

Outside Activities

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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. Outside activities of concern usually 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.

An outside activity is more likely to be a security concern when it relates to the same general subject area as an individual's classified activities. There may be a conflict of interest if an individual makes judgments about what should or should not be said or done to further the outside activity, while having some personal benefit to be gained by saying or doing more than one should. 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 deliberately reveal classified information. This happened in the case of Navy intelligence officer Samuel Morison, which is described below. Morison was convicted of espionage as a consequence of outside employment with a foreign publication that tracks the world's naval ships and weapons.

Of particular concern is the cleared scientist or engineer who helps to start or run a business in a foreign country, especially if that business is related to the individual's area of expertise and is in the individual's country of birth.

Samuel Morison Case

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. It was this case that led to Outside Activities being included as one of the adjudicative guidelines. Morison worked at the Naval Intelligence Support Center in Suitland, MD, from 1974 to 1984. The grandson of the famous naval historian Samuel Elliot 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."¹ Morison was sentenced to two years in prison for espionage and theft of government property.

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.

Examples of situations that are of potential concern under this guideline include but are by no means limited to:

- An information security specialist for a large defense contractor works, on the side, as a consultant on information security topics for both domestic and foreign corporations.
- A sales representative handling any type of protected technology agrees to be paid on the side as a consultant on the technology, perhaps by the company to which the representative is selling the technology.
- A naturalized American citizen with a Ph.D. in mechanical engineering initiates a business partnership in a related field with an old school friend in his native country.
- As an outside activity, a government employee serves as a lobbyist or other paid or unpaid representative of a foreign government, foreign political group, or foreign corporation.
- As an outside activity, a government weapons analyst is a paid associate editor for a foreign-based publication that covers military weapons.
- A scientist who is a specialist in biological weapons makes a presentation that was not approved in advance at an international conference on the production and destruction of biological weapons.
- An engineer with relatives in China accepts an invitation to attend an international conference in China, with all expenses paid, if he or she agrees to lecture at the local university.
- An individual with a security clearance is elected to a leadership position in an American or international professional organization related to the individual's field of classified work. (A leadership role in a professional, scholarly, or advocacy organization should be reported

if the organization's activity is in a subject area related to the individual's classified activities. The security office will normally approve any activity that can be shown to pose no conflict with one's security responsibilities.)

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. For individuals who hold an SCI clearance, DCI Directive 6/4 applies. It states that individuals who hold SCI access "have special responsibilities and obligations to report to their cognizant security officer, in writing and when feasible in advance, activities, conduct or employment that could conflict with their ability to protect classified information from unauthorized disclosure or counterintelligence threats."

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.

Footnotes

1. Weiss, P. (1989, September). The quiet coup: U.S. v. Morison - a victory for secret government. *Harper's*.