subject, conclude that “...complex combinations of genetic, hormonal, neurological, and environmental factors operating prior to birth largely determine what an individual’s sexual orientation will be, although the orientation itself awaits the onset of puberty to be activated, and may not entirely stabilize until early adulthood.”⁵³

Ellis and Ames believe one’s early sexual experiences and other environmental factors also contribute to a homosexual or heterosexual orientation, but that these experiences after birth may only influence how, when, and where one expresses the basic sexual orientation formed in the womb.

Although scientists disagree on the extent to which biological versus environmental factors influence the development of sexual orientation, it is commonly held that both are important factors in the manifestation of homosexual orientation. However, after years of empirical research, the distinct causes of homosexuality are still unknown. As Drescher stated in 1998: “The origins of human sexual attraction still remain an unsolved mystery.”⁵⁶

Homosexuality

Sexual orientation alone is not an appropriate basis for security concern, but it may be a suitability issue for employment in some occupations. The circumstances of each case should be evaluated in the context of specific security risks and job suitability requirements.

Individual homosexuals, like heterosexuals, sometimes encounter emotional problems adjusting to their sexuality, and this may be considered under the [Psychological Conditions](#) (page 254) guideline. As a group, however, homosexuals do not differ from heterosexuals in their emotional stability or psychological adjustment. Homosexuality is not a mental or emotional disorder. For further information, see [Homosexuality and Emotional Stability](#) (page 326).

There is no evidence to support the belief that being homosexual predisposes one to unreliability, disloyalty, or untrustworthiness. Large individual differences in honesty and morality are found among heterosexuals as well as homosexuals.⁵⁷

Homosexual lifestyles are as varied as heterosexual lifestyles. Some lifestyles raise security concerns while others do not. For example, the regular “cruising” associated with some homosexual lifestyles does involve a degree of promiscuity and sexual indiscretion that is difficult to reconcile with some security

requirements, especially if the individual may travel or be assigned abroad. For further information, see [Classifying Homosexual Lifestyles](#) (page 327) and [Prevalence of Homosexuality](#) (page 327).

Concealment of homosexuality may cause a person to be vulnerable to threats of exposure, but not necessarily more so than any other person who conceals an embarrassing personal secret. Increased openness and public acceptance of homosexuality have reduced the risk of blackmail, but the possibility remains and is strongest for individuals in positions where exposure of homosexuality may result in job or other personal losses. For more information, see [Homosexual Vulnerability to Coercion](#) (page 330).

Homosexuality and Emotional Stability

Many studies have applied well-known psychological tests to both homosexuals and heterosexuals to determine if the two groups differed in emotional stability or psychological adjustment. This is an important issue for security policy. If homosexuality were pathological or indicated maladjustment, there would be security concerns to evaluate.

Two independent literature reviews concluded that mental health and social adjustment are unrelated to sexual orientation. "Homosexuals as a group are not more psychologically disturbed on account of their homosexuality."^{58,59} For over 30 years, the American Psychological Association has declared that "homosexuality per se implies no impairment in judgment, stability, reliability or general social or vocational capabilities."⁶⁰ This is the prevailing view among sex researchers, psychiatrists and psychologists, and it is the rationale that underlies court decisions dealing with the hiring and firing of homosexual personnel.⁶¹

Although research has repeatedly shown there to be no significant differences in the emotional and mental stability of homosexuals and heterosexuals, scientists continue to report that homosexuals are subject to significant amounts of stress as a direct result of their sexual orientation.⁶² Homosexuals report extensive stress stemming from both latent and expressed desires to conceal their sexual identity.^{62,63,64,65} Unrealistic attempts to conceal sexual identity may leave an individual emotionally vulnerable and open to exploitation. For more specific information see [Homosexual Vulnerability to Coercion](#).

The stress experienced by homosexuals should be examined in light of how it is handled by each individual. If stress is acknowledged and dealt with appropriately and does not lead to further emotional or mental problems, it may indicate that the individual is very well adjusted within his or her homosexual lifestyle, and that he or she will be able to adjust well to other stressors and life pressures.

Scientific findings on the origin of gender identity and role transpositions have contributed to significant changes in public perception of homosexuals. Attitudes toward homosexuals are considerably more positive among people who believe that

homosexuals are “born that way” than among those who believe homosexuality is a conscious choice of lifestyle or an unnatural act.⁶⁶

Prevalence of Homosexuality

Statistics on the prevalence of homosexuality are not cited here as they are so difficult to evaluate. Findings vary widely depending upon how homosexuality is defined. It is easy to define a single homosexual act, but not so easy to define a homosexual person. Are individuals categorized on the basis of their sexual acts, their emotional feelings, or their self-identification as either heterosexual or homosexual? If categorized on the basis of sexual acts, how much homosexual activity is required before classifying a person as homosexual rather than heterosexual? How should one categorize persons whose sexual preference has changed over time? Some researchers believe bisexuals represent a distinct category often miscounted as homosexual.

Findings on prevalence of homosexuality may also be influenced by how the data are collected, as it is not possible to obtain a random sample of persons willing to talk honestly about sexual behavior that is nonconforming to societal norms.

Classifying Homosexual Lifestyles

There is as much diversity among homosexuals as there is among heterosexuals. Statistical analysis of data collected in interviews of almost 1,000 male and female homosexuals in San Francisco suggested that homosexuals can be grouped into five categories: Close-Coupled, Open-Coupled, Functional, Dysfunctional, and Asexual.⁶⁷ These categories are useful when assessing the security risk that may or may not be associated with a homosexual’s behavior. This study pre-dates the AIDS epidemic which encouraged coupling and discouraged cruising among homosexuals.

The following descriptions of the categories are from the above-referenced study. The comments on relevance to security are our own.

Close-Coupled: These homosexuals were similar to happily married heterosexuals. They were living together with a sexual partner in a quasi-marriage, and they looked to each other, rather than to outsiders, for sexual and interpersonal satisfaction. They were able to integrate their emotional and their sexual needs. They tended to be better adjusted, have fewer sexual problems, have less regret about their homosexuality, and be more sexually active than the typical homosexual.

The Close-Coupled homosexual may be more trustworthy and less vulnerable to blackmail than the heterosexual who carefully conceals an illicit extramarital relationship.

Open-Coupled: Those in this group were also living with a special sexual partner but were not entirely happy and tended to seek sexual satisfaction with others as well. This group scored higher than average on number of sexual partners, number of sexual problems, and amount of cruising. This was the most common group for male homosexuals. Lesbians were found most frequently in the Close-Coupled category. Open-Coupled males were about average in their psychological and social adjustment, but Open-Coupled females tended to have difficulties. The Open-Coupled females were comparable to the Dysfunctional category on measures of happiness, self-acceptance, paranoia, tension, and depression. The infidelity associated with the Open-Coupled relationship appears to be symptomatic of emotional problems for many females but not for males.

For the Open-Coupled male homosexual, frequency of cruising may be a relevant security consideration; in the San Francisco study, 28% of the males cruised at least once a week. Some lesbians in this category may need to be evaluated for emotional stability.

Functionals: These homosexual men and women organized their lives around their sexual experiences. The closest heterosexual counterpart would be the “swinging single.” This group reported more sexual activity, a greater number of partners, more cruising, and less regret at being homosexual than any other group. They were not interested in finding a special partner to settle down with. They tended to be younger, exuberant, very involved with their many friends, more open in their homosexual activity, and involved in the homosexual community. They are also the most likely to have been arrested for a homosexual offense. This group was better adjusted than average, although not quite as well adjusted as the Close-Coupled group.

Although rather well-adjusted emotionally, the Functional homosexual’s promiscuity, cruising, and frequent lack of discretion in sexual activity may be a security concern. Of the Functional male homosexuals in the San Francisco study, 76% were cruising at least once a week. Cruising of homosexual bars was characteristic of 65%, while 40% cruised on the street. The study found that every one of the male Functional homosexuals had at least 20 different sexual partners during the previous year. Many had far more than that. For an employee assigned or traveling overseas, this type of activity is likely to attract the attention of a local security or intelligence service. On the other hand, Functional homosexuals tend to be somewhat more open about their homosexuality and, therefore, less vulnerable to blackmail. Female homosexuals are far less likely than males to be promiscuous or to engage in anonymous sexual contacts. Cruising was unusual among Functional lesbians, and only 10% of them had more than 20 different sexual partners during the previous year.

Dysfunctionals: This group resembled the stereotype of the tormented homosexual. They were not coupled, but scored high on level of sexual activity and number of partners. They were troubled people whose lives offered little gratification. They

showed a poor adjustment sexually, socially, and psychologically. They were much more likely to regret their homosexuality. Among the men, they were the most likely to report robbery, assault, extortion, or job difficulties as a result of their homosexuality. They were a bit less likely than the open-coupled males to have been arrested for a homosexual offense, but more likely to have been arrested for some other offense. The women were more likely than other homosexual types to have needed long-term professional help for an emotional problem. About 20% of the homosexuals clearly fell into this Dysfunctional category.

About 66% of the Dysfunctional male homosexuals cruised at least once a week, 90% had at least 20 sexual partners during the previous year, 80% reported difficulty finding suitable sexual partners, about half reported problems of psychological adjustment, and 43% reported that their homosexuality had harmed their career.

Individuals of this type may be vulnerable to exploitation by others, including hostile security or intelligence services. Psychological evaluation of emotional problems may be appropriate.

Asexuals: The most prominent characteristic of this group was a low sex drive and relative lack of involvement with other people. They were not coupled but differed from the Dysfunctionals by scoring low on level of sexual interest and number of partners. They had more sexual problems than other homosexuals and often complained of difficulty in finding a partner. They expressed more regret over their homosexuality, were less exclusively homosexual and more covert in their homosexual activity than other respondents. Female asexuals were more likely to rate themselves as bisexual and to have sought professional help concerning their sexual orientation.

Cruising was rare among the Asexual males, and none had more than 20 sexual partners during the previous year. On the other hand, Asexuals were more likely to conceal their homosexuality and, therefore, may be more vulnerable to blackmail. Almost half of this group reported problems of psychological adjustment. About 75% reported difficulty finding a suitable sexual partner, which may make an individual vulnerable to exploitation.

This vulnerability may be quite significant for an individual who travels or works in foreign countries. As with the Dysfunctionals, psychological evaluation of emotional problems may be appropriate.

Although the statistics regarding cruising presented in this section have likely changed since AIDS awareness programs have been implemented, the distinct categorizations described here can still be used to classify patterns of homosexual lifestyle and adjustment. Homosexuals who are accepting and unashamed of their sexual orientation are less vulnerable to coercion or threats to reveal their sexual identity than those who make a concerted effort to conceal their homosexuality. On the other hand, promiscuous sexual behavior of any kind, homosexual or

heterosexual, may leave an individual vulnerable to exploitation by foreign or hostile intelligence operatives.

Homosexual Vulnerability to Coercion

A Security Practices Board of Review convened by the Federal Emergency Management Agency in 1992 concluded that “the evidence indicates that homosexuals, ‘in or out of the closet,’ are no more vulnerable to coercion or blackmail than heterosexuals.”⁶⁸ Most people have personal secrets they would prefer to keep private. A heterosexual adulterer may be just as vulnerable to coercion as a concealed homosexual.

Relevant considerations for assessing the vulnerability of both homosexuals and heterosexuals are:

- Whether they are ashamed of their behavior, and if so, to what extent.
- The lengths to which they have gone to keep the behavior secret.
- The magnitude of potential loss if the behavior were exposed -- for example, loss of job, financial loss, marital strain, or other serious personal problem.

Adjudicators may also consider whether an individual has character strengths or weaknesses that might influence how that person responds to coercion.

On the other hand, recent studies have suggested that homosexuals are subject to considerable stress as a direct result of their sexual orientation, and this could leave some of them vulnerable to outside pressures or coercion. A 2000 study of over 1600 college students from fourteen colleges and universities nationwide found that 51% of homosexuals, bisexuals, and transgendered persons concealed their sexual orientation to avoid intimidation, while almost three-quarters of those who were “out” reported being harassed because of their sexual orientation. Of these, 20% feared for their physical safety.⁶³

A study of 146 gay, lesbian, bisexual, and transgendered persons at the University of Oregon found that 60% were open with their sexual orientation: 23% were “out” to “everyone” and another 37% were “out” to the majority of people. Thirty-one percent of lesbians and 27% of gays reported concealing their sexual orientation from the general population. Five percent of the sample had been threatened with exposure and about 20% had experienced pressure to hide their sexual orientation.⁶⁴

In a 2003 study of 887 openly gay, lesbian, bisexual, and transgendered high school students from 48 states and the District of Columbia, 84% reported being verbally harassed because of their sexual identity, 39% were physically harassed (pushed, shoved, etc.), 58% reported having personal property stolen or damaged while at school, and 64% felt they were not safe at school. Students reporting harassment also had lower GPAs. These percentages of high school students who experience harassment have increased since 1999, indicating less tolerance for

homosexuality in younger age cohorts.⁶⁵ This is important to consider when granting security clearances to young men and women who may not have come to terms with their sexual identity. Younger homosexuals may experience more pressure to conceal their sexual identity, may suffer more in terms of performance and productivity because of this pressure, and may therefore be more vulnerable to influence or coercion.

As these studies show, homosexuals face a variety of stresses that may leave them vulnerable to undue pressure or coercion. Those who are open about their sexual orientation often experience harassment or are pressured to conceal their homosexuality. Additionally, 40-50% of homosexuals on college campuses actively conceal their sexual orientation from the majority of people, which may make them vulnerable should their lifestyle be discovered. These statistics are significant because college campuses are known to be more accepting of homosexual lifestyles than many other settings. If a large percentage of homosexuals experience pressures to conceal their sexual identity in a relatively “open” college atmosphere, these pressures may be even greater in more conservative surroundings, such as the military or in the workplace.

Although these studies provide ample evidence that homosexuals, particularly young homosexuals, are likely to experience pressure to conceal their sexual identity, they provide no details on the types of pressure or vulnerability. In previous studies of blackmail of homosexuals, the extortion was almost always an amateur effort by a lover, friend, acquaintance, relative, coworker, or neighbor of the homosexual. “The image of the gay person being blackmailed by professional extortionists seems rather mythical,” according to one study.⁶⁶

Sexual entrapment followed by threats of arrest or blackmail is one of the standard recruitment techniques used by foreign intelligence and security services. This occurs principally in hostile or potentially hostile countries that conduct aggressive intelligence operations against the United States. It is important to note, however, that experience in the Soviet Union and other communist countries indicates that heterosexuals engaging in sexual relations with local nationals have been just as vulnerable to recruitment as homosexuals.

Bisexuality

Research on bisexuality has increased considerably in recent years, and many scientists and researchers have begun to identify bisexuality as a distinct sexual orientation. Others maintain it is not a distinct sexual orientation comparable to heterosexuality or homosexuality. There are three alternative interpretations:⁷⁰

- There are no clearly defined sexual categories. Exclusive heterosexuality and exclusive homosexuality are polar extremes on a continuum with no sharp distinctions or categories in between.

- There are two distinct categories -- heterosexual and homosexual. Bisexual preference is only a “way-station” that one passes through when evolving from one to the other. When homosexuality appears in an otherwise heterosexual person, it tends gradually to replace heterosexuality.
- Bisexuality is a distinct sexual orientation that may be defined on the basis of sexual behavior, desire, or one’s self-identification as bisexual.

Extensive interviews of persons who identified themselves as bisexuals have found that sexual behavior and lifestyle associated with those claims varies widely.^{71,72} Many are basically homosexual but married. Others grew up conforming to heterosexual social norms but later experienced homosexual desires as a reaction to stress or emotional conflict. Some are hedonists who “swing” both ways but have a clear understanding of their sexual identity as heterosexual or homosexual.⁷³

At least thirteen different types of bisexuality have been proposed, ranging from traditional bisexuals who have loving, sexual relationships with persons of both sexes to conditional homosexuals, who are heterosexual but will have sex with same-sex partners when there is no access to other-sex partners (such as in jail or the military).⁷⁴ Several types of bisexuality and their relationship to security are discussed here.

- Concurrent Relationship Bisexuals have a committed relationship with one gender, but seek out casual relationships with persons of the other gender. Such behavior may indicate promiscuity or may be indicative of inability to maintain loyalty and commitment and should be further evaluated.
- Conditional Bisexuals are strictly homosexual or heterosexual, but will engage in sex with the other gender for financial gain or to achieve a specific purpose. For example, young straight males may become gay prostitutes for financial reasons or a lesbian might marry a man and have children in order to gain family acceptance. The reasons behind conditional bisexuality must be examined carefully in light of personnel security. Bisexuals who must work very hard to conceal their “other” lifestyle from friends, family, and colleagues may be vulnerable to outside influence or coercion if threatened with exposure.
- Integrated Bisexuals have at least two primary relationships, one with a man and one with a woman. This is generally not a security concern if both partners are aware of the other relationship or if the individual would be willing to admit to both relationships if pressured. If the bisexual is concealing one or both relationships from a partner, however, it is important to evaluate how far they are willing to go to keep their “other” lifestyle a secret.
- Hedonistic Bisexuals are either gay or straight, but have sexual relationships with another gender purely for sexual satisfaction. The main concern with this type of bisexual is the high likelihood of promiscuous behavior. Promiscuity may expose an individual to situations that create vulnerability to extortion and exploitation.

- Recreational Bisexuals are either gay or straight, but only participate in bisexual behavior when under the influence of alcohol and drugs. When alcohol or drug intoxication leads a person to behave very differently than he or she would under normal situations, the extent of their alcohol and/or drug consumption should be evaluated.
- Isolated Bisexuals are either gay or straight but have had a bisexual experience in the past. This is usually not a concern if they are not “haunted” by the act and do not worry about it “catching up with them.”
- Latent Bisexuals are either gay or straight, have a strong desire to have sexual relationships with someone of the other gender, but have never acted on it. Latent bisexuals pose little security risk because they have no behavior that can be held against them for either blackmail or extortion purposes.
- Motivational Bisexuals are straight women who have sex with other women because their male partner insists they do so for his sexual gratification. Such situations may indicate a security concern if the woman is considerably ashamed of her behavior or worries that it will be discovered by friends and loved ones. Additional concern should be noted if the female’s behaviors outside the bedroom appear to be regimented or controlled by the male.

Unfortunately, those who do categorize themselves as bisexual may face greater pressure to conceal their sexual orientation than homosexuals. In a University of Oregon study, bisexuals were more likely than both gays and lesbians to conceal their sexual orientation.⁶⁴ Many bisexuals report that they do not fit in and feel “left out” by both heterosexual and homosexual groups; they report not having a “place” in society. Therefore, they often try to conceal their bisexuality, either claiming they are 100% gay or 100% straight, in order to maintain social standing. That said, bisexuals may be more vulnerable than homosexuals to outside influence and coercion as a result of their sexual identity.

Patterns of sexual behavior are so diverse that it seems inadvisable to think in terms of neat categories like heterosexual, homosexual and bisexual. The scientific debate over whether there is such a thing as bisexuality, or how to define it, is not relevant to personnel security decisions. What name one ascribes to those who fit between the extremes of exclusive heterosexuality or exclusive homosexuality is far less important than recognition of the immense variety of human sexual behavior, and the ability to deal with individuals as individuals rather than as members of any category.

Transsexualism

Transsexualism, literally, means going from one sex to another. A transsexual experiences strong discomfort with his or her biological sex. There is a conviction that, mentally, one is a man trapped in a woman’s body, or a woman trapped in a

man's body. As with other gender and sexual anomalies, this occurs with varying degrees of severity.

The wish to be a member of the opposite sex commonly dates back to one's earliest childhood memory. The young child may make very emotional assertions that he or she is the other sex. Cross-dressing normally begins early in life, as does play that is more typical of the opposite gender and choice of playmates exclusively of the opposite gender. Although transsexuals almost invariably report having these gender identity problems in childhood, most children who have these problems do not grow up to be transsexuals.

The transsexual tends to be asexual and may be so aversive to the genitals, for example, that there is a reluctance to touch them to masturbate. Attempted self-mutilation is not uncommon. One of the most common myths about transsexualism is that transsexuals are homosexual. Although transsexuals are usually attracted sexually to members of the same biological gender, they perceive themselves as heterosexual as they are themselves in the wrong body.^{75,76}

Transsexuals may suffer from moderate to severe personality disturbance due to the stress caused by their inability to live in the role of the desired sex. They frequently report anxiety or depression, although some studies have found that they yield more "normal" personality test scores when replying as their desired sex versus their anatomical sex.⁷⁷ Any associated personality or adjustment problems would be a security concern.

In extreme cases, transsexualism may result in a request for a sex-change operation, which is usually granted only after the person has spent at least one year living as a member of the preferred sex.⁷⁸ In the United States, several thousand people undergo surgery each year to change (insofar as possible) their external genitalia to that of the opposite sex. As the technology involved in sex reassignment surgery evolves and as sex reassignment becomes more publicized, doctors and psychologists expect this number to increase.⁷⁹

Prevalence of transsexualism is traditionally estimated to be one per 30,000 for males and one per 100,000 for females. More recent studies, however, suggest that the rate of transsexualism in the United States is actually much higher. A 2002 investigative report states that the prevalence of transsexualism is as high as one for every 2,500 males between the ages of 18 and 60 years. This estimate is based on male to female sex reassignment surgeries on U.S. residents since the 1960s. Since then, 30,000 to 40,000 surgeries have been conducted. Using a low estimate of 32,000 surgeries, at least one in every 2,500 males in the United States is transsexual. Because many or most transsexuals are either unaware of or cannot afford such surgical treatments, the actual number of transsexual males may be three to five times that number.⁷⁹

One might expect the U.S. military would be a very unlikely place to find transsexuals. Actually, there are circumstances when young transsexuals are

attracted to military service as a means of demonstrating their masculinity. For further information, see [below](#).

Transsexuals in the Military

Young male transsexuals in the throes of adjusting to their situation appear to go through a hypermasculine phase. They try to purge the feminine side of their personality and prove their masculinity both to themselves and others. Transsexuals pass through this hypermasculine stage during late adolescence and early adult years, which coincides with the time when men consider military service.

An Air Force psychiatrist assigned to Wright-Patterson Air Force Base reported evaluating 11 male transsexuals during his three-year tour. Eight were current or former active duty military personnel, while three were civilians. Of the eight who had had extensive military service, seven had joined the service voluntarily at a time when no draft existed or other options were readily available. All were requesting either female hormones or sex change surgery.^{[80](#)}

Typical quotes from taped interviews with military transsexuals include: "I tried to do things to make me feel more masculine, like joining the Navy and getting married." "I thought it would make a man out of me." "I joined the Navy hoping maybe the problem would go away." "I joined the Air Force as a cover. In uniform, my masculinity would not be questioned."

A civilian doctor advised one young man who had come to him for treatment of feminine feelings to "join the Army, go to boot camp, and learn how to run over trees with a tank." These military transsexuals tend to seek out the more macho military specialties. One who had been assigned as a lab technician volunteered for combat helicopter training during the peak of the Vietnam war; his hobbies were mountain climbing and racecar driving. Another became a Green Beret.

These are natural choices for the young transsexual in the hypermasculine phase making a last ditch effort to adjust to what society expects from a male. This effort eventually fails in many cases, however, and transsexual urges return, although transsexuals have had successful military careers of 20 years or more.^{[81](#)}

Transvestism

Transvestism is cross-dressing. The transvestite is almost always a male, and usually a heterosexual male, who has an obsession for wearing women's clothes, usually as a means of reducing psychic stress or tension. To the extent that sexual arousal is a principal motive for wearing female garments, this is a type of fetish and is mentioned under fetishism; it is sometimes called transvestic fetishism. Cross-dressing by homosexuals is the exception rather than the rule.^{[82](#)}

Transvestism takes a number of forms. It may involve occasional cross-dressing while alone in private, usually accompanied by masturbation; relaxing in women's attire while at home in the evening with a spouse; cross-dressing as an erotic turn-on during intercourse with a partner; wearing on a daily basis a single item of women's attire such as underwear or stockings under one's masculine clothes; dressing up in full women's regalia with wig and makeup for the excitement of venturing out in public alone as a woman; or participating in the subculture of transvestite support groups or transvestite bars.

The transvestite should be distinguished from the drag queen and the female impersonator. A drag queen is a male homosexual who dresses as a woman, often for the purpose of sexually stimulating other males. The female impersonator is an entertainer. He, too, may also be a transvestite, although in many cases he is not. The drag queen and female impersonator may have no psychological dependence on wearing feminine clothing as a form of tension release, nor do they necessarily gain sexual stimulation from the clothing.

The transvestite should also be differentiated from the male transsexual who seeks to change his gender identity. As discussed under transsexualism, the transsexual male feels like a woman trapped in a man's body, wishes to live as a woman, and experiences an insistent urge to change his anatomical sex. Although some cross-dressers evolve into transsexuals as young adults or in early middle age, most are quite happy with their gender and feel no urge to change it.⁸³ There is also an intermediate condition called gynemimesis in males and andromimesis in females, where the person dresses and lives continuously as a person of the opposite sex but does not wish for any change in the anatomy.

Gynemimesis might be more common in the United States if there were not such strong societal constraints against its expression. Males who live as women are accepted and have well-defined and in some cases highly respected roles in a variety of cultures, including India, Burma, Oman, Polynesia, and among North American Indian tribes. In one small town in Oman where they were studied, the xanith, as they are known there, comprised 2% of the 3,000 adult males.⁵⁷

Many transvestites (about 60%) are married and masculine in appearance.⁸³ Most assume a female name and personality while they are cross-dressed. Cross-dressing often starts in childhood or early adolescence. The causes are not known, but some prenatal biological influence may be involved as well as later experiences during early childhood.

Cross-dressers are not dangerous. That is, they generally are not child molesters, voyeurs, exhibitionists or rapists. The practice does not generally interfere with work performance. If cross-dressers have difficulties with the law, it is generally because of society's inability to accept persons who do not behave in the "normal" way. One of the most complete books on transvestism written by one of the field's principal scholars argues that gender impersonation (including cross-dressing)

should not be classified as a mental illness or a pathology unless it becomes a compulsive behavior. Under those circumstances, it should be considered the same as any other compulsive behavior.⁸²

Owing to lack of public acceptance, cross-dressers normally conceal their feelings and their secret life, and this creates a potential for extortion in exchange for keeping their secret. A study by Docter & Prince found that only 14% of cross-dressers frequently went out in public in female attire. Many cross-dressers report trying to “purge” their feminine attire at some point in their lives due to intense feelings of guilt and shame about their behavior.⁸³ On the other hand, secret cross-dressing tends to be a solitary activity. Unlike homosexuality or adultery, it does not require a partner, so the risk of discovery and blackmail may be considerably less.

Transvestism is similar to homosexuality in that it is not illegal, and there is no empirical evidence that transvestites are, by nature, less trustworthy or loyal than other persons. Cross-dressing, by itself, does not necessarily indicate poor judgment, unreliability, irresponsibility or emotional instability, although these disqualifying characteristics will be present in some cases. For additional information, see [Research on Transvestism below](#).

There is evidence that many cross-dressers lead successful lives with a high degree of personal and professional achievement. Each individual should be considered on a case-by-case basis. Appropriate medical authorities should determine whether there are other associated emotional problems or evidence of a progression toward other sexual disorders such as fetishism or transsexualism.

The adjudicative criteria that may apply to some cases of transvestism are the public nature of the behavior and susceptibility to blackmail or coercion. Going out in public dressed as a woman may indicate lack of discretion and would be an aggravating circumstance that may justify disqualification. Concealment of current cross-dressing behavior may indicate susceptibility to pressure. Admission of cross-dressing during a security interview may eliminate some of this susceptibility but is discouraged by the sanctions associated with current personnel security policies.

Research on Transvestism

The Society for the Second Self is a support and social organization for heterosexual cross-dressers. In 2003 the group reported over 30 organized chapters nationwide. Other similar organizations also exist. The “second self” is the woman that the society believes “is buried within every man.” The group’s purpose is to create a safe environment for the heterosexual male membership “to express without fear, to speak without shame, and to act out without guilt the femininity that is within them.” Members generally limit their cross-dressing to the privacy of their homes or cover of night and socialize “en femme” only at chapter meetings with their close confidants.⁸⁴

R. Docter and V. Prince, one of the founders of the Society for the Second Self, conducted a survey of transvestites in the late 1990s. They received survey responses from 1,032 self-defined cross-dressers who attended transvestite club meetings or subscribed to club newsletters and magazines.

The findings reported here are from the Docter & Prince survey. In response to a question about how they see themselves, 17% said they felt like a woman trapped in a male body; in other words, they may be transsexuals rather than transvestites. Another 9% reported they were a man with just a sexual fetish for feminine attire, which suggests they should be classified as transvestic fetishists. The classical transvestite response, that they feel themselves to be a man who has a feminine side seeking expression, was given by 74%. Only 29% reported ever having any homosexual experience, which is less than the number reported by some other studies for the male population as a whole.⁸³

Most (60%) respondents were currently married, with another 23% being either separated, divorced, or widowed. About three-quarters of the married members described their wives as either cooperative or understanding, while 17% of the wives were completely unaware of their husbands' interests. Most (65%) were well educated with a degree beyond a bachelor's degree. This figure reflects the fact that people who join any type of support group tend to be well educated.

A separate study of 51 members of the Society for the Second Self found that many were high achievers, driven to seek personal success in order to gain a sense of self-worth and positive recognition. Many sought out particularly masculine occupations as a means of compensation, that is, to prove their masculinity both to themselves and to others despite their enjoyment of feminine things.⁸⁵

Paraphilia (Sexual Perversion) - General

Paraphilia is the medical term applied to many sexual behaviors commonly referred to as "kinky," bizarre, or perverted. A paraphilia is a recurrent and intense sexual urge or sexually arousing fantasy that generally involves either (1) nonhuman objects as in fetishism or bestiality, (2) the suffering or humiliation of oneself or one's partner as in sadism or masochism), or (3) children or other nonconsenting persons as in pedophilia, exhibitionism, voyeurism, or obscene phone calls. This section discusses paraphilias in general. The following specific paraphilias are then discussed separately:

- [Fetishism](#) (page 341)
- [Sexual Sadism and Masochism](#) (page 341)
- [Pedophilia](#) (page 344)
- [Voyeurism \(Peeping Tom\)](#) (page 346)
- [Exhibitionism](#) (page 347)
- [Obscene Telephone Callers](#) (page 348)

- [Bestiality](#) (page 349)
- [Other Paraphilias](#) (page 350)

Paraphiliacs are fixated on a narrow range of sexual objects or situations that are not usually sexually arousing to others. Paraphilias exist with various degrees of severity, and the personnel security adjudicator dealing with a case of paraphilia must determine whether it is severe enough to affect reliability, trustworthiness, or job performance. Assessment by a mental health professional experienced in dealing with paraphilias may be needed to make this judgment.

Paraphilias are classified as mental illnesses in the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders (DSM IV)*. However, whether any specific behavior qualifies as a mental illness depends upon its severity. A severe paraphilia causes an individual to act compulsively, so behavior is out of control. The consequences of any compulsive behavior for professional performance are unpredictable. Some paraphilias such as pedophilia, exhibitionism, making obscene phone calls, voyeurism and [frotteurism](#) (page 350) involve criminal offenses and should also be evaluated under [Criminal Conduct](#) (page 48).

Some paraphilias often exist in less severe forms that are not dysfunctional in any way, do not harm the individual or others, and do not entail criminal offenses. They may be limited to fantasy during masturbation or copulation. If acted out, they may be done in private and either alone or in a playful manner with a willing partner. They may be practiced occasionally by choice, rather than constantly by compulsion.⁸⁶ Although unusual, such mild paraphilias generally do not cause an individual to be less reliable or trustworthy, nor do they indicate emotional disturbance or make a person more vulnerable to blackmail than many other types of personal secrets. Many fetishes, in particular, fall into this category.

"Imagining unusual sexual situations or behaviors to enhance stimulation or arousal is not uncommon."⁸⁷ Some individuals become concerned when they have such fantasies and seek counseling for fear that they are "abnormal." However, sexual fantasies are generally not a problem as long as they are not acted out. The fantasies themselves are beyond conscious control; the failure to act on them indicates that behavior is under control. Fantasies may be a problem, however, if they are vivid and frequent and the individual feels threatened by them. This may be a concern, for example, if an individual has frequent fantasies of raping another person. In such cases, the fantasy may be symptomatic of an emotional problem that requires medical evaluation.

Clinical psychologists and psychiatrists find that when an individual has one paraphilia, other paraphilias are often also present. A childhood trauma that may cause the paraphilia may also have other residual effects on psychological adjustment.⁸⁸ Personality disturbances frequently accompany paraphilia. Symptoms of depression may develop and be accompanied by an increase in the

frequency and intensity of the paraphilic behavior.⁸⁹ Another concern is that paraphilias are not stable. They tend to become worse over time, or during periods of stress when sound judgment is most important. Many paraphilias are thought to be “virtually ineradicable” once established.

When an individual is arrested for paraphilic behavior, the known behavior may be only a small part of the full story, as many sex offenders either cannot or will not cooperate fully even during a clinical interview when immunity from prosecution is guaranteed. This was demonstrated when male sex offenders in an outpatient program were fitted with a device to measure their level of sexual arousal while shown movies or tapes of various sexual behaviors. When confronted with data that contradicted what they had reported during previous clinical interviews, 62% of the patients admitted to having previously concealed sexual interests and behaviors. As a consequence, it was learned that these patients had committed more different kinds of sex offenses, and far more offenses, than had previously been thought.⁹¹

This study of sex offenders showed that most offenders had developed deviant sexual interests and fantasies by age 12 or 13. The age of onset is relevant, as it is generally believed that the earlier deviant behavior begins, the more difficult it is to treat. For half or more of the offenders, the age at which the offenses began was before age 15 for voyeurism, before age 16 for sex with younger children, before age 17 for frotteurism, and before age 18 for exhibitionism.⁹⁰ A different study of sex offenders showed that about 90% have a history of more than one paraphilia at some point in their lives. Pedophiles might also engage in exhibitionism, sadism, or fetishism, for example. Engaging in one deviant behavior may break down the barriers to others.⁸⁷

No hard data are available on the prevalence of paraphilias in the general population. People with these disorders tend not to regard themselves as ill, and usually come to the attention of mental health professionals only when their behavior has brought them into conflict with sexual partners or the law. Judging from both the large commercial market in paraphilic pornography and paraphernalia and the abundance of web sites and online chat rooms devoted to such, the prevalence in the community is believed to be far higher than that indicated by statistics from clinical facilities.

Males are far more prone to paraphilias than females. For cases in which sexual masochism has developed to the point of paraphilia, for example, the sex ratio is estimated to be 20 males for each female. Many other paraphilias are rarely diagnosed in females.⁸⁹ There appears to be no difference in the prevalence of paraphilias among homosexuals and heterosexuals.⁹²

There is no cure for paraphilia in the sense of complete eradication or reversal of its cause. It can be treated to ameliorate its consequences, but relapse and/or recidivism is high. In serious cases, it may be controlled effectively with a variety of drugs, including the drug trade-named Depo-Provera. These medications reduce

the sex drive by drastically reducing the level of male hormone in the bloodstream and by acting directly on the pleasure centers of the brain which govern mating behavior.⁹³

Fetishism

In fetishism, sexual arousal occurs in response to some inanimate object or to a body part that is not primarily sexual in nature. The person with the fetish generally masturbates while holding, rubbing or smelling the fetish object, or asks the sexual partner to wear the object. Common fetish objects are women's clothing such as panties, brassieres, slips, stockings, shoes, or gloves. Other fetishists depend upon objects made of specific fetish materials, such as leather, rubber, silk or fur, or they are aroused by body parts such as hair, feet, legs, or buttocks.

Fetishism usually begins by adolescence, most commonly around age 16, although it may have its origin in some sexual experience in early childhood.⁹³ Fetishists often collect the objects that turn them on and may go to great lengths to add just the right item to their collection. An example is cited of a man who had a fetish for women's high-heeled shoes. He gradually accumulated more than a thousand pairs which he catalogued and concealed from his wife in his attic.⁹⁴

In severe cases, the fetishist can be sexually aroused and reach orgasm only when the fetish is being used. In moderate cases, the fetish adds to the excitement but is not required. The man who is turned on by a woman in black, lacy lingerie is not a fetishist unless this is the primary focus of his sexual arousal.

As a general rule, the person with a fetish poses no danger to others and pursues the fetish in private. Fetishism may be a security concern in severe cases when the fetish prompts behavior that is illegal, compulsive or lacking in discretion. When fetishism is reported, the possible coexistence of other sexual or emotional problems should be evaluated.

Sexual Sadism and Masochism

Sadism involves intense sexual urges or fantasies that involve inflicting pain or humiliation on others. The counterpart of sadism is masochism, the sexual pleasure or gratification of having pain or suffering inflicted upon oneself, often consisting of sexual fantasies or urges for being beaten, humiliated, bound, tortured, or otherwise made to suffer, either as an enhancement to or a substitute for sexual pleasure. Sadomasochism is when the two go together, with one person inflicting pain on the other, and both parties gaining sexual pleasure from the interaction.

Humiliation may involve being required to crawl and bark like a dog, being kept in a cage, verbal abuse, or being urinated or defecated upon. Pain might be inflicted by tying a person down with rope or chains, or by whipping, pinching, biting,

spanking, burning, electrical shocks, rape, strangulation, torture, mutilation, or lust-murder. All of these behaviors emphasize the transfer of power from a submissive to a dominant partner. The varied roles may be master/slave, guardian/child, employer/servant, or owner/owned, etc. Practitioners of sadomasochism “often report it is this consensual exchange of power that is erotic to them and the pain is just a method of achieving this power exchange.”⁹⁵

Sadomasochism encompasses a wide range of activities from the benign to the bizarre and occasionally fatal. Arousal may come only from fantasy, without any need to act out the behavior. It may be limited to gentle and playful biting and spanking, or it may be a carefully controlled symbolic ritual with a trusted partner. At the other extreme, it may involve self-strangulation (which causes one or two accidental deaths per million persons per year) as a means of gaining sexual arousal through oxygen deprivation.⁹⁶ Some engage in sadomasochistic behavior in all their sexual interactions, while others do it only occasionally. Masochism may be self-inflicted or inflicted by a cooperative partner. Sadism may be acted out with a willing partner or imposed by violence on an unwilling subject.

Sadomasochism has been reported in many different cultures and in many time periods. It is pictured in an ancient Indian marriage manual from 450 AD, for example.⁹⁷ It is also found in other mammals. There are at least 24 different mammalian species that sometimes bite during intercourse, so some association between sex and pain probably must be considered biologically normal.⁹⁸

Although some sadomasochists engage in violence on unwilling partners, most do not. The psychology of the rapist is generally quite different from the sadist.⁹⁹ Most sadomasochists seek willing partners, and for many the partner search is facilitated by joining a club for sadomasochists or frequenting a bar which caters to such persons. The clubs stress and teach safety, so serious injury is rare.⁹⁵ Masters et al. report that “sadomasochistic fantasies are very common, but most people who find such fantasies arousing have no desire to have the real-life experience.” When these fantasies are acted out, it is generally mild or even symbolic behavior, with no real physical pain or violence involved.¹⁰⁰

The American Psychiatric Association’s *Diagnostic and Statistical Manual of Mental Disorders (DSM IV)* defines sadism and masochism as mental disorders only if “the person has acted on these urges with a nonconsenting person, or is markedly distressed by them.”⁹⁶ Persons beginning to explore sadomasochistic desires often worry that their desire will escalate and lead them to cause serious injury or commit sex crimes. Actually, serious injury or crime caused by sadomasochism is rare, although the urge does escalate in some cases. Masters et al. report their impression that only rarely is sadomasochism a full-fledged paraphilia in the sense that it is the predominant or exclusive means of attaining sexual excitement. They also find that sadism and masochism occur as paraphilias mainly in men.¹⁰¹ Sadomasochists are found among homosexuals and bisexuals as well as heterosexuals.⁹⁵

Useful statistics on the more hard-core forms of sadomasochism are not available, but its prevalence is indicated by an entire industry which has evolved to support the practice through equipment supply catalogues (whips, chains, etc.), specialized magazines with picture spreads and how-to articles, bars, and “private” clubs.

The causes and psychological significance of sadomasochism are unclear. Noting that many masochists are men who occupy positions of high status and authority (such as executives, politicians, judges, and bankers), some experts theorize that private acts of submissiveness and degradation provide the masochists with an escape valve from their rigidly controlled public lives. Seeking sexual pain or humiliation may also be a way of atoning for sexual pleasure for a person who was raised to believe that sex is sinful and evil.

Conversely, sadists either may be seeking a means to bolster their self-esteem (by “proving” how powerful and dominant they are) or may be venting an internal hostility that they cannot discharge in other ways.¹⁰² Other theories hold that sadomasochism is a mechanism for dealing with the memories of childhood abuse or trauma.¹⁰³

From a security viewpoint, sadism and masochism raise several concerns. One is vulnerability to blackmail. This depends upon risk of exposure and the consequences if the specific behavior were exposed. Clearly, the senior officer who frequents a sadomasochism club to pick up partners who will chain and whip him, make him crawl and bark like a dog, or swaddle him in diapers presents an attractive blackmail target. On the other hand, the individual who engages in some symbolic sadomasochistic ritual with a willing spouse in private is not a security concern.

Emotional stability is another concern. Several limited attempts to use psychological testing to see if a sample of sadomasochists differs from a control group have shown no significant differences, but empirical research on this is still sketchy.^{104,105} At least one study has suggested sadomasochistic behaviors may be related to emotional and personality disorders.⁹⁵

Many sadomasochists are unable to sustain a long-term sexual relationship. Clearly, the regular practitioner of sadomasochism has at least one unusual personality quirk. Any individual who has one mental/emotional problem is at greater risk than the general population for having other mental/emotional problems as well. When sadomasochistic tendencies are present, it is necessary to determine whether the individual has other emotional problems that might impact on security or job performance. Of particular concern is the judgment that sadism and masochism, like all compulsive behaviors, tend to get worse under stress when high performance is most important.⁹⁶

Pedophilia

Pedophilia is a criminal activity with a high rate of recidivism, and treatment is often ineffective. It is, therefore, a serious security concern.

From a narrow psychiatric perspective, pedophilia is defined as recurrent, intense sexual urges and fantasies involving sexual activity with children prior to puberty, which generally means age 13 or younger.¹⁰⁷ This includes only a small part of the group commonly known as child molesters, however. Other child molesters sometimes described as pedophiles focus on pubescent children, or engage in sexual acts with children only occasionally in response to opportunity or when sexual outlets with adults are blocked for some reason. The following paragraphs apply to pedophilia as a narrowly defined psychiatric disorder.

Given the stigma attached to pedophilia and ambiguities in definition, researchers have been unable to assemble valid statistics on its prevalence in the population as a whole.¹⁰⁶ National statistics on arrests for sex offenses are not broken down by type of offense. Additionally, active pedophiles are unlikely to pursue treatment, and many more pedophiles simply resist their urges to touch a child or else do so in a manner so discreet that they are never detected.¹⁰⁸ Based on the large Internet market for child pornography and pedophilia-related materials, pedophilia may be more prevalent than previously believed. This is discussed further under Pedophiles and the Internet.

Pedophilia is most common in males, although it does occasionally occur in women.¹⁰⁹ Many pedophiles are attracted to children of a specific age, such as girls aged eight to ten. Those attracted to boys usually prefer slightly older children. Attraction to girls is more common than to boys, although some pedophiles are sexually aroused by both young boys and young girls.¹⁰⁷

The type of activity engaged in by pedophiles varies greatly. It may be limited to undressing and observing the child, or it may include fondling the child, exposing themselves or masturbating in the presence of the child, fellatio, cunnilingus, or intercourse. The activity is often rationalized as having “educational value” for the child, or as being part of a caring and loving relationship with the child.

Pedophiles are most commonly found in three distinct age groups: adolescents, mid-to-late thirties, and over age fifty. Many pedophiles have a history of being sexually abused as children. Estimates of the percentage who were abused themselves as children range widely from 28% to 80%.¹⁰⁰

Pedophiles may have marginal personality disorders that set them apart from the normal population. Although one study found them to have no distinct psychopathology, others in treatment showed a high incidence of mood and anxiety disorders. A study of incarcerated pedophiles found that they were slightly more neurotic and slightly more psychotic, higher in trait anxiety and anger, and lower in self-esteem than nonsex-offenders. Although some psychological differences are

evident in pedophiles, not enough is known to develop a simple personality profile that would differentiate pedophiles from the general population.¹¹⁰

The popular stereotype of a child molester as a stranger who lurks around schools and playgrounds with a bag of candy is only partially correct. In 2000, 93% of children who were molested knew their abuser: 34% were family members and 59% were acquaintances.¹¹¹ In only about 10% of the cases was the sexual act an impulsive action with a stranger as the victim. In the most common form of pedophilia, the pedophile exploits a child already known to him, the action is not impulsive, and it often begins with a form of courtship in which the pedophile befriends the child with stories, games, and disarming companionship.

In some cases, the sexual contact is a form of incest. This type of pedophile generally treats his victims very well, as he must gain their confidence and ensure they do not tell others. This type of pedophile often claims that his behavior is based on a mutual, loving relationship with the child, yet refuses to stop the sexual behavior at the request of the child. Another type of pedophile, and the least common type, has a history of antisocial behavior and may feel a strong hostility toward women. This type may assault his victim and cause severe physical harm.¹⁰⁰

Many pedophiles victimize a great many children before they are caught. One study found a ratio of only one arrest per 30 acts of child molestation, and that child molesters often engage in a variety of deviant behaviors. Many who molest young girls also molest young boys. Many who molest children outside their family also engage in incest within their family.¹¹² It is common practice for pedophiles to claim that they were drunk as an excuse to reduce the stigma and lessen the chances of punishment. They may convince others that instead of needing punishment or psychiatric treatment they simply need to stop drinking.¹¹³

In 2000, 89% of sex offense cases tried in U.S. district courts resulted in conviction, with 85% entering a “guilty” plea. Although statistics do not delineate child sex offenses from adult sex offenses, we expect the disposition of cases to be similar. This high rate of guilty pleas may indicate significant plea bargaining, meaning that the cases that actually make it to court have ample evidence for conviction and that a jury trial would only result in a guilty verdict with a harsher penalty. Unfortunately, it appears that the majority of arrests for sex offenses do not result in prosecution.¹¹⁴

Pedophiles and the Internet

As the Internet has become increasingly accessible since the mid-1990s, so has child pornography and “hidden” access to child victims. The Internet allows pedophiles instant access to both children and to other pedophiles worldwide. Such access has led to web sites devoted to open discussion of adult-child sexual interaction and allows pedophiles to congregate online for the sole purpose of

rationalizing and motivating their predatory inclinations.¹¹⁵ Also see [Possession of Child Pornography](#) (page 306).

The Internet also provides hidden avenues for luring children into relationships via chat rooms and open forums. Some web sites have been developed to tell children that it is “OK,” or even proper, to have sexual relationships with adults, while others post information about specific children for pedophiles to view.¹¹⁵

Since the late 1990s, the FBI and other law enforcement agencies have stepped up efforts to lure pedophiles online, trap them, and arrest them. The Children’s Internet Protection Act of 2001 was approved with a goal of ensuring that all children are provided Internet access free from the threat of pedophiles and that parents, teachers, guardians, and mentors constantly monitor their children’s online interactions in order to deter adult-child online sexual interaction.

Voyeurism (Peeping Tom)

The voyeur has repeated, intense sexual urges to observe unsuspecting people who are either naked, in the process of undressing, or engaging in sexual activity. The secretive, illegal nature of the peeping is an essential element of the sexual excitement. As a result, voyeurs, or peeping Toms as they are often called, are not particularly attracted to nudist camps, burlesque shows, or nude beaches where nudity is accepted.

There are a number of parallels between voyeurism and exhibitionism. Like the exhibitionist, the voyeur is not seeking sexual activity with the person observed. Orgasm is often produced by masturbation during the peeping, or later in response to the memory of what was observed. Voyeurism is found mainly among young men and diminishes greatly toward middle age. Many voyeurs have trouble forming normal heterosexual relationships, so voyeurism becomes the preferred or exclusive means of sexual arousal.

Video voyeurism, using still or video cameras, has become more popular in recent years as technology has allowed cameras that can be hidden virtually anywhere. In most cases that have been prosecuted, cameras were planted in an apartment or bathroom so that the voyeur could observe the victim dressing and undressing, carrying out natural functions, or having sex.¹¹⁶ One such case involved a restaurant owner who was found guilty of hiding a video camera in the women’s restroom of his business to observe his patrons in various states of dress as they used the restroom.¹¹⁷

Little is known about the prevalence of voyeurism. In one study, only 2.4% of college women in the U.S. reported being the victim of a voyeur in the late 1990s. It is, of course, unknown how many women were watched or filmed without being aware of it.¹¹⁸ What is known about voyeurism suggests either: (1) that voyeurism is not a common means of sexual fulfillment, or (2) that the majority of voyeurs are very good at remaining hidden.

Voyeurism is an illegal activity with risk of arrest. Arrested voyeurs are often dealt with more harshly than exhibitionists as they trespass on others' property, are close to victims' windows, etc. Although most voyeurs are harmless, some have been known to commit rape, burglary, or arson.[119,120](#)

Exhibitionism

Exhibitionism is the repeated, intense, sexual urge to expose one's genitals to a stranger. This is, of course, illegal, and many exhibitionists have long arrest records before they are eventually referred for mandatory treatment. For exhibitionists and voyeurs, the ratio of arrests to commission of such acts is estimated at 1 to 150.[113](#) As with the other paraphilias, valid data on prevalence in the population are not available, although exhibitionism is believed to account for one-third to two-thirds of sex offenses in England, Wales, Canada, and the United States.[121](#) Additionally, 4.8% of college women across the United States have reported being the victim of exhibitionists.[118](#)

As a general rule, the exhibitionist makes no attempt to form a relationship with the stranger or to engage the stranger in any sexual activity, so there is no physical danger to the victim. In many cases, sexual pleasure is derived from seeing the victim's shock or fear, and there is little pleasure when the victim shows no visible reaction. There are several exceptional cases of an exhibitionist being angered to the point of attacking the victim because the victim ignored the exhibitionist.[122](#) Very rarely, exhibitionism may be combined with psychological problems that lead to sexual assault.[121](#)

Exhibitionism is found almost exclusively in males, although female cases have been reported. Most exhibitionists are inhibited or even impotent in other forms of sexual activity. The disorder usually starts before age 18 and is most common among men in their twenties. Frequency diminishes during the thirties and is much less common after age 40.

One study found that the typical exhibitionist is married, has above average intelligence, is satisfactorily employed, and shows no other evidence of serious emotional problems.[122](#) The absence of other emotional problems has been a consistent finding in a number of studies.[120](#)

Historically, the typical exhibitionist has made little effort to evade apprehension, often "performing" repeatedly on the same street corner or in a parked car which is easily identifiable. The risk of being caught may be an important part of the sexual excitement, leading some exhibitionists into behavior almost guaranteed to result in arrest. Police catch more exhibitionists than any other category of sex offender.

The exhibitionist engages in high-risk, illegal behavior that is out of control. This is a definite security concern. Even if arrested only once, there is a strong likelihood that he has done it many more times without being reported or arrested. One study reported that as many as 91% of exhibitionists repeat their offense within four

years if left untreated.¹²¹ Effective treatment is possible, however. In the case of one of the best treatment programs in the country, recidivism after treatment is rare.¹²³

Mooning is a form of exhibitionism generally classified as a juvenile prank. It probably has no security significance unless it is part of a pattern of socially immature behavior that continues beyond the college years.

Obscene Telephone Callers

Obscene telephone calling is less common today than it was in past decades. Two studies of female undergraduates in 1967 and 1968 determined that from 50% to 75% had been the recipients of unwanted obscene calls. In 2000, this number had decreased to less than 25%.¹¹⁸

This marked decline in obscene phone calls can likely be attributed to better call-tracing technology and one specific new home phone technology: CallerID. Although there are ways to circumvent CallerID technology, it is no longer possible to pick up the telephone and place a call without a high likelihood of being identified by the recipient.

Each obscene phone caller generally has many victims, as numbers are commonly chosen at random from the phone book or by chance dialing. The attraction of the obscene phone call to the caller, who is almost always male, is that he can impose himself without exposing himself. The telephone connection offers intimacy and proximity while preserving anonymity, and little energy is lost in searching for a victim. If one phone call fails to elicit the desired response (often only shock), it is easy to just dial another number.

From the little that is known, the motivations and personality make-up of obscene phone callers appear to be similar to exhibitionists, and possibly voyeurs. The action is an expression of aggression and hostility toward women in general but, like the exhibitionist, the obscene phone caller is generally not considered dangerous. Both have difficulty in forming interpersonal relationships with the opposite sex.^{121,123}

Today, it is possible to make sexually explicit calls legally to phone numbers advertised on late night television and in many magazines. One New York City number attracted 500,000 calls per day during 1983. Current statistics on these types of calls are unavailable. United States phone company regulations since the 1980s have made phone sex calls somewhat more difficult to make. Many international organizations, however, have recognized the market for such call services and have picked up where American companies left off, some offering better prices and more sexually explicit conversation.¹²⁴ The mentality of those who make obscene calls to strangers is different from those who call "dial-a-porn" numbers. It is not known whether the availability of these legal commercial lines has reduced the frequency of illegal and unwanted obscene calls to strangers.¹²⁵

Bestiality

Sexual contact with animals is called bestiality. Sexual contact with an animal may be pursued as a convenient substitute for heterosexual relations when the animal is more readily accessible than a human partner. It may also be the result of curiosity or a desire for novelty. As such, bestiality, though unconventional, is not necessarily a paraphilia. It becomes a paraphilia, known as zoophilia, only if it develops into the preferred means of sexual arousal.

As a general rule, sexual contact with an animal is a passing phase in a person's sexual history. It is replaced by intercourse with a human partner as soon as that is available. If the bestiality occurs during youth and infrequently, it does not indicate personality disturbance. In rare cases, however, the animal experience has been so extensive that one becomes conditioned to it as the principal source of arousal. In those cases, it may preclude formation of a normal sexual relationship, and the diagnosis of zoophilia is warranted.

Zoophilia leads to a lifestyle of sexual interaction with animals. A 2003 study by C. Williams and M. Weinberg is the most comprehensive study of zoophilia to date. Williams and Weinberg studied the sexual behaviors of 114 self-defined zoophiles through extensive surveys and interviews. The study was not intended to judge the psychological stability of participants, but to study their sexual identities, interpersonal interactions, sexual behavior, and to see if they understood the sociocultural contexts in which this behavior occurs.¹²⁶

Participants who volunteered for the study understood they would be meeting face-to-face with the researchers. All participants were white males, aged 18-70 with a median age of 27. Sixty-four percent were single and had never married and 83% had at least some college education. Forty-five percent were computer technicians, 77% had a religious background, although 69% said they were "not at all" religious. Thirty-six percent lived in a large city, 34% in a rural community, and 30% in small to medium sized towns or cities.

Most zoophiles in this study stated that they had mutual and loving relationships with their animal partners, and that they preferred animals to humans because animals are always "friendly and nonjudgmental" and do not try to "manipulate and control" relationships. Half came in contact with other zoophiles through the Internet, which apparently was a major source for helping them find their sexual identity and for meeting other zoophiles who provided moral and other types of support.

Two-thirds of the men in this study reported that their first sexual contact with an animal occurred prior to age 17, and about 50% reported "strong" sexual interests in humans. Another 17% had never had sex with another human.

All zoophiles in this study reported that they hid their behavior from the public and only shared their interest in animals with other zoophiles. Many reported an actual

fear of discovery, which is a very important security concern. Zoophiles have a very hidden lifestyle, known only to those with the same interests, which makes them distinctly vulnerable to threats of coercion and outside influence should their “hidden” lifestyle be discovered.

Other Paraphilias

One leading researcher has identified over 40 different forms of paraphilia.¹²⁷ Frotteurism is sexual arousal from rubbing one’s body, often the genitals, against the body of a fully clothed stranger or fondling breasts in a crowded area such as an elevator or subway. Necrophilia is arousal from viewing or having sexual contact with a corpse. Coprophilia and urophilia refer to sexual excitement derived from contact with feces and urine. In klismaphilia, the preferred or exclusive means of sexual excitement is enemas. Other sexual addictions may involve diapers or insects crawling over the body.

Sources of Additional Information

Readers interested in researching a specific subject in greater depth may wish to start by ordering a bibliography on the subject from the Kinsey Institute for Research in Sex, Gender, and Reproduction, Information Service, 313 Morrison Hall, 1165 E. Third St., Indiana University, Bloomington, IN 47405, telephone (812) 855-7686.

Endnotes

- 1 Herbig, K.L., & Wiskoff, M.F. (2002). *Espionage against the United States by American citizens 1947 – 2001* (TR 02-5). Monterey, CA: Defense Personnel Security Research Center.
- 2 Andrew C., & Mitrokhin, V. (2000). *The sword and the shield: The Mitrokhin archive and the secret history of the KGB*. New York: Basic Books.
- 3 Allen, T., & Polmar, N. (1988). *Merchants of treason* (pp. 434-439). New York: Dell.
- 4 Koehler, J.O. (1999). *Stasi: The untold story of the East German secret police*. Boulder, CO: Westview Press.
- 5 Allen, T., & Polmar, N. (1988). *Merchants of treason* (pp. 378-379). New York: Dell.
- 6 Norton v. Macy. 417 F.2d 1161 (D.C. Cir 1969).
- 7 Smith, S. (2003, November 16). *5 percent of sex offenders rearrested for another sex crime within three years of prison release*. Retrieved November from the US Department of Justice--Bureau of Justice Statistics web site <http://www.bjs.gov/content/pub/press/rsorp94pr.cfm>
- 8 American Medical Association. (1995). *Strategies for the treatment and prevention of sexual assault*. Chicago, IL: Author.
- 9 Office of Student Life. (2001). *The Berkeley campus student policy and procedures regarding sexual assault and rape*. Berkeley, CA: University of California. Retrieved from <http://ophd.berkeley.edu/policies-procedures/sexual-assault>
- 10 Kalichman, S.C. (1990). Affective and personality characteristics of MMPI profile subgroups of incarcerated rapists. *Archives of Sexual Behavior*, 19(5), 443-459.
- 11 Covell, C.N., & Scalora, M.J. (2002). Empathic deficits in sexual offenders: An integration of affective, social, and cognitive constructs. *Aggression & Violent Behavior*, 7(3), 251-270.
- 12 *Is chemical castration an acceptable punishment for male sex offenders?* (1999). Retrieved January 16, 2004, from California State University-Northridge, Department of Psychology web site: http://www.csun.edu/~psy453/crimes_n.htm

- 13 Illinois Coalition Against Sexual Assault. (n.d.). Adult survivors of incest. *By the Numbers*. Springfield, IL: Author. Retrieved November 21, 2003, from <http://www.icasa.org/> but website is no longer available.
- 14 Rush, F. (1980). *The best kept secret*. Englewood Cliffs, NJ: Prentice-Hall.
- 15 Alter-Reid, K., Gibbs, M.S., Lachenmeyer, J.R., Sigal, J., & Massoth, N.A. (1986). Sexual abuse of children: A review of the empirical findings. *Clinical Psychology Review*, 6, 249-266.
- 16 Russell, D. (1983). The incidence and prevalence of intrafamilial and extrafamilial sexual abuse of female children. *Child Abuse and Neglect*, 7, 133-146. And Russell, D. (1986). *The secret trauma: Incest in the lives of girls and women*. New York: Basic Books.
- 17 Randall, M., & Haskell, L. (1995). Sexual violence in women's lives. Findings from the Women's Safety Project, a community-based survey. *Violence Against Women*, 1(1), 6-31.
- 18 Finkelhor, D. (1980). Sex among siblings: A survey on prevalence, variety and effects. *Archives of Sexual Behavior*, 9, 171-94.
- 19 Cyr, M., Wright, J., McDuff, P., & Perron, A. (2002). Intrafamilial sexual abuse: Brother-sister incest does not differ from father-daughter and stepfather-daughter incest. *Child Abuse & Neglect*, 26(9), 957-973.
- 20 Kelly, R.J., Wood, J.J., Gonzales, L.S., MacDonald, V., & Waterman, J. (2002). Effects of mother-son incest and positive perceptions of sexual abuse experiences on the psychosocial adjustment of clinic-referred men. *Child Abuse & Neglect*, 26(4), 425-441.
- 21 Phillips-Green, M.J. (2002). Sibling Incest. *Family Journal-Counseling & Therapy for Couples & Families*, 10(2), 195-202.
- 22 Hanson, R.F., Lipovsky, J.A., & Saunders, B.E. (1994). Characteristics of fathers in incest families. *Journal of Interpersonal Violence*, 9(2), 155-169.
- 23 Gilgun, J.F. (1995). We shared something special: The moral discourse of incest perpetrators. *Journal of Marriage & Family*, 57(2), 265-281.
- 24 Bryan-Low, C. (2006, January 16). Internet transforms child porn into lucrative criminal trade. *The Wall Street Journal*, p. A1.
- 25 This section on legal issues is based on U.S. Merit Systems Protection Board. (1995). *Sexual harassment in the federal workplace: Trends, progress, challenges* (Chapter 6. Court Decisions and Evolving Views of Sexual Harassment). Washington, DC: U.S. Government Printing Office. The appellate court decisions noted here are *Barnes v. Costle*, 561, F.2d. 983 (D.C. Cir. 1977) and *Corne v. Bausch and Lomb, Inc.*, 562 F.2d. 55 (9th Cir. 1977).
- 26 EEOC guidelines are found at 29 Code of Federal Regulations 1604.11.
- 27 Erdreich, B.L., Slavet, B.S., & Amador, A.C. (1995). Defining sexual harassment: Changing perspectives of federal workers. In *Sexual harassment in the federal workplace: Trends, progress, and continuing challenges*. Washington, DC: US Merit Systems Protection Board. Retrieved from <http://www.mspb.gov/netsearch/viewdocs.aspx?docnumber=253661&version=253948>
- 28 *Meritor Savings Bank, FSB v. Vinson*, 106 S.Ct. 2399 (1986) and *Harris v. Forklift Systems, Inc.*, 114 S.Ct. 367 (1993).
- 29 Gilmore, G.J. (2004). *DoD releases 2002 sexual harassment survey results*. Armed Forces Information Service. Retrieved from <http://www.defense.gov/News/NewsArticle.aspx?ID=27254>
- 30 Lee, K., Gizzarone, J., & Ashton, M.C. (2003). Personality and the likelihood to harass sexually. *Sex Roles*, 49, 59-69.
- 31 Carnes, P. (1991). *Don't call it love: Recovery from sexual addiction*. New York: Bantam. The research was done at the Golden Valley Health Center, 4101 Golden Valley Rd., Golden Valley, MN 55422, but the Sexual Dependency Unit no longer exists there. At last report, Dr. Carnes was at Delano Hospital, 23700 Camino del Sol, Torrance, CA 90505, phone (612) 782-0510.
- 32 Gold, S.N., & Heffner, C.L. (1998). Sexual addiction: Many conceptions, minimal data. *Clinical Psychology Review*, 18(3), 367-381.
- 33 Carnes, P. (n.d.) Dr. Carnes' resources for sex addiction and recover: Sex addiction Q & A. Retrieved November 21, 2003, from http://www.sexhelp.com/sa_q_and_a.cfm
- 34 Milkman, H.B., & Sunderwirth, S. (1986). *Craving for Ecstasy: The consciousness and chemistry of escape*. Lexington, MA: Lexington Books.
- 35 Masters, W., Johnson, V., & Kolodny, R. (1985). *Human sexuality* (2nd ed., pp. 444-445). Boston: Little, Brown.
- 36 Barth, R.J., & Kinder, B.N. (1987, May). The mislabeling of sexual impulsivity. *Journal of Sex and Marital Therapy*, 1, 15-23.
- 37 Salzman, L. (1972). The highly sexed man. *Medical Aspects of Human Sexuality*, 36-49.

- 38 Society for the Advancement of Sexual Health. (n.d.). *Cybersex and Sexual Addiction*. Retrieved from <http://www.sash.net/cybersex-and-addictions>
- 39 Herkov, M. (2012). Treatment for Sexual Addiction. *Psych Central*. Retrieved on August 21, 2012, from <http://psychcentral.com/lib/2006/treatment-for-sexual-addiction/>
- 40 Reinisch, J.M. (1990). *The Kinsey Institute new report on sex* (p. 149). New York: St. Martin's Press. Although results of this study are cited by Reinisch, no citation for the actual study is given.
- 41 Jenks, R.J. (1998). Swinging: a review of the literature. *Archives of Sexual Behavior*, 27(5), 507-521.
- 42 Rubin, R.H. (2001). Alternative lifestyles revisited, or whatever happened to swingers, group marriages, and communes? *Journal of Family Issues*, 22(6), 711-127.
- 43 Guthrie, J. (2003, July 9). Partner swapping comes out of closet as today's partner swapping is more upscale, perhaps more accepted. Retrieved January 2004, from http://www.nasca.com/states/nasca_faq.html#recent
- 44 Murstein, B.I. (1978). Swinging, or comarital sex. In B.I. Murstein (Ed.). *Exploring intimate life styles*. New York: Springer Publishing.
- 45 Jenks, R. (2001). To swing or not to swing! (Review of the book *The Lifestyle: A Look at the Erotic Rites of Swingers*). *Journal of Sex Research*, 38(2), 171-174.
- 46 Smith, J., & Smith L. (1970). Co-marital sex and the sexual freedom movement. *Journal of Sex Research*, 6, 131-142.
- 47 Gilmartin, B.G. (1978). *The Gilmartin report*. Secaucus, NJ: Citadel Press.
- 48 Sawyer, S., Metz, M.E., Hinds, J.D., & Brucker, R.A. (2001/2002). Attitudes towards prostitution among males: A "consumer's report." *Current Psychology: Developmental, Learning, Personality, Social*, 20(4), 363-376.
- 49 Surratt, H.L., & Inciardi, J.A. (2002). The epidemiology of HIV, HBV, and HCV infection among drug-involved female sex workers in Miami, Fla. Paper presented at the XIV International AIDS Conference. Retrieved from <http://link.springer.com/article/10.1007/s10461-005-9049-3#>
- 50 General Social Survey 2002: Culture Module. (2002). Dataset retrieved December 16, 2003, from <http://www.cpanda.org/data/a00079/a00079.html>
- 51 Brecher, E.M. (1984). *Love, sex & aging* (p. 398). Boston: Little, Brown.
- 52 Money, J., & Wiedeking, C. (1980). Sexual disorders and their treatment. In B. Wolman & J. Money (Eds.). *Handbook of human sexuality*. Englewood Cliffs, NJ: Prentice Hall.
- 53 Ellis, L., & Ames, M.A. (1987). Neurohormonal functioning and sexual orientation: A theory of homosexuality-heterosexuality. *Psychological Bulletin*, 101(2), 233-258. Ellis and Ames on page 242 cite 10 references to animal experiments.
- 54 Masters, W., Johnson, V., & Kolodny, R. (1985). *Human sexuality* (2nd ed., p. 435). Boston: Little, Brown.
- 55 Money, J. (1988). *Gay, straight, and in-between: The sexology of erotic orientation*. New York: Oxford University Press.
- 56 Drescher, J. (1998). *Psychoanalytic therapy and the gay man*. Hillsdale, NJ: The Analytic Press. (As cited in Keener, C.S. & Swartzendruber, D.E. (2002). Does homosexuality have a biological basis? In *Welcome to dialogue: Biological and psychological views*. Retrieved Dec. 3, 2003, from <http://www.welcome-committee.info/booklet-5-keener.html>
- 57 Sarbin, T.R. (1991). *Homosexuality and personnel security*. Monterey, CA: Defense Personnel Security Research and Education Center. For an academic review of scientific research as it relates to personnel policies, see Herek, G.M. (1991). Myths about sexual orientation: A lawyer's guide to social science research. *Law and Sexuality*, 1.
- 58 Gonsoriek, J.C. (1982). Results of psychological testing on homosexual populations. *American Behavioral Scientist*, 25, 385-396.
- 59 Siegleman, M. (1987). Kinsey and others: Empirical input. In L. Diamant (Ed.). *Male and female homosexuals: Psychological approaches*. New York: Hemisphere.
- 60 American Psychological Association. (1975). Minutes of the Council of Representatives. *American Psychologist*, 30.
- 61 Norton v. Macy. 417 F.2d 1161 (D.C. Cir 1969) and Singer v. U.S. Civil Service Commission, 530 F.2d 247 (9th Cir. 1975).
- 62 Baumrind, D. (1995). Commentary on sexual orientation: Research and social policy implications. *Developmental Psychology*, 31(1), 130-136.
- 63 DiversityWeb. (n.d.). Campus life for gay, lesbian, bisexual, and transgender people. *Diversity Digest: Research*, 7(1-2). Retrieved Dec. 3, 2003, from http://www.diversityweb.org/digest/vol7no1-2/campus_glbtcfm

- 64 Helmstetter, C., & Langolf, K. (1996). *1996 campus climate survey on lesbian, gay, bisexual, and transgender concerns*. Retrieved December 3, 2003, from University of Oregon: Oregon Survey Research Laboratory. Available at <https://scholarsbank.uoregon.edu/dspace/handle/1794/1258>
- 65 Gay, Lesbian and Straight Education Network 2003 National School Climate Survey Results. (n.d.). Internet source no longer available.
- 66 Ernulf, K. (1989). Biological explanation... tolerance of homosexuals. *Psychological Reports*, 65, 1003-1010. Also Schneider, W. & Lewis, I.A. (1984). The straight story on homosexuality and gay rights. *Public Opinion*, 7, 16-20, 59-60.
- 67 Bell, A.P., & Weinberg, M.S. (1978). *Homosexualities: A study of diversity among men and women*. New York: Simon & Schuster.
- 68 Federal Emergency Management Agency. (1992, November). *Security practices review board: Final report and recommendations*. See in particular Tab F, memorandum dated August 24, 1992, by Lorri L. Jean, Subject: Personal Secrets and Vulnerability to Undue Influence: What is the Appropriate Analysis of Homosexual Conduct Kept Private?
- 69 Harry, J. (1982). Derivative deviance. *Criminology*, 4, 645-564. Also see Gagnon, J., & Simon, W. (1973). *Sexual conduct (p. 141)*. Chicago: Aldine, which reports that 12% of a homosexual sample had been blackmailed.
- 70 Morrow, G.D. (1989). Bisexuality: An exploratory review. *Annals of Sex Research*, 2, 283-306.
- 71 Blumstein, P.W., & Schwartz, P. (1976). Bisexual women. In J.P. Wiseman (Ed.). *The social psychology of sex*. New York: Harper & Row.
- 72 Blumstein, J.P., & Schwartz, P. (1976). Bisexuality in men. *Urban Life*, 5, 339-358.
- 73 Altschuler, K.Z. (1984). On the question of bisexuality. *American Journal of Psychotherapy*, XXXVIII, 484-493.
- 74 Little, J.R. (1989). *Contemporary female bisexuality: A psychosocial phenomenon*. Unpublished doctoral dissertation (as cited in Labriolola, K. (n.d.). What is bisexuality? Who is bisexual? Retrieved June 29, 2006, from <http://www.cat-and-dragon.com/stef/Poly/Labriola/bisexual.html>
- 75 Society for Human Sexuality. (n.d.). Myths about transsexualism. Retrieved Dec. 3, 2003, <http://www.sexuality.org/1/incoming/matrans.html>
- 76 Satterfield, S.B. (1988). Transsexualism. *Journal of Social Work and Human Sexuality*, 7, 77-87. Peo, R.E. (1989). *Understanding transgender behaviors*. Unpublished monograph.
- 77 Cole, C.M., O'Boyle, M., Emory, L.E., & Meyer, W.J. (1997). Comorbidity of gender dysphoria and other major psychiatric diagnoses. *Archives of Sexual Behavior*, 26(1), 13-26.
- 78 Schafer, S. (2000, December 28). More transsexuals start new life, keep old job. *The Washington Post*. Retrieved December 3, 2003, from <http://ai.eecs.umich.edu/people/conway/TS/WashPost12-28-00article.html>
- 79 Conway, L. (2002). How frequently does transsexualism occur? Retrieved December 3, 2003, from the University of Michigan web site: <http://ai.eecs.umich.edu/people/conway/TS/TSprevalence.html>
- 80 Brown, G.R. (1988). Transsexuals in the military: Flight into hypermasculinity. *Archives of Sexual Behavior*, 17, 527-537.
- 81 Brown, G.R. (1988). Transsexuals in the military: Flight into hypermasculinity. *Archives of Sexual Behavior*, 17, 527-537. Also letter from the author to R. J. Heuer, PERSEREC, dated January 2, 1991.
- 82 Bullough, V., Bullough, B., & Smith, R. (1983). A comparative study of male transvestites, male to female transsexuals, and male homosexuals. *The Journal of Sex Research*, 19, 238-257. Also see Bullough, B., & Bullough, V. (1997). Are transvestites necessarily heterosexual? *Archives of Sexual Behavior*, 26(1), 1-12.
- 83 Docter, R.F., & Prince, V. (1997). Transvestism: A survey of 1032 cross-dressers. *Archives of Sexual Behavior*, 26(6), 589-605.
- 84 Brochure entitled *Society for the Second Self: What is it? Whom is it for? What are its goals?* and other materials provided by Society for the Second Self to R.J. Heuer, PERSEREC, in December 1991.
- 85 Goodwin, L.J., & Peterson, R. G. (1990, Winter). Psychological impact of abuse as it relates to transvestism. *Journal of Applied Rehabilitation Counseling*, 21(4).
- 86 Money, J. (1988). *Gay, straight, and in-between: The sexology of erotic orientation* (pp. 138-143). New York: Oxford University Press.
- 87 Reinisch, J.M. (1990). *The Kinsey Institute new report on sex*. New York: St. Martin's Press.
- 88 Oral communication to R. J. Heuer, PERSEREC, from Richard Rees, CIA Office of Medical Services, May 1991.

- 89 American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders (4th ed., rev.)* Washington, DC: Author.
- 90 Rosenfeld, A.H. (1985, April). Discovering and dealing with deviant sex. *Psychology Today*.
- 91 Munroe, R.L., & Gauvain, M. (2001). Why the paraphilias? Domesticating strange sex. *Cross-Cultural Research: The Journal of Comparative Social Science*, 35(1), 44-64.
- 92 Money, J. (1988). *Gay, straight, and in-between: The sexology of erotic orientation* (Chapter 6). New York: Oxford University Press, Chapter 6.
- 93 Bradford, J.M.W. (1999). The paraphilias, obsessive compulsive spectrum disorder, and the treatment of sexually deviant behaviour. *Psychiatric Quarterly*, 70(3), 209-219.
- 94 Masters, W., Johnson, V., & Kolodny, R. (1985). *Human sexuality* (2nd ed., p. 440). Boston: Little, Brown.
- 95 Moser, C. (1988). Sadomasochism. *Journal of Social Work and Human Sexuality*, 7 (Special issue entitled The Sexually Unusual: Guide to Understanding and Helping, pp. 43-56).
- 96 American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders (4th ed., rev., pp. 529-530)*. Washington, DC: Author.
- 97 Collazzi, D. (2001). The emotional and physical aspects of a violent offender. In *The psychological profiles of killers*. Bronx, NY: Bronx High School of Science. Retrieved November 20, 2003, from <http://www.bxscience.edu/publications/forensics/articles/psychologicalprofiles/f-psyc01.htm>
- 98 Vatsysayana. (1964). *Kama sutra*. New York: Lancer Books (Originally written in 450 AD).
- 99 Kinsey, A.C. (1953). *Sexual behavior in the human female*. Philadelphia: Saunders.
- 100 Masters, W., Johnson, V., & Kolodny, R. (1985). *Human sexuality* (2nd ed., p. 448). Boston: Little, Brown.
- 101 Masters, W., Johnson, V., & Kolodny, R. (1985). *Human sexuality* (2nd ed., p. 446). Boston: Little, Brown.
- 102 Masters, W., Johnson, V., & Kolodny, R. (1985). *Human sexuality* (2nd ed., p. 447). Boston: Little, Brown.
- 103 AllPsych Online: The Virtual Psychology Classroom. (2003). *Psychiatric disorders: Sexual sadism*. Retrieved December 8, 2003, from <http://allpsych.com/disorders/paraphilias/sadism.html>
- 104 Miale, J.P. (1986). *An initial study of nonclinical practitioners of sexual sadomasochism*. Unpublished doctoral dissertation, the Professional School of Psychological Studies, San Diego.
- 105 Berner, W., Berger, P., & Hill, A. (2003). Sexual sadism. *International Journal of Offender Therapy & Comparative Criminology*, 47(4), 383-395.
- 106 McDonald, J., & Bradford, W. (2000, August). The treatment of sexual deviation using a pharmacological approach. *Journal of Sex Research*. Retrieved from <http://www.jstor.org/stable/pdfplus/3813527.pdf?acceptTC=true&acceptTC=true&jpdConfirm=true>
- 107 American Psychiatric Association. (1994). *Diagnostic and statistical manual of mental disorders (4th ed., rev., p. 527)*. Washington, DC: Author.
- 108 Blanchard, R., Watson, M.S., Choy, A., Dickey, R., Klassen, P., Kuban, M., & Ferren, D.J. (1999). Pedophiles: Mental retardation, maternal age, and sexual orientation. *Archives of Sexual Behavior*, 28(2), 111-127.
- 109 Kolodny, R., Masters, W., & Johnson, V. (1979). *Textbook of sexual medicine*. Boston: Little, Brown.
- 110 Green, R. (2002). Is pedophilia a mental disorder? *Archives of Sexual Behavior*, 31(6), 467-471.
- 111 *Rape, Abuse, and Incest National Network*. (n.d.). RAINN Statistics. More current versions of these statistics are available at <http://www.rainn.org/statistics>
- 112 Abel, G., Becker, J., Cunningham-Rathner, J., Mittleman, M., & Rouleau, J. (1988). Multiple paraphilic diagnoses among sex offenders. *Bulletin of the American Academy of Psychiatry and Law*, 16, 153-168.
- 113 MacNamara, D.E., & Sagarin, E. (1977). *Sex, crime, and the law*. New York: Free Press.
- 114 Bureau of Justice Statistics. (2001). *Judicial processing of defendants*. In Sourcebook of Criminal Justice Statistics, 2001. Washington, DC: U.S. Department of Justice. Retrieved September 2003 from: <http://www.albany.edu/sourcebook/>
- 115 Faulkner, N. (n.d.). *Brief overview of pedophiles on the web*. Retrieved November 19, 2003, from <http://www.angelfire.com/mi/collateral/article14.html>

- 116 Simon, R.I. (1997). Video voyeurs and the covert videotaping of unsuspecting victims: Psychological and legal consequences. *Journal of Forensic Sciences*, 42(5), 884-889.
- 117 Merko, Meg (2009, March 30). *Restaurant owner busted for filming womens bathroom*. The Consumerist. Article retrieved April 2010 from <http://consumerist.com/2009/03/restaurant-owner-busted-for-filming-womens-bathroom.html>
- 118 Fisher, B.S., Cullen, F.T., & Turner, M.G. (2000). *The sexual victimization of college women*. Washington, DC: U.S. Department of Justice, Office of Justice Programs. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/182369.pdf>
- 119 Masters, W., Johnson, V., & Kolodny, R. (1985). *Human sexuality* (2nd ed., pp. 444-445). Boston: Little, Brown.
- 120 Dwyer, M. (1988). Exhibitionism /voyeurism. *Journal of Social Work & Human Sexuality*, 7 (Special Issue on The Sexually Unusual: Guide to Understanding and Helping, pp. 101-112).
- 121 Rabinowitz Greenberg, S.R., Firestone, P., Bradford, J.M., & Greenberg, D.M. (2002). Prediction of recidivism in exhibitionists: Psychological, phallometric, and offense factors. *Sexual Abuse: A Journal of Research and Treatment*, 14(4), 329-347.
- 122 Smukler, A.J., & Schiebel, D. (1975). Personality characteristics of exhibitionists. *Diseases of the Nervous System*, 36, 600-603.
- 123 Dwyer, S.M., & Amberson, I.J. (1985). Sex offender treatment program: A follow-up study. *American Journal of Social Psychiatry*, 4.
- 124 Society for Human Sexuality. (n.d.). *Phone sex FAQ*. Retrieved from <http://www.sexuality.org/talk.html>
- 125 Matek, O. (1988). Obscene phone callers. *Journal of Social Work & Human Sexuality*, 7 (Special issue on The Sexually Unusual: Guide to Understanding and Helping, pp. 113-130).
- 126 Williams, C.J., & Weinberg, M.S. (2003). Zoophilia in men: A study of sexual interest in animals. *Archives of Sexual Behavior*, 32(6), 523-535.
- 127 Money, J. (1988). *Gay, straight, and in-between: The sexology of erotic orientation* (pp. 179-180). New York: Oxford University Press.

Use of IT Systems

Relevance to Security	356
Potentially Disqualifying Conditions	357
Extract from the Guideline	357
Judging Seriousness	358
Specific Online Behaviors of Concern	359
Unauthorized Access	359
Modification, Destruction or Manipulation	359
Use of IT System for Fraud, Theft, or Personal Gain	360
Introduction of Unauthorized Software	360
Misuse of Government or Corporate IT Systems	361
Personal Harassment	361
Failure to Protect Information	361
Sexually Explicit Material & Internet Abuse	362
Security of Hard Drives	362
Mitigating Conditions	363
Extract from the Guideline	363
Unusual Circumstances	363
Organizational Efficiency	363
Misuse was Unintentional or Inadvertent	364
Endnotes	364

Relevance to Security

Failure to comply with rules, procedures, guidelines or regulations regarding information technology (IT) systems raises concerns about an individual's reliability and trustworthiness, and calls into question the person's willingness or ability to protect properly sensitive systems, networks, and information. Such behavior is sometimes part of a more general pattern of inability or unwillingness to follow rules that should also be evaluated under the [Personal Conduct](#) guideline (page 222).

The term information technology systems as used here includes all computer hardware, software, firmware, networks, and data used for the communication, transmission, processing, manipulation, storage, or protection of information. While not always illegal, misuse of information technology systems is often unethical and usually reflects poor judgment or lack of care in following security rules and regulations.

As we store more and more information in computer databases, and as these databases become more closely linked in networks, more people have broader access to more classified and other sensitive information than ever before. This magnifies the amount of damage that can be caused by a single cleared insider working for the other side. As Senator Jay Rockefeller, Vice Chairman of the U.S.

Senate Select Committee on Intelligence, put it: “A single spy today can remove more information on a disk than spies of yesteryear could remove with a truck.”¹

As it becomes easier for people to access computer databases, ease of use means ease of abuse. Using the computer, individual employees can quickly and quietly commit serious crimes that are very difficult to detect. They can steal information, change information, or destroy information in automated file systems while sitting at their desk and doing nothing that appears out of the ordinary to casual observers.

Personnel with technical skills and administrative access to a network are also capable of damaging or impairing the operability of critical information systems. There have been numerous cases of such malicious behavior by disgruntled IT professionals with some level of administrative access to a government or corporate system.²

Owing to the magnitude of problems that can be caused by misuse of computer systems, all agencies have a vested interest in maintaining a work environment that fosters high standards of computer security. The work environment that tacitly ignores or tolerates petty violations is also the climate where serious violations are most likely to occur.³

Potentially Disqualifying Conditions

Extract from the Guideline

- (a) *illegal or unauthorized entry into any information technology system or component thereof;*
- (b) *illegal or unauthorized modification, destruction, manipulation or denial of access to information, software, firmware, or hardware in an information technology system;*
- (c) *use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system;*
- (d) *downloading, storing, or transmitting classified information on or to any unauthorized software, hardware, or information technology system;*
- (e) *unauthorized use of a government or other information technology system;*
- (f) *introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system without authorization, when prohibited by rules, procedures, guidelines or regulations;*
- (g) *negligence or lax security habits in handling information technology that persist despite counseling by management;*

(h) *any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.*

Employees who misuse information technology systems range widely from good people with bad security habits to bad people who commit serious crimes. Types of misuse range widely from accidental or careless security violations to ethical violations to sabotage and espionage. There is some overlap between the list of potentially disqualifying conditions under this guideline and under the [Handling Protected Information](#) guideline (page 199).

Judging Seriousness

Factors that determine the security significance of the misuse of IT systems include the following:

- Whether the subject knew the behavior was against the rules but did it anyway.
- The intent of the behavior and the degree of malice. If the misuse was intentional, was it motivated by simple curiosity, the intellectual challenge of breaking into or manipulating a protected system, personal gain without intent to harm others, personal gain knowing it would harm other individuals or the organization, or an intentional effort to harm other individuals or the organization?
- The significance of the potential or actual harm.
- Whether the subject had received appropriate security awareness training related to information assurance and IT systems security. Very often security violations result from ignorance of policies and technical vulnerabilities.
- What the behavior tells us about an individual's attitudes toward rules and policies and the likelihood of further problems with that individual.

Systems administrators, programmers, and other IT professionals who hold positions of special responsibility are able to do significant damage. As a result, they should be held to a higher standard of computer security and ethical behavior.

Several behaviors are of particular concern when assessing individuals who have misused an information system. Any of the following suggest that IT misuse may reflect a pattern of behavior that is much more significant than any single offense.

- The misuse is part of a general tendency toward ignoring rules, irresponsible behavior, or indifference toward security.
- The misuse is part of a history of vindictive behavior. Computer systems offer a readily available vehicle as well as a target for expressing resentment, spite, anger, or hate by persons who perceive themselves as victims of an unjust supervisor or an uncaring government or corporate bureaucracy.
- The system is misused to enhance one's self-esteem by outsmarting others. Some computer buffs break into protected or compartmented systems just for

the personal satisfaction of showing that they can do it. Misuse of information technology systems is seen as a game -- an intellectual challenge that one must win by demonstrating cleverness or superior knowledge. This attitude can be dangerous and may portend future misuse.

Specific Online Behaviors of Concern

Misuse that may warrant some form of adjudicative action commonly falls under one of the following categories. Many of these examples can also be adjudicated under other guidelines such as [Personal Conduct](#), [Handling Protected Information](#), [Criminal Conduct](#), or [Psychological Conditions](#).

Unauthorized Access

- Any illegal or unauthorized entry into any information technology system, whether motivated by curiosity or simply by the challenge of penetrating the system. This includes exceeding one's level of authorized access within a system or unauthorized intrusion into another government or company system by evading access controls.
- Any unauthorized monitoring of electronic communications or system services.
- Systematic browsing of files that are beyond one's need-to-know. Some evidence suggests that browsing is often a precursor to criminality.⁴ It can be analogous to a burglar casing a target to see how vulnerable it is. If the person doing the browsing sees an opportunity to steal valuable information with little chance of detection, it can greatly increase any temptation to engage in theft.
- Malicious use of another person's computer terminal without authorization when that person leaves the terminal unattended.

Modification, Destruction or Manipulation

- Any illegal or unauthorized modification or destruction of application software, files or records in an information technology system. This includes sabotaging or manipulating personnel records, research results, design specifications, etc. For example, two employees at a DoD medical laboratory changed drug test results in the computer system to show positive results as negative. Their purpose was not to help people get around the drug screening, but to reduce their own workload. Positive tests required additional work.
- Deliberately creating or allowing any unauthorized entry point or other system vulnerability in an information technology system. For example, a computer programmer at defense contractor General Dynamics was arrested for planting a "logic bomb" set to go off several months after he resigned from the company. A logic bomb is a type of virus intended to destroy information at a specific time but not necessarily to spread from one computer to another. If the bomb had not

been detected by another General Dynamics employee, it would have destroyed irreplaceable data on several defense contracts.⁵

- Denial of service, or disrupting a web site in a manner that renders it unusable to internal or external users. For example, an Army Private First Class, who had been given a nonjudicial punishment for storing game files on a critical Army system, shut off access to the system by other personnel for over three hours. Given a second punishment, the same individual later deleted over 1,000 work-related files on the system by introducing a Trojan virus that allowed him to control remotely the workstations of other employees. The final offense resulted in a court martial and prison sentence.²

Use of IT System for Fraud, Theft, or Personal Gain

- Selling or otherwise exploiting for personal advantage classified, proprietary, Privacy Act, or other protected information.
- Manipulating financial records so that, for example, checks or money transfers are made out or sent to the wrong person.
- Manipulating logistics records to steal equipment. For example, equipment may be stolen by having it shipped to the wrong location. Thefts of equipment may be covered up by manipulating inventory records.
- Theft or illegal use of credit card numbers, altering of telephone billing accounts, cellular telephone billing numbers or any other communications fraud. As telephone systems are increasingly managed by computer, and as new technology merges all telecommunications, data transmission, cable television and teleconferencing, fraudulent use of these systems has increased. In a recent case, a foreign national employed by the U.S. Army at an overseas location altered phone records on line to make unlimited free phone calls.

Introduction of Unauthorized Software

- Installing, downloading, or using any unauthorized software or computer files, particularly without the use of an approved virus protection program.
- Inserting viruses and other malicious software (worms, Trojan Horses, logic bombs, trap doors) to destroy records or to penetrate or impair system functions.
- The downloading, introduction, or use of hacking tools and the use of an information system to illegally enter other government or private sector systems or networks. For example, an Air Force enlisted man installed software on several office computers that allowed him to control them from his home personal computer. These intrusions and their source were detected by the AF Communication Emergency Response Team (AFCERT). A search of his personal computer revealed evidence of hacking, software piracy, and the possession of child pornography.⁶

Misuse of Government or Corporate IT Systems

- Sending or soliciting sexually oriented messages or images. Downloading, creating, storing or displaying computer files of a sexual nature. See [Sexually Explicit Material & Internet Abuse](#) (page 362) for additional information.
- Use of official equipment or systems to further an individual's private business enterprise. Apparently with no intention to harm the government system, four enlisted service members set up their own local area network and a nongovernment commercial web site on a government server for the purpose of conducting a personal computer business after duty hours. While not a malicious act, this misuse of a military network may have compromised the network's capacity for meeting official requirements.⁷

Personal Harassment

- Transmission of offensive or harassing statements, including disparagement of others based on their race, national origin, sex, sexual orientation, age, disability, religious or political beliefs. Internet and e-mail access may make harassment easier because of its impersonal nature. Perpetrators need not be face-to-face with or engage in any truly personal contact with their victims. According to one report, the frequency of harassment has increased significantly as the use of local area networks and the Internet has increased.⁸
- Sexual harassment in the workplace using an IT system including solicitation, sexually explicit comments, obscene jokes, or other inappropriate communications sent by e-mail to a coworker with the intent to exploit, seduce, humiliate, embarrass or compromise that individual.

Failure to Protect Information

- Negligence or lax security habits in handling information technology that persist despite counseling by management. Examples of negligence include failure to protect a password and failure to install promptly software patches or updates as required. For possible mitigation of failure to protect a password, see [Organizational Efficiency](#) (page 363).
- Removing electronic media containing classified information from the office to work on them at home.
- Processing classified information on a home PC or any other computer kept in an area that is not approved for secure storage, or moving a computer that has been used for classified material from a secure area to a nonsecure area. (Classified files can be recovered on the hard drive even after they have been deleted or erased by the user.)

Sexually Explicit Material & Internet Abuse

One defense contractor that reviewed its Internet transactions found that 2% of all transactions were to sexually oriented sites. Almost 7% appeared to be to nonbusiness-related sites. A 2003 survey of 305 Internet-enabled employees also found that 2% of employees regularly accessed pornographic web content while at work.⁸ A large portion of Internet content is pornographic in nature, with approximately 260 new pornographic web sites being launched each day.⁹

In a case involving a U.S. civilian employed by the Army overseas in 2006, child pornography was discovered on a classified government system during the course of a routine security investigation. The subject had used government laptops that contained classified information to link to the Internet to download the child pornography.¹⁰

For more information on pornography in general and sexual addiction, see the chapter on [Sexual Behavior](#). Many disqualifying behaviors discussed in that chapter are implemented through misuse of an IT system.

Security of Hard Drives

Secrets in computers require the same level of protection as secrets on paper. Information can often be recovered from a computer hard drive even after the file has been deleted or erased by the computer user. As a result:

- Processing of classified information can be done only on systems that have been approved for that use.
- Storage devices, including hard drives, on which classified information has been prepared, must be kept in a secure area.
- When processing classified information on an approved computer in a nonsecure environment, it is necessary to use a removable hard drive that is secured in a classified container when not in use.
- A special program that wipes a hard disk clean should be used before moving a computer from a secure area to a nonsecure area or before disposing of the computer as excess equipment.
- Information systems authorized for the processing of classified information cannot be linked by phone or Internet to any external unclassified system. Electronic media (CDs, flash drives, diskettes) used in classified systems must be appropriately marked and not used subsequently in an unclassified system.
- Storage devices and components of systems used for the processing of classified or sensitive information should not be sent to property disposal until a complete inspection confirms that its storage devices contain no retrievable information.

Mitigating Conditions

Extract from the Guideline

- (a) *so much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;*
- (b) *the misuse was minor and done only in the interest of organizational efficiency and effectiveness, such as letting another person use one's password or computer when no other timely alternative was readily available;*
- (c) *the conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and by notification of supervisor.*

The mitigating conditions are described in somewhat greater detail below.

Unusual Circumstances

Because it is difficult to foresee all the circumstances under which misuse of an information system may occur, there is also a general mitigating condition. Misuse may be mitigated if substantial time has elapsed since the misuse occurred, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the subject's reliability, trustworthiness, or good judgment. The key element of this condition is not the amount of time that has elapsed, but an informed judgment that such behavior or other unreliable or untrustworthy behavior is unlikely to recur.

Organizational Efficiency

Misuse can be mitigated if it was minor and done only in the interest of organizational efficiency and effectiveness, such as letting another person use one's password or computer when no other timely alternative was readily available. For example, an individual going away on vacation or a temporary duty assignment might ask a coworker to check his or her e-mail during this period. In some organizations, it takes several weeks before a new employee gets approval and a password for logging into the office network. During this period, the new employee's supervisor or a coworker might share their password with the new employee so that he or she can start working. This would be a violation of computer security rules, but done for a well-intentioned reason. If the subject of investigation claims that this or any other inappropriate activity was authorized by a supervisor, the investigator is supposed to corroborate this with the individual who reportedly authorized it.

Misuse was Unintentional or Inadvertent

Misuse can be mitigated if it was unintentional or inadvertent, especially if it was followed by a prompt, good-faith effort to correct the situation and the subject immediately notified his or her supervisor. Many people are still learning about the security requirements and potential risks associated with changes in computer technology and the rapid expansion of interrelated computer networks. They may not be aware that they cannot fully erase classified records from a hard disk. They may be unaware of the risk of spreading viruses through use of unauthorized disks or CD-ROMs. They may be unaware of copyright, licensing, or privacy issues. In this environment, unintentional or inadvertent misuse that results from lack of training may be the most frequent mitigating condition.

When caught violating the rules, some individuals claim to have been unaware of the rules. Investigators are supposed to report any information that supports or refutes such a claim, including the date and subject matter of any security awareness briefing or training when the relevant rule was covered.

Endnotes

- ¹ Rockefeller, Sen. J. (2003). *Speech urging the Senate to pass the Intelligence Authorization Act for Fiscal Year 2004*. Congressional Record: November 21, 2003 (Senate), pp. S15335-S15358.
- ² Shaw, E.D., & Fischer, L.F. (2005) *Ten tales of betrayal: The threat to corporate infrastructures by information technology insiders* (TR 05-13). Monterey, CA: Defense Personnel Security Research Center.
- ³ Hollinger, R.C. (1989). *Dishonesty in the workplace: A manager's guide to preventing employee theft* (pp. 10-11). Park Ridge, IL: London House Press.
- ⁴ Carter, D.L., & Katz, A.J. (1996). *Trends and experiences in computer-related crime: Findings from a national study*. Paper presented at the Annual Meeting of the Academy of Criminal Justice Sciences, Las Vegas, NV.
- ⁵ Fischer, L.F. (1991). The threat to automated data systems. *Security Awareness Bulletin*, 2(91). Richmond, VA: Department of Defense Security Institute.
- ⁶ *Hacker gets time in prison: Former airman downloaded porn*. (1999, July 2). Anchorage Daily News.
- ⁷ Fischer, L.F. (1993). *Characterizing information systems insider offenders*. Proceedings of the 1993 Annual Conference of the International Military Testing Association, Pensacola, FL. Available starting page 289 on <http://www.internationalmta.org/2003/2003Proceedings/03IMTAproceedings.pdf>
- ⁸ *Web@Work Survey 2002: Cyber addiction in the workplace*. (n.d.). Rochester, NY: Harris Interactive, Inc. Survey retrieved March 14, 2004 from <http://websense.com/company/news/research/webatwork2002.pdf>. Article is no longer available on the Internet.
- ⁹ Towns, D.M. (2003). *E-Harassment in the workplace*. Article retrieved December 4, 2005, from <http://www.gigalaw.com/articles/2003-all/towns-2003-03-all.html>. Article is no longer available on the Internet.
- ¹⁰ Kramer, L.S., Jung, C.G., Gonzalez, J.L., & Richmond, D.A. (2006). *Behaviors and characteristics exhibited by DoD security clearance applicants of counterintelligence concern* (Draft). Monterey, CA: Defense Personnel Security Research Center.

Adjudicative Guidelines for Determining Eligibility for Access to Classified Information

Approved by the President, December 29, 2005.

NOTE: The adjudicative guidelines here are identical to the adjudicative guidelines in [Intelligence Community Policy Guidance 704.2](#) (page 460) except for two differences. (1) These guidelines do not apply to eligibility for access to sensitive compartmented information and other controlled access program information. (2) The [Foreign Preference Guideline in ICPG 704.2](#) (page 468) has significant changes.

A. Introduction	365
B. Adjudicative Process	366
Guideline A: Allegiance to the United States	368
Guideline B: Foreign Influence	369
Guideline C: Foreign Preference	371
Guideline D: Sexual Behavior	372
Guideline E: Personal Conduct	373
Guideline F: Financial Considerations	375
Guideline G: Alcohol Consumption	376
Guideline H: Drug Involvement	378
Guideline I: Psychological Conditions	379
Guideline J: Criminal Conduct	380
Guideline K: Handling Protected Information	381
Guideline L: Outside Activities	382
Guideline M: Use of Information Technology Systems	383

A. Introduction

The following adjudicative guidelines are established for all U.S. government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees, and other individuals who require access to classified information. They apply to persons being

considered for initial or continued eligibility for access to classified information, to include sensitive compartmented information and special access programs, and are to be used by government departments and agencies in all final clearance determinations. Government departments and agencies may also choose to apply these guidelines to analogous situations regarding persons being considered for access to other types of protected information.

Decisions regarding eligibility for access to classified information take into account factors that could cause a conflict of interest and place a person in the position of having to choose between his or her commitments to the United States, including the commitment to protect classified information, and any other compelling loyalty. Access decisions also take into account a person's reliability, trustworthiness and ability to protect classified information. No coercive policing could replace the self-discipline and integrity of the person entrusted with the nation's secrets as the most effective means of protecting them. When a person's life history shows evidence of unreliability or untrustworthiness, questions arise whether the person can be relied on and trusted to exercise the responsibility necessary for working in a secure environment where protecting classified information is paramount.

B. Adjudicative Process

- (a) The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is an acceptable security risk. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudication process is the careful weighing of a number of variables known as the whole-person concept. Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:
- (1) the nature, extent, and seriousness of the conduct;
 - (2) the circumstances surrounding the conduct, to include knowledgeable participation;
 - (3) the frequency and recency of the conduct;
 - (4) the individual's age and maturity at the time of the conduct;
 - (5) the extent to which participation is voluntary;
 - (6) the presence or absence of rehabilitation and other permanent behavioral changes;
 - (7) the motivation for the conduct;
 - (8) the potential for pressure, coercion, exploitation, or duress; and

- (9) the likelihood of continuation or recurrence;
- (b) Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.
- (c) The ability to develop specific thresholds for action under these guidelines is limited by the nature and complexity of human behavior. The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the following guidelines, each of which is to be evaluated in the context of the whole person.
 - (1) GUIDELINE A: Allegiance to the United States;
 - (2) GUIDELINE B: Foreign Influence
 - (3) GUIDELINE C: Foreign Preference;
 - (4) GUIDELINE D: Sexual Behavior;
 - (5) GUIDELINE E: Personal Conduct;
 - (6) GUIDELINE F: Financial Considerations;
 - (7) GUIDELINE G: Alcohol Consumption;
 - (8) GUIDELINE H: Drug Involvement;
 - (9) GUIDELINE I: Psychological Conditions;
 - (10) GUIDELINE J: Criminal Conduct;
 - (11) GUIDELINE K: Handling Protected Information;
 - (12) GUIDELINE L: Outside Activities;
 - (13) GUIDELINE M: Use of Information Technology Systems
- (d) Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior. Notwithstanding the whole-person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.
- (e) When information of security concern becomes known about an individual who is currently eligible for access to classified information, the adjudicator should consider whether the person:

- (1) voluntarily reported the information;
 - (2) was truthful and complete in responding to questions;
 - (3) sought assistance and followed professional guidance, where appropriate;
 - (4) resolved or appears likely to favorably resolve the security concern;
 - (5) has demonstrated positive changes in behavior and employment;
 - (6) should have his or her access temporarily suspended pending final adjudication of the information.
- (f) If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of disapproval or revocation of the security clearance, it may be appropriate to recommend approval with a warning that future incidents of a similar nature may result in revocation of access.

Guideline A: Allegiance to the United States

3. *The Concern.* An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

4. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States of America;
- (b) association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;
- (c) association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to:
 - (1) overthrow or influence the government of the United States or any state or local government;
 - (2) prevent Federal, state, or local government personnel from performing their official duties;
 - (3) gain retribution for perceived wrongs caused by the Federal, state, or local government;
 - (4) prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

5. Conditions that could mitigate security concerns include:

- (a) the individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;
- (b) the individual's involvement was only with the lawful or humanitarian aspects of such an organization;
- (c) involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;
- (d) the involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or loyalty.

Guideline B: Foreign Influence

6. *The Concern.* Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

7. Conditions that could raise a security concern and may be disqualifying include:

- (a) contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;
- (b) connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information;
- (c) counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security;
- (d) sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion;

- (e) a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation;
- (f) failure to report, when required, association with a foreign national;
- (g) unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service;
- (h) indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion;
- (i) conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.

8. Conditions that could mitigate security concerns include:

- (a) the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.;
- (b) there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;
- (c) contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;
- (d) the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;
- (e) the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country;
- (f) the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

Guideline C: Foreign Preference

NOTE: ICPG 704.2 has implemented significant changes in this guideline for adjudication of access to sensitive compartment information or other controlled access program information. See [ICPG 704.2](#) (page 460).

9. *The Concern.* When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

10. Conditions that could raise a security concern and may be disqualifying include:

- (a) exercise of any right, privilege or obligation of foreign citizenship after becoming a U.S. citizen or through the foreign citizenship of a family member. This includes but is not limited to:
 - (1) possession of a current foreign passport;
 - (2) military service or a willingness to bear arms for a foreign country;
 - (3) accepting educational, medical, retirement, social welfare, or other such benefits from a foreign country;
 - (4) residence in a foreign country to meet citizenship requirements;
 - (5) using foreign citizenship to protect financial or business interests in another country;
 - (6) seeking or holding political office in a foreign country;
 - (7) voting in a foreign election;
- (b) action to acquire or obtain recognition of a foreign citizenship by an American citizen;
- (c) performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with the national security interest;
- (d) any statement or action that shows allegiance to a country other than the United States: for example, declaration of intent to renounce United States citizenship; renunciation of United States citizenship.

11. Conditions that could mitigate security concerns include:

- (a) dual citizenship is based solely on parents' citizenship or birth in a foreign country;
- (b) the individual has expressed a willingness to renounce dual citizenship;

- (c) exercise of the rights, privileges, or obligations of foreign citizenship occurred before the individual became a U.S. citizen or when the individual was a minor;
- (d) use of a foreign passport is approved by the cognizant security authority.
- (e) the passport has been destroyed, surrendered to the cognizant security authority, or otherwise invalidated.
- (f) the vote in a foreign election was encouraged by the U.S. Government

Guideline D: Sexual Behavior

12. *The Concern.* Sexual behavior that involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or which may subject the individual to undue influence or coercion, exploitation, or duress can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

13. Conditions that could raise a security concern and may be disqualifying include:

- (a) sexual behavior of a criminal nature, whether or not the individual has been prosecuted;
- (b) a pattern of compulsive, self-destructive, or high risk sexual behavior that the person is unable to stop or that may be symptomatic of a personality disorder;
- (c) sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress;
- (d) sexual behavior of a public nature and/or that reflects lack of discretion or judgment.

14. Conditions that could mitigate security concerns include:

- (a) the behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;
- (b) the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (c) the behavior no longer serves as a basis for coercion, exploitation, or duress.
- (d) the sexual behavior is strictly private, consensual, and discreet.

Guideline E: Personal Conduct

15. The Concern. Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

- (a) refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, including financial disclosure forms, if required, and cooperation with medical or psychological evaluation;
- (b) refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

16. Conditions that could raise a security concern and may be disqualifying include

- (a) deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;
- (b) deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative;
- (c) credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;
- (d) credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and

regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:

- (1) untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information;
 - (2) disruptive, violent, or other inappropriate behavior in the workplace;
 - (3) a pattern of dishonesty or rule violations;
 - (4) evidence of significant misuse of Government or other employer's time or resources;
- (e) personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as (1) engaging in activities which, if known, may affect the person's personal, professional, or community standing, or (2) while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;
- (f) violation of a written or recorded commitment made by the individual to the employer as a condition of employment;
- (g) association with persons involved in criminal activity.

17. Conditions that could mitigate security concerns include:

- (a) the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;
- (b) the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.
- (c) the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (d) the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;

- (e) the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- (f) the information was unsubstantiated or from a source of questionable reliability;
- (g) association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

Guideline F: Financial Considerations

18. *The Concern.* Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts.

19. *Conditions that could raise a security concern and may be disqualifying include:*

- (a) inability or unwillingness to satisfy debts;
- (b) indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt.
- (c) a history of not meeting financial obligations;
- (d) deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;
- (e) consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis;
- (f) financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern;
- (g) failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same;

- (h) unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject's known legal sources of income;
- (i) compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, "chasing losses" (i.e. increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused by gambling.

20. Conditions that could mitigate security concerns include:

- (a) the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;
- (c) the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;
- (d) the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;
- (e) the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue;
- (f) the affluence resulted from a legal source of income.

Guideline G: Alcohol Consumption

21. The Concern. Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

22. Conditions that could raise a security concern and may be disqualifying include:

- (a) alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;

- (b) alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;
- (c) habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;
- (d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;
- (e) evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;
- (f) relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program;
- (g) failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

23. Conditions that could mitigate security concerns include:

- (a) so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);
- (c) the individual who is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress;
- (d) the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

Guideline H: Drug Involvement

24. *The Concern.* Use of an illegal drug or misuse of a prescription drug can raise questions about an individual's reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations.

(a) Drugs are defined as mood and behavior altering substances, and include:

(1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and

(2) inhalants and other similar substances;

(b) drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

25. Conditions that could raise a security concern and may be disqualifying include:

(a) any drug abuse (see above definition);

(b) testing positive for illegal drug use;

(c) illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;

(d) diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;

(e) evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;

(f) failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional;

(g) any illegal drug use after being granted a security clearance;

(h) expressed intent to continue illegal drug use, or failure to clearly and convincingly commit to discontinue drug use.

26. Conditions that could mitigate security concerns include:

(a) the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;

(b) a demonstrated intent not to abuse any drugs in the future, such as:

(1) disassociation from drug-using associates and contacts;

- (2) changing or avoiding the environment where drugs were used;
 - (3) an appropriate period of abstinence;
 - (4) a signed statement of intent with automatic revocation of clearance for any violation;
- (c) abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended;
- (d) satisfactory completion of a prescribed drug treatment program, including but not limited to rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

Guideline I: Psychological Conditions

27. *The Concern.* Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline. No negative inference concerning the standards in this Guideline may be raised solely on the basis of seeking mental health counseling.

28. Conditions that could raise a security concern and may be disqualifying include:

- (a) behavior that casts doubt on an individual's judgment, reliability, or trustworthiness that is not covered under any other guideline, including but not limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid, or bizarre behavior;
- (b) an opinion by a duly qualified mental health professional that the individual has a condition not covered under any other guideline that may impair judgment, reliability, or trustworthiness;
- (c) the individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g., failure to take prescribed medication.

29. Conditions that could mitigate security concerns include:

- (a) the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;

- (b) the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
- (c) recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;
- (d) the past emotional instability was a temporary condition (e.g., one caused by death, illness, or marital breakup), the situation has been resolved, and the individual no longer shows indications of emotional instability;
- (e) there is no indication of a current problem.

Guideline J: Criminal Conduct

30. *The Concern.* Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

31. Conditions that could raise a security concern and may be disqualifying include:

- (a) a single serious crime or multiple lesser offenses;
- (b) discharge or dismissal from the Armed Forces under dishonorable conditions;
- (c) allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted;
- (d) individual is currently on parole or probation;
- (e) violation of parole or probation, or failure to complete a court-mandated rehabilitation program.

32. Conditions that could mitigate security concerns include:

- (a) so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (b) the person was pressured or coerced into committing the act and those pressures are no longer present in the person's life;
- (c) evidence that the person did not commit the offense;

- (d) there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.

Guideline K: Handling Protected Information

33. *The Concern.* Deliberate or negligent failure to comply with rules and regulations for protecting classified or other sensitive information raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.

34. **Conditions that could raise a security concern and may be disqualifying include:**

- (a) deliberate or negligent disclosure of classified or other protected information to unauthorized persons, including but not limited to personal or business contacts, to the media, or to persons present at seminars, meetings, or conferences;
- (b) collecting or storing classified or other protected information at home or in any other unauthorized location;
- (c) loading, drafting, editing, modifying, storing, transmitting, or otherwise handling classified reports, data, or other information on any unapproved equipment including but not limited to any typewriter, word processor, or computer hardware, software, drive, system, gameboard, handheld, "palm" or pocket device or other adjunct equipment;
- (d) inappropriate efforts to obtain or view classified or other protected information outside one's need to know;
- (e) copying classified or other protected information in a manner designed to conceal or remove classification or other document control markings;
- (f) viewing or downloading information from a secure system when the information is beyond the individual's need-to-know;
- (g) any failure to comply with rules for the protection of classified or other sensitive information;
- (h) negligence or lax security habits that persist despite counseling by management.
- (i) failure to comply with rules or regulations that results in damage to the National Security, regardless of whether it was deliberate or negligent.

35. Conditions that could mitigate security concerns include:

- (a) so much time has elapsed since the behavior, or it has happened so infrequently or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- (b) the individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities;
- (c) the security violations were due to improper or inadequate training.

Guideline L: Outside Activities

36. *The Concern.* Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

37. Conditions that could raise a security concern and may be disqualifying include:

- (a) any employment or service, whether compensated or volunteer, with:
 - (1) the government of a foreign country;
 - (2) any foreign national, organization, or other entity;
 - (3) a representative of any foreign interest;
 - (4) any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology;
- (b) failure to report or fully disclose an outside activity when this is required.

38. Conditions that could mitigate security concerns include:

- (a) evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States;
- (b) the individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.

Guideline M: Use of Information Technology Systems

39. *The Concern.* Noncompliance with rules, procedures, guidelines or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information. Information Technology Systems include all related computer hardware, software, firmware, and data used for the communication, transmission, processing, manipulation, storage, or protection of information.

40. Conditions that could raise a security concern and may be disqualifying include:

- (a) illegal or unauthorized entry into any information technology system or component thereof;
- (b) illegal or unauthorized modification, destruction, manipulation or denial of access to information, software, firmware, or hardware in an information technology system;
- (c) use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system;
- (d) downloading, storing, or transmitting classified information on or to any unauthorized software, hardware, or information technology system;
- (e) unauthorized use of a government or other information technology system;
- (f) introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system without authorization, when prohibited by rules, procedures, guidelines or regulations;
- (g) negligence or lax security habits in handling information technology that persist despite counseling by management;
- (h) any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.

41. Conditions that could mitigate security concerns include:

- (a) so much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- (b) the misuse was minor and done only in the interest of organizational efficiency and effectiveness, such as letting another person use one's password or computer when no other timely alternative was readily available;

- (c) the conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and by notification of supervisor.

Investigative Standards For Background Investigations For Access to Classified Information

NOTE: Revised Federal Investigative Standards (FIS) were signed by the Security and Suitability Executive Agents in December 2012. The Federal Investigative Standards Implementation Working Group (FISIWG) was created to facilitate a phased implementation of the new Standards. The Standards presented here are the current Standards and will be used across the Executive Branch until they are replaced by phased implementation of the revised FIS.

1. Introduction	386
2. The Three Standards	386
3. Exception to Periods of Coverage	386
4. Expanding Investigations	387
5. Transferability	387
6. Breaks in Service	387
7. The National Agency Check	387
Standard A: National Agency Check with Local Agency Checks and Credit Check (NACLC)	387
8. Applicability	387
9. For Reinvestigations: When to Reinvestigate	388
10. Investigative Requirements	388
11. Expanding the Investigation	388
STANDARD B: Single Scope Background Investigation (SSBI)	388
12. Applicability	388
13. Investigative Requirements	389
14. Expanding the Investigation	390
STANDARD C: Single-Scope Background Investigation-Periodic Reinvestigation (SSBI-PR)	390
15. Applicability	390
16. When to Reinvestigate	390
17. Reinvestigative Requirements	391
Appendix: Decision Tables	392
Appendix: Investigative Standards for Temporary Eligibility for Access	393
1. Introduction	393
2. Temporary Eligibility for Access	393
3. Temporary Eligibility for Access at the CONFIDENTIAL and SECRET Levels and Temporary Eligibility for "L" Access Authorization	394
4. Temporary Eligibility for Access at the TOP SECRET and SCI Levels and Temporary Eligibility for "Q" Access Authorization: For Someone who is the Subject of a Favorable Investigation not Meeting the Investigative Standards for Access at those Levels	394

5. Temporary Eligibility for Access at the TOP SECRET and SCI Levels and Temporary Eligibility for “Q” Access Authorization: For Someone who is not the Subject of a Current, Favorable Personnel or Personnel Security Investigation of any Kind _____	394
6. Additional Requirements by Agencies _____	394

1. Introduction

The following investigative standards are established for all United States Government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees and other individuals who require access to classified information, to include Sensitive Compartmented Information (SCI) and Special Access Programs (SAPs), and are to be used by government departments and agencies as the investigative basis for final clearance determinations. However, nothing in these standards prohibits an agency from using any lawful investigative procedures in addition to these requirements in order to resolve any issue identified in the course of a background investigation or reinvestigation.

2. The Three Standards

There are three standards (Table 1 in the Appendix summarizes when to use each one):

- a. The investigation and reinvestigation standards for “L” access authorizations and for access to CONFIDENTIAL and SECRET (including all SECRET-level SAPs not specifically approved for enhanced investigative requirements by an official authorized to establish SAPs by sect. 4.4 of Executive Order 12958);
- b. The investigation standard for “Q” access authorizations and for access to TOP SECRET (including TOP SECRET SAPs) and SCI; and
- c. The reinvestigation standard for continued access to the levels listed in para. 2(b).

3. Exception to Periods of Coverage

Some elements of standards specify a period of coverage (e.g., seven years). Where appropriate, such coverage may be shortened to the period from the Subject’s eighteenth birthday to the present or to two years, whichever is longer.

4. Expanding Investigations

Investigations and reinvestigations may be expanded under the provisions of Executive Order 12968 and other applicable statutes and Executive Orders.

5. Transferability

Investigations that satisfy the requirements of a given standard and are current meet the investigative requirements of all levels specified for the standard. They shall be mutually and reciprocally accepted by all agencies.

6. Breaks in Service

If a person who requires access has been retired or separated from US Government employment for less than two years and is the Subject of an investigation that is otherwise current, the agency regranting the access will, as a minimum, review an updated Standard Form 86 and applicable records. A reinvestigation is not required unless the review indicates the person may no longer satisfy the standards of Executive Order 12968 (see Table 2).

7. The National Agency Check

The National Agency Check is part of all investigations and reinvestigations. It consists of a review of:

- a. Investigative and criminal history files of the FBI, including a technical fingerprint search;
- b. OPM's Security/Suitability Investigations Index;
- c. DoD's Defense Central Index of Investigations; and
- d. Such other national agencies (e.g., CIA, ICE) as appropriate to the individual's background.

Standard A: National Agency Check with Local Agency Checks and Credit Check (NACLC)

8. Applicability

Standard A applies to investigations and reinvestigations for:

- a. Access to CONFIDENTIAL and SECRET (including all SECRET-level SAPs not specifically approved for enhanced investigative requirements by an official authorized to establish SAPs by sect. 4.4 of Executive Order 12958), and
- b. "L" access authorizations.

9. For Reinvestigations: When to Reinvestigate

The reinvestigation may be initiated at any time following completion of, but not later than ten years (fifteen years for CONFIDENTIAL) from the date of, the previous investigation or reinvestigation. (Table 2 reflects the specific requirements for when to request a reinvestigation, including when there has been a break in service.)

10. Investigative Requirements

Investigative requirements are as follows:

- a. Completion of forms: completion of Standard Form 86, including applicable releases and supporting documentation.
- b. National Agency Check: completion of a National Agency Check.
- c. Financial Review: verification of the Subject's financial status, including credit bureau checks covering all locations where the Subject has resided, been employed, or attended school for six months or more for the past seven years.
- d. Date and Place of Birth: corroboration of date and place of birth through a check of appropriate documentation, if *not* completed in any previous investigation; a check of Bureau of Vital Statistics records when any discrepancy is found to exist.
- e. Local Agency Checks: as a minimum, all investigations will include checks of law enforcement agencies having jurisdiction where the Subject has lived, worked, and/or attended school within the last five years, and if applicable, of the appropriate agency for any identified arrests.

11. Expanding the Investigation

The investigation may be expanded if necessary to determine if access is clearly consistent with the national security.

STANDARD B: Single Scope Background Investigation (SSBI)

12. Applicability

Standard B applies to initial investigations for:

- a. Access to TOP SECRET (including TOP SECRET SAPs) and SCI; and
- b. "Q" access authorizations.

13. Investigative Requirements

Investigative requirements are as follows:

- a. Completion of Forms: completion of Standard Form 86, including applicable releases and supporting documentation.
- b. National Agency Check: completion of a National Agency Check.
- c. National Agency Check for the Spouse or Cohabitant (if applicable): completion of a National Agency Check, without fingerprint cards, for the spouse or cohabitant.
- d. Date and Place of Birth: corroboration of date and place of birth through a check of appropriate documentation; a check of Bureau of Vital Statistics records when any discrepancy is found to exist.
- e. Citizenship: for individuals born outside the United States, verification of US citizenship directly from the appropriate registration authority; verification of US citizenship or legal status of foreign-born immediate family members (spouse, cohabitant, father, mother, sons, daughters, brothers, sisters).
- f. Education: corroboration of most recent or most significant claimed attendance, degree, or diploma. Interviews of appropriate educational sources if education is a primary activity of the Subject during the most recent three years.
- g. Employment: verification of all employments for the past seven years; personal interviews of sources (supervisors, coworkers, or both) for each employment of six months or more; corroboration through records or sources of all periods of unemployment exceeding sixty days; verification of all prior federal and military service, including discharge type. For military members, all service within one branch of the armed forces will be considered as one employment, regardless of assignments.
- h. References: four references, of whom at least two are developed; to the extent practicable, all should have social knowledge of the Subject and collectively span at least the last seven years.
- i. Former Spouse: an interview of any former spouse divorced within the last ten years.
- j. Neighborhoods: confirmation of all residences for the last three years through appropriate interviews with neighbors and through records reviews.
- k. Financial Review: verification of the Subject's financial status, including credit bureau checks covering all locations where Subject has resided, been employed, and/or attended school for six months or more for the last seven years.

- l. Local Agency Checks: a check of appropriate criminal history records covering all locations where, for the last ten years, the Subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration. (NOTE: If no residence, employment or education exceeds six months, local agency checks should be performed as deemed appropriate.)
- m. Public Records: verification of divorces, bankruptcies, and other court actions, whether civil or criminal, involving the Subject.
- n. Subject Interview: a Subject Interview, conducted by trained security, investigative, or counterintelligence personnel. During the investigation, additional Subject Interviews may be conducted to collect relevant information, to resolve significant inconsistencies, or both. Sworn statements and unsworn declarations may be taken whenever appropriate.
- o. Polygraph (only agencies with approved personnel security polygraph programs): in departments or agencies with policies sanctioning the use of the polygraph for personnel security purposes, the investigation may include a polygraph examination, conducted by a qualified polygraph examiner.

14. Expanding the Investigation

The investigation may be expanded as necessary. As appropriate, interviews with anyone able to provide information or to resolve issues, including but not limited to cohabitants, relatives, psychiatrists, psychologists, other medical professional, and law enforcement professionals may be conducted.

STANDARD C: Single-Scope Background Investigation-Periodic Reinvestigation (SSBI-PR)

15. Applicability

Standard C applies to reinvestigations for:

- a. Access to TOP SECRET (including TOP SECRET SAPs) and SCI; and
- b. "Q" access authorizations.

16. When to Reinvestigate

The reinvestigation may be initiated at any time following completion of, but not later than five years from date of, the previous investigation (see Table 2).

17. Reinvestigative Requirements

Reinvestigative requirements are as follows:

- a. Completion of Forms: completion of Standard Form 86, including applicable releases and supporting documentation.
- b. National Agency Check: completion of a National Agency Check (fingerprint cards are required *only* if there has not been a previous valid technical check of the FBI).
- c. National Agency Check for the Spouse or Cohabitant (if applicable): completion of a National Agency Check, without fingerprint cards, for the spouse or cohabitant. The National Agency Check for the spouse or cohabitant is *not* required if already completed in conjunction with a previous investigation or reinvestigation.
- d. Employment: verification of all employments since the last investigation. Attempts to interview a sufficient number of sources (supervisors, coworkers, or both) at all employments of six months or more. For military members, all service within one branch of the armed forces will be considered as one employment, regardless of assignments.
- e. Financial Review
 - (1) Financial Status: Verification of the subject's financial status, including credit bureau checks covering all locations where subject has resided, been employed, and/or attended school for six months or more for the period covered by the reinvestigation;
 - (2) Check of Treasury's Financial Data Base: Agencies may request the Department of the Treasury, under terms and conditions prescribed by the Secretary of the Treasury, to search automated data bases consisting of reports of currency transactions by financial institutions, international transportation of currency or monetary instruments, foreign bank and financial accounts, and transactions under \$10,000 that are reported as possible money laundering violations.
- f. Local Agency Checks: A check of appropriate criminal history records covering all locations where, during the period covered by the reinvestigation, the subject has resided, been employed, and/or attended school for six months or more, including current residence regardless of duration. (NOTE: If no residence, employment or education exceeds six months, local agency checks should be performed as deemed appropriate.)
- g. Former Spouse: An interview with any former spouse unless the divorce took place before the date of the last investigation or reinvestigation.

- h. Public Records: Verification of divorces, bankruptcies and other court actions, whether civil or criminal, involving the subject since the date of the last investigation.
- i. Subject Interview: A subject interview, conducted by trained security, investigative, or counterintelligence personnel. During the reinvestigation, additional subject interviews may be conducted to collect relevant information, to resolve significant inconsistencies, or both. Sworn statements and unsworn declarations may be taken whenever appropriate.
- j. References: Interviews with two character references who are knowledgeable of the subject; at least one will be a developed reference. To the extent practical, both should have social knowledge of the subject and collectively span the entire period of the reinvestigation. As appropriate, additional interviews may be conducted, including with cohabitants and relatives.
- k. Neighborhoods: Interviews of two neighbors in the vicinity of the subject's most recent residence of six months or more. Confirmation of current residence regardless of length.

18. **Expanding the Reinvestigation.** The reinvestigation may be expanded as necessary. As appropriate, interviews with anyone able to provide information or to resolve issues, including but not limited to cohabitants, relatives, psychiatrists, psychologists, other medical professionals, and law enforcement professionals may be conducted.

19. **Phased Periodic Reinvestigation.** Government departments and agencies may, in their discretion, exclude requirements (j) and (k) above from the reinvestigation when no information of security concern is developed by the investigative source listed in (a) through (i). If information of security concern is yielded by these sources, the requirements of (j) and (k) must be met as well as the expansion requirements of paragraph 18.

Appendix: Decision Tables

Table 1: Which Investigation to Request

If the requirement is for	And the person has this access	Based on this investigation	Then the investigation required is	Using standard
CONFIDENTIAL, SECRET, "L"	none CONF, SEC, "L"	none out of date NACLC or SSBI	NACLC	A
TOP SECRET, CSI; "Q"	none, CONF, SEC, "L" TS, SCI; "Q"	none or current or out of date NACLC out of date SSBI	SSBI SSBI-PR	B C

Table 2: Reinvestigation Requirements

If requirement is for	And age of the investigation is	Type required if there has been a break in service of _____ months	
		0-23 months	24 months or more
CONFIDENTIAL	0 to 14 yrs. 11 mos. _____ 15 yrs. or more	none (NOTE1) _____ NACLCLC	NACLCLC
SECRET, "L"	0 to 9 yrs. 11 mos. _____ 10 yrs. or more	none (NOTE1) _____ NACLCLC	
TOP SECRET, SCI, "Q"	0 to 4 yrs. 11 mos. _____ 5 yrs. or more	none (NOTE1) _____ SSBI-PR	SSBI

NOTE 1: As a minimum, review an updated Standard Form 86 and applicable records. A reinvestigation (NACLCLC or SSBI-PR) is not required unless the review indicates the person may no longer satisfy the standards of Executive Order 12968.

Appendix: Investigative Standards for Temporary Eligibility for Access

1. Introduction

The following minimum investigative standards, implementing section 3.3 of Executive Order 12968, "Access to Classified Information", are established for all United States Government and military personnel, consultants, contractors, subcontractors, employees of contractors, licensees, certificate holders or grantees and their employees and other individuals who require access to classified information before the appropriate investigation can be completed and a final determination made.

2. Temporary Eligibility for Access

Based on a justified need meeting the requirements of section 3.3 of Executive Order 12968, temporary eligibility for access may be granted before investigations are complete and favorably adjudicated, where official functions must be performed prior to completion of the investigation and adjudication process. The temporary eligibility will be valid until completion of the investigation and adjudication; however, the agency granting it may revoke it at any time based on unfavorable information identified in the course of the investigation.

3. Temporary Eligibility for Access at the CONFIDENTIAL and SECRET Levels and Temporary Eligibility for “L” Access Authorization

As a minimum, such temporary eligibility requires completion of the Standard Form 86, including any applicable supporting documentation, favorable review of the form by the appropriate adjudicating authority, and submission of a request for an expedited National Agency Check with Local Agency Checks and Credit (NACLCL).

4. Temporary Eligibility for Access at the TOP SECRET and SCI Levels and Temporary Eligibility for “Q” Access Authorization: For Someone who is the Subject of a Favorable Investigation not Meeting the Investigative Standards for Access at those Levels

As a minimum, such temporary eligibility requires completion of the Standard Form 86, including any applicable supporting documentation, favorable review of the form by the appropriate adjudicating authority, and expedited submission of a request for a Single Scope Background Investigation (SSBI).

5. Temporary Eligibility for Access at the TOP SECRET and SCI Levels and Temporary Eligibility for “Q” Access Authorization: For Someone who is not the Subject of a Current, Favorable Personnel or Personnel Security Investigation of any Kind

As a minimum, such temporary eligibility requires completion of the Standard Form 86, including any applicable supporting documentation, favorable review of the form by the appropriate adjudicating authority, immediate submission of a request for an expedited SSBI, and completion and favorable review by the appropriate adjudicating authority of relevant criminal history and investigative records of the Federal Bureau of Investigation and of information in the Security/Suitability Investigations Index (SII) and the Defense Clearance and Investigations Index (DCII).

6. Additional Requirements by Agencies

Temporary eligibility for access must satisfy these minimum investigations standards, but agency heads may establish additional requirements based on the sensitivity of the particular, identified categories of classified information necessary to perform the lawful and authorized functions that are the basis for granting temporary eligibility for access. However, no additional requirements shall exceed the common standards for background investigations developed under section 3.2(b) of Executive Order 12968. Temporary eligibility for access is valid only at the agency granting it and at other agencies who expressly agree to accept it and acknowledge understanding of its investigative basis. It is further subject to

limitations specified in sections 2.4(d) and 3.3 of Executive Order 12968, “Access to Classified Information.”

Executive Order 13467

Executive Order 13467: Reforming Processes Related to Suitability	396
PART 1—Policy, Applicability, and Definitions	396
PART 2—Alignment, Reciprocity, and Governance	398
PART 3—Miscellaneous	402

Executive Order 13467: Reforming Processes Related to Suitability

Executive Order 13467: Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information

June 30, 2008

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to ensure an efficient, practical, reciprocal, and aligned system for investigating and determining suitability for Government employment, contractor employee fitness, and eligibility for access to classified information, while taking appropriate account of title III of Public Law 108-458, it is hereby ordered as follows:

PART 1—Policy, Applicability, and Definitions

Section 1.1. Policy. Executive branch policies and procedures relating to suitability, contractor employee fitness, eligibility to hold a sensitive position, access to federally controlled facilities and information systems, and eligibility for access to classified information shall be aligned using consistent standards to the extent possible, provide for reciprocal recognition, and shall ensure cost-effective, timely, and efficient protection of the national interest, while providing fair treatment to those upon whom the Federal Government relies to conduct our Nation’s business and protect national security.

Sec. 1.2. Applicability.

- (a) This order applies to all covered individuals as defined in section 1.3(g), except that:
 - (i) the provisions regarding eligibility for physical access to federally controlled facilities and logical access to federally controlled information systems do not apply to individuals exempted in

accordance with guidance pursuant to the Federal Information Security Management Act (title III of Public Law 107-347) and Homeland Security Presidential Directive 12; and

- (ii) the qualification standards for enlistment, appointment, and induction into the Armed Forces pursuant to title 10, United States Code, are unaffected by this order.
- (b) This order also applies to investigations and determinations of eligibility for access to classified information for employees of agencies working in or for the legislative or judicial branches when those investigations or determinations are conducted by the executive branch.

Sec. 1.3. Definitions. For the purpose of this order:

- (a) “Adjudication” means the evaluation of pertinent data in a background investigation, as well as any other available information that is relevant and reliable, to determine whether a covered individual is:
 - (i) suitable for Government employment;
 - (ii) eligible for logical and physical access;
 - (iii) eligible for access to classified information;
 - (iv) eligible to hold a sensitive position; or
 - (v) fit to perform work for or on behalf of the Government as a contractor employee.
- (b) “Agency” means any “Executive agency” as defined in section 105 of title 5, United States Code, including the “military departments,” as defined in section 102 of title 5, United States Code, and any other entity within the executive branch that comes into possession of classified information or has designated positions as sensitive, except such an entity headed by an officer who is not a covered individual.
- (c) “Classified information” means information that has been determined pursuant to Executive Order 12958 of April 17, 1995, as amended, or a successor or predecessor order, or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) to require protection against unauthorized disclosure.
- (d) “Continuous evaluation” means reviewing the background of an individual who has been determined to be eligible for access to classified information (including additional or new checks of commercial databases, Government databases, and other information lawfully available to security officials) at any time during the period of eligibility to determine whether that individual continues to meet the requirements for eligibility for access to classified information.

- (e) “Contractor” means an expert or consultant (not appointed under section 3109 of title 5, United States Code) to an agency; an industrial or commercial contractor, licensee, certificate holder, or grantee of any agency, including all subcontractors; a personal services contractor; or any other category of person who performs work for or on behalf of an agency (but not a Federal employee).
- (f) “Contractor employee fitness” means fitness based on character and conduct for work for or on behalf of the Government as a contractor employee.
- (g) “Covered individual” means a person who performs work for or on behalf of the executive branch, or who seeks to perform work for or on behalf of the executive branch, but does not include:
 - (i) the President or (except to the extent otherwise directed by the President) employees of the President under section 105 or 107 of title 3, United States Code; or
 - (ii) the Vice President or (except to the extent otherwise directed by the Vice President) employees of the Vice President under section 106 of title 3 or annual legislative branch appropriations acts.
- (h) “End-to-end automation” means an executive branch-wide federated system that uses automation to manage and monitor cases and maintain relevant documentation of the application (but not an employment application), investigation, adjudication, and continuous evaluation processes.
- (i) “Federally controlled facilities” and “federally controlled information systems” have the meanings prescribed in guidance pursuant to the Federal Information Security Management Act (title III of Public Law 107-347) and Homeland Security Presidential Directive 12.
- (j) “Logical and physical access” means access other than occasional or intermittent access to federally controlled facilities or information systems.
- (k) “Sensitive position” means any position so designated under Executive Order 10450 of April 27, 1953, as amended.
- (l) “Suitability” has the meaning and coverage provided in 5 CFR Part 731.

PART 2—Alignment, Reciprocity, and Governance

Sec. 2.1. Aligned System.

- (a) Investigations and adjudications of covered individuals who require a determination of suitability, eligibility for logical and physical access, eligibility to hold a sensitive position, eligibility for access to classified information, and, as appropriate, contractor employee fitness, shall be aligned using consistent standards to the extent possible. Each successively higher level of investigation and adjudication shall build upon, but not duplicate, the ones below it.

- (b) The aligned system shall employ updated and consistent standards and methods, enable innovations with enterprise information technology capabilities and end-to-end automation to the extent practicable, and ensure that relevant information maintained by agencies can be accessed and shared rapidly across the executive branch, while protecting national security, protecting privacy-related information, ensuring resulting decisions are in the national interest, and providing the Federal Government with an effective workforce.
- (c) Except as otherwise authorized by law, background investigations and adjudications shall be mutually and reciprocally accepted by all agencies. An agency may not establish additional investigative or adjudicative requirements (other than requirements for the conduct of a polygraph examination consistent with law, directive, or regulation) that exceed the requirements for suitability, contractor employee fitness, eligibility for logical or physical access, eligibility to hold a sensitive position, or eligibility for access to classified information without the approval of the Suitability Executive Agent or Security Executive Agent, as appropriate, and provided that approval to establish additional requirements shall be limited to circumstances where additional requirements are necessary to address significant needs unique to the agency involved or to protect national security.

Sec. 2.2. Establishment and Functions of Performance Accountability Council.

- (a) There is hereby established a Suitability and Security Clearance Performance Accountability Council (Council).
- (b) The Deputy Director for Management, Office of Management and Budget, shall serve as Chair of the Council and shall have authority, direction, and control over the Council's functions. Membership on the Council shall include the Suitability Executive Agent and the Security Executive Agent. The Chair shall select a Vice Chair to act in the Chair's absence. The Chair shall have authority to designate officials from additional agencies who shall serve as members of the Council. Council membership shall be limited to Federal Government employees and shall include suitability and security professionals.
- (c) The Council shall be accountable to the President to achieve, consistent with this order, the goals of reform, and is responsible for driving implementation of the reform effort, ensuring accountability by agencies, ensuring the Suitability Executive Agent and the Security Executive Agent align their respective processes, and sustaining reform momentum.
- (d) The Council shall:
 - (i) ensure alignment of suitability, security, and, as appropriate, contractor employee fitness investigative and adjudicative processes;

- (ii) hold agencies accountable for the implementation of suitability, security, and, as appropriate, contractor employee fitness processes and procedures;
 - (iii) establish requirements for enterprise information technology;
 - (iv) establish annual goals and progress metrics and prepare annual reports on results;
 - (v) ensure and oversee the development of tools and techniques for enhancing background investigations and the making of eligibility determinations;
 - (vi) arbitrate disparities in procedures between the Suitability Executive Agent and the Security Executive Agent;
 - (vii) ensure sharing of best practices; and
 - (viii) advise the Suitability Executive Agent and the Security Executive Agent on policies affecting the alignment of investigations and adjudications.
- (e) The Chair may, to ensure the effective implementation of the policy set forth in section 1.1 of this order and to the extent consistent with law, assign, in whole or in part, to the head of any agency (solely or jointly) any function within the Council's responsibility relating to alignment and improvement of investigations and determinations of suitability, contractor employee fitness, eligibility for logical and physical access, eligibility for access to classified information, or eligibility to hold a sensitive position.

Sec. 2.3. Establishment, Designation, and Functions of Executive Agents.

- (a) There is hereby established a Suitability Executive Agent and a Security Executive Agent.
- (b) The Director of the Office of Personnel Management shall serve as the Suitability Executive Agent. As the Suitability Executive Agent, the Director of the Office of Personnel Management will continue to be responsible for developing and implementing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of investigations and adjudications relating to determinations of suitability and eligibility for logical and physical access.
- (c) The Director of National Intelligence shall serve as the Security Executive Agent. The Security Executive Agent:
 - (i) shall direct the oversight of investigations and determinations of eligibility for access to classified information or eligibility to hold a sensitive position made by any agency;

- (ii) shall be responsible for developing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of investigations and adjudications relating to determinations of eligibility for access to classified information or eligibility to hold a sensitive position;
 - (iii) may issue guidelines and instructions to the heads of agencies to ensure appropriate uniformity, centralization, efficiency, effectiveness, and timeliness in processes relating to determinations by agencies of eligibility for access to classified information or eligibility to hold a sensitive position;
 - (iv) shall serve as the final authority to designate an agency or agencies to conduct investigations of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to classified information or eligibility to hold a sensitive position;
 - (v) shall serve as the final authority to designate an agency or agencies to determine eligibility for access to classified information in accordance with Executive Order 12968 of August 2, 1995;
 - (vi) shall ensure reciprocal recognition of eligibility for access to classified information among the agencies, including acting as the final authority to arbitrate and resolve disputes among the agencies involving the reciprocity of investigations and determinations of eligibility for access to classified information or eligibility to hold a sensitive position; and
 - (vii) may assign, in whole or in part, to the head of any agency (solely or jointly) any of the functions detailed in (i) through (vi), above, with the agency's exercise of such assigned functions to be subject to the Security Executive Agent's oversight and with such terms and conditions (including approval by the Security Executive Agent) as the Security Executive Agent determines appropriate.
- (d) Nothing in this order shall be construed in a manner that would limit the authorities of the Director of the Office of Personnel Management or the Director of National Intelligence under law.

Sec. 2.4. Additional Functions.

- (a) The duties assigned to the Security Policy Board by Executive Order 12968 of August 2, 1995, to consider, coordinate, and recommend policy directives for executive branch security policies, procedures, and practices are reassigned to the Security Executive Agent.
- (b) Heads of agencies shall:

- (i) carry out any function assigned to the agency head by the Chair, and shall assist the Chair, the Council, the Suitability Executive Agent, and the Security Executive Agent in carrying out any function under sections 2.2 and 2.3 of this order;
- (ii) implement any policy or procedure developed pursuant to this order;
- (iii) to the extent permitted by law, make available to the Performance Accountability Council, the Suitability Executive Agent, or the Security Executive Agent such information as may be requested to implement this order;
- (iv) ensure that all actions taken under this order take account of the counterintelligence interests of the United States, as appropriate; and
- (v) ensure that actions taken under this order are consistent with the President's constitutional authority to:
 - (A) conduct the foreign affairs of the United States;
 - (B) withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties;
 - (C) recommend for congressional consideration such measures as the President may judge necessary or expedient; and
 - (D) supervise the unitary executive branch.

PART 3—Miscellaneous

Sec. 3. General Provisions.

- (a) Executive Order 13381 of June 27, 2005, as amended, is revoked. Nothing in this order shall:
 - (i) supersede, impede, or otherwise affect:
 - (A) Executive Order 10450 of April 27, 1953, as amended;
 - (B) Executive Order 10577 of November 23, 1954, as amended;
 - (C) Executive Order 12333 of December 4, 1981, as amended;
 - (D) Executive Order 12829 of January 6, 1993, as amended; or
 - (E) Executive Order 12958 of April 17, 1995, as amended; nor

- (ii) diminish or otherwise affect the denial and revocation procedures provided to individuals covered by Executive Order 10865 of February 20, 1960, as amended.
- (b) Executive Order 12968 of August 2, 1995 is amended:
 - (i) by inserting: “Sec. 3.5. Continuous Evaluation. An individual who has been determined to be eligible for or who currently has access to classified information shall be subject to continuous evaluation under standards (including, but not limited to, the frequency of such evaluation) as determined by the Director of National Intelligence.”; and
 - (ii) by striking “the Security Policy Board shall make recommendations to the President through the Assistant to the President for National Security Affairs” in section 6.3(a) and inserting in lieu thereof “the Director of National Intelligence shall serve as the final authority”;
 - (iii) by striking “Security Policy Board” and inserting in lieu thereof “Security Executive Agent” in each instance;
 - (iv) by striking “the Board” in section 1.1(j) and inserting in lieu thereof “the Security Executive Agent”; and
 - (v) by inserting “or appropriate automated procedures” in section 3.1(b) after “by appropriately trained adjudicative personnel”.
- (c) Nothing in this order shall supersede, impede, or otherwise affect the remainder of Executive Order 12968 of August 2, 1995, as amended.
- (d) Executive Order 12171 of November 19, 1979, as amended, is further amended by striking “The Center for Federal Investigative Services” in section 1-216 and inserting in lieu thereof “The Federal Investigative Services Division.”
- (e) Nothing in this order shall be construed to impair or otherwise affect the:
 - (i) authority granted by law to a department or agency, or the head thereof; or
 - (ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.
- (f) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.
- (g) Existing delegations of authority made pursuant to Executive Order 13381 of June 27, 2005, as amended, to any agency relating to granting eligibility for access to classified information and conducting investigations shall remain in effect, subject to the exercise of authorities pursuant to this order to revise or revoke such delegation.

- (h) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order shall not be affected.
- (i) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers or employees, or any other person.

[signed:] George W. Bush

THE WHITE HOUSE,
June 30, 2008.

Executive Order 12968

Executive Order 12968: Access to Classified Information	405
Introduction	405
PART 1—Definitions, Access to Classified Information, Financial Disclosure, and Other Items	405
PART 2—Access Eligibility Policy and Procedure	410
PART 3—Access Eligibility Standards	412
PART 4—Investigations for Foreign Governments	415
PART 5—Review of Access Determinations	415
PART 6—Implementation	417
PART 7—General Provisions	419

Executive Order 12968: Access to Classified Information

August 2, 1995

Introduction

The national interest requires that certain information be maintained in confidence through a system of classification in order to protect our citizens, our democratic institutions, and our participation within the community of nations. The unauthorized disclosure of information classified in the national interest can cause irreparable damage to the national security and loss of human life.

Security policies designed to protect classified information must ensure consistent, cost effective, and efficient protection of our Nation's classified information, while providing fair and equitable treatment to those Americans upon whom we rely to guard our national security.

This order establishes a uniform Federal personnel security program for employees who will be considered for initial or continued access to classified information.

NOW, THEREFORE, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

PART 1—Definitions, Access to Classified Information, Financial Disclosure, and Other Items

Section 1.1. Definitions. For the purposes of this order:

- (a) "Agency" means any "Executive agency," as defined in 5 U.S.C. 105, the "military departments," as defined in 5 U.S.C. 102, and any other entity within the executive branch that comes into the possession of classified information,

including the Defense Intelligence Agency, National Security Agency, and the National Reconnaissance Office.

- (b) “Applicant” means a person other than an employee who has received an authorized conditional offer of employment for a position that requires access to classified information.
- (c) “Authorized investigative agency” means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.
- (d) “Classified information” means information that has been determined pursuant to Executive Order No. 12958, or any successor order, Executive Order No. 12951, or any successor order, or the Atomic Energy Act of 1954 (42 U.S.C. 2011), to require protection against unauthorized disclosure.
- (e) “Employee” means a person, other than the President and Vice President, employed by, detailed or assigned to, an agency, including members of the Armed Forces; an expert or consultant to an agency; an industrial or commercial contractor, licensee, certificate holder, or grantee of an agency, including all subcontractors; a personal services contractor; or any other category of person who acts for or on behalf of an agency as determined by the appropriate agency head.
- (f) “Foreign power” and “agent of a foreign power” have the meaning provided in 50 U.S.C. 1801.
- (g) “Need for access” means a determination that an employee requires access to a particular level of classified information in order to perform or assist in a lawful and authorized governmental function.
- (h) “Need-to-know” means a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.
- (i) “Overseas Security Policy Board” means the Board established by the President to consider, develop, coordinate and promote policies, standards and agreements on overseas security operations, programs and projects that affect all United States Government agencies under the authority of a Chief of Mission.
- (j) “Security Policy Board” means the Board established by the President to consider, coordinate, and recommend policy directives for U.S. security policies, procedures, and practices.

- (k) “Special access program” has the meaning provided in section 4.1 of Executive Order No. 12958, or any successor order.

Sec. 1.2. Access to Classified Information.

- (a) No employee shall be granted access to classified information unless that employee has been determined to be eligible in accordance with this order and to possess a need-to-know.
- (b) Agency heads shall be responsible for establishing and maintaining an effective program to ensure that access to classified information by each employee is clearly consistent with the interests of the national security.
- (c) Employees shall not be granted access to classified information unless they:
- (1) have been determined to be eligible for access under section 3.1 of this order by agency heads or designated officials based upon a favorable adjudication of an appropriate investigation of the employee’s background;
 - (2) have a demonstrated need-to-know; and
 - (3) have signed an approved nondisclosure agreement.
- (d) All employees shall be subject to investigation by an appropriate government authority prior to being granted access to classified information and at any time during the period of access to ascertain whether they continue to meet the requirements for access.
- (e) (e)(1) All employees granted access to classified information shall be required as a condition of such access to provide to the employing agency written consent permitting access by an authorized investigative agency, for such time as access to classified information is maintained and for a period of 3 years thereafter, to:
- (A) relevant financial records that are maintained by a financial institution as defined in 31 U.S.C. 5312(a) or by a holding company as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);
 - (B) consumer reports pertaining to the employee under the Fair Credit Reporting Act (15 U.S.C. 1681a); and
 - (C) records maintained by commercial entities within the United States pertaining to any travel by the employee outside the United States.
- (2) Information may be requested pursuant to employee consent under this section where:

- (A) there are reasonable grounds to believe, based on credible information, that the employee or former employee is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power;
 - (B) information the employing agency deems credible indicates the employee or former employee has incurred excessive indebtedness or has acquired a level of affluence that cannot be explained by other information; or
 - (C) circumstances indicate the employee or former employee had the capability and opportunity to disclose classified information that is known to have been lost or compromised to a foreign power or an agent of a foreign power.
- (3) Nothing in this section shall be construed to affect the authority of an investigating agency to obtain information pursuant to the Right to Financial Privacy Act, the Fair Credit Reporting Act or any other applicable law.

Sec. 1.3. Financial Disclosure.

- (a) Not later than 180 days after the effective date of this order, the head of each agency that originates, handles, transmits, or possesses classified information shall designate each employee, by position or category where possible, who has a regular need for access to classified information that, in the discretion of the agency head, would reveal:
- (1) the identity of covert agents as defined in the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421);
 - (2) technical or specialized national intelligence collection and processing systems that, if disclosed in an unauthorized manner, would substantially negate or impair the effectiveness of the system;
 - (3) the details of:
 - (A) the nature, contents, algorithm, preparation, or use of any code, cipher, or cryptographic system or;
 - (B) the design, construction, functioning, maintenance, or repair of any cryptographic equipment; but not including information concerning the use of cryptographic equipment and services;
 - (4) particularly sensitive special access programs, the disclosure of which would substantially negate or impair the effectiveness of the information or activity involved; or

- (5) especially sensitive nuclear weapons design information (but only for those positions that have been certified as being of a high degree of importance or sensitivity, as described in section 145(f) of the Atomic Energy Act of 1954, as amended).
- (b) An employee may not be granted access, or hold a position designated as requiring access, to information described in subsection (a) unless, as a condition of access to such information, the employee:
 - (1) files with the head of the agency a financial disclosure report, including information with respect to the spouse and dependent children of the employee, as part of all background investigations or reinvestigations;
 - (2) is subject to annual financial disclosure requirements, if selected by the agency head; and
 - (3) files relevant information concerning foreign travel, as determined by the Security Policy Board.
- (c) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop procedures for the implementation of this section, including a standard financial disclosure form for use by employees under subsection (b) of this section, and agency heads shall identify certain employees, by position or category, who are subject to annual financial disclosure.

Sec. 1.4. Use of Automated Financial Record Data Bases.

As part of all investigations and reinvestigations described in section 1.2(d) of this order, agencies may request the Department of the Treasury, under terms and conditions prescribed by the Secretary of the Treasury, to search automated data bases consisting of reports of currency transactions by financial institutions, international transportation of currency or monetary instruments, foreign bank and financial accounts, transactions under \$10,000 that are reported as possible money laundering violations, and records of foreign travel.

Sec. 1.5. Employee Education and Assistance.

The head of each agency that grants access to classified information shall establish a program for employees with access to classified information to: (a) educate employees about individual responsibilities under this order; and (b) inform employees about guidance and assistance available concerning issues that may affect their eligibility for access to classified information, including sources of assistance for employees who have questions or concerns about financial matters, mental health, or substance abuse.

PART 2—Access Eligibility Policy and Procedure

Sec. 2.1. Eligibility Determinations.

- (a) Determinations of eligibility for access to classified information shall be based on criteria established under this order. Such determinations are separate from suitability determinations with respect to the hiring or retention of persons for employment by the government or any other personnel actions.
- (b) The number of employees that each agency determines are eligible for access to classified information shall be kept to the minimum required for the conduct of agency functions.
 - (1) Eligibility for access to classified information shall not be requested or granted solely to permit entry to, or ease of movement within, controlled areas when the employee has no need for access and access to classified information may reasonably be prevented. Where circumstances indicate employees may be inadvertently exposed to classified information in the course of their duties, agencies are authorized to grant or deny, in their discretion, facility access approvals to such employees based on an appropriate level of investigation as determined by each agency.
 - (2) Except in agencies where eligibility for access is a mandatory condition of employment, eligibility for access to classified information shall only be requested or granted based on a demonstrated, foreseeable need for access. Requesting or approving eligibility in excess of actual requirements is prohibited.
 - (3) Eligibility for access to classified information may be granted where there is a temporary need for access, such as one-time participation in a classified project, provided the investigative standards established under this order have been satisfied. In such cases, a fixed date or event for expiration shall be identified and access to classified information shall be limited to information related to the particular project or assignment.
 - (4) Access to classified information shall be terminated when an employee no longer has a need for access.

Sec. 2.2. Level of Access Approval.

- (a) The level at which an access approval is granted for an employee shall be limited, and relate directly, to the level of classified information for which there is a need for access. Eligibility for access to a higher level of classified information includes eligibility for access to information classified at a lower level.

- (b) Access to classified information relating to a special access program shall be granted in accordance with procedures established by the head of the agency that created the program or, for programs pertaining to intelligence activities (including special activities but not including military operational, strategic, and tactical programs) or intelligence sources and methods, by the Director of Central Intelligence. To the extent possible and consistent with the national security interests of the United States, such procedures shall be consistent with the standards and procedures established by and under this order.

Sec. 2.3 Temporary Access to Higher Levels.

- (a) An employee who has been determined to be eligible for access to classified information based on favorable adjudication of a completed investigation may be granted temporary access to a higher level where security personnel authorized by the agency head to make access eligibility determinations find that such access:
- (1) is necessary to meet operational or contractual exigencies not expected to be of a recurring nature;
 - (2) will not exceed 180 days; and
 - (3) is limited to specific, identifiable information that is made the subject of a written access record.
- (b) Where the access granted under subsection (a) of this section involves another agency's classified information, that agency must concur before access to its information is granted.

Sec. 2.4. Reciprocal Acceptance of Access Eligibility Determinations.

- (a) Except when an agency has substantial information indicating that an employee may not satisfy the standards in section 3.1 of this order, background investigations and eligibility determinations conducted under this order shall be mutually and reciprocally accepted by all agencies.
- (b) Except where there is substantial information indicating that the employee may not satisfy the standards in section 3.1 of this order, an employee with existing access to a special access program shall not be denied eligibility for access to another special access program at the same sensitivity level as determined personally by the agency head or deputy agency head, or have an existing access eligibility readjudicated, so long as the employee has a need for access to the information involved.
- (c) This section shall not preclude agency heads from establishing additional, but not duplicative, investigative or adjudicative procedures for a special access program or for candidates for detail or assignment to their agencies, where such procedures are required in exceptional circumstances to protect the national security.

- (d) Where temporary eligibility for access is granted under sections 2.3 or 3.3 of this order or where the determination of eligibility for access is conditional, the fact of such temporary or conditional access shall be conveyed to any other agency that considers affording the employee access to its information.

Sec. 2.5. Specific Access Requirement.

- (a) Employees who have been determined to be eligible for access to classified information shall be given access to classified information only where there is a need-to-know that information.
- (b) It is the responsibility of employees who are authorized holders of classified information to verify that a prospective recipient's eligibility for access has been granted by an authorized agency official and to ensure that a need-to-know exists prior to allowing such access, and to challenge requests for access that do not appear well-founded.

Sec. 2.6. Access by Non-United States Citizens.

- (a) Where there are compelling reasons in furtherance of an agency mission, immigrant alien and foreign national employees who possess a special expertise may, in the discretion of the agency, be granted limited access to classified information only for specific programs, projects, contracts, licenses, certificates, or grants for which there is a need for access. Such individuals shall not be eligible for access to any greater level of classified information than the United States Government has determined may be releasable to the country of which the subject is currently a citizen, and such limited access may be approved only if the prior 10 years of the subject's life can be appropriately investigated. If there are any doubts concerning granting access, additional lawful investigative procedures shall be fully pursued.
- (b) Exceptions to these requirements may be permitted only by the agency head or the senior agency official designated under section 6.1 of this order to further substantial national security interests.

PART 3—Access Eligibility Standards

Sec. 3.1. Standards

- (a) No employee shall be deemed to be eligible for access to classified information merely by reason of Federal service or contracting, licensee, certificate holder, or grantee status, or as a matter of right or privilege, or as a result of any particular title, rank, position, or affiliation.
- (b) Except as provided in sections 2.6 and 3.3 of this order, eligibility for access to classified information shall be granted only to employees who are United States citizens for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the United

States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information. A determination of eligibility for access to such information is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Eligibility shall be granted only where facts and circumstances indicate access to classified information is clearly consistent with the national security interests of the United States, and any doubt shall be resolved in favor of the national security.

- (c) The United States Government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in granting access to classified information.
- (d) In determining eligibility for access under this order, agencies may investigate and consider any matter that relates to the determination of whether access is clearly consistent with the interests of national security. No inference concerning the standards in this section may be raised solely on the basis of the sexual orientation of the employee.
- (e) No negative inference concerning the standards in this section may be raised solely on the basis of mental health counseling. Such counseling can be a positive factor in eligibility determinations. However, mental health counseling, where relevant to the adjudication of access to classified information, may justify further inquiry to determine whether the standards of subsection (b) of this section are satisfied, and mental health may be considered where it directly relates to those standards.
- (f) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop a common set of adjudicative guidelines for determining eligibility for access to classified information, including access to special access programs.

Sec. 3.2. Basis for Eligibility Approval.

- (a) Eligibility determinations for access to classified information shall be based on information concerning the applicant or employee that is acquired through the investigation conducted pursuant to this order or otherwise available to security officials and shall be made part of the applicant's or employee's security record. Applicants or employees shall be required to provide relevant information pertaining to their background and character for use in investigating and adjudicating their eligibility for access.
- (b) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop a common set of investigative standards for background

investigations for access to classified information. These standards may vary for the various levels of access.

- (c) Nothing in this order shall prohibit an agency from utilizing any lawful investigative procedure in addition to the investigative requirements set forth in this order and its implementing regulations to resolve issues that may arise during the course of a background investigation or reinvestigation.

Sec. 3.3. Special Circumstances.

- (a) In exceptional circumstances where official functions must be performed prior to the completion of the investigative and adjudication process, temporary eligibility for access to classified information may be granted to an employee while the initial investigation is underway. When such eligibility is granted, the initial investigation shall be expedited.

- (1) Temporary eligibility for access under this section shall include a justification, and the employee must be notified in writing that further access is expressly conditioned on the favorable completion of the investigation and issuance of an access eligibility approval. Access will be immediately terminated, along with any assignment requiring an access eligibility approval, if such approval is not granted.

- (2) Temporary eligibility for access may be granted only by security personnel authorized by the agency head to make access eligibility determinations and shall be based on minimum investigative standards developed by the Security Policy Board not later than 180 days after the effective date of this order.

- (3) Temporary eligibility for access may be granted only to particular, identified categories of classified information necessary to perform the lawful and authorized functions that are the basis for the granting of temporary access.

- (b) Nothing in subsection (a) shall be construed as altering the authority of an agency head to waive requirements for granting access to classified information pursuant to statutory authority.

- (c) Where access has been terminated under section 2.1(b)(4) of this order and a new need for access arises, access eligibility up to the same level shall be reapplied without further investigation as to employees who were determined to be eligible based on a favorable adjudication of an investigation completed within the prior 5 years, provided they have remained employed by the same employer during the period in question, the employee certifies in writing that there has been no change in the relevant information provided by the employee for the last background investigation, and there is no information that would

tend to indicate the employee may no longer satisfy the standards established by this order for access to classified information.

- (d) Access eligibility shall be reapproved for individuals who were determined to be eligible based on a favorable adjudication of an investigation completed within the prior 5 years and who have been retired or otherwise separated from United States Government employment for not more than 2 years; provided there is no indication the individual may no longer satisfy the standards of this order, the individual certifies in writing that there has been no change in the relevant information provided by the individual for the last background investigation, and an appropriate record check reveals no unfavorable information.

Sec. 3.4. Reinvestigation Requirements.

- (a) Because circumstances and characteristics may change dramatically over time and thereby alter the eligibility of employees for continued access to classified information, reinvestigations shall be conducted with the same priority and care as initial investigations.
- (b) Employees who are eligible for access to classified information shall be the subject of periodic reinvestigations and may also be reinvestigated if, at any time, there is reason to believe that they may no longer meet the standards for access established in this order.
- (c) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop a common set of reinvestigative standards, including the frequency of reinvestigations.

PART 4—Investigations for Foreign Governments

Sec. 4. Authority.

Agencies that conduct background investigations, including the Federal Bureau of Investigation and the Department of State, are authorized to conduct personnel security investigations in the United States when requested by a foreign government as part of its own personnel security program and with the consent of the individual.

PART 5—Review of Access Determinations

Sec. 5.1. Determinations of Need for Access.

A determination under section 2.1(b)(4) of this order that an employee does not have, or no longer has, a need for access is a discretionary determination and shall be conclusive.

Sec. 5.2. Review Proceedings for Denials or Revocations of Eligibility for Access.

- (a) Applicants and employees who are determined to not meet the standards for access to classified information established in section 3.1 of this order shall be:
- (1) provided as comprehensive and detailed a written explanation of the basis for that conclusion as the national security interests of the United States and other applicable law permit;
 - (2) provided within 30 days, upon request and to the extent the documents would be provided if requested under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act (3 U.S.C. 552a), as applicable, any documents, records, and reports upon which a denial or revocation is based;
 - (3) informed of their right to be represented by counsel or other representative at their own expense; to request any documents, records, and reports as described in section 5.2(a)(2) upon which a denial or revocation is based; and to request the entire investigative file, as permitted by the national security and other applicable law, which, if requested, shall be promptly provided prior to the time set for a written reply;
 - (4) provided a reasonable opportunity to reply in writing to, and to request a review of, the determination;
 - (5) provided written notice of and reasons for the results of the review, the identity of the deciding authority, and written notice of the right to appeal;
 - (6) provided an opportunity to appeal in writing to a high level panel, appointed by the agency head, which shall be comprised of at least three members, two of whom shall be selected from outside the security field. Decisions of the panel shall be in writing, and final except as provided in subsection (b) of this section; and
 - (7) provided an opportunity to appear personally and to present relevant documents, materials, and information at some point in the process before an adjudicative or other authority, other than the investigating entity, as determined by the agency head. A written summary or recording of such appearance shall be made part of the applicant's or employee's security record, unless such appearance occurs in the presence of the appeals panel described in subsection (a)(6) of this section.
- (b) Nothing in this section shall prohibit an agency head from personally exercising the appeal authority in subsection (a)(6) of this section based upon recommendations from an appeals panel. In such case, the decision of the agency head shall be final.

- (c) Agency heads shall promulgate regulations to implement this section and, at their sole discretion and as resources and national security considerations permit, may provide additional review proceedings beyond those required by subsection (a) of this section. This section does not require additional proceedings, however, and creates no procedural or substantive rights.
- (d) When the head of an agency or principal deputy personally certifies that a procedure set forth in this section cannot be made available in a particular case without damaging the national security interests of the United States by revealing classified information, the particular procedure shall not be made available. This certification shall be conclusive.
- (e) This section shall not be deemed to limit or affect the responsibility and power of an agency head pursuant to any law or other Executive order to deny or terminate access to classified information in the interests of national security. The power and responsibility to deny or terminate access to classified information pursuant to any law or other Executive order may be exercised only where the agency head determines that the procedures prescribed in subsection (a) of this section cannot be invoked in a manner that is consistent with national security. This determination shall be conclusive.
- (f)(1) This section shall not be deemed to limit or affect the responsibility and power of an agency head to make determinations of suitability for employment. (2) Nothing in this section shall require that an agency provide the procedures prescribed in subsection (a) of this section to an applicant where a conditional offer of employment is withdrawn for reasons of suitability or any other reason other than denial of eligibility for access to classified information. (3) A suitability determination shall not be used for the purpose of denying an applicant or employee the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information.

PART 6—Implementation

Sec. 6.1. Agency Implementing Responsibilities.

Heads of agencies that grant employees access to classified information shall:

- (a) designate a senior agency official to direct and administer the agency's personnel security program established by this order. All such programs shall include active oversight and continuing security education and awareness programs to ensure effective implementation of this order;
- (b) cooperate, under the guidance of the Security Policy Board, with other agencies to achieve practical, consistent, and effective adjudicative training and guidelines; and

- (c) conduct periodic evaluations of the agency's implementation and administration of this order, including the implementation of section 1.3(a) of this order. Copies of each report shall be provided to the Security Policy Board.

Sec. 6.2. Employee Responsibilities.

- (a) Employees who are granted eligibility for access to classified information shall:
- (1) protect classified information in their custody from unauthorized disclosure;
 - (2) report all contacts with persons, including foreign nationals, who seek in any way to obtain unauthorized access to classified information;
 - (3) report all violations of security regulations to the appropriate security officials; and
 - (4) comply with all other security requirements set forth in this order and its implementing regulations.
- (b) Employees are encouraged and expected to report any information that raises doubts as to whether another employee's continued eligibility for access to classified information is clearly consistent with the national security.

Sec. 6.3. Security Policy Board Responsibilities and Implementation.

- (a) With respect to actions taken by the Security Policy Board pursuant to sections 1.3(c), 3.1(f), 3.2(b), 3.3(a)(2), and 3.4(c) of this order, the Security Policy Board shall make recommendations to the President through the Assistant to the President for National Security Affairs for implementation.
- (b) Any guidelines, standards, or procedures developed by the Security Policy Board pursuant to this order shall be consistent with those guidelines issued by the Federal Bureau of Investigation in March 1994 on Background Investigations Policy/Guidelines Regarding Sexual Orientation.
- (c) In carrying out its responsibilities under this order, the Security Policy Board shall consult where appropriate with the Overseas Security Policy Board. In carrying out its responsibilities under section 1.3(c) of this order, the Security Policy Board shall obtain the concurrence of the Director of the Office of Management and Budget.

Sec. 6.4. Sanctions.

Employees shall be subject to appropriate sanctions if they knowingly and willfully grant eligibility for, or allow access to, classified information in violation of this order or its implementing regulations. Sanctions may include reprimand, suspension without pay, removal, and other actions in accordance with applicable law and agency regulations.

PART 7—General Provisions

Sec. 7.1. Classified Information Procedures Act.

Nothing in this order is intended to alter the procedures established under the Classified Information Procedures Act (18 U.S.C. App. 1).

Sec. 7.2. General.

(a) Information obtained by an agency under sections 1.2(e) or 1.3 of this order may not be disseminated outside the agency, except to:

- (1) the agency employing the employee who is the subject of the records or information;
- (2) the Department of Justice for law enforcement or counterintelligence purposes; or
- (3) any agency if such information is clearly relevant to the authorized responsibilities of such agency.

(b) The Attorney General, at the request of the head of an agency, shall render an interpretation of this order with respect to any question arising in the course of its administration.

(c) No prior Executive orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive order, this order shall control, except that this order shall not diminish or otherwise affect the requirements of Executive Order No. 10450, the denial and revocation procedures provided to individuals covered by Executive Order No. 10865, as amended, or access by historical researchers and former presidential appointees under Executive Order No. 12958 or any successor order.

(d) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order shall not be affected.

(e) This Executive order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(f) This order is effective immediately.

(Presidential Signature)

THE WHITE HOUSE,

August 2, 1995.

Executive Order 12829

Executive Order 12829: National Industrial Security Program	420
Part 1. Establishment and Policy _____	420
Part 2. Operations _____	423

Executive Order 12829: National Industrial Security Program

As amended Dec. 14, 1993

This order establishes a National Industrial Security Program to safeguard Federal Government classified information that is released to contractors, licensees, and grantees of the United States Government. To promote our national interests, the United States Government issues contracts, licenses, and grants to nongovernment organizations. When these arrangements require access to classified information, the national security requires that this information be safeguarded in a manner equivalent to its protection within the executive branch of Government. The national security also requires that our industrial security program promote the economic and technological interests of the United States.

Redundant, overlapping, or unnecessary requirements impede those interests. Therefore, the National Industrial Security Program shall serve as a single, integrated, cohesive industrial security program to protect classified information and to preserve our Nation's economic and technological interests.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011-2286) (42 U.S.C. 2011 et seq.), the National Security Act of 1947, as amended (codified as amended in scattered sections of the United States Code) (see Short Title note above), and the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2) (5 App. U.S.C.), it is hereby ordered as follows:

Part 1. Establishment and Policy

Section 101. Establishment.

- (a) There is established a National Industrial Security Program. The purpose of this program is to safeguard classified information that may be released or has been released to current, prospective, or former contractors, licensees, or grantees of United States agencies. For the purposes of this order, the terms "contractor,

licensee, or grantee” means current, prospective, or former contractors, licensees, or grantees of United States agencies. The National Industrial Security Program shall be applicable to all executive branch departments and agencies.

- (b) The National Industrial Security Program shall provide for the protection of information classified pursuant to Executive Order No. 12356 of April 2, 1982 (set out above), or its successor, and the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).
- (c) For the purposes of this order, the term “contractor” does not include individuals engaged under personal services contracts.

Sec. 102. Policy Direction. (a) The National Security Council shall provide overall policy direction for the National Industrial Security Program.

(b) The Director of the Information Security Oversight Office, established under Executive Order No. 12356 of April 2, 1982 (set out above), shall be responsible for implementing and monitoring the National Industrial Security Program and shall:

- (1) develop, in consultation with the agencies, and promulgate subject to the approval of the National Security Council, directives for the implementation of this order, which shall be binding on the agencies;
- (2) oversee agency, contractor, licensee, and grantee actions to ensure compliance with this order and implementing directives;
- (3) review all agency implementing regulations, internal rules, or guidelines. The Director shall require any regulation, rule, or guideline to be changed if it is not consistent with this order or implementing directives. Any such decision by the Director may be appealed to the National Security Council. The agency regulation, rule, or guideline shall remain in effect pending a prompt decision on the appeal;
- (4) have the authority, pursuant to terms of applicable contracts, licenses, grants, or regulations, to conduct on-site reviews of the implementation of the National Industrial Security Program by each agency, contractor, licensee, and grantee that has access to or stores classified information and to require of each agency, contractor, licensee, and grantee those reports, information, and other cooperation that may be necessary to fulfill the Director’s responsibilities. If these reports, inspections, or access to specific classified information, or other forms of cooperation, would pose an exceptional national security risk, the affected agency head or

the senior official designated under section 203(a) of this order may request the National Security Council to deny access to the Director. The Director shall not have access pending a prompt decision by the National Security Council;

- (5) report any violations of this order or its implementing directives to the head of the agency or to the senior official designated under section 203(a) of this order so that corrective action, if appropriate, may be taken. Any such report pertaining to the implementation of the National Industrial Security Program by a contractor, licensee, or grantee shall be directed to the agency that is exercising operational oversight over the contractor, licensee, or grantee under section 202 of this order;
 - (6) consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the National Industrial Security Program;
 - (7) consider, in consultation with the advisory committee established by this order, affected agencies, contractors, licensees, and grantees, and recommend to the President through the National Security Council changes to this order; and
 - (8) report at least annually to the President through the National Security Council on the implementation of the National Industrial Security Program.
- (c) Nothing in this order shall be construed to supersede the authority of the Secretary of Energy or the Nuclear Regulatory Commission under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), or the authority of the Director of Central Intelligence under the National Security Act of 1947, as amended (see Short Title note above), or Executive Order No. 12333 of December 8, 1981 (set out above).

Sec. 103. National Industrial Security Program Policy Advisory Committee.

- (a) Establishment. There is established the National Industrial Security Program Policy Advisory Committee (“Committee”). The Director of the Information Security Oversight Office shall serve as Chairman of the Committee and appoint the members of the Committee. The members of the Committee shall be the representatives of those departments and agencies most affected by the National Industrial Security Program and nongovernment representatives of contractors, licensees, or grantees involved with classified contracts, licenses, or grants, as determined by the Chairman.
- (b) Functions.

- (1) The Committee members shall advise the Chairman of the Committee on all matters concerning the policies of the National Industrial Security Program, including recommended changes to those policies as reflected in this order, its implementing directives, or the operating manual established under this order, and serve as a forum to discuss policy issues in dispute.
 - (2) The Committee shall meet at the request of the Chairman, but at least twice during the calendar year.
- (c) Administration.
- (1) Members of the Committee shall serve without compensation for their work on the Committee. However, nongovernment members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707).
 - (2) To the extent permitted by law and subject to the availability of funds, the Administrator of General Services shall provide the Committee with administrative services, facilities, staff, and other support services necessary for the performance of its functions.
- (d) General. Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended (5 App. U.S.C.), except that of reporting to the Congress, which are applicable to the Committee, shall be performed by the Administrator of General Services in accordance with the guidelines and procedures established by the General Services Administration.

Part 2. Operations

Sec. 201. National Industrial Security Program Operating Manual.

- (a) The Secretary of Defense, in consultation with all affected agencies and with the concurrence of the Secretary of Energy, the Nuclear Regulatory Commission, and the Director of Central Intelligence, shall issue and maintain a National Industrial Security Program Operating Manual ("Manual"). The Secretary of Energy and the Nuclear Regulatory Commission shall prescribe and issue that portion of the Manual that pertains to information classified under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.). The Director of Central Intelligence shall prescribe and issue that portion of the Manual that pertains to intelligence sources and methods, including Sensitive Compartmented Information.
- (b) The Manual shall prescribe specific requirements, restrictions, and other safeguards that are necessary to preclude unauthorized disclosure and control

authorized disclosure of classified information to contractors, licensees, or grantees. The Manual shall apply to the release of classified information during all phases of the contracting process including bidding, negotiation, award, performance, and termination of contracts, the licensing process, or the grant process, with or under the control of departments or agencies.

- (c) The Manual shall also prescribe requirements, restrictions, and other safeguards that are necessary to protect special classes of classified information, including Restricted Data, Formerly Restricted Data, intelligence sources and methods information, Sensitive Compartmented Information, and Special Access Program information.
- (d) In establishing particular requirements, restrictions, and other safeguards within the Manual, the Secretary of Defense, the Secretary of Energy, the Nuclear Regulatory Commission, and the Director of Central Intelligence shall take into account these factors: (i) the damage to the national security that reasonably could be expected to result from an unauthorized disclosure; (ii) the existing or anticipated threat to the disclosure of information; and (iii) the short- and long-term costs of the requirements, restrictions, and other safeguards.
- (e) To the extent that is practicable and reasonable, the requirements, restrictions, and safeguards that the Manual establishes for the protection of classified information by contractors, licensees, and grantees shall be consistent with the requirements, restrictions, and safeguards that directives implementing Executive Order No. 12356 of April 2, 1982 (set out above), or the Atomic Energy Act of 1954, as amended, establish for the protection of classified information by agencies. Upon request by the Chairman of the Committee, the Secretary of Defense shall provide an explanation and justification for any requirement, restriction, or safeguard that results in a standard for the protection of classified information by contractors, licensees, and grantees that differs from the standard that applies to agencies.
- (f) The Manual shall be issued to correspond as closely as possible to pertinent decisions of the Secretary of Defense and the Director of Central Intelligence made pursuant to the recommendations of the Joint Security Review Commission and to revisions to the security classification system that result from Presidential Review Directive 29, but in any event no later than June 30, 1994.

Sec. 202. Operational Oversight.

- (a) The Secretary of Defense shall serve as Executive Agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to, or who store or will store classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees. The heads of agencies shall enter into

agreements with the Secretary of Defense that establish the terms of the Secretary's responsibilities on behalf of these agency heads.

- (b) The Director of Central Intelligence retains authority over access to intelligence sources and methods, including Sensitive Compartmented Information. The Director of Central Intelligence may inspect and monitor contractor, licensee, and grantee programs and facilities that involve access to such information or may enter into written agreements with the Secretary of Defense, as Executive Agent, to inspect and monitor these programs or facilities, in whole or in part, on the Director's behalf.
- (c) The Secretary of Energy and the Nuclear Regulatory Commission retain authority over access to information under their respective programs classified under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.). The Secretary or the Commission may inspect and monitor contractor, licensee, and grantee programs and facilities that involve access to such information or may enter into written agreements with the Secretary of Defense, as Executive Agent, to inspect and monitor these programs or facilities, in whole or in part, on behalf of the Secretary or the Commission, respectively.
- (d) The Executive Agent shall have the authority to issue, after consultation with affected agencies, standard forms or other standardization that will promote the implementation of the National Industrial Security Program.

Sec. 203. Implementation.

- (a) The head of each agency that enters into classified contracts, licenses, or grants shall designate a senior agency official to direct and administer the agency's implementation and compliance with the National Industrial Security Program.
- (b) Agency implementing regulations, internal rules, or guidelines shall be consistent with this order, its implementing directives, and the Manual. Agencies shall issue these regulations, rules, or guidelines no later than 180 days from the issuance of the Manual. They may incorporate all or portions of the Manual by reference.
- (c) Each agency head or the senior official designated under paragraph (a) above shall take appropriate and prompt corrective action whenever a violation of this order, its implementing directives, or the Manual occurs.
- (d) The senior agency official designated under paragraph (a) above shall account each year for the costs within the agency associated with the implementation of the National Industrial Security Program. These costs shall be reported to the Director of the Information Security Oversight Office, who shall include them in the reports to the President prescribed by this order.
- (e) The Secretary of Defense, with the concurrence of the Administrator of General Services, the Administrator of the National Aeronautics and Space

Administration, and such other agency heads or officials who may be responsible, shall amend the Federal Acquisition Regulation to be consistent with the implementation of the National Industrial Security Program.

- (f) All contracts, licenses, or grants that involve access to classified information and that are advertised or proposed following the issuance of agency regulations, rules, or guidelines described in paragraph (b) above shall comply with the National Industrial Security Program. To the extent that is feasible, economical, and permitted by law, agencies shall amend, modify, or convert preexisting contracts, licenses, or grants, or previously advertised or proposed contracts, licenses, or grants, that involve access to classified information for operation under the National Industrial Security Program. Any direct inspection or monitoring of contractors, licensees, or grantees specified by this order shall be carried out pursuant to the terms of a contract, license, grant, or regulation.
- (g) Executive Order No. 10865 of February 20, 1960 (set out above), as amended by Executive Order No. 10909 of January 17, 1961, and Executive Order No. 11382 of November 27, 1967, is hereby amended as follows:
- (1) Section 1(a) and (b) are revoked as of the effective date of this order.
 - (2) Section 1(c) is renumbered as Section 1 and is amended to read as follows:

“Section 1. When used in this order, the term ‘head of a department’ means the Secretary of State, the Secretary of Defense, the Secretary of Transportation, the Secretary of Energy, the Nuclear Regulatory Commission, the Administrator of the National Aeronautics and Space Administration, and, in section 4, the Attorney General. The term ‘head of a department’ also means the head of any department or agency, including but not limited to those referenced above with whom the Department of Defense makes an agreement to extend regulations prescribed by the Secretary of Defense concerning authorizations for access to classified information pursuant to Executive Order No. 12829.”
 - (3) Section 2 is amended by inserting the words “pursuant to Executive Order No. 12829” after the word “information.”
 - (4) Section 3 is amended by inserting the words “pursuant to Executive Order No. 12829” between the words “revoked” and “by” in the second clause of that section.
 - (5) Section 6 is amended by striking out the words “The Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, or his representative, or the head of any other

department or agency of the United States with which the Department of Defense makes an agreement under section (1)(b),” at the beginning of the first sentence, and inserting in their place “The head of a department of the United States. . . .”

- (6) Section 8 is amended by striking out paragraphs (1) through (7) and inserting in their place “. . . the deputy of that department, or the principal assistant to the head of that department, as the case may be.”
- (h) All delegations, rules, regulations, orders, directives, agreements, contracts, licenses, and grants issued under preexisting authorities, including section 1(a) and (b) of Executive Order No. 10865 of February 20, 1960, as amended, by Executive Order No. 10909 of January 17, 1961, and Executive Order No. 11382 of November 27, 1967, shall remain in full force and effect until amended, modified, or terminated pursuant to authority of this order.
- (i) This order shall be effective immediately.

Executive Order 10865

Executive Order 10865: Safeguarding Classified Information Within Industry **428**

Section 1	428
Section 2	429
Section 3	430
Section 4	430
Section 5	431
Section 6	431
Section 7	432
Section 8	432
Section 9	433

Executive Order 10865: Safeguarding Classified Information Within Industry

February 20, 1960

WHEREAS it is mandatory that the United States protect itself against hostile or destructive activities by preventing unauthorized disclosures of classified information relating to the national defense; and

WHEREAS it is a fundamental principle of our Government to protect the interests of individuals against unreasonable or unwarranted encroachment; and

WHEREAS I find that the provisions and procedures prescribed by this order are necessary to assure the preservation of the integrity of classified defense information and to protect the national interest; and

WHEREAS I find that those provisions and procedures recognize the interest of individuals affected thereby and provide maximum possible safeguards to protect such interests:

NOW, THEREFORE, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, and as President of the United States and as Commander in Chief of the armed forces of the United States, it is hereby ordered as follows:

Section 1

- (a) The Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, and the Secretary of Transportation, respectively, shall, by regulation, prescribe such specific requirements, restrictions, and other

safeguards as they consider necessary to protect (1) releases of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination of, contracts with their respective agencies, and (2) other releases of classified information to or within industry that such agencies have responsibility for safeguarding. So far as possible, regulations prescribed by them under this order shall be uniform and provide for full cooperation among the agencies concerned.

- (b) Under agreement between the Department of Defense and any other department or agency of the United States, including, but not limited to, those referred to in subsection
- (c) of this section, regulations prescribed by the Secretary of Defense under subsection (a) of this section may be extended to apply to protect releases (1) of classified information to or within United States industry that relate to bidding on, or the negotiation, award, performance, or termination of, contracts with such other department or agency, and (2) other releases of classified information to or within industry which such other department or agency has responsibility for safeguarding. (c) When used in this order, the term “head of a department” means the Secretary of State, the Secretary of Defense, the Commissioners of the Atomic Energy Commission, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, the head of any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Attorney General. The term “department” means the Department of State, the Department of Defense, the Atomic Energy Commission, the National Aeronautics and Space Administration, the Department of Transportation, any other department or agency of the United States with which the Department of Defense makes an agreement under subsection (b) of this section, and, in sections 4 and 8, includes the Department of Justice.

[Sec. 1 amended by EO 10909 of Jan. 17, 1961, 26 FR 508, 3 CFR, 1959-1963 Comp., p. 437; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

Section 2

An authorization for access to classified information may be granted by the head of a department or his designee, including but not limited to those officials named in section 8 of this order, to an individual, hereinafter termed an “applicant”, for a specific classification category only upon a finding that it is clearly consistent with the national interest to do so.

Section 3

Except as provided in section 9 of this order, an authorization for access to a specific classification category may not be finally denied or revoked by the head of a department or his designee, including, but not limited to, those officials named in section 8 of this order, unless the applicant has been given the following: (1) A written statement of the reasons why his access authorization may be denied or revoked, which shall be as comprehensive and detailed as the national security permits. (2) A reasonable opportunity to reply in writing under oath or affirmation to the statement of reasons. (3) After he has filed under oath or affirmation a written reply to the statement of reasons, the form and sufficiency of which may be prescribed by regulations issued by the head of the department concerned, an opportunity to appear personally before the head of the department concerned or his designee, including, but not limited to, those officials named in section 8 of this order, for the purpose of supporting his eligibility for access authorization and to present evidence on his behalf. (4) A reasonable time to prepare for that appearance. (5) An opportunity to be represented by counsel. (6) An opportunity to cross-examine persons either orally or through written interrogatories in accordance with section 4 on matters not relating to the characterization in the statement of reasons of any organization or individual other than the applicant. (7) A written notice of the final decision in his case which, if adverse, shall specify whether the head of the department or his designee, including, but not limited to, those officials named in section 8 of this order, found for or against him with respect to each allegation in the statement of reasons.

Section 4

(a) An applicant shall be afforded an opportunity to cross-examine persons who have made oral or written statements adverse to the applicant relating to a controverted issue except that any such statement may be received and considered without affording such opportunity in the circumstances described in either of the following paragraphs: (1) The head of the department supplying the statement certifies that the person who furnished the information is a confidential informant who has been engaged in obtaining intelligence information for the Government and that disclosure of his identity would be substantially harmful to the national interest. (2) The head of the department concerned or his special designee for that particular purpose has preliminarily determined, after considering information furnished by the investigative agency involved as to the reliability of the person and the accuracy of the statement concerned, that the statement concerned appears to be reliable and material, and the head of the department or such special designee has determined that failure to receive and consider such statement would, in view of the level of access sought, be substantially harmful to the national security and that the person who furnished the information cannot appear to testify (A) due to death, severe illness, or similar cause, in which case the identity of the person and the

information to be considered shall be made available to the applicant, or (B) due to some other cause determined by the head of the department to be good and sufficient.

- (b) Whenever procedures under paragraphs (1) or (2) of subsection (a) of this section are used (1) the applicant shall be given a summary of the information which shall be as comprehensive and detailed as the national security permits, (2) appropriate consideration shall be accorded to the fact that the applicant did not have an opportunity to cross-examine such person or persons, and (3) a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

Section 5

- (a) Records compiled in the regular course of business, or other physical evidence other than investigative reports, may be received and considered subject to rebuttal without authenticating witnesses, provided that such information has been furnished to the department concerned by an investigative agency pursuant to its responsibilities in connection with assisting the head of the department concerned to safeguard classified information within industry pursuant to this order.
- (b) Records compiled in the regular course of business, or other physical evidence other than investigative reports, relating to a controverted issue which, because they are classified, may not be inspected by the applicant, may be received and considered provided that: (1) the head of the department concerned or his special designee for that purpose has made a preliminary determination that such physical evidence appears to be material, (2) the head of the department concerned or such designee has made a determination that failure to receive and consider such physical evidence would, in view of the level of access sought, be substantially harmful to the national security, and (3) to the extent that the national security permits, a summary or description of such physical evidence is made available to the applicant. In every such case, information as to the authenticity and accuracy of such physical evidence furnished by the investigative agency involved shall be considered. In such instances a final determination adverse to the applicant shall be made only by the head of the department based upon his personal review of the case.

Section 6

The Secretary of State, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Transportation, or his representative, or the head of any other department or agency of the United States with which the Department of Defense makes an agreement under section 1(b), or his representative, may issue, in appropriate cases, invitations and requests to

appear and testify in order that the applicant may have the opportunity to cross-examine as provided by this order. Whenever a witness is so invited or requested to appear and testify at a proceeding and the witness is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, and the proceeding involves the activity in connection with which the witness is employed, travel expenses and per diem are authorized as provided by the Standardized Government Travel Regulations or the Joint Travel Regulations, as appropriate. In all other cases (including non-Government employees as well as officers or employees of the executive branch of the Government or members of the armed forces of the United States not covered by the foregoing sentence), transportation in kind and reimbursement for actual expenses are authorized in an amount not to exceed the amount payable under Standardized Government Travel Regulations. An officer or employee of the executive branch of the Government or a member of the armed forces of the United States who is invited or requested to appear pursuant to this paragraph shall be deemed to be in the performance of his official duties. So far as the national security permits, the head of the investigative agency involved shall cooperate with the Secretary, the Administrator, or the head of the other department or agency, as the case may be, in identifying persons who have made statements adverse to the applicant and in assisting him in making them available for cross-examination. If a person so invited is an officer or employee of the executive branch of the Government or a member of the armed forces of the United States, the head of the department or agency concerned shall cooperate in making that person available for cross-examination.

[Sec. 6 amended by EO 10909 of Jan. 17, 1961, 26 FR 508, 3 CFR, 1959-1963 Comp., p. 437; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

Section 7

Any determination under this order adverse to an applicant shall be a determination in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned.

Section 8

Except as otherwise specified in the preceding provisions of this order, any authority vested in the head of a department by this order may be delegated to the (1) Under Secretary of State or a Deputy Under Secretary of State, in the case of authority vested in the Secretary of State; (2) Deputy Secretary of Defense or an Assistant Secretary of Defense, in the case of authority vested in the Secretary of Defense; (3) General Manager of the Atomic Energy Commission, in the case of authority vested in the Commissioners of the Atomic Energy Commission; (4) Deputy Administrator of the National Aeronautics and Space Administration, in the case of authority vested in the Administrator of the National Aeronautics and Space

Administration; (5) Under Secretary of Transportation, in the case of authority vested in the Secretary of Transportation; (6) Deputy Attorney General or an Assistant Attorney General, in the case of authority vested in the Attorney General; or (7) the deputy of that department, or the principal assistant to the head of that department, as the case may be, in the case of authority vested in the head of a department or agency of the United States with which the Department of Defense makes an agreement under section 1(b).

[Sec. 8 amended by EO 10909 of Jan. 17, 1961, 26 FR 508, 3 CFR, 1959-1963 Comp., p. 437; EO 11382 of Nov. 28, 1967, 32 FR 16247, 3 CFR, 1966-1970 Comp., p. 691]

Section 9

Nothing contained in this order shall be deemed to limit or affect the responsibility and powers of the head of a department to deny or revoke access to a specific classification category if the security of the nation so requires. Such authority may not be delegated and may be exercised only when the head of a department determines that the procedures prescribed in sections 3, 4, and 5 cannot be invoked consistently with the national security and such determination shall be conclusive.

Editorial note: Executive Order 10865, insofar as it refers to functions of the Atomic Energy Commission, was modified by EO 12038 of Feb. 3, 1978, Chapter 10, p., to provide that all such functions shall be exercised by (1) the Secretary of Energy to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Administrator of Energy Research and Development pursuant to the Energy Organization Act of 1974 (Pub. L. 93-438, 88 Stat. 1233), and (2) the Nuclear Regulatory Commission to the extent consistent with the functions of the Atomic Energy Commission that were transferred to the Commission by the Energy Reorganization Act of 1974.

Executive Order 10450

Executive Order 10450: Security Requirements for Government Employment	434
Introduction	434
Applicability and Responsibility	435
Scope of Investigations	435
Actions Taken When Employment Is Not Clearly Consistent With the Interests of National Security	436
Purpose of Investigation	437
Central Index of Security Investigations	439
Other Miscellaneous Provisions	440

Executive Order 10450: Security Requirements for Government Employment

Dated April 17, 1953

Introduction

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, et seq.); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118 j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1, et seq.), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

Applicability and Responsibility

SECTION 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.

SEC. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

Scope of Investigations

SEC. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation), and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: Provided, that upon request of the head of the department or agency concerned, the Office of Personnel Management may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: Provided, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other

provisions of this order: And provided further, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

SEC. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

Actions Taken When Employment Is Not Clearly Consistent With the Interests of National Security

SEC. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act August 26, 1950.

SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests

of the national security, which finding shall be made a part of the records of such department or agency: Provided, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Office of Personnel Management that such person is eligible for such employment.

[Sec. 7 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Purpose of Investigation

SEC. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

- (1) Depending on the relation of the Government employment to the national security:
 - (i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.
 - (ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.
 - (iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, sexual perversion.
 - (iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.
 - (v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.
- (2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.
- (3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or

with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

- (4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.
 - (5) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States, or of any State or subdivision thereof by unlawful means.
 - (6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.
 - (7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.
 - (8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.
- (b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Office of Personnel Management, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Office. The Office shall furnish a full investigative report to the department or agency concerned.
- (c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Office of Personnel Management, and other

departments and agencies may use such facilities under agreement with the Office.

- (d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

[Sec. 8 amended by EO 10491 of Oct. 13, 1953, 18 FR 6583, 3 CFR, 1949-1953 Comp., p. 973; EO 10531 of May 27, 1954, 19 FR 3069, 3 CFR, 1954-1958 Comp., p. 193; EO 10548 of Aug. 2, 1954, 19 FR 4871, 3 CFR, 1954-1958 Comp., p. 200; EO 11785 of June 4, 1974, 39 FR 20053, 3 CFR, 1971-1975 Comp., p. 874; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Central Index of Security Investigations

SEC. 9. (a) There shall be established and maintained in the Office of Personnel Management security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Office under Executive Order No 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

- (b) The heads of all departments and agencies shall furnish promptly to the Office of Personnel Management information appropriate for the establishment and maintenance of the security-investigations index.
- (c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of

August 26, 1950, as may be required for the efficient conduct of Government business.

[Sec. 9 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264

Other Miscellaneous Provisions

SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

SEC. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Office of Personnel Management on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion, and the determination of the board shall be forwarded to the head of the department or agency concerned: Provided, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Office of Personnel Management on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

[Sec. 11 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264

SEC. 12. This section was revoked by E.O 11785, June 4, 1974.

[Sec. 12 amended by EO 11785 of June 4, 1974, 39 FR 20053, 3 CFR, 1971-1975 Comp., p. 874]

Sec. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program

SEC. 14. (a) The Office of Personnel Management, with the continuing advice and collaboration of representatives of such departments and agencies as the National

Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

- (1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.
- (2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Office of Personnel Management shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.

- (b) All departments and agencies of the Government are directed to cooperate with the Office of Personnel Management to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.
- (c) To assist the Office of Personnel Management in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this order, advise the Office as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Office of Personnel Management is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of non-compliance with this subsection.

[Sec. 14 amended by EO 10550 of Aug. 5, 1954, 19 FR 4981, 3 CFR, 1954-1958 Comp., p. 200; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 15. This order shall become effective thirty days after the date hereof.

DWIGHT D. EISENHOWER
THE WHITE HOUSE
April 27, 1953

Intelligence Community Directive 704: Personnel Security Standards/Procedures

A. AUTHORITY	443
B. PURPOSE	443
C. APPLICABILITY	444
D. POLICY	444
E. PERSONNEL SECURITY STANDARDS	445
F. EXCEPTIONS TO PERSONNEL SECURITY STANDARDS	446
G. RESPONSIBILITIES	446
H. EFFECTIVE DATE	447

INTELLIGENCE COMMUNITY POLICY GUIDANCE NUMBER 704**PERSONNEL SECURITY STANDARDS AND PROCEDURES
GOVERNING ELIGIBILITY FOR ACCESS TO SENSITIVE
COMPARTMENTED INFORMATION AND OTHER CONTROLLED
ACCESS PROGRAM INFORMATION**

EFFECTIVE: 01 OCTOBER 2008

A. AUTHORITY

The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 12958, as amended; EO 12968, EO 13467, and other applicable provisions of law.

B. PURPOSE

This Intelligence Community Directive (ICD) establishes Director of National Intelligence (DNI) personnel security policy governing eligibility for access to Sensitive Compartmented Information (SCI) and information protected within other controlled access programs. This directive also documents the responsibility of the DNI for overseeing the program producing these eligibility determinations. It directs application of uniform personnel security standards and procedures to facilitate effective initial vetting, continuing personnel security evaluation, and reciprocity throughout the Intelligence Community (IC). This directive rescinds Director of Central Intelligence Directive 6/4, 02 July 1998, as amended; Intelligence Community Policy Memorandum (ICPM) 2006-700-3, 12 July 2006; ICPM 2006-700-4, 12 July 2006; ICPM 2006-700-5, 12 July 2006; and ICPM 2006-700-6, 12 July 2006.

C. APPLICABILITY

This directive applies to the IC, as defined by the National Security Act of 1947, as amended; and other departments or agencies that may be designated by the President, or designated jointly by the DNI, and the head of the department or agency concerned, as an element of the IC or those government entities designated to determine eligibility for SCI access.

D. POLICY

1. The DNI establishes eligibility standards for access to SCI and other controlled access program information. The DNI delegates to Heads of IC Elements the authority to grant access to such information in accordance with this directive. Heads of IC Elements may further delegate determination approval authority to the Cognizant Security Authority (CSA). Notwithstanding this delegation, the DNI retains the authority in any case to make a determination granting or denying access to such information. All such determinations are discretionary and based on IC mission requirements, and do not create any rights, substantive or procedural.
2. In all access determinations, national security must be protected. Exceptions to the personnel security standards in this directive shall be based on a finding that the risk to national security is manageable and acceptable. Nothing in this directive, or its accompanying procedural guidelines, shall preclude the DNI, or Principal Deputy DNI, in consultation with the relevant Head of an IC Element, from taking actions regarding a subject's access to SCI and other controlled access information
3. IC elements using polygraph programs for personnel security purposes may require polygraph examinations when the Head of an IC Element deems it to be in the interest of national security. These polygraph programs shall include standardized training and certification of operators to ensure consistent and fair processes.
4. Heads of IC Elements or designees may determine that it is in the national interest to authorize temporary access to SCI and other controlled access program information, subject to the following requirements--temporary access approvals shall be granted only during national emergencies, hostilities involving United States personnel, or in exceptional circumstances when official functions must be performed, pursuant to EO 12968. Temporary access approvals shall remain valid until the emergencies, hostilities, or exceptional circumstances have abated or the access is rescinded. In any case, temporary access shall not exceed one year.
5. When eligibility for access is first adjudicated, CSAs are required to use sound risk management. Continuous personnel security and counterintelligence (CI)

evaluation will be required of all personnel granted access to SCI and other controlled access program information.

6. Subjects who have immediate family members or other persons who are non-United States citizens to whom the subject is bound by affection or obligation may be eligible for access to SCI and other controlled access program information as the result of a condition, deviation, or waiver from personnel security standards.
7. This ICD and its associated Intelligence Community Policy Guidance (ICPG) promulgate the personnel security policy of the DNI. These associated ICPGs are described below:
 - a. The evolving critical threat environment requires that innovative security, CI, and risk management measures be continually developed and implemented to support intelligence production, information sharing, reciprocity, and personnel mobility. Eligibility for access to SCI and other controlled access program information shall be contingent on meeting DNI personnel security standards as measured by investigative activities prescribed in ICPG 704.1 and the application of specific adjudicative guidelines contained in ICPG 704.2.
 - b. Guidance pertaining to denial of initial access to SCI and other controlled access programs or revocation of continued access eligibility, and the appeals process for such actions is contained in ICPG 704.3.
 - c. All IC security elements shall accept in-scope personnel security investigations and access eligibility determinations that are void of conditions, deviations or waivers. Specific guidelines are contained in ICPG 704.4.
 - d. The IC Scattered Castles repository, or successor database, shall be the authoritative source for personnel security access approval verifications regarding SCI and other controlled access programs, visit certifications, and documented exceptions to personnel security standards. Heads of IC Elements shall ensure that accurate, comprehensive, relevant, and timely data are delivered to this repository. Specific guidelines are contained in ICPG 704.5.
 - e. Additional ICPGs, and amendments to the ICPGs listed above, may be promulgated by the Deputy Director of National Intelligence for Policy, Plans, and Requirements (DDNI/PPR) following formal IC coordination.

E. PERSONNEL SECURITY STANDARDS

Threshold criteria for eligibility for access to SCI are as follows:

1. The subject requiring access to SCI must be a U.S. citizen.

2. The subject must be stable, trustworthy, reliable, discreet, of excellent character, and sound judgment; and must be unquestionably loyal to the United States.
3. Members of the subject's immediate family and any other person(s) to whom the subject is bound by affection or obligation shall not be subject to physical, mental, or other forms of duress by either a foreign power or by persons who may be or have been engaged in criminal activity, or who advocate either the use of force or violence to overthrow the U.S. Government, or alteration of the form of the U.S. Government by unconstitutional means.

F. EXCEPTIONS TO PERSONNEL SECURITY STANDARDS

1. A Head of an IC Element may grant access based on a condition, deviation, or waiver to the above standards based on all available information that the specific risk to national security is manageable and acceptable. In such cases, additional personnel security and/or CI evaluation may be required. All risk assessments shall become a part of an individual's security file and the results of the risk assessment shall be annotated as an exception in the record.
2. The DNI, or designee, is the exclusive authority for granting an exception to the requirement that the subject be a U.S. citizen. Exceptions to this requirement shall require a letter of compelling need that is based upon specific national security considerations.
3. When an exception to these personnel security standards is warranted and a subject is granted access to SCI and other controlled access program information, the approving organization shall document its findings in the subject's security record and the Scattered Castles or successor database. The findings shall be characterized as a waiver, condition, or deviation.

G. RESPONSIBILITIES

1. **Deputy Director of National Intelligence for Policy, Plans, and Requirements** is responsible for enforcing the authorities and carrying out the responsibilities of the DNI with respect to security.
2. **Assistant Deputy Director of National Intelligence for Security** is responsible for overseeing IC security programs.
3. **Director of the DNI Special Security Center** is responsible for developing, coordinating, and implementing DNI security policies throughout the IC and providing IC security services in the form of research, training, and security databases.

4. **Heads of IC Elements** are responsible for uniformly and consistently implementing DNI security policies governing access to classified national intelligence.
5. **Cognizant Security Authority** is responsible, as the senior security authority designated by a Head of an IC Element, for overseeing all aspects of security program management within an organization. The CSAs may formally delegate responsibility for certain security matters to specific elements within their agencies.

H. EFFECTIVE DATE

This ICD is effective on the date of signature.

[signed:] John M. McConnell
Director of National Intelligence

1 October 2008
Date

Intelligence Community Policy Directive 704.1: Investigative Standards and Procedures

A. AUTHORITY _____	449
B. APPLICABILITY _____	449
C. SCOPE _____	450
D. ALL SOURCE COLLECTION _____	450
E. INVESTIGATIVE STANDARDS _____	450
F. INVESTIGATIVE COVERAGE _____	452
G. INVESTIGATIVE ELEMENTS _____	455
H. TIME PERIODS OF INVESTIGATIVE COVERAGE _____	456
I. INVESTIGATION TRAINING _____	457
J. INVESTIGATION QUALITY CONTROL _____	457
K. PERIODIC REINVESTIGATIONS _____	457
L. PROTOCOLS FOR TEMPORARY ACCESS APPROVAL(S) _____	458
M. EFFECTIVE DATE _____	458

INTELLIGENCE COMMUNITY POLICY GUIDANCE NUMBER 704.1**PERSONNEL SECURITY INVESTIGATIVE STANDARDS AND PROCEDURES GOVERNING ELIGIBILITY FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION AND OTHER CONTROLLED ACCESS PROGRAM INFORMATION**

EFFECTIVE: 02 OCTOBER 2008

Note: See [Investigative Standards](#) (page 385) for another version of these standards as currently used by DoD.

A. AUTHORITY

The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 12958, as amended; EO 12968, EO 13355, and other applicable provisions of law.

B. APPLICABILITY

This directive applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended; and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI), and the head of the department or agency concerned, as an element of the IC or those government entities designated to determine eligibility for access to Sensitive Compartmented Information (SCI) and other Controlled Access Program information.

C. SCOPE

The following investigative standards shall be used as the basis for conducting: National Agency Check with Local Agency Checks and Credit Check (ACLC); Single Scope Background Investigations (SSBI), to include access to SCI and other Controlled Access Programs, described herein, and periodic reinvestigations (PR). ACLCs, SSBIs, and PRs shall be conducted in a comprehensive manner to collect and develop complete information, both favorable and unfavorable, from applicable sources. Sources may include federal and commercial databases, other data repositories, and knowledgeable individuals. Investigations shall employ the “whole person concept “ and shall be the basis for evaluating individual backgrounds and granting initial or continued access to classified national intelligence.

D. ALL SOURCE COLLECTION

1. Subjects interviewed shall be advised of the purpose of the investigation and their right to privacy under the provisions of the Privacy Act of 1974, unless otherwise waived. The investigator shall strive to develop trust and rapport with the source to achieve a high level of cooperation. The source’s full name, identifying data, contact information, and relationship to the subject shall be included in the investigative report. To the extent possible, additional origins for potential information shall be developed from each source interviewed. Interviews shall be conducted privately and in person. Telephonic or video-teleconference interviews may be conducted only when exigent circumstances dictate. The investigative report shall include reasons for conducting such interviews.
2. In addition to relevant indices checks, a sufficient number of listed and developed references shall be interviewed to address all areas of investigative coverage. All relevant background information shall be verified to definitively determine and assess a subject’s unquestioned suitability for access to classified national security information. These relevant traits include, but are not limited to: unquestionable loyalty to the United States (U.S.), strength of character, reliability, judgment, and trustworthiness. The investigative report shall also include information concerning any personal animosity or bias that a source demonstrates toward the subject, and any questionable behavior on the part of the subject.

E. INVESTIGATIVE STANDARDS

1. Background investigations shall be conducted in accordance with one of the three following investigative protocols;
 - a. Standard A: Shall be used for all initial investigations and periodic reinvestigations for “L” access authorizations, CONFIDENTIAL, SECRET, and SECRET-level Controlled Access Programs.

- b. Standard B: Shall be used for initial investigations for “Q” access, TOP SECRET, SCI, and TOP SECRET-level Controlled Access Programs.
 - c. Standard C: Shall be used for all PRs for “Q” access, TOP SECRET, SCI, and TOP SECRET-level Controlled Access Programs.
2. The following Decision Tables summarize the protocol for initial and periodic investigations:

DECISION TABLES
TABLE 1: INVESTIGATION REQUIREMENTS

STANDARD	ACCESS LEVEL REQUIRED	INVESTIGATIONS REQUIRED
A	CONFIDENTIAL; SECRET; “L”*	NACLC**
B	TOP SECRET, SCI; “Q”***	SSBI***
C		SSBI-PR

* Under Investigative Standards and Adjudicative Guidelines issued pursuant to EO 12968, Department of Energy “Q” and “L” clearance investigative requirements are equivalent to those required for TOP SECRET and SECRET, respectively.

** National Agency Check with Local Agency Checks and Credit Checks

*** Single Scope Background Investigation

TABLE 2: REINVESTIGATION REQUIREMENTS

ACCESS LEVEL REQUIRED	AGE OF THE INVESTIGATION	TYPE REQUIRED DUE TO BREAK IN SERVICE OF...	
		Less than (<) 24 months	More than (>) 24 months
CONFIDENTIAL	< 15 YEARS	None	NACLC
	> 15 YEARS	NACLC	
SECRET; "L"	< 10 YEARS	None	NACLC
	> 10 YEARS	NACLC	
TOP SECRET, SCI, "Q"	< 5 YEARS	None	SSBI_PR

F. INVESTIGATIVE COVERAGE

1. Subject Interview: (Standards B and C): Subjects shall be interviewed, preferably at the outset of the investigation, to validate and supplement the data contained in the subject's Standard Form 86 (SF 86), "Questionnaire for ational Security Positions," and to clarify or collect additional information relevant to the subject's background, character, reliability, judgment, and trustworthiness. Additional subject interviews shall be conducted as needed. Sworn statements and other declarations may be taken to assist in resolving issues.
2. Citizenship: (Standards A, B and C): The U.S. citizenship of any subject requiring access to national intelligence information shall be verified. United States citizenship for subjects born abroad shall be verified directly from the appropriate registration authority. Only the D I or designee may waive the U.S. citizenship requirement for the subject. The citizenship of immediate family members shall also be verified.
3. Date and Place of Birth: (Standards A and B): The date and place of birth of any subject requiring access to national intelligence information shall be verified through appropriate indices checks. If this information was not verified in any previous investigation, or when any discrepancy exists, a record check of the Bureau of Vital Statistics shall be conducted.
4. Education: (Standards B and C): All degrees and diplomas shall be verified, to include the most recent attendance at any educational institution. If education is a primary activity in the most recent three years, interviews with individuals having direct knowledge of subject's involvement shall be conducted.
5. Employment: (Standards B and C): All employment during the most recent seven years for Standard B, or since the date of the last investigation for Standard C shall be verified. Regardless of the applicable Standard, supervisors and coworkers at each employment of six months or longer

- shall be interviewed. All periods of unemployment exceeding 60 days shall be corroborated through records and sources. All Federal and military service, to include discharge type, shall be verified. All service performed within one branch of the armed forces will be considered as one employment, regardless of multiple assignments.
6. Financial Status: (Standards B and C): Verification of a subject's financial status shall include credit bureau checks and shall cover all locations where a subject has resided, been employed, and/or attended school for six months or longer during the most recent seven years or since the date of the last investigation.
 7. Former Spouse: (Standards B and C): Interviews with former spouse(s) will be conducted if the divorce occurred within the 10-year time frame for an initial investigation or since the date of the latest investigation.
 8. Forms Submittal: (Standards A, B, and C): A completed SF 86 or equivalent that is current within 90 days, to include but not limited to applicable releases and supporting documentation, is required. Fingerprint cards will be required only if there has not been a previous valid technical check of Federal Bureau of Investigation indices.
 9. Local Agency Checks:
 - a. (Standard A): Checks of criminal history records of law enforcement agencies in all jurisdictions for the most recent five years where the subject has lived, worked, and attended school, for six months or more, including the current residence.
 - b. (Standard B): Check of criminal history records of law enforcement agencies in all jurisdictions for the most recent 10 years, where the subject has resided, been employed, or attended school, for 6 months or more, including the current residence.
 - c. (Standard C): Checks of criminal history records of law enforcement agencies in all jurisdictions, for the period covered by the reinvestigation, where the subject has resided, has been employed, or has attended school, for six months or more, including the current residence.
 10. National Agency Checks:
 - a. (Standards A, B and C): At a minimum, the indices of the following U.S. Government organizations shall be queried:
 - Central Intelligence Agency;
 - Department of Defense Clearance and Investigations Index;
 - Department of Defense Joint Personnel Adjudication System;
 - Director of National Intelligence Scattered Castles Database;
 - Federal Bureau of Investigation;
 - Office of Personnel Management (Security/Suitability Investigations Index); and
 - Depending on the subject's background, other U.S. Government, commercial or private organizations, and databases may be queried.

- b. (Standards A, B and C): The indices of the following U.S. Government organizations shall be queried as applicable to the individual's background, including verification of relevant immigration records:
 - Department of Homeland Security;
 - Department of State; and
 - Director of National Intelligence Signal Flag Database.
- c. (Standard B and C): National Agency Checks, without fingerprint cards, shall be completed for spouses or cohabitants (if applicable) except if already completed in conjunction with a previous investigation or reinvestigation.

11. Neighborhoods:

- a. (Standard B): Verification of all residences for the most recent three years, through a minimum of two interviews with neighbors and records reviews.
- b. (Standard C): Confirmation of current residence regardless of length of residency.

Interviews of a minimum of two neighbors in the vicinity of the subject's most recent residence of six months or more, since the date of the last investigation.

12. Public Records:

(Standard A, B and C): Verification of divorces, bankruptcies and other civil and criminal court actions as part of an initial investigation or since the date of the last reinvestigation.

13. References:

- a. (Standard B): Interviews shall be conducted with no less than four character references, at least two of whom are developed (not listed by the subject). At least two of the references shall have familiarity with the subject in social settings. Interviews should collectively span at least the last seven years.
- b. (Standard C): Interviews shall be conducted with no less than two character references, at least one of whom is a developed reference. If possible, both should be familiar with the subject in social settings. Interviews should collectively span the entire period of the reinvestigation. As appropriate, additional interviews may also be conducted with cohabitants and relatives.

14. U.S. Department of Treasury's Financial Database:

(Standards A, B, and C): Agencies may request that the Department of Treasury search automated databases consisting of reports of currency transactions by financial institutions, international transportation of currency or monetary instruments, foreign bank and financial accounts, and transactions under \$10,000 that are reported as possible money laundering violations.

G. INVESTIGATIVE ELEMENTS

1. References: Solicited information from all listed or developed references and neighbors shall include, but are not limited to, the subject's:

- loyalty to the U.S.;
- family, citizenship, education, employment, residence history, and military service;
- reputation, character, honesty, trustworthiness, integrity, discretion, reliability, judgment, and temperament;
- financial problems or unexplained affluence;
- outside activities;
- psychological conditions;
- alcohol consumption;
- involvement with illegal drugs or abuse of prescription or over-the-counter drugs;
- handling of protected information;
- criminal activity, legal issues or problems with the police or courts;
- foreign travel; and
- close and/or continuing association with foreign nationals.

2. Employers: Employment verification shall consist of record reviews and interviews with the subject's immediate supervisor(s), coworker(s), and others with whom there has been professional association. Covered topics include, but are not limited to, the subject's:

- reputation for loyalty, reliability, and trustworthiness for U.S. Government positions;
- reputation, character, honesty, integrity, discretion, judgment, and temperament;
- observance of organization policies, procedures and regulations;
- safeguarding of an employer's proprietary or sensitive information;
- financial problems or unexplained affluence;
- alcohol consumption;
- involvement with illegal drugs or abuse of prescription or over-the-counter drugs;
- criminal activity, legal issues or problems with the police or courts;
- eligibility for re-hire if no longer employed by the company;
- handling of protected information;
- foreign travel; and
- close and/or continuing association with foreign nationals.

3. Subject Interview: Subjects shall be interviewed, preferably at the start of the investigation, to validate and supplement the data contained in the subject’s SF 86, to clarify or collect additional information relevant to the subject’s background, loyalty, reliability, and trustworthiness, to meet adjudicative guidelines as described in Intelligence Community Policy Guidance (ICPG) 704.2 and expand on any derogatory information provided in the application or other sources. In seeking clarity on derogatory information, the questioning shall include, but not be limited to, the following factors:

- nature, extent, and seriousness of the conduct;
- circumstances surrounding the conduct to include knowledgeable participation;
- frequency and date(s) of the conduct;
- subject’s age and maturity at the time of the conduct;
- extent to which participation is voluntary;
- presence or absence of rehabilitation and other permanent behavioral changes;
- motivation for the conduct;
- potential pressure, coercion, exploitation or duress;
- likelihood of continuation or recurrence; and
- identification of others who could provide additional information.

H. TIME PERIODS OF INVESTIGATIVE COVERAGE

The period of coverage of an investigation is depicted in Table 3. The standards specify periods of investigative coverage, e.g., five years, ten years. If the subject’s eighteenth birthday falls within the period of coverage, the investigation shall cover the period back to the eighteenth birthday. Regardless of when the eighteenth birthday falls within the specified period of coverage, no investigation shall cover less than two years. In the event derogatory information is discovered, the period of an investigation may be expanded.

TABLE 3: PERIODS OF INVESTIGATIVE COVERAGE

Age of Subject	Standard A	Standard B	Standard C
Older than 25	5 years	10 years	Since last SSBI or PR
25 or younger	5 years or since age 18, 2 year minimum	Since age 18, 2-year minimum	Since last SSBI or PR

Any investigation, regardless of protocol applied, should be expanded in order to resolve issues to include, but not be limited to, interviews with cohabitants, relatives, psychiatrists, psychologists, medical professionals, law enforcement professionals, security and counterintelligence specialists, and others who may provide information to resolve issues.

I. INVESTIGATION TRAINING

All investigative personnel shall receive initial and

- ongoing training to include:
- investigation techniques;
- interviewing and fact finding;
- counterintelligence issues;
- personnel security research;
- adjudication processes and standards;
- sources of information for security investigations; and
- legal issues.

J. INVESTIGATION QUALITY CONTROL

1. Investigative agency supervisors shall ensure that investigations are professionally conducted, with complete coverage, quality interviews, accurate reporting and timely case closures.
2. Quality-control measures shall also be used to ensure that investigative techniques have been employed, and that prescribed policies and procedures were followed.
3. Quality control methods may include, but are not limited to, accompanying investigators during the investigation or contacting sources via written correspondence or telephone contact to obtain feedback.

K. PERIODIC REINVESTIGATIONS

1. Periodic reinvestigations shall be initiated no later than five years from the date of the previous investigation for TOP SECRET or SCI access, ten years for SECRET and fifteen years for CONFIDENTIAL clearances.
2. Reinvestigations may be initiated within the prescribed time frames randomly or to resolve personnel security concerns.
3. Phased Periodic Reinvestigation: Heads of IC Elements may, in their discretion, exclude neighborhood and references requirements from the reinvestigation when no information of security concern is developed by the other investigative sources identified in Paragraph F. If these sources yield information of security concern, the references, and neighborhood requirements must be met. Also, requirements may be expanded to include interviews with anyone able to provide information or to resolve issues. Interviewees may include, but are not limited to, cohabitants, relatives, psychiatrists, psychologists, other medical professionals, and law enforcement professionals.

L. PROTOCOLS FOR TEMPORARY ACCESS APPROVAL(S)

1. Heads of IC Elements or designees may approve temporary access before the investigation and adjudication processes are completed during periods of national emergency; hostilities involving U.S. personnel; or in exceptional circumstances when official functions must be performed pursuant to EO 12968. Concurrently, the background investigations and adjudications shall be conducted as expeditiously as possible.
2. Heads of IC Elements or designees shall ensure that subjects granted temporary access approvals are limited in exposure to classified national intelligence and indoctrinated only to the level necessary to perform authorized functions.
3. Temporary access approvals shall remain valid until the emergency, hostilities, or exceptional circumstance has abated or the access is rescinded. In any case, temporary accesses shall not exceed one year. They shall be valid only with the granting organization and may be revoked or suspended at any time if unfavorable information is received.
 - Temporary Approvals for CONFIDENTIAL, SECRET and “L” Access: Approvals require favorable reviews of completed SF 86 packets by the adjudicating authorities; completion of subject interviews by qualified investigators; and the initiation of expedited ACLCs.
 - Temporary Approvals for TOP SECRET, SCI and “O” Access (for individuals without a clearance or with a clearance that does not meet the investigative protocols previously set forth): Approvals require favorable reviews of completed SF 86 packets by the adjudicating authorities; completion of subject interviews by qualified investigators; completion of National Agency Checks; and the initiation of expedited SSBI.
4. All temporary access approvals shall follow the previously presented investigative protocols. However, Heads of IC Elements may establish, with D I approval, additional but non-duplicative requirements based on unique mission objectives. Without such circumstances, the standards and limitations for background investigations developed and specified in Section 2.4(d), 3.2(b), and 3.3 of EO 12968 shall not be exceeded.
5. Certifications regarding a subject with temporary access approvals shall explicitly emphasize their temporary nature. Other organizations, in exceptional circumstances, may agree to accept these temporary access approvals. Temporary access approvals at any level shall be so identified in the Scattered Castles database.

M. EFFECTIVE DATE

This ICPG is effective on the date of signature.

[signed:] David R. Shedd
Deputy Director of National Intelligence
for Policy, Plans and Requirements

October 2, 2008
Date

Intelligence Community Policy Guidance 704.2: Adjudicative Guidelines

A. AUTHORITY	461
B. APPLICABILITY	461
C. ADJUDICATIVE PARAMETERS	461
D. EFFECTIVE DATE	463
ANNEX A: ADJUDICATIVE GUIDELINES	463
I. INTRODUCTION	463
II. THE ADJUDICATIVE PROCESS	463
III. GUIDELINES	465
A. ALLEGIANCE TO THE UNITED STATES	465
B. FOREIGN INFLUENCE	466
C. FOREIGN PREFERENCE	468
D. SEXUAL BEHAVIOR	469
E. PERSONAL CONDUCT	470
F. FINANCIAL CONSIDERATIONS	472
G. ALCOHOL CONSUMPTION	474
H. DRUG INVOLVEMENT	475
I. PSYCHOLOGICAL CONDITIONS	476
J. CRIMINAL CONDUCT	477
K. HANDLING PROTECTED INFORMATION	478
L. OUTSIDE ACTIVITIES	479
M. USE OF INFORMATION TECHNOLOGY SYSTEMS	479

INTELLIGENCE COMMUNITY POLICY GUIDANCE NUMBER 704.2**PERSONNEL SECURITY ADJUDICATIVE GUIDELINES FOR
DETERMINING ELIGIBILITY FOR ACCESS TO SENSITIVE
COMPARTMENTED INFORMATION AND OTHER CONTROLLED
ACCESS PROGRAM INFORMATION**

EFFECTIVE: 02 OCTOBER 2008

A. AUTHORITY

The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 13355; EO 12968, and other applicable provisions of law.

B. APPLICABILITY

This directive applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended; and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI) and the Head of the Department or Agency concerned, as an Element of the IC or those government entities designated to determine eligibility for access to Sensitive Compartmented Information (SCI) and other controlled access program information.

C. ADJUDICATIVE PARAMETERS

- (1) Annex A to this document is the Adjudicative Guidelines for Determining Eligibility for Access to Classified Information, as promulgated under an Office

of Management and Budget memorandum dated 29 December 2005, from the Assistant for National Security Affairs.

- (2) Eligibility for access to SCI and other controlled access program information shall be determined through the evaluation of all information bearing on a subject's loyalty, reliability, and trustworthiness developed through a background investigation conducted by authorized investigative personnel. Authorized adjudicative personnel shall conduct such evaluations under the cognizance of the Head of the IC Element concerned.
- (3) Subjects who have had access to SCI and other controlled access program information within the last two (2) years and who possess a security determination that is otherwise current, shall have their accesses reinstated at the granting agency or, pursuant to reciprocity, elsewhere in the IC. An updated personal history questionnaire may be reviewed only if a break in access of greater than 60 days has occurred or if a polygraph interview is necessary. A reinvestigation shall not be required unless the review indicates the person no longer satisfies the criteria set forth in Intelligence Community Policy Guidance (ICPG) 704.1, Personnel Security Investigative Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and other Controlled Access Program Information, and EO 12968.

Adjudications conducted within five (5) years of the date of the last investigation that meet the investigative protocols set forth in EO 12968 and are further documented in ICPG 704.1 shall serve as the basis for granting continued access except where new information indicates the subject may not satisfy the adjudicative requirements contained therein or the original adjudication was recorded with an exception. If previous investigations do not meet the standards set forth in ICPG 704.1, a reinvestigation shall be conducted. The scope of the reinvestigation shall be limited to only that coverage necessary to update the subject's background investigation and make it consistent with current adjudicative standards. Updated adjudications will require a review of all applicable records and submittal of a Standard Form 86, Questionnaire for National Security Positions. A reinvestigation shall be required when it is determined that the individual no longer satisfies standards for access under this directive. Should unfavorable information be developed, inquiries shall be expanded to the extent necessary to render a new access determination.

- (1) IC organizations that grant personnel security clearances shall establish procedures consistent with their operating environments and mission requirements that further the adjudication of "issue-free" (no adverse information) personnel security cases within 10 days of receipt of such a case by the adjudicative authority.
- (2) The department or agency with adjudicative authority remains responsible for the final determination.

D. EFFECTIVE DATE

This ICPG is effective on the date of signature.

[signed:] David R. Shedd	October 2, 2008
Deputy Director of National Intelligence	Date
for Date Policy, Plans and Requirements	

ANNEX A: ADJUDICATIVE GUIDELINES

Following are the Adjudicative Guidelines for Determining Eligibility for Access to Sensitive Compartmented Information.

I. INTRODUCTION

A. The following adjudicative guidelines are established for all U.S. government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees, and other individuals who require access to classified information. They apply to persons being considered for initial or continued eligibility for access to classified information, to include sensitive compartmented information and special access programs, and are to be used by government departments and agencies in all final clearance determinations. Government departments and agencies may also choose to apply these guidelines to analogous situations regarding persons being considered for access to other types of protected information.

B. Decisions regarding eligibility for access to classified information take into account factors that could cause a conflict of interest and place a person in the position of having to choose between his or her commitments to the United States, including the commitment to protect classified information, and any other compelling loyalty. Access decisions also take into account a person's reliability, trustworthiness and ability to protect classified information. No coercive policing could replace the self-discipline and integrity of the person entrusted with the nation's secrets as the most effective means of protecting them. When a person's life history shows evidence of unreliability or untrustworthiness, questions arise whether the person can be relied on and trusted to exercise the responsibility necessary for working in a secure environment where protecting classified information is paramount.

II. THE ADJUDICATIVE PROCESS

A. The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is an acceptable security risk. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudication process is the careful

weighing of a number of variables known as the whole-person concept. Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

1. The nature, extent, and seriousness of the conduct;
2. The circumstances surrounding the conduct, to include knowledgeable participation;
3. The frequency and recency of the conduct;
4. The individual's age and maturity at the time of the conduct;
5. The extent to which participation is voluntary;
6. The presence or absence of rehabilitation and other permanent behavioral changes;
7. The motivation for the conduct;
8. The potential for pressure, coercion, exploitation, or duress; and
9. The likelihood of continuation or recurrence;

B. Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt concerning personnel being considered for access to classified information will be resolved in favor of the national security.

C. The ability to develop specific thresholds for action under these guidelines is limited by the nature and complexity of human behavior. The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common sense judgment based upon careful consideration of the following guidelines, each of which is to be evaluated in the context of the whole person.

1. Allegiance to the United States;
2. Foreign Influence
3. Foreign Preference;
4. Sexual Behavior;
5. Personal Conduct;
6. Financial Considerations;
7. Alcohol Consumption;
8. Drug Involvement;

9. Psychological Conditions;
10. Criminal Conduct;
11. Handling Protected Information;
12. Outside Activities;
13. Use of Information Technology Systems.

D. Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior. Notwithstanding the whole-person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.

E. When information of security concern becomes known about an individual who is currently eligible for access to classified information, the adjudicator should consider whether the person:

1. Voluntarily reported the information;
2. Was truthful and complete in responding to questions;
3. Sought assistance and followed professional guidance, where appropriate;
4. Resolved or appears likely to favorably resolve the security concern;
5. Has demonstrated positive changes in behavior and employment;
6. Should have his or her access temporarily suspended pending final adjudication of the information.

F. If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of disapproval or revocation of the security clearance, it may be appropriate to recommend approval with a warning that future incidents of a similar nature may result in revocation of access.

III. GUIDELINES

A. ALLEGIANCE TO THE UNITED STATES

1. The Concern. An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. involvement in, support of, training to commit, or advocacy of any act of sabotage, espionage, treason, terrorism, or sedition against the United States of America;
- b. association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;
- c. association or sympathy with persons or organizations that advocate, threaten, or use force or violence, or use any other illegal or unconstitutional means, in an effort to:
 - (1) overthrow or influence the government of the United States or any state or local government;
 - (2) prevent Federal, state, or local government personnel from performing their official duties;
 - (3) gain retribution for perceived wrongs caused by the Federal, state, or local government;
 - (4) prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

3. Conditions that could mitigate security concerns include:

- a. the individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;
- b. the individual's involvement was only with the lawful or humanitarian aspects of such an organization;
- c. involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;
- d. the involvement or association with such activities occurred under such unusual circumstances, or so much time has elapsed, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or loyalty.

B. FOREIGN INFLUENCE

1. The Concern. Foreign contacts and interests may be a security concern if the individual has divided loyalties or foreign financial interests, may be manipulated or induced to help a foreign person, group, organization, or government in a way that is not in U.S. interests, or is vulnerable to pressure or coercion by any foreign interest. Adjudication under this Guideline can and should consider the identity of the foreign country in which the foreign contact or financial interest is located, including, but not limited to, such considerations as whether the foreign country is

known to target United States citizens to obtain protected information and/or is associated with a risk of terrorism.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. contact with a foreign family member, business or professional associate, friend, or other person who is a citizen of or resident in a foreign country if that contact creates a heightened risk of foreign exploitation, inducement, manipulation, pressure, or coercion;
- b. connections to a foreign person, group, government, or country that create a potential conflict of interest between the individual's obligation to protect sensitive information or technology and the individual's desire to help a foreign person, group, or country by providing that information;
- c. counterintelligence information, that may be classified, indicates that the individual's access to protected information may involve unacceptable risk to national security;
- d. sharing living quarters with a person or persons, regardless of citizenship status, if that relationship creates a heightened risk of foreign inducement, manipulation, pressure, or coercion;
- e. a substantial business, financial, or property interest in a foreign country, or in any foreign-owned or foreign-operated business, which could subject the individual to heightened risk of foreign influence or exploitation;
- f. failure to report, when required, association with a foreign national;
- g. unauthorized association with a suspected or known agent, associate, or employee of a foreign intelligence service;
- h. indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, inducement, manipulation, pressure, or coercion;
- i. conduct, especially while traveling outside the U.S., which may make the individual vulnerable to exploitation, pressure, or coercion by a foreign person, group, government, or country.

3. Conditions that could mitigate security concerns include:

- a. the nature of the relationships with foreign persons, the country in which these persons are located, or the positions or activities of those persons in that country are such that it is unlikely the individual will be placed in a position of having to choose between the interests of a foreign individual, group, organization, or government and the interests of the U.S.;

- b. there is no conflict of interest, either because the individual's sense of loyalty or obligation to the foreign person, group, government, or country is so minimal, or the individual has such deep and longstanding relationships and loyalties in the U.S., that the individual can be expected to resolve any conflict of interest in favor of the U.S. interest;
- c. contact or communication with foreign citizens is so casual and infrequent that there is little likelihood that it could create a risk for foreign influence or exploitation;
- d. the foreign contacts and activities are on U.S. Government business or are approved by the cognizant security authority;
- e. the individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons, groups, or organizations from a foreign country;
- f. the value or routine nature of the foreign business, financial, or property interests is such that they are unlikely to result in a conflict and could not be used effectively to influence, manipulate, or pressure the individual.

C. FOREIGN PREFERENCE

NOTE: This guideline differs from the 2005 guidelines approved by the president. This difference is in the process of being resolved. For the 2005 guideline, see [Adjudicative Guidelines](#) (page 365).

1. The Concern. When an individual acts in such a way as to establish a preference for a foreign country over the United States, he or she may provide information or make decisions that are harmful to the interests of the United States. The principal goal of the Foreign Preference assessment is to determine the risk based on foreign associations that information may be compromised if access is approved; it is not a measurement of how loyal a subject is to the United States. Therefore, a finding that there is a preference must be established by adequate evidence of heightened risks related to national security.

Furthermore, the fact that a U.S. citizen is or has become a citizen of another country does not establish a preference for a foreign country. Being a U.S. citizen and a citizen of another country is not prohibited or disqualifying absent a showing of heightened risks related to national security. The same is true for the exercise of any right, privilege or obligation of foreign citizenship or action to acquire or obtain recognition of a foreign citizenship by a U.S. citizen.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. Failure to disclose to an appropriate security official the known possession of citizenship in any other country;

- b. Failure to disclose to an appropriate security official the acquisition of citizenship in any other country;
- c. Failure to report to an appropriate security official the possession of a passport issued by any other country;
- d. Failure to use a U.S. passport while entering or exiting the United States;
- e. Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of a foreign person, group, organization, or government in conflict with U.S. national security interests;
- f. Intentional act of expatriation from the United States such as declaration of intent to renounce United States citizenship or renunciation of U.S. citizenship, with the exception of routine oaths associated with citizenship in another country;
- g. Seeking or holding political office in a foreign country; or
- h. Military service or a willingness to bear arms for a foreign country.

3. Conditions that could mitigate security concerns include:

- a. Any of the potentially disqualifying activities noted in paragraph two above occurred before the initial request for a security clearance granting access to SCI;
- b. Any of the potentially disqualifying activities noted in paragraph two above that occurred after the initial request for a security clearance granting access to SCI were sanctioned by a cognizant security authority.
- c. The perceived foreign preference involves a foreign country, entity, or association that poses a low security risk.

D. SEXUAL BEHAVIOR

1. The Concern. Sexual behavior that involves a criminal offense, indicates a personality or emotional disorder, reflects lack of judgment or discretion, or which may subject the individual to undue influence or coercion, exploitation, or duress can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. No adverse inference concerning the standards in this Guideline may be raised solely on the basis of the sexual orientation of the individual.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. sexual behavior of a criminal nature, whether or not the individual has been prosecuted;
- b. a pattern of compulsive, self-destructive, or high risk sexual behavior that the person is unable to stop or that may be symptomatic of a personality disorder;

- c. sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress;
- d. sexual behavior of a public nature and/or that reflects lack of discretion or judgment.

3. Conditions that could mitigate security concerns include:

- a. the behavior occurred prior to or during adolescence and there is no evidence of subsequent conduct of a similar nature;
- b. the sexual behavior happened so long ago, so infrequently, or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- c. the behavior no longer serves as a basis for coercion, exploitation, or duress.
- d. the sexual behavior is strictly private, consensual, and discreet.

E. PERSONAL CONDUCT

1. The Concern. Conduct involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. Of special interest is any failure to provide truthful and candid answers during the security clearance process or any other failure to cooperate with the security clearance process.

The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

- a. refusal, or failure without reasonable cause, to undergo or cooperate with security processing, including but not limited to meeting with a security investigator for subject interview, completing security forms or releases, including financial disclosure forms, if required, and cooperation with medical or psychological evaluation;
- b. refusal to provide full, frank and truthful answers to lawful questions of investigators, security officials, or other official representatives in connection with a personnel security or trustworthiness determination.

2. Conditions that could raise a security concern and may be disqualifying include

- a. deliberate omission, concealment, or falsification of relevant facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

b. deliberately providing false or misleading information concerning relevant facts to an employer, investigator, security official, competent medical authority, or other official government representative;

c. credible adverse information in several adjudicative issue areas that is not sufficient for an adverse determination under any other single guideline, but which, when considered as a whole, supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information;

d. credible adverse information that is not explicitly covered under any other guideline and may not be sufficient by itself for an adverse determination, but which, when combined with all available information supports a whole-person assessment of questionable judgment, untrustworthiness, unreliability, lack of candor, unwillingness to comply with rules and regulations, or other characteristics indicating that the person may not properly safeguard protected information. This includes but is not limited to consideration of:

1. untrustworthy or unreliable behavior to include breach of client confidentiality, release of proprietary information, unauthorized release of sensitive corporate or other government protected information;
2. disruptive, violent, or other inappropriate behavior in the workplace;
3. a pattern of dishonesty or rule violations;
4. evidence of significant misuse of Government or other employer's time or resources;

e. personal conduct, or concealment of information about one's conduct, that creates a vulnerability to exploitation, manipulation, or duress, such as 1. engaging in activities which, if known, may affect the person's personal, professional, or community standing, or 2. while in another country, engaging in any activity that is illegal in that country or that is legal in that country but illegal in the United States and may serve as a basis for exploitation or pressure by the foreign security or intelligence service or other group;

f. violation of a written or recorded commitment made by the individual to the employer as a condition of employment;

g. association with persons involved in criminal activity.

3. Conditions that could mitigate security concerns include:

a. the individual made prompt, good-faith efforts to correct the omission, concealment, or falsification before being confronted with the facts;

- b. the refusal or failure to cooperate, omission, or concealment was caused or significantly contributed to by improper or inadequate advice of authorized personnel or legal counsel advising or instructing the individual specifically concerning the security clearance process. Upon being made aware of the requirement to cooperate or provide the information, the individual cooperated fully and truthfully.
- c. the offense is so minor, or so much time has passed, or the behavior is so infrequent, or it happened under such unique circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- d. the individual has acknowledged the behavior and obtained counseling to change the behavior or taken other positive steps to alleviate the stressors, circumstances, or factors that caused untrustworthy, unreliable, or other inappropriate behavior, and such behavior is unlikely to recur;
- e. the individual has taken positive steps to reduce or eliminate vulnerability to exploitation, manipulation, or duress;
- f. the information was unsubstantiated or from a source of questionable reliability;
- g. association with persons involved in criminal activity has ceased or occurs under circumstances that do not cast doubt upon the individual's reliability, trustworthiness, judgment, or willingness to comply with rules and regulations.

F. FINANCIAL CONSIDERATIONS

1. The Concern. Failure or inability to live within one's means, satisfy debts, and meet financial obligations may indicate poor self-control, lack of judgment, or unwillingness to abide by rules and regulations, all of which can raise questions about an individual's reliability, trustworthiness and ability to protect classified information. An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Compulsive gambling is a concern as it may lead to financial crimes including espionage. Affluence that cannot be explained by known sources of income is also a security concern. It may indicate proceeds from financially profitable criminal acts.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. inability or unwillingness to satisfy debts;
- b. indebtedness caused by frivolous or irresponsible spending and the absence of any evidence of willingness or intent to pay the debt or establish a realistic plan to pay the debt.
- c. a history of not meeting financial obligations;

- d. deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;
- e. consistent spending beyond one's means, which may be indicated by excessive indebtedness, significant negative cash flow, high debt-to-income ratio, and/or other financial analysis;
- f. financial problems that are linked to drug abuse, alcoholism, gambling problems, or other issues of security concern;
- g. failure to file annual Federal, state, or local income tax returns as required or the fraudulent filing of the same;
- h. unexplained affluence, as shown by a lifestyle or standard of living, increase in net worth, or money transfers that cannot be explained by subject's known legal sources of income;
- i. compulsive or addictive gambling as indicated by an unsuccessful attempt to stop gambling, "chasing losses" (i.e. increasing the bets or returning another day in an effort to get even), concealment of gambling losses, borrowing money to fund gambling or pay gambling debts, family conflict or other problems caused by gambling.

3. Conditions that could mitigate security concerns include:

- a. the behavior happened so long ago, was so infrequent, or occurred under such circumstances that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- b. the conditions that resulted in the financial problem were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation), and the individual acted responsibly under the circumstances;
- c. the person has received or is receiving counseling for the problem and/or there are clear indications that the problem is being resolved or is under control;
- d. the individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts;
- e. the individual has a reasonable basis to dispute the legitimacy of the past-due debt which is the cause of the problem and provides documented proof to substantiate the basis of the dispute or provides evidence of actions to resolve the issue;
- f. the affluence resulted from a legal source of income.

G. ALCOHOL CONSUMPTION

1. The Concern. Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses, and can raise questions about an individual's reliability and trustworthiness.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, disturbing the peace, or other incidents of concern, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;
- b. alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;
- c. habitual or binge consumption of alcohol to the point of impaired judgment, regardless of whether the individual is diagnosed as an alcohol abuser or alcohol dependent;
- d. diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;
- e. evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;
- f. relapse after diagnosis of alcohol abuse or dependence and completion of an alcohol rehabilitation program;
- g. failure to follow any court order regarding alcohol education, evaluation, treatment, or abstinence.

3. Conditions that could mitigate security concerns include:

- a. so much time has passed, or the behavior was so infrequent, or it happened under such unusual circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- b. the individual acknowledges his or her alcoholism or issues of alcohol abuse, provides evidence of actions taken to overcome this problem, and has established a pattern of abstinence (if alcohol dependent) or responsible use (if an alcohol abuser);
- c. the individual who is a current employee who is participating in a counseling or treatment program, has no history of previous treatment and relapse, and is making satisfactory progress;
- d. the individual has successfully completed inpatient or outpatient counseling or rehabilitation along with any required aftercare, has demonstrated a clear and

established pattern of modified consumption or abstinence in accordance with treatment recommendations, such as participation in meetings of Alcoholics Anonymous or a similar organization and has received a favorable prognosis by a duly qualified medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

H. DRUG INVOLVEMENT

1. The Concern. Use of an illegal drug or misuse of a prescription drug can raise questions about an individual's reliability and trustworthiness, both because it may impair judgment and because it raises questions about a person's ability or willingness to comply with laws, rules, and regulations.

a. Drugs are defined as mood and behavior altering substances, and include:

1. Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and
2. inhalants and other similar substances;

b. drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. any drug abuse (see above definition);
- b. testing positive for illegal drug use;
- c. illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution; or possession of drug paraphernalia;
- d. diagnosis by a duly qualified medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;
- e. evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;
- f. failure to successfully complete a drug treatment program prescribed by a duly qualified medical professional;
- g. any illegal drug use after being granted a security clearance;
- h. expressed intent to continue illegal drug use, or failure to clearly and convincingly commit to discontinue drug use.

3. Conditions that could mitigate security concerns include:

- a. the behavior happened so long ago, was so infrequent, or happened under such circumstances that it is unlikely to recur or does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- b. a demonstrated intent not to abuse any drugs in the future, such as:
 - 1. disassociation from drug-using associates and contacts;
 - 2. changing or avoiding the environment where drugs were used;
 - 3. an appropriate period of abstinence;
 - 4. a signed statement of intent with automatic revocation of clearance for any violation;
- c. abuse of prescription drugs was after a severe or prolonged illness during which these drugs were prescribed, and abuse has since ended;
- d. satisfactory completion of a prescribed drug treatment program, including but not limited to rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a duly qualified medical professional.

I. PSYCHOLOGICAL CONDITIONS

1. The Concern. Certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. A formal diagnosis of a disorder is not required for there to be a concern under this guideline. A duly qualified mental health professional (e.g., clinical psychologist or psychiatrist) employed by, or acceptable to and approved by the U.S. Government, should be consulted when evaluating potentially disqualifying and mitigating information under this guideline. No negative inference concerning the standards in this Guideline may be raised solely on the basis of seeking mental health counseling.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. behavior that casts doubt on an individual's judgment, reliability, or trustworthiness that is not covered under any other guideline, including but not limited to emotionally unstable, irresponsible, dysfunctional, violent, paranoid, or bizarre behavior;
- b. an opinion by a duly qualified mental health professional that the individual has a condition not covered under any other guideline that may impair judgment, reliability, or trustworthiness;
- c. the individual has failed to follow treatment advice related to a diagnosed emotional, mental, or personality condition, e.g., failure to take prescribed medication.

3. Conditions that could mitigate security concerns include:

- a. the identified condition is readily controllable with treatment, and the individual has demonstrated ongoing and consistent compliance with the treatment plan;
- b. the individual has voluntarily entered a counseling or treatment program for a condition that is amenable to treatment, and the individual is currently receiving counseling or treatment with a favorable prognosis by a duly qualified mental health professional;
- c. recent opinion by a duly qualified mental health professional employed by, or acceptable to and approved by the U.S. Government that an individual's previous condition is under control or in remission, and has a low probability of recurrence or exacerbation;
- d. the past emotional instability was a temporary condition (e.g., one caused by death, illness, or marital breakup), the situation has been resolved, and the individual no longer shows indications of emotional instability;
- e. there is no indication of a current problem.

J. CRIMINAL CONDUCT

1. The Concern. Criminal activity creates doubt about a person's judgment, reliability, and trustworthiness. By its very nature, it calls into question a person's ability or willingness to comply with laws, rules and regulations.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. a single serious crime or multiple lesser offenses;
- b. discharge or dismissal from the Armed Forces under dishonorable conditions;
- c. allegation or admission of criminal conduct, regardless of whether the person was formally charged, formally prosecuted or convicted;
- d. individual is currently on parole or probation;
- e. violation of parole or probation, or failure to complete a court-mandated rehabilitation program.

3. Conditions that could mitigate security concerns include:

- a. so much time has elapsed since the criminal behavior happened, or it happened under such unusual circumstances that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- b. the person was pressured or coerced into committing the act and those pressures are no longer present in the person's life;

- c. evidence that the person did not commit the offense;
- d. there is evidence of successful rehabilitation; including but not limited to the passage of time without recurrence of criminal activity, remorse or restitution, job training or higher education, good employment record, or constructive community involvement.

K. HANDLING PROTECTED INFORMATION

1. The Concern. Deliberate or negligent failure to comply with rules and regulations for protecting classified or other sensitive information raises doubt about an individual's trustworthiness, judgment, reliability, or willingness and ability to safeguard such information, and is a serious security concern.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. deliberate or negligent disclosure of classified or other protected information to unauthorized persons, including but not limited to personal or business contacts, to the media, or to persons present at seminars, meetings, or conferences;
- b. collecting or storing classified or other protected information at home or in any other unauthorized location;
- c. loading, drafting, editing, modifying, storing, transmitting, or otherwise handling classified reports, data, or other information on any unapproved equipment including but not limited to any typewriter, word processor, or computer hardware, software, drive, system, gameboard, handheld, "palm" or pocket device or other adjunct equipment;
- d. inappropriate efforts to obtain or view classified or other protected information outside one's need to know;
- e. copying classified or other protected information in a manner designed to conceal or remove classification or other document control markings;
- f. viewing or downloading information from a secure system when the information is beyond the individual's need-to-know;
- g. any failure to comply with rules for the protection of classified or other sensitive information;
- h. negligence or lax security habits that persist despite counseling by management.
- i. failure to comply with rules or regulations that results in damage to the National Security, regardless of whether it was deliberate or negligent.

3. Conditions that could mitigate security concerns include:

- a. so much time has elapsed since the behavior, or it has happened so infrequently or under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's current reliability, trustworthiness, or good judgment;
- b. the individual responded favorably to counseling or remedial security training and now demonstrates a positive attitude toward the discharge of security responsibilities;
- c. the security violations were due to improper or inadequate training.

L. OUTSIDE ACTIVITIES

1. The Concern. Involvement in certain types of outside employment or activities is of security concern if it poses a conflict of interest with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. any employment or service, whether compensated or volunteer, with:
 - 1. the government of a foreign country;
 - 2. any foreign national, organization, or other entity;
 - 3. a representative of any foreign interest;
 - 4. any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology;
- b. failure to report or fully disclose an outside activity when this is required.

3. Conditions that could mitigate security concerns include:

- a. evaluation of the outside employment or activity by the appropriate security or counterintelligence office indicates that it does not pose a conflict with an individual's security responsibilities or with the national security interests of the United States;
- b. the individual terminated the employment or discontinued the activity upon being notified that it was in conflict with his or her security responsibilities.

M. USE OF INFORMATION TECHNOLOGY SYSTEMS

1. The Concern. Noncompliance with rules, procedures, guidelines or regulations pertaining to information technology systems may raise security concerns about an individual's reliability and trustworthiness, calling into question the willingness or ability to properly protect sensitive systems, networks, and information.

Information Technology Systems include all related computer hardware, software, firmware, and data used for the communication, transmission, processing, manipulation, storage, or protection of information.

2. Conditions that could raise a security concern and may be disqualifying include:

- a. illegal or unauthorized entry into any information technology system or component thereof;
- b. illegal or unauthorized modification, destruction, manipulation or denial of access to information, software, firmware, or hardware in an information technology system;
- c. use of any information technology system to gain unauthorized access to another system or to a compartmented area within the same system;
- d. downloading, storing, or transmitting classified information on or to any unauthorized software, hardware, or information technology system;
- e. unauthorized use of a government or other information technology system;
- f. introduction, removal, or duplication of hardware, firmware, software, or media to or from any information technology system without authorization, when prohibited by rules, procedures, guidelines or regulations;
- g. negligence or lax security habits in handling information technology that persist despite counseling by management;
- h. any misuse of information technology, whether deliberate or negligent, that results in damage to the national security.

3. Conditions that could mitigate security concerns include:

- a. so much time has elapsed since the behavior happened, or it happened under such unusual circumstances, that it is unlikely to recur and does not cast doubt on the individual's reliability, trustworthiness, or good judgment;
- b. the misuse was minor and done only in the interest of organizational efficiency and effectiveness, such as letting another person use one's password or computer when no other timely alternative was readily available;
- c. the conduct was unintentional or inadvertent and was followed by a prompt, good-faith effort to correct the situation and by notification of supervisor.

Intelligence Community Policy Guidance 704.3

A. AUTHORITY	482
B. APPLICABILITY	482
C. SCOPE	482
D. PROCESS	483
E. EFFECTIVE DATE	484

INTELLIGENCE COMMUNITY POLICY GUIDANCE NUMBER 704.3**DENIAL OR REVOCATION OF ACCESS TO SENSITIVE
COMPARTMENTED INFORMATION, OTHER CONTROLLED
ACCESS PROGRAM INFORMATION, AND APPEALS
PROCESSES**

EFFECTIVE: 02 OCTOBER 2008

A. AUTHORITY

The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 13355; EO 12968, and other applicable provisions of law.

B. APPLICABILITY

This directive applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended, and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI), and the head of the department or agency concerned, as an element of the IC or those government entities designated to determine eligibility for Sensitive Compartmented Information (SCI) access.

C. SCOPE

Determinations regarding eligibility for initial or continued access shall be made in accordance with Intelligence Community Directive (ICD) 704, Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information and other Controlled Access Program Information. Subjects who have been considered for and denied initial or continued access to

SCI and other controlled access programs pursuant to the provisions of ICD 704 shall, to the extent provided herein, be afforded an opportunity to appeal the denial or revocation of such access.

D. PROCESS

1. Subjects whose access has been denied or revoked shall be provided with the following:

- a. A comprehensive written explanation of the basis for the denial or revocation as the national security interests of the United States and other applicable laws permit;
- b. An explanation of the right to be represented by counsel or other representative at their own expense; to request any documents, records or reports upon which the denial or revocation is based; and to request the entire investigative file as permitted by the national security and applicable law;
- c. Any documents, records and reports upon which a denial or revocation is based to be provided within thirty (30) days of request and to the extent they would be provided if requested under applicable law, to include the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act (5 U.S.C. 552a);
- d. An opportunity to respond, in writing, within forty-five (45) days of receipt of relevant documentation to request a review of the determination;
- e. Written notice of and reasons for the results of the review, the identity of the deciding authority in accordance with operational requirements, and written notice of the right to appeal;
- f. An opportunity to appeal to the Head of their IC Element, who may either make a final determination himself, or appoint a high-level panel which shall be comprised of at least three members, two of whom shall be selected from outside the security arena. Recommendations of the panel shall be complete and in writing. Nothing in this document shall prohibit a Head of an IC Element from personally exercising the appeal authority based upon recommendations from an appeals panel. In such case, the decision of the Head of an IC Element shall be final; and
- g. An opportunity to appear personally before an adjudicative or other authority, other than the investigating entity, as determined by the Head of an IC Element, to present relevant documents, materials, and information. A written summary or recording of such an appearance

Intelligence Community Policy Guidance 704.4

A. AUTHORITY	486
B. APPLICABILITY	486
C. GUIDANCE	486
D. CROSSOVER CASES	488
E. SPECIAL CONSIDERATIONS IN RECIPROCITY DECISIONS	488
F. POLYGRAPH AND RECIPROCITY	488
G. DENIALS AND REVOCATIONS OF ACCESS DETERMINATIONS	489
H. DEFINITIONS	489
I. EFFECTIVE DATE	490

INTELLIGENCE COMMUNITY POLICY GUIDANCE NUMBER 704.4**RECIPROCITY OF PERSONNEL SECURITY CLEARANCE AND ACCESS DETERMINATIONS**

EFFECTIVE: 02 OCTOBER 2008

A. AUTHORITY

The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 12968 and EO 13355.

B. APPLICABILITY

This Intelligence Community Policy Guidance (ICPG) document applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended; and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI), and the head of the department or agency concerned, as an element of the IC or those government entities designated to determine eligibility for access to Sensitive Compartmented Information (SCI).

C. GUIDANCE

1. Heads of IC Elements shall accept Single Scope Background Investigations, Single Scope Background Investigations - Periodic Reinvestigations, and Phased Periodic Reinvestigations less than seven years old ("in scope") as the basis for initial or continuing access to SCI and other controlled access programs. Agencies may accept investigations that are more than seven years old on a case-by-case basis. Upon accepting an investigation more than five years old, the receiving

agency shall ensure that its investigative element has received all necessary documentation to conduct a periodic reinvestigation.

2. Unless otherwise specified herein, any other Head of an IC Element shall accept all in-scope security clearance or access determinations (without waivers, conditions, or deviations as defined herein).

3. Nothing in this ICPG shall affect decisions on suitability for employment.

4. An authorized investigative or adjudicative agency shall not establish additional requirements exceeding requirements in executive orders without the approval of the DNI and the Director, Office of Management and Budget (OMB). The DNI, with the approval of the Director, OMB, and the Assistant to the President for National Security Affairs, is responsible for developing and implementing uniform policies and procedures for access to SCI and intelligence Special Access Programs (SAPs), which includes policies regarding additional investigative or adjudicative procedures. Eligibility decisions, including the presence of exceptions, shall be a matter of record accessible to all Heads of IC Elements. A denial of reciprocity for an eligibility determination that is in-scope and without exceptions shall be reported to and approved by the DNI. The DNI, per OMB Memorandum M-05-17, 30 June 2005, may disallow the reciprocal recognition of security clearances or access approvals when necessary for national security purposes.

5. Any agency rejecting another Agency's eligibility determination shall notify all adjudicative authorities having an interest in such determination.

6. To ensure uniformity and proper application of reciprocity in all aspects of the clearance process, all investigative and adjudicative personnel shall receive standardized initial and ongoing training. This training shall include familiarization with counterintelligence issues, the findings of contemporary research in the security and medical disciplines, legal issues, and techniques to ensure the uniform application of investigative standards and adjudicative guidelines.

7. Intelligence Community Directive 704 eligibility for access determinations shall be mutually acceptable throughout IC security elements and shall not be re-adjudicated unless:

a. New information has surfaced since the last investigation that indicates the subject may not satisfy the adjudicative requirements contained therein or the original adjudication was recorded with an exception since the last adjudication; or

b. The original adjudication was recorded with an exception, i.e., a waiver, condition, or deviation annotated to the case.

8. When an agency or organization has unique additional but not duplicative requirements (e.g., foreign connections inimical to a specific SAP), the actual granting of access will be contingent upon resolution of those concerns. Failure to

meet these requirements may not necessarily adversely affect a person's continued eligibility for reciprocal access with other IC elements. The agency granting the original eligibility determination may use new information obtained by another organization to re-adjudicate the case.

9. Persons found to be ineligible for SCI access will remain so for a minimum of one year from the date of the disqualifying decision. Heads of IC Elements may waive this requirement in individual cases based on operational necessity and the determination of no unacceptable security risk.

10. Agencies may accept or reject clearances or access approvals carrying exceptions based on their own risk assessments.

D. CROSSOVER CASES

1. Changes in sponsorship of clearances or access approvals from one agency to another for a contractor employee, or for a government employee being hired as a contractor employee, shall be referred to as "crossover" cases. In crossover cases, the current clearance or access level shall be the same as or higher than the level that the gaining sponsor requires.

2. When contractor personnel change employment from one company to another with the same clearance-sponsoring agency, their current clearance and SCI access eligibility remain valid. In such circumstances, the government sponsor shall update its records to reflect the new employment affiliation and the clearance and SCI access approval eligibility. Government-to-government or contractor-to-government transfers shall not be considered crossover cases because employment suitability issues will invariably be considered.

E. SPECIAL CONSIDERATIONS IN RECIPROCITY DECISIONS

1. Non-compliance with the DNI personnel security standards shall be documented so as to be available to gaining organizations or other authorized requestors in making reciprocity decisions. Examples of such non-compliance are:

- a. The current clearance is temporary; and
- b. The current organization accepted greater risk by granting an exception to a normally disqualified individual for a highly sensitive program.

F. POLYGRAPH AND RECIPROCITY

Those IC organizations that use polygraph examinations as an additional tool to acquire, clarify, or mitigate information in the adjudicative process may extend the polygraph requirement in the granting of personnel security reciprocity. In these instances, reciprocity of an SCI eligibility determination is conditioned upon

satisfactory completion of the gaining Head of an IC Element's polygraph requirement.

G. DENIALS AND REVOCATIONS OF ACCESS DETERMINATIONS

All denials or revocations of access eligibility are subject to the review proceedings outlined in ICPG 704.3, Denial or Revocation of Access to Sensitive Compartmented information and other Controlled Access Program Information, and Appeals Processes.

H. DEFINITIONS

1. Exceptions: An adjudicative decision to grant initial or continued access eligibility despite failure to meet the full adjudicative or investigative standards. Regarding SCI access eligibility, only the concerned Heads of IC Elements or the DNI will make the adjudicative decision. In the case of foreign nationals, only the DNI, or designee, can approve access to SCI. An exception precludes reciprocity without review of the case by the gaining organization. Exceptions are of three types:

a. Waiver: Access eligibility granted or continued despite the presence of substantial issue information that would normally preclude access. The DNI, Heads of IC Elements, or the Head of an IC Element's principal designee shall approve waivers pursuant to their authorities only when the benefit of access clearly outweighs any security concerns. A waiver may require prescribed limitations on access such as additional security monitoring. ICPG 704.2, Personnel Security Adjudicative Guidelines for Determining Eligibility for Access to Sensitive Compartmented Information, and Other Controlled Access Program Information, governs the granting of waivers pertaining to SCI access eligibility.

b. Deviation: Access eligibility granted or continued despite either a significant gap in coverage or scope in the investigation or an out-of-date investigation. "Significant gap" for this purpose means either complete lack of coverage for a period of six months or more within the most recent five years investigated or the lack of a Federal Bureau of Investigation name check or technical check or the lack of one or more relevant investigative scope components (e.g., employment checks, financial review) in its entirety.

c. Condition: Access eligibility granted or continued with the provision that additional security measures shall be required. Such measures include, but are not limited to, additional security

monitoring, access restrictions, submission of periodic financial statements, and attendance at counseling sessions.

I. EFFECTIVE DATE

This ICPG is effective on the date of signature.

[signed:] David R. Shedd	October 2, 2008
Deputy Director of National Intelligence	Date
for Policy, Plans and Requirements	

Intelligence Community Policy Guidance 704.5

A. AUTHORITY	492
B. APPLICABILITY	492
C. SCOPE	492
D. KEY ELEMENTS	493
E. RESPONSIBILITIES	493
F. EFFECTIVE DATE	494

INTELLIGENCE COMMUNITY POLICY GUIDANCE NUMBER 704.5**INTELLIGENCE COMMUNITY PERSONNEL SECURITY
DATABASE: SCATTERED CASTLES**

EFFECTIVE: 02 OCTOBER 2008

A. AUTHORITY

The National Security Act of 1947, as amended; the Counterintelligence Enhancement Act of 2002, as amended; Executive Order (EO) 12333, as amended; EO 13355; EO 12958, as amended; EO 12968, and other applicable provisions of law.

B. APPLICABILITY

This directive applies to the Intelligence Community (IC), as defined by the National Security Act of 1947, as amended, and other departments or agencies that may be designated by the President, or designated jointly by the Director of National Intelligence (DNI), and the head of the department or agency concerned, as an element of the IC or those government entities designated to determine eligibility for Sensitive Compartmented Information (SCI) access.

C. SCOPE

This Intelligence Community Policy Guidance (ICPG) mandates the recognition and use of the Scattered Castles (SC) database, or successor database, as the IC's authoritative personnel security repository for verifying personnel security access approvals regarding SCI and other controlled access programs, visit certifications, and documented exceptions to personnel security standards.

D. KEY ELEMENTS

The SC database shall:

1. Consolidate personnel security data records within the IC;
2. Record all eligibility-for-access determinations to include approvals, denials, revocations and suspensions;
3. Record waivers, deviations, or conditions relating to eligibility-for-access determinations;
4. Provide a National Agency Check data source to avoid duplicative background investigations and, where applicable, polygraph examinations;
5. Record all individuals holding current access to SCI and other controlled access programs, with the exception of classes of individuals exempted due to specific mission concerns. In sensitive situations, IC organizations may record specific personnel under pseudonym. In these cases, the source IC organization must maintain internal records containing the true information for these individuals;
6. Include records of subjects previously holding SCI and other controlled access program access;
7. For subjects with active clearances, retain data records indefinitely; for subjects who have been debriefed or terminated, retain records for two years; for subjects whose clearances have been revoked or denied, retain records for seven years; and for subjects whose clearances have been suspended and are pending revocation, retain records indefinitely; and
8. Serve as the primary source for verifying and accepting visit certifications without additional hard copy or electronic documentation from the visitor's parent organization. Where database access constraints prevent entry of personnel security data into the SC database, hard copy or electronic visit certifications shall continue to be accepted by the organization to be visited.

E. RESPONSIBILITIES

1. The DNI Special Security Center shall:
 - a. Collaborate with the Department of Defense and the Office of Personnel Management (OPM) to ensure Senior Officials of the Intelligence Community -approved personnel security information contained in the SC database is accessible and the data is correlated with OPM's Clearance Verification System database at the appropriate level of classification to protect agency-specific classified information;

- b. Oversee, operate, and maintain the SC database in collaboration with the Scattered Castles Executive Steering Group (SCESG).
2. The SCESG, comprised of representatives from each IC element, shall be responsible for database functionality and access management of the database.
3. Senior Officials of the Intelligence Community shall:
 - a. Designate representatives, with the appropriate levels of expertise, to the SCESG;
 - e. Ensure all SC data is accurate and submitted in a timely manner; conduct a total records refresh at least once every thirty-one (31) days; update records, to include briefings and debriefings, at least weekly; and record all clearance denials, revocations and suspensions within twenty-four (24) hours of the decision.

F. EFFECTIVE DATE

This ICPG is effective on the date of signature.

[signed:] David R. Shedd	October 2, 2008
Deputy Director of National intelligence for Policy, Plans and Requirements	Date

Security Executive Agent Directive 1

A. AUTHORITY	496
B. PURPOSE	496
C. APPLICABILITY	496
D. DEFINITIONS	497
E. POLICY	497
F. ROLES AND RESPONSIBILITIES	498
G. EFFECTIVE DATE	500

SECURITY EXECUTIVE AGENT DIRECTIVE 1



SECURITY EXECUTIVE AGENT AUTHORITIES AND RESPONSIBILITIES

EFFECTIVE: 13 MARCH 2012

A. AUTHORITY

The National Security Act of 1947 (NSA of 1947), as amended; Executive Order (EO) 13467, Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information; EO 12968, Access to Classified Information, as amended; EO 12333, United States Intelligence Activities, as amended; EO 13549, Classified National Security Information Program for State, Local, Tribal and Private Sector Entities; and other applicable provisions of law.

B. PURPOSE

This Directive consolidates and summarizes the authorities and responsibilities assigned to the Director of National Intelligence (DNI) in the role as the Security Executive Agent (SecEA) responsible for the development, implementation, and oversight of effective, efficient, and uniform policies and procedures governing the conduct of investigations and adjudications for eligibility for access to classified information or eligibility to hold a sensitive position. Nothing in this Directive shall be construed to limit the DNI's legal authorities.

C. APPLICABILITY

This Directive applies to:

1. Any individual or entity assisting the SecEA in carrying out Security Executive Agent related responsibilities;
2. Any department or agency designated to perform investigations or adjudications of persons proposed for access to classified information or for eligibility to hold a sensitive position; and
3. Individuals seeking initial or continuing access to classified information or eligibility to hold a sensitive position with the exception of the President, Vice President, Members of Congress, Justices of the Supreme Court, and Federal judges appointed by the President as exempted by 28 CFR 17.46.

D. DEFINITIONS

As used in this Directive, the following terms have the meanings set forth below:

1. “Agency”: Any “Executive agency” as defined in Section 105 of Title 5, United States Code, including the “military department,” as defined in Section 102 of Title 5, United States Code, and any other entity within the Executive Branch that comes into possession of classified information or has positions as sensitive, except such an entity headed by an officer who is not a covered individual.
2. “Authorized adjudicative agency”: A department or agency authorized by law, regulation, or direction of the SecEA, to determine eligibility for access to classified information in accordance with EO12968, as amended, or to hold a sensitive position.
3. “Authorized investigative agency”: A department or agency designated by the SecEA to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information or eligibility to hold a sensitive position or to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information or for initial and continued eligibility to hold such positions.
4. “Classified national security information” or “classified information”: Information that has been determined, pursuant to EO 13526, or any predecessor order, to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.
5. “Sensitive position”: Any position within a department or agency in which the occupant could bring about, by virtue of the nature of the position, a material adverse effect on national security as defined in Section 3(b) in EO 10450.

E. POLICY

1. The SecEA may delegate signature authority within the Office of the Director of National Intelligence to issue and implement policies assigned by law or EO.

2. Existing delegations of authority to any department or agency relating to granting eligibility for access to classified information and for conducting investigations shall remain in effect, subject to the exercise of authorities by the SecEA to revise or revoke such delegation.

3. As appropriate, the SecEA will coordinate with the Suitability Executive Agent and other Executive Branch officials to achieve the greatest degree of alignment possible for investigations and adjudications of persons proposed for access to classified information or for eligibility to hold a sensitive position and to build upon and not duplicate the levels of investigations and adjudications of such persons.

4. The SecEA will establish an Advisory Committee composed of appropriate Executive Agency branch representatives, whom shall meet as necessary to advise and coordinate on policies and procedures related to SecEA responsibilities.

5. The SecEA will take into account, as appropriate, the counterintelligence interests of the United States in carrying out SecEA responsibilities.

F. ROLES AND RESPONSIBILITIES

1. The SecEA, with respect to investigations and determinations made by any agency for eligibility for access to classified information and eligibility to hold a sensitive position, is responsible for:

a. directing the oversight of such investigations and determinations;

b. developing uniform and consistent policies and procedures to ensure the effective, efficient, and timely completion of investigations and adjudications, to include, but not limited to:

(1) development of a common set of investigative standards for background investigations. These standards may vary for the various levels of access and position sensitivity designations;

(2) development of minimum investigative standards for temporary access eligibility determinations, which may be granted only by security personnel authorized by the agency head; and

(3) development of a common set of reinvestigation standards, including the frequency of reinvestigations or continuous evaluations.

c. serving as the final authority to designate a department, agency, or agencies to:

(1) conduct investigations of persons who are proposed for eligibility for access to classified information or eligibility to hold a sensitive position to ascertain whether such persons satisfy the criteria for obtaining and retaining eligibility; and

(2) determine eligibility for access to classified information in accordance with EO 12968.

d. issuing guidelines and instructions to the heads of departments or agencies to ensure appropriate uniformity, centralization, efficiency, effectiveness, and timeliness in processes relating to determinations by departments or agencies;

e. ensuring reciprocal recognition among the agencies of the U.S. Government of eligibility for access to classified information and eligibility to hold a sensitive position, including acting as the final authority to arbitrate and resolve disputes among departments and agencies involving the reciprocity of investigations and eligibility determinations;

f. assigning, as appropriate, in whole or in part, any functions assigned by law or EO to the head of any agency (solely or jointly), subject to terms, conditions, approval and oversight set by the SecEA;

g. developing a common set of adjudicative guidelines for determining eligibility for access to classified information and eligibility to hold a sensitive position, including access to special access programs;

h. developing requirements and procedures, to include but not limited to, the implementation of standardized:

- (1) security questionnaires;
- (2) financial disclosure forms;
- (3) polygraph policies and procedures;
- (4) foreign travel reporting requirements; and
- (5) foreign contact reporting requirements;

i. developing and overseeing policies and procedures governing uniform investigator and adjudicator training, and promulgating implementing guidance for the same;

j. approving agency requests to establish additional investigative or adjudicative requirements (other than requirements for the conduct of a polygraph examination) that exceed the requirements for eligibility to hold a sensitive position or access to classified information; and

k. improving the performance of security clearance processing including:

(1) review, coordination, and development of tools and techniques for enhancing the conduct of investigations and granting of clearances;

(2) evaluating the use of available information technology and databases to expedite investigative and adjudicative processes for all and to verify standard information submitted as part of an application for a security clearance;

(3) evaluating the extent to which a department or agency is submitting information to, and requesting information from such databases as part of a determination on whether to certify the department or agency as an authorized investigative agency or authorized adjudicative agency; and

(4) authorizing an agency to withhold information about certain individuals from the database under this subsection if the head of the agency considers it necessary for national security purposes.

2. Additional SecEA responsibilities include:

a. considering, coordinating and recommending policy directives for Executive Branch security policies, procedures, and practices per EO 12968, as amended;

b. serving as a member of the Performance Accountability Council; and

c. reporting to the appropriate committees of Congress as required by law or as requested.

3. Heads of agencies shall:

a. assist the SecEA in carrying out any function assigned to them by the SecEA, consistent with law, regulation, or EO;

b. implement any policy or procedure developed by the SecEA consistent with law, regulation, or EO;

c. make available to the SecEA, as permitted by law, such information as may be requested to implement responsibilities of the SecEA consistent with law, regulation, or EO;

d. ensure that all actions taken under this Directive, or subsequent directives, take into account the counterintelligence interests of the United States, as appropriate;

e. establish and maintain effective, uniform programs that ensure eligibility determinations for access to classified information and sensitive positions are in the interest of the national security; and

f. share best practices.

G. EFFECTIVE DATE

This SecEA Directive becomes effective on the date of signature.

[signed:] James R. Clapper

13 MAR 2012

Director of National Intelligence

Date

Index of Terms

5

5th Amendment, 240

A

Agoraphobia, 278, 290
 Ahmadi, Nasir Ahmad, 236, 237
 Alcoholism Treatment
 Behavioral Self-Control Training, 26
 Moderation Management, 26
 Tri-Service Alcoholism Recovery
 Department, 26
 Al-Qaeda, 201
 Ames, Aldrich H., 10, 17, 18, 30, 106, 107,
 108, 110, 138, 203, 204, 213, 273, 297
 Animal Liberation Front, 38
 Anorexia Nervosa, 281, 290
 Antisocial Personality Disorder, 92, 98, 260,
 263, 274, 275, 276, 290
 Army of God, 38
 Arranged Marriages, 175, 177

B

Bank Secrecy Act, 112
 Bank Suspicious Activity Report, 114
 Bankruptcy
 Chapter 11, 151, 152, 153
 Chapter 13, 151, 152, 153, 155
 Chapter 7, 30, 151, 152, 153
 Bestiality, 306, 338, 339, 349
 Bipolar Disorder, 274, 278, 279, 291
 Blood Alcohol Concentration, 10, 15
 Bond Amendment, 51, 52, 53, 92, 93
 Borderline Personality Disorder, 257, 274,
 279, 280, 282, 291
 Boyce, Christopher, 271, 297
 Bulimia Nervosa, 120, 281, 291

C

Cash Transaction Reports by Casinos, 113
 Casino Suspicious Activity Report, 114
 Currency Transaction Reports, 113

D

DCI Directive 6/4, 188
 Debt (Types of)
 Bad Checks, 65, 140, 143, 225
 Child Support Payments, 138, 140, 144

Credit Card Debt, 110, 137, 138, 140,
 141, 142, 144, 145, 147, 151, 155,
 156
 Disputed, 144
 Mortgage Loans, 143
 Student Loans, 138, 140, 142, 143, 151
 Tax Liens, 143
 Department of Homeland Security, 454
 Dependent Personality Disorder, 274, 280,
 282, 291
 Diploma Mill, 244, 245, 246, 248, 252, 253
 Degrees-R-Us, 248
 Disorderly Conduct, 13, 29, 41, 62, 66, 70,
 71, 227, 242
 DoD Directive 5240.06, 206, 213, 230, 237
 DoD Instruction 6490.06, 259
 Dolce, Thomas J., 192
 Domestic Abuse, 13
 Driving Under the Influence, 14, 15, 16, 20,
 25, 31, 50, 58, 72, 95
 Driving While Intoxicated, 9, 13, 14, 15, 20,
 25, 31, 72, 226
 Drug Testing
 Falsification, 89, 101
 Hair Test, 100, 102, 103, 105
 Urine Test, 89, 100, 101, 102, 105
 Drugs
 Cocaine, 29, 85, 88, 92, 97, 98, 102, 121,
 129, 322
 Heroin, 85, 96, 98, 311
 LSD (Lysergic Acid Diethylamide), 85, 273
 Marijuana, 66, 85, 86, 88, 89, 91, 92, 94,
 95, 96, 98, 100, 103, 104, 378, 475
 Methamphetamine, 85
 PCP (Phencyclidine), 85, 273
 Prescription, 86, 87, 91, 104
 Dual Citizenship, 182, 183, 184, 186, 188,
 189, 190, 194, 195, 196, 198, 243, 267,
 285, 371

E

Earth Liberation Front, 38
 Executive Order 10450, 2, 398, 402, 434,
 497
 Executive Order 10865, 2, 403, 428, 433
 Executive Order 12829, 2, 402, 420
 Executive Order 12968, 2, 4, 5, 16, 18, 40,
 95, 236, 258, 387, 393, 394, 401, 403,
 405, 443, 444, 449, 451, 458, 461, 462,
 482, 486, 492, 496, 499, 500
 Executive Order 13467, 2, 396, 443
 Exhibitionism, 292, 302, 312, 316, 338,
 339, 340, 346, 347, 348, 355

F

Facebook, 200, 206, 212, 213, 238
 Fast Pay-Down of Debts, 109
 Fetishism, 317, 335, 337, 338, 340, 341
 Financial Disclosure Form, 110, 111

G

Global Assessment of Functioning Scale,
 295, 296
 Google +, 200
 Grandiosity, 261, 265, 266, 268, 273, 274,
 282, 284, 285, 286, 292
 Guangdong Friendship Association, 215
 Gun Control Act of 1968, 58

H

Hall, James, 106, 107
 Hamilton, Frederick C., 191
 Hanssen, Robert P., 106, 114, 269, 297
 Histrionic Personality Disorder, 274, 280,
 282, 293

I

Identity Theft, 208, 233
 Intelligence Community Directive 704, 2,
 193, 442, 483, 487
 Intelligence Community Policy Directive
 704.1, 2, 448
 Intelligence Community Policy Guidance
 704.2, 2, 365, 371, 445, 460, 489
 Intelligence Community Policy Guidance
 704.3, 2, 445, 481, 489
 Intelligence Community Policy Guidance
 704.4, 2, 445, 485
 Intelligence Community Policy Guidance
 704.5, 2, 445, 491

K

KGB (Komitet Gosudarstvennoi
 Bezopasnosti—Russian Committee for
 Security of the State), 269, 270, 350

L

Lautenberg Amendment, 58, 59, 60
 Lie Detection, 232, 250

M

Mail-Order Brides, 175, 177, 301
 Manning, Bradley, 205, 210, 216, 220, 221

Medications

Carbamazepine, 123
 Clomipramine, 123
 Fluvoxamine, 123
 Lithium, 123
 Naltrexone, 96, 123
 Topiramate, 123
 Memory Distortion, 232, 251
 Mission Essential Personnel (DoD
 contractor), 236, 237
 Moore, Edward, 204
 Morison, Samuel L., 204, 216, 219
 MySpace, 200

N

Narcissistic Personality Disorder, 274, 282

O

Obscene Telephone Callers, 338, 348
 Obsessive-Compulsive Disorder, 274, 286,
 293, 311

P

Paraphilia, 294, 338, 339, 340, 342, 349,
 350
 Patriot Groups, 36, 37, 40
 Patriotic Knights of America, 41
 Pedophilia, 176, 302, 306, 316, 338, 339,
 344, 345, 354
 Pollard, Jonathan Jay, 204, 205, 213, 261,
 267, 285, 297
 Pornography in the Workplace, 307
 Possession of Child Pornography, 302, 306,
 307, 346, 360
 Post-traumatic Stress Disorder (PTSD), 278
 Public Drunkenness, 13, 175
 Public Law 110-181, 51, 92

R

Ramsey, Roderick, 82, 83, 104
 Religious Training, 175
 Report of Foreign Bank and Financial
 Accounts, 113
 Report of International Transportation of
 Currency or Monetary Instruments, 113

S

Schizophrenia, 92, 257, 274, 287, 288, 291,
 295
 Schizotypal Personality Disorder, 274, 288
 Security Executive Agent Directive 1, 2, 495,
 496

Sex Tours, 175, 176
Social Phobia, 278
Southern Poverty Law Center, 36, 44, 47
Standard Form 86, 245, 259

T

Taliban, 201, 213
Tax Havens, 175, 176
Transsexualism, 323, 324, 333, 334, 336,
337, 353
Transvestism, 316, 317, 323, 324, 335, 336,
337, 353
Twitter, 200, 201, 206, 213

V

Voyeurism, 78, 295, 302, 316, 338, 339,
340, 346, 347, 355

W

Walker, John, 106, 107, 209, 262, 264, 272,
275, 277, 297
Walker, Michael, 204
Whitworth, Jerry, 209, 213
Whole Person Concept, 5, 133, 450
WikiLeaks, 205, 210, 213, 220, 221

Y

YouTube, 200, 201, 213