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The Evolution of Adjudicative Guidelines in the Department of Defense

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Released by – Eric L. Lang

BACKGROUND

The Adjudicative Guidelines serve several important and related functions in the Department of Defense (DoD). They explain the standards by which applicants are evaluated for eligibility for access to classified or sensitive information and for Sensitive Compartmented Information (SCI). They also guide adjudicators in evaluating information collected about applicants in background investigations.

The Adjudicative Guidelines' history stretches back over six decades. Current government officials may not be familiar with that history; consequently, decisionmakers may act on issues regarding the guidelines with an incomplete grasp of their role and how they evolved to take their present form.

This study of the evolution of the Adjudicative Guidelines in the DoD provides a context for decisions about the guidelines, so that the hard-won policy advances of the past are preserved and will serve as the basis for further improvements.

HIGHLIGHTS

The initial standards for adjudication date to 1953 in Executive Order (E.O.) 10450, when the Cold War focused concern on preventing federal employees from spying for the Soviet Union. This led to preoccupation with an applicant's commitment to and associations with international communism. Three concerns overlapped in the original standards: loyalty, suitability for employment, and maintaining the security of classified information. All three carried over in later revisions.

The first formal DoD Adjudicative Guidelines appeared in DoD Directive 5200.2-R in 1981. This regulation integrated personnel security policy in the DoD. The Adjudicative Guidelines were meant to improve consistency in decisions across the department. Similar guidelines were issued in 1980 by the Director of Central Intelligence (DCI) for Sensitive Compartmented Intelligence (SCI) access in Director of Central Intelligence Directive (DCID)1/14. For 3 decades, the collateral and SCI guidelines evolved in parallel but differing forms until the first uniform Adjudicative Guidelines were issued in 1995 reflecting standards set out in E.O. 12968. The uniform Guidelines applied to both collateral and SCI access, a step toward consistent standards across the government.

Revised in 2005 to update them with developments in information and communications technology, globalization, and the impact of global migration, the uniform Guidelines came under further study and revision by Office of the Director of National Intelligence (ODNI) starting in 2009.

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PREFACE

From its founding in 1986, the Defense Personnel Security Research Center (PERSEREC) has produced a series of research studies on adjudication. Some of these studies focused on a single adjudicative issue, such as homosexuality or financial concern, in which available information on that issue was collected from social science literature and organized for policy-makers. Other studies looked at aspects of the adjudication process, such as the use of automated records checks, or they looked at the whole adjudication process, for example, in studies that led to recommendations for revisions to the Adjudication Guidelines themselves. Over its 25-year history, PERSEREC has played a significant role in understanding and improving adjudication in the DoD.

This study contributes to that body of work by documenting the evolution of the Adjudicative Guidelines from their origins in the early Cold War to the latest revision that is still in process in 2011.

The guidelines have a long history, and they have undergone numerous revisions. These changes reflect both a core of issues that has consistently guided adjudication, and a series of more transient concerns that reflected their times, and which have shifted or come and gone as the guidelines have been updated. Revisions have allowed the guidelines to express the concerns and approaches to evaluating applicants appropriate to their times. Knowing their history and how the guidelines evolved will assist officials in making appropriate decisions about them in the future.

Eric L. Lang
Acting Director

EXECUTIVE SUMMARY

The standards¹ used to evaluate federal applicants for employment or access to classified information have changed over time, and so have the guidelines used to explain those standards. The evolution of adjudicative guidelines in the Department of Defense (DoD) falls into three time periods: 1953 to 1987, 1988 to 1999, and 2000 to the present.

Some elements have not changed over time. The goals of adjudication—fairness, accuracy, consistency, and relevance to the requirements of the job—persist. The system continues to assume that applicants’ past attitudes and behaviors provide insight into their future attitudes and behaviors. A core set of concerns carries through the various iterations of the guidelines. Concerns characteristic of their time changed and over time prompted revisions and adjustments.

Adjudication began in the 1940s as a local function in personnel or security offices of each federal agency. Gradually, starting in the 1970s, agencies moved to consistent standards, and then in the 1990s the goal became consistency across the Executive Branch. This desire for consistency drove the evolution of personnel security adjudicative standards.

The initial guidelines were shaped by the context of the early Cold War. It was a period in which fear haunted the government that American citizens might be spying for the Soviets by providing them with classified information. In April 1953, President Eisenhower issued Executive Order (E.O.) 10450, *Security Requirements for Government Employees*, the executive order that defines the basic elements of the personnel security system on which all later policy on personnel security rests. Many of the 12 original standards defined in E.O. 10450, including concerns about allegiance, financial history, and criminal conduct, were reiterated in later versions. The order required vetting of applicants on three overlapping constellations of behavior and attitudes: (1) suitability for employment, (2) security of classified information, and (3) loyalty to the nation. In varying proportions this combination was repeated for the next six decades.

In December 1979, the DoD issued DoD Directive 5200.2, *Personnel Security Program*, and its implementing regulation, DoD Directive 5200.2-R. For the first time in the DoD, most of the elements of personnel security were consolidated and

¹ In this report the terms “standards” and “guidelines” are used often, and while they are closely related, they are not synonymous. Here they are used according to the following definitions. A standard is “something considered by an authority or by general consent as a basis of comparison; an approved model, a rule or principle that is used as a basis for judgment.” A guideline is “any guide or indication of a future course of action; a principle put forward to set standards or determine a course of action.” ([http://dictionary/reference.com](http://dictionary.reference.com)). When capitalized, the “Adjudicative Guidelines” or simply the “Guidelines,” refers to the particular guidelines authorized at a point in time to guide DoD adjudicators in applying the standards for access to classified information that were set forth in policy.

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integrated, moving away from their agency-specific origins. The first DoD version of its adjudicative guidelines was attached as an appendix to DoD Directive 5200.2-R in March 1981. Although the regulation defined 17 standards, only nine guidelines were published in this first version.

The Director of Central Intelligence (DCI) also issued adjudicative guidelines for evaluating access to Sensitive Compartmented Information (SCI). The first SCI version was attached as an appendix to a revision of DCI Directive (DCID) 1/14 in March 1980. Comparing the two initial versions suggests that the collateral (that is, security clearances at the Confidential, Secret, or Top Secret level with no access to intelligence information) and SCI (that is, access issued by the intelligence community) communities articulated their own interpretations of the adjudicative standards that had been laid down in 1953 in the E.O. 10450. The two versions of adjudicative guidelines continued to express similar concerns but differing emphases for the next three decades. In 1987, the DoD published a major revision of DoD Directive 5200.2-R, in which it made wording changes throughout and revised the language that had been used in the E.O. 10450 in order to express concerns in more up-to-date form. It also became more specific by adding many instances and examples.

During the late 1980s and early 1990s, the collapse of the Soviet Union and the end of the Cold War caused major changes to the personnel security program. Study commissions starting in 1985 recommended more standardization in personnel security policies and processes to improve efficiency and reciprocal acceptance of clearance decisions, more automation and connectivity among agencies, and a single set of adjudication standards across the collateral, SCI, and industrial contractor communities to achieve the consistency of a government-wide system. The increase in serious instances of espionage by Americans in the 1980s pointed to the need to reform the personnel security system, while during the same period industrial contractors demanded reform, since they suffered lost time, money, and talented personnel from redundant personnel security procedures.

A series of reforms to the personnel security system in the early 1990s, and the impact of objective research studies undertaken during the same period, moved the system toward standardization. In an effort to increase the consistency and scientific validity of adjudication and in response to the demand for reciprocity and uniformity across agencies, two landmark executive orders were issued in 1995: E.O. 12958, *Classified National Security Information* on information security, and E.O. 12968, *Access to Classified Information* on personnel security. These orders framed policy on classified information for the next decade. The standards for eligibility for access in E.O. 12968 were crisp and direct compared to the original language of the Eisenhower-era order. These standards and the uniform Adjudicative Guidelines that explained them were now mandated for use by all executive agencies for both collateral and SCI—another significant step toward the goal of consistency.

The uniform Guidelines adopted in 1997 shifted the emphases in the guidelines: “Foreign Preference” and “Outside Activities” joined “Foreign Influence” in describing the constellation of concerns about a clearance holder’s commitments and behaviors that could support other countries or causes over the interests of the United States. E.O. 12968 announced the end of considering homosexuality itself to be a security issue, and it significantly revised the approach to adjudicating mental health issues.

The revision cycle sped up dramatically after the uniform Adjudicative Guidelines were adopted. Research and evaluation of the guidelines began two years after the DoD adopted them, and the resulting revisions were framed, coordinated, and adopted in 2005. Security officials had come to approach the guidelines not as immutable security precepts, but as an expression of core issues applied to contemporary concerns. The assumption was that they could and should be reworked as needed to keep them relevant. The 2005 revision reflected the influence of globalization’s mixing of peoples and cultures with new versions of foreign influence and foreign preference guidelines. The rapid evolution of information technology and communications informed the revised “Handling Protected Information” and “Use of Information Technology” guidelines.

Further reforms to the personnel security system undertaken in the early 2000s again affected the Adjudicative Guidelines. Congress created the Director of National Intelligence (DNI) in December 2004, and designated him or her as coordinator and overseer of all intelligence agencies, while at the same time it reorganized the intelligence community. The issuance of E.O. 13467 in June 2008 was a second important milestone because it restructured federal authority for both personnel security and employment suitability determinations under an interagency Performance Accountability Council (PAC). The DNI serves as the Executive Agent for Security, and the Director of the Office of Personnel Management (OPM) serves as the Executive Agent for Suitability. The Office of the DNI (ODNI) began to issue revised policies and guidance on personnel security for SCI access in the Intelligence Community Directive 704 series. Its policy guidance on adjudicative guidelines revised the “Foreign Preference” Guideline without coordination across agencies, making them no longer “uniform”—a discrepancy that remains unresolved in 2011.

In 2009, the ODNI launched another review and potential revision of the uniform Adjudicative Guidelines. This effort continues the general approach to the guidelines taken in recent years, of updating and refining them often to ensure that they reflect current practices, potential new issues, and language. The personnel security system continues to move toward a single and more consistent system under recommendations from an interagency Joint Reform Team; the Adjudicative Guidelines express the standards for adjudicating access to that system. Maintaining them as a “living document” is an important element in making the system work well.

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INTRODUCTION

Adjudication is the weighing of information to make a decision. In common usage, it means acting as a judge to arrive at a decision, settlement, or judgment. In the context of the personnel security system, an adjudicator weighs information obtained in a background investigation to decide if a person is eligible for a particular job or for access to classified information.

The standards by which people are evaluated for government jobs, or access to classified and sensitive information, have changed over the decades. Guidelines that explained those adjudication standards have also changed, sometimes in minor ways, sometimes in major revisions. The evolution of adjudication standards and their associated guidelines falls into three time periods since 1953: 1953 to 1987, 1988 to 1999, and 2000 to the present. The standards and guidelines in effect during each period expressed the dominant concerns of its time, yet each iteration of them also expressed core issues that continued to be relevant and useful for evaluation through changing times. The goals for adjudication—fairness, accuracy, consistency, and relevance to the requirements of the position—have persisted through these changes.

1953 TO 1987

BACKGROUND

Adjudication of security clearances for access to classified information began as a function of personnel assessment with a security dimension, because it involved placing individuals into positions or employment duties that required access to classified information. During World War II, the military services each defined their own procedures for investigating and adjudicating eligibility for access to the information they classified as sensitive and controlled. After the war, as the Cold War began and the Soviet Union persisted in its espionage, agencies decided to continue their wartime procedures for classification of information and vetting for access to it.

Thus, starting in the 1940s, adjudication was being performed in personnel or security offices of the military services and some other federal agencies, and this local agency focus persisted through the mid-1970s. If there were guidelines for adjudicators during this early period, they reflected and served the needs and practices of each local agency, service, and office. It is useful to recognize that adjudication was a function that was “born local,” and that starting in the 1970s, it gradually shifted, first to apply to whole departments or agencies, and then to apply across agencies to the whole federal government.

The threat at the time from international communism shaped the initial standards for personnel security. Concerns in 1947 about infiltration of the federal government by communists caused President Truman to issue Executive Order (E.O.) 9835, which framed procedures that tried to evaluate the loyalty of potential federal employees. This order required background investigations of applicants that would be adjudicated by loyalty boards located within regional Civil Service Commissions. During these early years of the Cold War, fear haunted the government that American citizens were helping the Soviets by providing them classified or sensitive information. Public revelations during and just after the war about successful Soviet espionage raised the public’s awareness for the first time of an internal threat based on federal employees’ ideological commitments or associations with enemy organizations. Those concerns seemed to be confirmed when the Soviets exploded their first atomic bomb in 1947, thereby demonstrating that they had made good use of the atomic secrets that American and British spies had stolen for them during the war (Haynes, Klehr & Vassiliev, 2009).

The procedures for investigating an applicant’s background and potential loyalty under Truman’s loyalty program were challenged in court early in the 1950s, because the standards for decisions about loyalty were loosely defined and this allowed agencies wide discretion to reach a variety of conclusions. Also, there were no provisions for due process for the individual in the event of an unfavorable decision. The legal challenge prompted efforts to improve the program by systematizing the agency-specific and service-specific procedures for vetting and

adjudicating into a more unified program that could apply across federal agencies. A basic assumption from the earliest personnel security program under Truman has carried over in all subsequent iterations. The assumption is that people's past attitudes and behaviors provide useful insight into what their attitudes and behaviors will be in the future. On this assumption rests the justification for background investigations as the primary vetting procedure.

President Eisenhower rescinded Truman's loyalty program in April 1953 and instead issued E.O.10450, *Security Requirements for Government Employees*. This executive order laid down the basic elements of the personnel security system that have remained in place to the present, with some modifications. All subsequent policy on personnel security is built on the foundation of this order. Its basic elements included the following elements, paraphrased from the original:

- (1) Designation of heads of departments and agencies as responsible for establishing and maintaining systems within their organizations to ensure that employment decisions were consistent with national security.
- (2) A mandate for a background investigation for every civilian employee or officer of government, the scope to be based on one of three levels of potential harm a person in the particular position could inflict.
- (3) Minimum standards for background investigations that included national agency checks, fingerprint checks, local agency checks, contacts with former employers and schools, and reference checks.
- (4) The option to have the Federal Bureau of Investigation (FBI) perform a "full field investigation" beyond the baseline investigation should facts arise to warrant one.
- (5) The definition of standards by which to judge whether a person's employment would be consistent with the interests of national security. These 12 standards are the genesis of later versions of the adjudicative standards, and the guidelines that explained them. They were:
 - Behavior, activities, or associations that showed a person to be other than reliable, trustworthy, and loyal.
 - Lying or omissions of fact during investigation.
 - Criminal or immoral conduct, including excessive alcohol use, drug addiction, or "sexual perversion."
 - Illness, including mental illness, that would "cause a defect" in judgment or reliability.
 - Vulnerability to coercion.
 - Committing or conspiring to commit acts of treason, espionage, sedition, or sabotage, or aiding such acts by others.

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- Maintaining association with spies, anarchists, or secret agents of foreign powers “whose interests may be inimical to the interests of the United States.”
 - Advocating the overthrow of the government by force or violence, or associating with those who do so.
 - Knowing membership with intent to further the aims, or adherence to and active participation in, any organization that advocates force or violence to prevent persons exercising their constitutional rights or seeks to overthrow the government.
 - Intentional disclosure of secret information, or “willful” disregard of security regulations.
 - Acting to serve the interests of another government in preference to the interests of the United States.
 - Refusal to testify to a Congressional committee about alleged disloyalty.
- (6) A direction to the Office of Personnel Management (OPM) to maintain a “security-investigations index” on the background investigations performed on individuals across the government. This was an early mandate to compile a database that would track security actions taken on individuals.

Most of the 12 standards listed in E.O. 10450 reappear in later iterations of adjudicative guidelines, although they were often rephrased or restructured. These standards from 1953 reflected the experiences of the previous decade: the country’s emergence from all-out war against Germany and Japan, the immediate and unprecedented Cold War, and the fact of espionage by Americans on behalf of the Soviet Union—a foreign power whose announced aim was to overthrow all Western governments. The standards for access to classified information framed in 1953 reflected the preoccupations of the times: association with or membership in communist or other subversive groups, lying or refusal to testify to Congress about such associations, advocating overthrow of the government (as did international communism), espionage and other disloyal acts such as sabotage and sedition that put the interests of a hostile foreign power ahead of those of the United States, and vulnerability to coercion through relatives or associates who lived under hostile foreign powers. All reflected the context of the early Cold War, the fall of the Iron Curtain of the late 1940s, and concern with loyalty and trustworthiness of federal employees in the face of these threats (Commission on Protecting and Reducing Government Secrecy, 1997).

Several of the standards that expressed concern that applicants for federal jobs would be reliable, or suitable, employees, focused on the applicant’s abiding by laws and regulations, refraining from intoxicants, drugs, or unconventional sexual behaviors, and being free from mental or physical illness that could undermine judgment. None of the standards had been tested with objective social science research. They expressed the collected wisdom of past experience with vetting for

access to classified information applied to contemporary preoccupations with betrayal by insiders. E.O. 10450 combined concerns about three overlapping constellations of behavior and attitudes: (1) suitability for employment, (2) security of classified information, and (3) loyalty to the nation. In varying proportions for the next six decades, this combination was repeated in subsequent revisions of adjudicative standards.

FRAMING ADJUDICATIVE GUIDELINES TO IMPLEMENT STANDARDS

No sooner were the adjudicative standards for a federal personnel security program in place in 1953 than a steady flow of executive orders, agency directives, and court decisions began to revise and refine those standards. It is beyond the scope of this overview of the Adjudicative Guidelines to trace these many issuances in detail, or to examine the evolution of the policies and institutional authority for personnel security over the decades since 1953. Yet it is important to realize that the written Adjudicative Guidelines discussed here are but one expression—though they are an important expression—of the evolving personnel security program itself, and the guidelines are only one dimension of adjudication.

Other dimensions of adjudication relevant to understanding the role of the Guidelines include (1) characteristics of the adjudicators themselves, their training, levels of education, and professional definitions; (2) the organizational location of the adjudication function within an agency, in terms of the status, resources, and independence of the adjudicators; (3) within the framework of the Adjudicative Guidelines, the degree to which local rules of thumb and procedures determine how adjudicators do their jobs in a given organization; and (4) the amount of cross-agency training and exposure to different agency-specific judgments that agencies provide, in an effort to encourage consistency across agencies of the government (Herbig & Nelson, 2004).

In general, the development of adjudicative standards evolved from applications in local personnel offices of the standards listed in E.O. 10450, in the 1970s to standards that would apply to whole military departments or agencies, such as the Department of Defense (DoD) or the Central Intelligence Agency (CIA), and finally, in the 1990s, to standards that would apply to all agencies across the federal government. During this evolution, the role of the adjudicator also evolved, from that performed as one of many duties by personnel generalists into that of a specialist with designated training, skills, and support. Recently, the role has evolved further, with the development of a program of professional certification for adjudicators with a designated adjudicator career path (Fischer, 2004).

The desire for consistency drove the evolution of personnel security adjudicative standards. In part, this reflected prodding by the courts in decisions that demanded more clarity and consistency when agencies applied standards that could deny employment to an individual. In part, it reflected the government's bureaucratic impulse for control and predictability, and a corresponding distaste

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for idiosyncrasy, along with the desire to treat people fairly who were subject to judgments about their past and future behavior. And in part, it reflected the growing interdependence of federal agencies and military departments in the late 20th century, as they moved away from being self-contained units and toward becoming interlocking parts of an integrated federal whole (Booz Allen Hamilton, 2008). A governmentwide unit requires common elements, such as computer systems that communicate with one another across agencies, personnel procedures that allow people to shift jobs easily among agencies, and personnel security standards that promote efficiency and fairness in any part of the federal whole.

The courts advanced consistency in the personnel security system with one important decision in this period while another decision undermined consistency. In *Cole v. Young* (1956), the sweeping power to dismiss employees that had been given to supervisors in E.O. 10450 three years earlier was tested. The Supreme Court ruled that Young, a civilian employee with the Department of Health, Education, and Welfare who had been accused of communist associations, could not be dismissed (as he had been) on grounds that he was a threat to the national security, because the government had not demonstrated that a person in his job could adversely affect national security. This finding narrowed the application of the personnel security system to sensitive positions that could endanger the national security, and it also discussed employees as potential “security risks” if they were influenced by intoxicants such as alcohol, providing an early discussion of the nexus between using intoxicants and endangering secret information while one’s judgment is impaired (*Cole v. Young*, 1956; DoD Security Institute, 1988).

In 1959, the Court again sided with an employee in *Greene v. McElroy*. McElroy, a contractor employee who held a security clearance, was dismissed for communist associations after hearings in which he had been denied access to the evidence against him and an opportunity to confront or cross-examine witnesses. The Court ruled that unless denied explicitly by the President or Congress, employees of contractors who required security clearances to perform their jobs must have due process, including a written statement of reasons for denying their access to classified information, a chance to reply in writing, and the constitutional rights of cross-examination and confrontation of witnesses. The following year this ruling prompted issuance of E.O. 10865, *Safeguarding Classified Information within Industry*, which established the right of contractors to a personal hearing during appeals, an appeals hearing not guaranteed to Intelligence Community personnel working with Sensitive Compartmented Information (SCI) or Sensitive Access Programs (SAPs), military members, or civilian federal employees (*Greene v. McElroy*, 1959; DoD Security Institute, 1988). The *Greene* case and the executive order it provoked created an appeals procedure for industrial contractors that differed from that provided to federal employees and therefore led to less consistency. This discrepancy persisted for decades.

A report published in April 1975 by a DoD Personnel Security Working Group (PSWG) documented the need for greater consistency throughout the personnel

security program.² The PSWG studied the feasibility of reducing the number of differing types of background investigations and of centralizing adjudication. It reported that adjudications for collateral clearances (that is, security clearances at the Confidential, Secret, or Top Secret level with no access to intelligence information) were then being performed in several thousand locations across the DoD, in contrast to adjudications for special access involving intelligence information, specifically those for SCI, which were already centralized into one or two designated locations for each of the military services and one for the Defense agencies. The report outlined a range of options for centralization for all DoD adjudications to move from several thousand sites to 24, or to four, or even to one site.

The report repeatedly criticized the many variations in interpretation by adjudicators they had found across the many sites. Only at the Defense Industrial Security Clearance Office (DISCO), which was responsible for clearances for DoD's industrial contractors (and by interagency agreement, for the contractors of most other government departments), did the team find that "a highly structured set of guidelines is used to assist adjudicatory personnel...At no other organization visited by the PSWG were such detailed and comprehensive guidelines found" (Department of Defense Personnel Security Working Group, 1975).

The 1975 DoD PSWG report set a course for reform in the Defense Department. DoD reached a milestone in the effort in December 1979 with the issuance of DoD Directive 5200.2, *Personnel Security Program*, and its implementing regulation, Department of Defense Directive 5200.2-R. For the first time in the DoD, most of the elements of personnel security were consolidated and integrated, moving away from their agency-specific origins. The regulation designated policies and procedures for the acceptance and retention of persons in the military services, acceptance and retention of civilian employees of the DoD, standards and procedures for granting access to classified information for both those groups, and the policies and procedures for background investigation of contractor personnel working in the DoD; only aspects of the National Security Agency's (NSA) procedures and the adjudication, due process, and retention of DoD contractors remained under authorities and procedures defined by separate executive orders. NSA's work usually aligned it more closely with the Intelligence Community than with the larger DoD.

Department of Defense Directive 5200.2-R reworked some of the standards for access to classified information that had first been defined in 1953 in E.O. 10450, but several of the standards were incorporated unchanged from the earlier order. Other points were reordered, some new terms were added and old ones eliminated, and several of the standards themselves were added or deleted. The revised section,

² There have been several Personnel Security Working Groups in the federal government over the last 60 years, some located in DoD, others in the Intelligence Community, and yet others under interagency sponsorship.

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consisting of 17 standards, tried to put like issues together and to separate them from unlike issues, and it dropped language that was ambiguous, such as “notoriously disgraceful conduct,” or points that no longer described the pressing issues of the day.

So, for example, it reworded the 1953 section on “refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a Congressional committee regarding the charges of his alleged disloyalty or other misconduct,” which reflected the recent experience in the early 1950s with Congressional loyalty hearings. In the 1979 regulation this became “Refusal or intentional failure to provide material facts in a personal history statement or security form or otherwise intentionally failing or refusing in the course of an investigation, interrogation, or hearing, to answer or to authorize others to answer, any material questions regarding the matters set forth [in the standards above].” On the other hand, the 1979 regulation expanded the standards on vulnerability to coercion (which was then of real concern during the Cold War with the Soviet Union) by listing as vulnerabilities and therefore as possible grounds for refusal of access to classified information, having specific family members, friends, or associates who were “residing in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas of such a nation...”(E.O. 10450, 1953; DoD Directive 5200.2-R, 1979).

In addition to these 17 standards, DoD Directive 5200.2-R incorporated six criteria for how to apply the standards, and these application criteria reappeared, slightly reworded, in all subsequent versions of adjudicative standards in personnel security policy. The application criteria were to be used by adjudicators in reaching a determination that was “clearly consistent with the interests of national security,” while it represented a “commonsense evaluation based on all available information.” They were the

- (1) Nature and seriousness of the conduct
- (2) Circumstances surrounding the conduct
- (3) Frequency and recency of the conduct
- (4) Age of the individual
- (5) Voluntariness of the participation
- (6) Absence or presence of rehabilitation (DoD Directive 5200.2-R, 1979).

In March 1981, an appendix was added to DoD Directive 5200.2-R titled “Adjudicative Guidelines.” This represented the first version of guidelines that were meant to be applied by adjudicators throughout the DoD. The guidelines did not track closely to the 17 standards (described above) that had already been published in Chapter II of DoD Directive 5200.2-R. There were only nine guidelines, organized under topic headings, and some points under a guideline combined or cut across

various points from the 17 standards. Under each guideline, a short statement of the basis for the concern was followed by a list of “reasons that may be considered in determining whether to deny or revoke a clearance,” and each ended with a list of mitigating factors to consider. The nine guidelines in this 1981 Appendix referred to:

- Financial irresponsibility
- Criminal conduct
- Sexual misconduct
- Mental or emotional illness
- Hostage or foreign connections
- Subversive activity
- Alcohol abuse
- Drug abuse
- Security violations

While the DoD led the effort to systematize adjudication standards for collateral clearances, and to issue guidelines for adjudicators across the DoD and the other executive agencies for which it provided background investigations, the Director of Central Intelligence (DCI) led similar efforts for the Intelligence Community agencies. Many DoD agencies and the military services approve SCI clearances, and in order to do so they follow the procedures laid down by the DCI. Thus, although this study focuses on the DoD, it also sketches the development of SCI standards and adjudication guidelines.

On March 19, 1980, the DCI attached a first version of Adjudicative Guidelines for access to SCI to DCI Directive 1/14 (DCID 1/14), *Personnel Security Standards and Procedures Governing Eligibility for Access to Sensitive Compartmented Information (SCI)*. The DCID 1/14 itself dated from May 1976, but until the revision in 1980, it had no adjudicative guidelines for SCI. Its publication was closely followed by the issuance of E.O. 12333 in December 1981. This seminal executive order structured the Intelligence Community, laid out the responsibilities of the CIA and its relationships with the other intelligence gathering agencies, and established the duty of the Senior Officials of the Intelligence Community (the SOICs) to “protect intelligence and intelligence sources and methods from unauthorized disclosure,” which implied ensuring that personnel in their agencies would remain loyal, trustworthy, and reliable enough to handle the SCI in their care (E.O. 12333, 1981).

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The new SCI Adjudicative Guidelines appeared a year before the DoD published its version of Adjudicative Guidelines in an appendix to DoD Directive 5200.2-R. The DCID 1/14 would be repeatedly revised and reissued under the same number, until it was renumbered in 1999 to become DCID 6/4. Revisions of the directive were published in 1980, 1983, 1984, 1992, 1994, 1998, and 2006.

The first SCI guidelines in 1980 had some elements in common with the DoD's first guidelines in 1981, but there were also differences in emphasis and phrasing between them. Comparing the two initial versions suggests that the collateral and SCI communities articulated their own interpretations of the adjudicative standards that had been laid down in 1953 in the E.O. 10450. The order of the guidelines in Table 1 has been changed to allow comparison between them.

Table 1
Comparison of Initial Collateral and SCI Adjudicative Guidelines Titles

DoD Directive 5200.2-R (1979 version, Appendix I "Adjudicative Guidelines" added in 1981)	DCID 1/14 (1980 revision, Appendix A "Adjudicative Guidelines")
<ul style="list-style-type: none"> • Financial irresponsibility • Criminal conduct • Sexual misconduct • Mental or emotional illness • Hostage or foreign connections • Subversive activity • Alcohol abuse • Drug abuse • Security violations • No comparable guideline • No comparable guideline 	<ul style="list-style-type: none"> • Financial irresponsibility • Record of law violations • Homosexual conduct and sexual perversion • Emotional and mental disorders • Close relatives and associates • Loyalty • Alcohol abuse • Illegal drugs and drug abuse • Security violations • Cohabitation • Undesirable character traits

In the many subsequent revisions to the SCI Adjudicative Guidelines were wording changes, the addition of new topics and deletion of others, the combining of some elements, and the inclusion of new guidelines. While it is beyond the scope of this overview to document in detail all of these changes in the SCI guidelines, some examples illustrate the point that adjudication standards express both a persistent core of concerns based on new espionage cases and security violations, as well as some of the salient issues of the period in which they are written. As the context changed with time, the guidelines came to seem outdated and less useful, and they were revised. Some core concerns, such as a history of financial stability and a clean criminal record, have been retained in all of these revisions, but other issues came and went with changes in social norms, international geopolitics, and national policies.

For example, the SCI guideline from 1980 titled “Homosexual Conduct and Sexual Perversion” was repeatedly reworked during the 1980s and early 1990s. In 1984, the title was changed to the more neutral “Sexual Considerations,” and “sexual promiscuity” and “extramarital relations” were specified along with the 10 “deviant sexual behaviors” listed as vulnerabilities to coercion or indicative of lack of judgment and discretion. Two years later, “prostitution” was added as another specified concern. In 1992, sexual promiscuity, extramarital relations, and prostitution were all deleted, and the general phrase “sexual conduct” was substituted for them as a legitimate issue for adjudicators to consider, if that conduct reflected on judgment, discretion, or the potential for undue influence or duress. No longer did duress refer specifically to that applied by a foreign intelligence service. During this period, the word “homosexual” disappeared as a specified concern, reflecting the shift toward acceptance of same-sex conduct or relationships. Also disappearing as specified security concerns were behaviors such as extramarital relationships, as those also became more acceptable. The list of 10 deviant sexual behaviors of concern, from bestiality to voyeurism, remained unchanged.

In the 1986 revision of the SCI Adjudicative Guidelines, a new guideline titled “Outside Activities” was added in response to the conviction in 1984 of Samuel Loring Morison (grandson of a prominent naval admiral and historian) for espionage and theft of government documents. Morison had sent classified photos to *Jane’s*, a British defense magazine for which he hoped to work, and had stored classified documents at his home (*United States v. Samuel Loring Morison*, 1988). The new Outside Activities guideline covered areas of security concern about applicants’ employment by foreign governments, or their voluntary service, academic activities, or publications for such governments. Activities of concern included representing foreign interests or international organizations, and activities or memberships involving communist countries or countries hostile to the United States. This new guideline also reflected the quickening pace during the 1980s of the trend toward globalization. It warned against dangers of intelligence losses or collection by foreign intelligence services during the interchange of information with foreign nationals that became easier in the new international context that was evolving from better communications and transportation.

THE SECOND ADJUDICATIVE GUIDELINES IN THE DOD

The Supreme Court decided a case with important implications for the personnel security system early in 1988. In *Department of the Navy v. Egan*, the Court reversed the action of the civil service Merit Systems Protections Board, which had reviewed the merits of a personnel security action decided against Egan. Instead, the Court let stand the decision against Egan and ruled that the

grant or denial of a security clearance to a particular employee is a sensitive and inherently discretionary judgment call that is

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committed by law to the appropriate executive Branch agency having the necessary expertise in protecting classified information. It is not reasonably possible for an outside, inexperienced body to review the substance of such a judgment...(*Department of the Navy v. Egan*, 1988).

This decision affirmed the responsibility of adjudicators as the first to exercise judgment in applying adjudicative guidelines to particular instances, and upheld the Executive Branch's authority to make clearance decisions without second-guessing of its judgments. Also in this decision, the Court stated that because the standard is that decisions to grant access must be consistent with the interests of national security, "clearance determinations should err, if they must, on the side of denials." (*Department of the Navy v. Egan*, 1988).

In 1987, the DoD published a major revision of DoD Directive 5200.2-R, its policy for the DoD personnel security program. It made wording changes throughout, revising the language that had been used in the E.O. 10450 in order to express concerns in more up-to-date form. It also became more specific throughout, adding many instances and examples. It reworked the adjudicative standards specified in Chapter 2 of the regulation, moving further from the language in E.O. 10450. In the 1987 version, the standards in Chapter 2 and the guidelines in Appendix I (now called Adjudicative Policies) track to each other, and for the first time there was a logical link between each standard and its corresponding guideline.³

The 1987 revision of DoD Directive 5200.2-R reorganized the Adjudicative Guidelines into different categories and described them differently (for consistency, here they will be referred to as guidelines, despite their temporarily being renamed in 1987 as "policies"). Table 2 compares the titles of the 1981 and 1987 versions of DoD Adjudicative Guidelines. The order is changed to allow comparison.

³ Despite repeated efforts to revise the 1987 version of the 5200.2-R, as of 2011, no official revision has been issued by DoD. While limited changes have been made administratively to add or update policies, the 1987 document remains the official personnel security policy. However, the Adjudicative Guidelines were revised and would become a national policy in 1995 with the issuance of E.O. 12968.

Table 2
Comparison of 1981 with 1987 Versions of Adjudicative Guidelines Titles in
Department of Defense Directive 5200.2-R

Adjudicative Guidelines in the 1981 DoD Directive 5200.2-R	Adjudicative Guidelines in the 1987 DoD Directive 5200.2-R
<ul style="list-style-type: none"> • Financial irresponsibility • Criminal conduct • Sexual misconduct • Mental or emotional illness • Hostage or foreign connections • Subversive activity • Alcohol abuse • Drug abuse • Security violations • No comparable guideline • No comparable guideline • No comparable guideline 	<ul style="list-style-type: none"> • Financial matters • Criminal conduct • Sexual misconduct • Mental or emotional disorders • Foreign connections/vulnerability to blackmail or coercion • Loyalty • Alcohol abuse • Drug abuse • Security responsibility safeguards • Foreign preference • Falsification • Refusal to Answer

Each of the 12 Adjudicative Guidelines in the 1987 version of DoD Directive 5200.2-R begins with a statement of the “basis,” that is, it refers to one of the 12 standards in Chapter 2, where the required security standards are defined. The section in each guideline that had been called “Factors which may be considered in determining whether to deny or revoke clearance” was changed to “Disqualifying Factors,” and, as in the 1979 version, this was followed by a section labeled “Mitigating Factors” that applied some of the relevant application criteria, such as seriousness of infraction, age at commission, or evidence of rehabilitation.

The most salient difference between the two versions of the DoD guidelines is the detailed and explicit development in the 1987 version of examples and illustrations. The 1979 version, with three fewer guidelines, ran to 12 pages, while, along with three more guidelines, the greater detail in the 1987 version lengthened the guidelines section to 27 pages.

Several examples from the DoD guideline on “Financial Matters” illustrate the consistent specificity and explicitness in the 1987 version. Where the 1979 version had listed two specific concerns, one for “History of bad debts and unmanageable indebtedness,” and a second for “Unfavorable judgments, liens, or repossessions,” the 1987 version combined the two and then expanded these potentially disqualifying factors to include a

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History of bad debts, garnishments, liens, repossessions, unfavorable judgments, delinquent or uncollectible accounts or debts written off by creditors as uncollectible losses with little or no apparent or voluntary effort by the individual to pay amounts owed.

What in the earlier version had been a concern for “A history or pattern of writing checks not covered by sufficient funds,” in the 1987 version became

A history or pattern of living beyond the person’s financial means or ability to pay, a lifestyle reflecting irresponsible expenditures that exceed income or assets, or a history or pattern of writing checks not covered by sufficient funds or on closed accounts.

While the 1987 version repeated the statement from the 1979 regulation that one needed to keep in mind that adjudication of complex human behavior must be a determination based on common sense, to include room for judgment by the adjudicator and a degree of flexibility in applying the guidelines, the 1987 version did shift the emphasis to the need for consistency across cases. It warned that deviations “should not be frequently made and must be carefully explained and documented.” By delineating as many instances of concern as possible, the 1987 guidelines reduced reliance on the judgment of DoD adjudicators and increased the expectation of consistency.

This contrasted with the approach taken during the same period in the SCI guidelines, which clearly stated the concern and then sketched in issues. For example, in the 1986 SCI version, each guideline was expressed in three or four short paragraphs. The DoD 1987 guideline on financial concerns took two pages of close text; it included eight disqualifying factors and six mitigating factors. The 1986 SCI guideline for “Financial Irresponsibility” was five sentences. In its entirety it explained:

Financial irresponsibility represents a serious concern to the SCI adjudicator. Persons who have engaged in espionage for monetary gain demonstrate the hazard of granting SCI access to an individual with overly expensive tastes and habits or living under the pressure of serious debt.

A recommendation for disapproval is appropriate when there is a pattern of financial irresponsibility and it appears that the individual has not made a conscientious effort to satisfy creditors. In such cases, the adjudicator should determine whether the individual had been notified about the debts and whether they were legally valid or ultimately satisfied.

When the financial irresponsibility alone is not of such magnitude to warrant disapproval, it may contribute to recommendation for denial of SCI access when there is other evidence of irresponsibility.

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BACKGROUND

The late 1980s and early 1990s, which saw the collapse of the Soviet Union and the end of the Cold War, touched off a series of major changes to the personnel security program. This included a major reform of the adjudicative standards and of the guidelines that explained them. The changes already had been discussed for a decade, but they gained traction when they were recommended in reports from a series of well-regarded commissions, including the Commission to Review DoD Security Policy and Practices (the Stillwell Commission) in 1985, the Joint Security Commission by the DoD and the CIA in 1994, and the Commission on Protecting and Reducing Government Secrecy (the Moynihan Commission), which was tasked by Congress in 1994 to investigate secrecy and whose report was published in 1997. Each group described persistent problems with the personnel security system and urged reform. Each focused on particular issues, but all of them recommended that there should be more standardization in policies and processes to improve efficiency and reciprocal acceptance of clearance decisions, more automation and connectivity among agencies, and a single set of adjudication standards across the collateral, SCI, and industrial communities to achieve the consistency of a government-wide system (Commission to Review DoD Security Policy and Practices, 1985; Joint Security Commission, 1994; Commission on Protecting and Reducing Government Secrecy, 1997).

Concern about the wave of espionage cases by Americans in the 1980s strengthened determination to reform the personnel security system, and a further insistent demand for reform during the late 1980s and early 1990s came from the industrial contractor community. It bore many of the ill effects of inefficient, agency-centric personnel security procedures in lost time, money, and talented personnel. An underlying impetus for reform came from the rapid disintegration of the Soviet Union between the fall of the Berlin Wall in November 1989 and the formal end of the Union in December 1991. Losing this adversary of long standing freed up resources for the United States, redefined threats to American national security, and fostered hope that defense expenditures could be redirected, or even reduced.

Reform achievements in the early 1990s included agreement on the Single-Scope Background Investigation (SSBI), which set minimum standards for background investigations for Top Secret, SAPs, and SCI access. The SSBI was mandated for use across all executive branch agencies including those in the Intelligence Community. Issued by Presidential directive in October 1991, agreement on these minimum standards was an important step toward achieving more consistent investigations, and therefore toward consistency in the information that adjudicators across agencies and departments had before them in making their

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decisions. Some agencies in the Intelligence Community continued to add elements such as polygraph testing or psychological evaluations to the minimum standards of the SSBI, which made the goal of reciprocal recognition of clearance decisions elusive between the agencies that applied minimum standards and those that used additions, but adopting the SSBI did improve reciprocity for collateral clearances within the DoD and among other executive agencies (The White House, 1991; Herbig & Nelson, 2004).

A second reform of the early 1990s that shaped all future adjudication in the DoD was the partial consolidation of the 18 adjudication facilities then operating across the Department. In 1989, the Secretary of Defense had proposed to consolidate all adjudication into one centralized facility. This plan was delayed in October 1990 in the face of strenuous objections, and instead a multiservice team was assembled to consider the proposal. It recommended that PERSEREC undertake a study of DoD adjudication facilities and identify various alternatives and their resource and policy implications. The research study laid out two alternatives: one would consolidate from 18 facilities to six; the other would consolidate them all into one DoD adjudication facility. The Defense Management Report Decision 986, published in December 1992, chose a variation on the first alternative by consolidating into eight central adjudication facilities (CAFs). All the adjudicators for the civilians at the various Defense Agencies were placed under the Washington Headquarters Service (WHS); the Army, Navy, and Air Force each retained a service-specific CAF, and the remaining CAFs were located at the Defense Intelligence Agency (DIA), the NSA, the Joint Chiefs of Staff (JCS), DISCO for industrial contractors, and the Defense Office of Hearings and Appeals (DOHA), for appeals from industrial contractors. This important reform took another step toward standardizing adjudications, as had been discussed in the DoD for several decades (Crawford, Riedel, & Carney, 1991).

A third important reform step was taken in January 1993 when President Clinton issued E.O. 12829, which created the National Industrial Security Program (NISP). This moved oversight of industrial contractors into a single national program agreed to by four “cognizant security agencies,” the DoD, the CIA, the Department of Energy (DoE), and the Nuclear Regulatory Commission (NRC). The DoD serves as Executive Agent for the NISP to issue policy and conduct security inspections at industrial sites, the DCI maintains authority over SCI information and procedures, and the Secretary of Energy has authority over Restricted Data that deals with nuclear information. The NISP operates through a written manual (the NISP Operating Manual, or NISPOM) that spells out procedures for how industry must handle and protect classified information. Under authority from the National Security Council (NSC), the Information Security Oversight Office (ISOO) is tasked with issuing implementation directives, monitoring the program, and compiling and publishing annual reports. With adoption of the NISP, achieving a single consistent oversight program for the thousands of industrial contractors using national defense information that could endanger the nation moved a step closer.

A fourth area of personnel security to benefit in the early 1990s from reform based on objective research was DoD due process procedures for adverse decisions on collateral clearances or SCI access. PERSEREC studied the disparate appeal procedures then in effect across the DoD and found them discrepant, agency-specific, and therefore potentially unfair in their inconsistency. The recommendation was to create Personnel Security Appeals Boards (PSABs) for each military service and for WHS and DIA. The PSABs should be composed of personnel of designated ranks in a structure designed to optimize objectivity and minimize undue influence when making appeals decisions. Procedures for notifying an applicant of an adverse decision and lengths of time for responses and appeals also should be standardized (Riedel & Crawford, 1993). These recommendations for due process were incorporated into DoD Directive 5200.2-R in November 1995 as part of administrative Change 3, and 2 years later they formed the core of due process procedures for personnel security across the federal government laid down in E.O.12968 (1995). Improving the objectivity and consistency of due process procedures also served as a safety valve for the Adjudicative Guidelines because it allowed errors, such as misapplications of the Guidelines by adjudicators or mistakes in the collection of information during background investigations, to be corrected and new, relevant information to be considered in the course of a fairer appeals process (Riedel & Crawford, 1993).

In response to the Joint Security Commission's recommendations in its report in February 1994, President Clinton issued a directive in September of that year that revised the process for deciding security policies and procedures. It established an interagency Security Policy Board of senior officials that would operate under the NSC, a Security Policy Advisory Board of five members from outside government, and a larger, working group called the Security Policy Forum, composed of representatives from across the security communities, which would evaluate and generate new security policies. This structure guided the reform effort for the next 6 years until it was abolished in 2001. Although it ultimately grew unwieldy, the structure produced important milestones that defined security policy for the next 15 years.

It was the increasingly vocal and determined demands in the early 1990s by industry for reciprocity in the recognition of clearances and accesses granted by various agencies that had pushed passage of the NISP and changes to personnel security procedures. Companies objected to the waste of time and the expense of following differing procedures and filling out differing forms for employees to work on projects sponsored by various federal agencies. They objected to having to repeat the investigations and adjudication process whenever one of their employees shifted to work on a contract sponsored by a different agency. Industry urged a simpler, more cost-effective personnel security system based on uniform standards across the government for investigations, uniform standards for adjudications, and a single database for reporting the results.

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Passage of the NISP was an important impetus for reconsidering the adjudicative standards and guidelines. E.O. 12829 established the NISP, and it pronounced that

Redundant, overlapping, or unnecessary requirements impede [the technological and economic] interests [of the United States.]
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. (E.O. 12829, 1993)

Because the NISP mandated one consistent set of security standards that all contractors would have to meet, no matter for which federal agency they worked, it implied that the two streams of adjudicative standards and guidelines, one for access to collateral classified information and the other for SCI, should be consistent. In response, in 1994 another revision of the SCI Adjudicative Guidelines in DCID 1/14 was issued that applied not only to persons in the Intelligence Community (as earlier versions had specified) but to "all U.S. government civilian and military personnel, consultants, contractors, employees of contractors and other individuals who require access to SCI" (DCID 1/14 Annex A, 1994). The wording of the 1994 SCI guidelines, however, remained similar to earlier DCID 1/14 versions, and continued to differ from those in effect for collateral clearances.

The felt need for uniform and consistent standards and guidelines underlay a round of research and revision in the 1990s that supported moving to uniform guidelines. The Stillwell Commission's report in 1985 had argued that objective research would improve each phase of the personnel security process and that the DoD should fund and support such research. PERSEREC was founded in 1986, largely as a result of this recommendation (Commission to Review, 1985). Various studies were undertaken, starting in the late 1980s and accelerating during the 1990s, some generated by the Office of the Secretary of Defense (OSD), some by the new Security Policy Board Forum's working groups. These studies had an important impact on the direction of personnel security reform.

In addition to the work on consolidation of CAFs and on due process, another effort began with a request by OSD that PERSEREC should review the Adjudicative Guidelines themselves, starting with the three that dealt with alcohol abuse, drug abuse, and mental and emotional disorders, to determine whether it was possible to scientifically validate these guidelines. Passed down from the 1953 formulation in E.O. 10450, the Guidelines had not been objectively researched to determine if they actually predicted the likelihood of a lack of reliability, trustworthiness, or loyalty in applicants. Were these the correct criteria to apply to ensure the security of classified and sensitive information?

PERSEREC's review of the three Guidelines that dealt especially with reliability solicited the opinions of subject-matter experts in the three fields of alcohol abuse, drug abuse, and mental or emotional disorders. The goal was to use expert opinion

and the scientific literature to guide the framing of improved Guidelines that would be “based on current scientific research and medical practice” (Bosshardt & Crawford, 1992). Synthesizing the judgments of the various subject-matter experts gleaned in a series of workshops, PERSEREC framed revised Adjudicative Guidelines for the three areas under study. Recommendations included simplifying the Guidelines by reducing the number of disqualifying conditions, giving more emphasis to a professional medical or psychological diagnosis for specific conditions, revising the mitigating conditions to reflect those diagnoses, and sharpening the language to focus more on security-related reliability issues. OSD then asked PERSEREC to consider the remaining Guidelines, and to make recommendations for revisions based, where it existed, on behavioral science research. These recommendations from PERSEREC were then considered by an interagency panel. The recommendations became the basis for the uniform Adjudicative Guidelines published in 1997 pursuant to E.O. 12968.

A second, similar research effort was sponsored within the Intelligence Community. It was named “Project DIVOT.” This was an attempt to validate the Adjudicative Guidelines expressed in DCID 1/14 with more scientific precision. It was undertaken for the DCI by a contractor, who performed a literature review and held a series of workshops with security officials to specify the behaviors in “undesirable security outcomes,” from security violations to espionage. Since objective scientific research on espionage is difficult because the small size of the population of espionage offenders does not support statistical predictions, Project DIVOT expanded its review in hopes of obtaining a large enough population of instances to perform statistical analyses. It included crimes and behaviors that are somewhat related to the target crime of espionage, such as workplace crime and fraud. However, one author admitted in a discussion of the low base rate problem in this study that “by focusing on surrogate outcomes” the expansion to include many crimes had diluted the study’s relevance to personnel security (Human Resources Research Organization, *Assessment*, 1997). The authors reported that attempts to apply statistical methods to their disparate data produced only “low to moderate correlations between most predictors and criterion measures” (Human Resources Research Organization, *Phase 1*, 1997). Project DIVOT generated few results that could be applied in later revisions of the Adjudicative Guidelines.

ACHIEVING UNIFORM ADJUDICATION GUIDELINES

The efforts of the mid-1990s to increase the consistency and scientific validity of adjudication, and the demand for reciprocity and uniformity across agencies resulted in the issuance of two landmark executive orders in 1995: E.O. 12958, *Classified National Security Information* on information security, and E.O. 12968, *Access to Classified Information* on personnel security. These orders framed policy on classified information for the next 10 years. The standards for eligibility for access in E.O. 12968 were crisp and direct compared to the original language of the Eisenhower-era order. In E.O. 12968, the President directed the Security Policy

Board to frame adjudicative guidelines (in fact, the effort was already well underway in 1995) that reflected the standards outlined in the order. These standards and their guidelines were now mandated for use by all executive agencies for both collateral and SCI—another step toward the goal of consistency. Applying results from the various studies of the period, the Security Policy Board’s guidelines were published as the *Adjudicative Guidelines for Determining Eligibility for Access to Classified Information* on March 24, 1997 (Berger, 1997).

These uniform Adjudicative Guidelines, which were implemented in the DoD in 1998, reflected the compromises required for collaboration among the various communities that would all begin to use the common guidelines: the Intelligence Community agencies, the military departments, all the other executive branch agencies, and all industrial contractors. The six application criteria that dated from the 1979 Department of Defense Directive 5200.2-R and the 1980 SCI guidelines were slightly revised, and they were expanded with three additional considerations that reflected the SCI version. A comparison of the two versions of these application criteria is in Table 3.

Table 3
Comparison of Application Criteria in 1979 Department of Defense Directive 5200.2-R and 1997 Uniform Adjudicative Guidelines

Application Criteria in 1979 DoD Directive 5200.2-R	Application Criteria in 1997 Uniform Adjudicative Guidelines
<ul style="list-style-type: none"> • Nature and seriousness of the conduct • Circumstances surrounding the conduct • Frequency and recency of the conduct • Age of the individual • Voluntariness of the participation • Absence or presence of rehabilitation • No comparable criterion • No comparable criterion • No comparable criterion 	<ul style="list-style-type: none"> • Nature, extent, and seriousness of the conduct • Circumstances surrounding the conduct, to include knowledgeable participation • Frequency and recency of the conduct • Individual’s age and maturity at the time of the conduct • Voluntariness of the participation • Presence or absence of rehabilitation and other permanent behavioral changes • Motivation of the conduct • Potential for pressure, coercion, exploitation, or duress • Likelihood of continuation or recurrence

Other contributions to the uniform guidelines from the SCI version included the provision that adjudicators should evaluate the individual “in the context of the whole person,” and additional specific guidance on how to consider adverse security information, including whether the person:

- Voluntarily reported the information
- Was truthful and complete in responding to questions
- Sought assistance and followed professional guidance, where appropriate
- Resolved or appears likely to favorably resolve the security concerns
- Has demonstrated positive changes in behavior and employment
- Should have his or her access temporarily suspended pending final adjudication of the information

The impact on adjudicators of including this further guidance may have been to make their decisions yet more complex, and the notion of considering the “whole person” remained undefined, given that background investigators were not asked to systematically collect positive information about an applicant, but instead only collected security-relevant information. On the other hand, the compromises made in the uniform guidelines between DoD and SCI emphases, and the restructuring recommended by the research done in the 1990s, made the guidelines themselves clearer, shorter, and more consistent in form than earlier versions.

A product that grew out of the research on the performed in the mid-1990s was the Adjudicative Desk Reference (ADR). This PERSEREC compilation was designed to assist adjudicators as they apply the guidelines to particular instances of behavior. It brings together current research from the social science literature on each of the Adjudicative Guidelines areas, and it serves as background, guidance, and context for the adjudicator. Published first in 2002 as a computer-based application with hypertext links to relevant executive orders and research on the various behaviors covered by the Adjudicative Guidelines, the ADR has been updated several times. The current web-based version was updated in June 2010. It is available to DoD adjudicators and to those throughout the government as a job aid, although it is not an official DoD policy statement.⁴ The ADR demonstrates that more information is available to explain and support the often-complex issues addressed by the Adjudicative Guidelines than can be shoehorned into the guidelines themselves.

The titles of the 1997 guidelines were revised yet again from earlier versions, reflecting new emphases. Table 4 compares the uniform guidelines to the first DoD and the first SCI versions, reordered to allow comparison.

⁴ The Adjudicative Desk Reference is available online at <http://www.dhra.mil/perserec/products.html>

Table 4
Comparison of Adjudicative Guidelines Titles in the 1979 Department of Defense Directive 5200.2-R, the 1980 DCID 1/14, and the 1997 Uniform Adjudicative Guidelines

DoD Directive 5200.2-R (1979 version, Appendix I “Adjudicative Guidelines” added in 1981)	DCID 1/14 (1980 revision, Appendix A “Adjudicative Guidelines”)	1997 Uniform Adjudicative Guidelines
<ul style="list-style-type: none"> • Financial irresponsibility • Criminal conduct • Sexual misconduct • Mental or emotional illness • Hostage or foreign connections • Subversive activity • Alcohol abuse • Drug abuse • Security violations • No comparable guideline 	<ul style="list-style-type: none"> • Financial irresponsibility • Record of law violations • Homosexual conduct and sexual perversion • Emotional and mental disorders • Close relatives and associates • Loyalty • Alcohol abuse • Illegal drugs and drug abuse • Security violations • Cohabitation • Undesirable character traits • No comparable guideline • No comparable guideline • No comparable guideline 	<ul style="list-style-type: none"> • Financial considerations • Criminal conduct • Sexual behavior • Emotional, mental, and personality disorders • Foreign influence • Allegiance to the United States • Alcohol consumption • Drug involvement • Security violations • No comparable guideline • Personal conduct • Foreign preference • Outside activities • Misuse of information technology systems

Comparing just the titles across versions demonstrates that there was movement away from the negative, judgmental language of earlier versions about many of the issues of concern, toward more neutral phrasing in the later version. In the uniform guidelines, the specificity and numerous examples of the DoD’s 1987 version were dropped in favor of shorter, crisper points that granted more flexibility to adjudicators when they tried to apply them to actual instances of human behavior. This was an example of adopting the preferences of the Intelligence Community and the civilian DoD agencies over those of the military services in the compromise process. The military services argued for clarity through specifics, while the intelligence and civilian agencies argued for more flexibility to make exceptions and

incorporate nuances. The latter argued that they needed to apply the adjudicative standards to personnel with more varied backgrounds and talents that are required for intelligence work, and this view prevailed.

Based on its research, PERSEREC agreed with the position that argued for more general guidelines. An important impact on the Adjudicative Guidelines from the social science research done in the 1990s was the realization that issues described separately in discrete guidelines can and often do interact. For example, an individual who is secretly abusing alcohol (“Alcohol Consumption” guideline) may also be lying about it to his or her employer and falsifying security forms (“Personal Conduct” guideline), and while intoxicated may be collecting convictions for driving under the influence (DUIs) or performing other criminal acts (“Criminal Conduct” guideline). Awareness of the serious cumulative effect on security of multiple interacting concerns, each of which may be small in itself, underlies the uniform guidelines and allows a more sophisticated evaluation of behavior (K.S. Crawford, personal communication, February 24, 2009).

Shifts in emphases shaped several of the standards and their associated guidelines that were incorporated into the uniform guidelines in 1997. “Foreign Preference” and “Outside Activities” joined “Foreign Influence” in describing the constellation of concerns about a clearance holder’s commitments and behaviors that could support other countries or causes over the interests of the United States. The “Foreign Influence” guideline had been titled “Foreign connections/vulnerability to blackmail or coercion” in 1987, when the context of the Cold War made coercion from threats to relatives living in countries controlled by the Soviet Union likely. In 1997, when the threat had broadened to include many countries rather than one main adversary, that threat was more broadly described in the uniform guidelines to include having relatives who were not citizens of the United States and making unreported contacts with foreigners.

E.O. 12968 announced the end of considering homosexuality itself to be a security issue. The order added sexual orientation to “race, color, religion, sex, national origin, [or] disability,” its list of factors on the basis of which the United States government does not discriminate against persons in employment or clearance decisions, and added the statement that “No inference concerning the standards of this section [on Access Eligibility] may be raised solely on the basis of the sexual orientation of the employee” (E.O. 12968, 1995). The security issues arising from sexual behavior of any orientation were identified in the uniform guidelines as those that involved a crime, that indicated emotional or personality disorder, that could lead to coercion, or that demonstrated lack of judgment or discretion.

The executive order significantly revised the approach to adjudicating mental health issues. It asserted that “no negative inference concerning the standards in this section (see Part 3, Access Eligibility Standards, Section. 3.1 Standards) may be raised solely on the basis of mental health counseling.” While further inquiry on the basis of such counseling could be undertaken and the information discovered

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considered in an adjudication decision, the effect of this change was to recognize that many types of mental health counseling are not of security concern, and it encouraged adjudicators to discern among them and investigate further only those problems that suggested security issues (E.O. 12968, 1995).

In response to the serious losses from the espionage of Aldrich Ames, the CIA case officer arrested in 1994 whose unexplained affluence from espionage had gone unrecognized, E.O. 12968 required personnel in designated categories to file annual financial disclosure forms. The categories included those in positions to have knowledge of one or more the following: the identity of covert agents (Ames's espionage led to the execution of at least 10 agents working for the United States); technical or specialized collection systems; codes, ciphers, or cryptographic systems or equipment; certain Special Access Programs; and certain nuclear weapons design information (United States Department of Justice Inspector General, 1997; E.O. 12968, 1995). While the executive order provided 6 months for the design of a standard form and implementation of the program, in practice as of 2011 only a few agencies, including CIA, FBI, and NSA, have fully implemented financial disclosure. A decade after financial disclosure was mandated, a uniform, web-based version of the financial disclosure form is now being developed at PERSEREC (Burgess, 2009).⁵

The growing importance of information technology was underlined in the uniform guidelines with the addition of the "Misuse of Information Technology Systems" standard and guideline, which highlighted new security concerns about behaviors such as hacking into or sabotaging computer systems, theft of electronic records, computer security violations, and other behaviors involving the new information technologies that were undreamed of by the framers of the 1953 executive order.

⁵ The Department of the Navy began to implement financial disclosure in 2010 using the web-based form, and all DoD components plan to implement it by 2012. (C. Pogson, personal communication, 2010).

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BACKGROUND

In 1998 the DoD implemented the uniform Adjudicative Guidelines and the investigative standards that the Security Policy Board had published the year before. The DCI adopted them in 1999 for the Intelligence Community in another revision (and renumbering) of DCID 1/14. The memorandum transmitting the President's approval of the uniform guidelines in 1997 had specified that a report should be prepared on the effectiveness and efficiency of the new guidelines and recommendations for any needed adjustments. It was to be submitted within one year of implementing the guidelines, and this led the Director of Security (then located in the Office of the Assistant Secretary of Defense, Command, Control, Communications, and Intelligence (OASD [C3I])) to request that PERSEREC conduct a study of the new guidelines and to submit the report. By late 2000, two studies by PERSEREC reported that the framework of new Adjudicative Guidelines was sound, but that it could be improved with some revision.

The two studies considered the consistency being achieved in various agencies using these new uniform guidelines and standards. Each study asked a different question. One examined the efficiency and effectiveness of the new Adjudicative Guidelines by comparing experiences with them by adjudicators from different CAFs, and then collecting their feedback and recommendations (Carney & Marshall-Mies, 2000). A second study examined hundreds of decisions made by adjudicators, administrative law judges, and Personnel Security Appeal Board (PSAB) members in an effort to document the level of consistency across these various groups (Crawford, Youpa, & Hagan, 2000).

The adjudicators reported they were satisfied with the overall clarity and ease of application of the guidelines, but they thought some of the new guidelines presented problems. The "Foreign Preference," "Emotional/Mental and Personality Disorders," "Outside Activities," and "Misuse of Information Technology Systems" contained terms that they felt were unclear and that were used inconsistently across guidelines; these four were identified as the most troublesome to apply. Consistency across the various appeal boards when applying the new guidelines was fairly high, on the other hand, with 80% agreement between a Personnel Security Appeals Board and an Administrative Judge when they reviewed the same case (Crawford, Youpa, & Hagan, 2000).⁶ Based on these findings, the Deputy Director for Personnel Security (OASD, C3I) requested that PERSEREC draft revised guidelines that would be considered throughout the various user communities governmentwide. The first focus of revision should be on the four guidelines deemed

⁶ Administrative Judges preside over personal appearances made available to contractor employees by E.O. 10865 in 1960. The Defense Office of Hearings and Appeals (DOHA) provides Administrative Judges for such personal appearances.

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unclear in its recent study, with the other guidelines considered thereafter (R.J. Heuer, Jr., personal communication, 2000).

The speed with which policymakers considered making revisions to the uniform Adjudicative Guidelines that had officially been in use for a mere 3 years was nothing short of breath-taking, considering that in the past it had taken the DoD some 26 years to achieve the first major revision (1953 to 1979/1980) of its working guidelines, 7 years for the next DoD revision (1979 to 1987), and 10 years for the next (1987 to 1997). This openness to revision reflected something of an evolution in attitudes about the guidelines. Having seen additions, deletions, and changes in emphases in them over nearly 50 years, at the end of the 20th century security officials approached the guidelines less as immutable security precepts and more as expressions of core issues that should be applied to contemporary concerns. The assumption was that they could and should be reworked as needed to keep them relevant. The social science research on adjudication starting in the early 1990s suggested that it was possible to frame the guidelines in language that would improve the nexus between them and the undesirable behaviors they sought to forestall, but research also showed that achieving strict scientific validity for the guidelines was unlikely. The variety and unpredictability of human behavior defeats strict correlation to a set of written prescriptions, no matter how well crafted they may be. Idiosyncrasies of human behavior force adjudicative policy to leave room for reliance on common sense by those making the judgments.

The role of the guidelines also evolved and grew over time. Initially, in 1980 and 1981, they were tacked onto regulations and directives to help adjudicators apply the standards set down in those regulations—the standards were the actual personnel security policy statements, and the guidelines were meant to help in applying them. When the uniform Guidelines were agreed to and issued in 1997, the guidelines began to function more as policy statements themselves, enunciating issues of security concern governmentwide. The uniform Guidelines also in effect came to serve as assistance for investigators in the conduct of their background investigations. They laid out which issues investigators should look into and ask about (R.J. Heuer, Jr., personal communication, 2000).

Starting in 2001, PERSEREC undertook a further study of the uniform Adjudicative Guidelines. In contrast to its previous studies in the 1990s, which had focused on the reliability guidelines concerning alcohol, drug use, and emotional/personality mental health, this second round of research on the Guidelines focused on issues of allegiance, foreign influence, foreign preference and outside activities. A PERSEREC paper in December 2002 summarized the results of surveys, focus groups, drafts, feedback from DoD agencies, which produced a draft of a revised set of guidelines (R.J. Heuer, Jr., personal communication, 2000).

These were circulated for comment and revision throughout DoD agencies, and starting in 2003, the Intelligence Community considered PERSEREC's draft of the DoD guidelines. They went first to the Community Management staff, then after

further agency vetting in the DoD to the PSWG, a committee of the Policy Coordinating Committee (PCC) for Records Access and Information Security Policy under the NSC, and finally to the various Intelligence Community agencies themselves.⁷ From July 2004 until March 2005, an interagency subgroup of the PSWG focused on further revisions to the guidelines dealing with allegiance, foreign influence and foreign preference, and outside activities. Its report on suggested revisions was submitted to the PSWG in March 2005, and was approved by the PCC to which it reported in May of that year. The revised uniform Adjudicative Guidelines were issued in a memo from the Assistant to the President for National Security Affairs to the Director of ISOO in late December 2005 (Hadley, 2005). The revision and coordination process across all the agencies of the federal government—all of which now had a say in the Adjudicative Guidelines—had taken five years.

Also during the period of the early 2000s, studies on several Adjudicative Guidelines added insight from various social science perspectives. One set of studies was published by the Center for Human Reliability Studies at the Department of Energy's Oak Ridge Institute for Science and Education (CHRS at ORISE). The Personnel Security Research Managers' Group (PSMRP), an interagency coordinating body that initiated and financed research on personnel security issues, sponsored four CHRS studies on the Adjudicative Guidelines concerning alcohol, drug use, sexual behavior, and emotional/mental and personality disorders. Each report was a literature review of medical and social scientific studies relevant to one of the four guidelines, and they were all published in January 2003. Each evaluated the literature by asking the same question: Is there a demonstrated link between an individual who has this particular behavior and his or her ability to comply with rules and regulations?

The assumption CHRS made in their studies is that most of the character traits specified in DCID 6/4 (and in the uniform Adjudicative Guidelines incorporated therein) that are necessary for eligibility for access cannot be objectively measured. Identified as too vague for objective measurement were trustworthiness, reliability, honesty, discretion, and stability. Instead, the studies assumed several corollaries: that having personal control and the ability to accurately perceive reality were both essential in order to follow rules and regulations; that willingness to follow rules and regulations is a stable personality construct that can be extrapolated from behavior in a person's past to his or her future behavior; that if one follows rules and regulations in other areas of life, he or she will probably follow the rules and regulations governing classified information; and that following those will likely serve to safeguard the information. The literature on each of the four behaviors was reported to seriously question the likelihood that individuals with problems in the

⁷ The Security Policy Board and its committee structure had been abolished early in 2001 by the incoming Bush administration and replaced by a series of Policy Coordinating Committees. (G.W. Bush, National Security Presidential Directive 1, "Organization of the National Security Council System," February 13, 2001).

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four areas could demonstrate self-control and the ability to appropriately gauge reality, and therefore such past behaviors warranted caution by adjudicators to grant them access (Center for Human Reliability Studies [4 studies], 2003).

In a PERSEREC study published in October 2002, at about the same time as the CHRS reports, researchers' analyzed data on the reasons for revoking security clearances cited by DoD adjudicators at five CAFs. The reasons referred to one or more of the 13 uniform Adjudicative Guidelines. These data proved largely consistent across the groups of persons whose clearances had been revoked: military enlisted, military officers, civilian employees, and civilian contractors. Revocations most frequently cited multiple issues, and the most frequent among them was personal conduct (which includes lying, lack of cooperation with security procedures, and refusal to comply with rules), followed by alcohol, drug use, criminal conduct, and financial problems. Less frequently cited were sexual behaviors, falsification of personal information, and emotional or mental problems. Issues pertaining to allegiance and foreign influence or foreign preference rarely appeared as reasons for revocation (Fischer & Morgan, 2002). These results showed which of the behaviors identified in the guidelines most frequently led to denial of access to those who held a previously adjudicated clearance that had been favorable. The results did not demonstrate a nexus between the persons who exhibited these behaviors and danger to national defense information, because authorities revoked their clearances once these issues, which are defined as security concerns, arose and did not risk continuing their access to the information.

REVISING THE UNIFORM ADJUDICATIVE GUIDELINES TO ACHIEVE THE CURRENT VERSION

When the revised uniform Adjudicative Guidelines emerged in late December 2005, only 8 years had passed between them and the issuance of the first uniform Guidelines in 1997, yet experience with the first uniform Guidelines, along with changes in information technology, communications, and the evolving impact of globalization on national identity, citizenship, and allegiance had prompted the revision (Heuer, Youpa & Carney, 2002; Herbig, 2008).

Comparing the titles of the 1997 and 2005 versions of the Guidelines in Table 5 shows that the shift in emphasis noted in earlier revisions from negative to neutral wording continued in the 2005 version:

Table 5
Comparison of the Titles of the 1997 Uniform Adjudicative Guidelines with the 2005 Version

1997 Uniform Adjudicative Guidelines	2005 Uniform Adjudicative Guidelines
<ul style="list-style-type: none"> • Allegiance to the United States • Foreign Influence • Foreign Preference • Sexual Behavior • Personal Conduct • Financial Considerations • Alcohol Consumption • Drug Involvement • Emotional, Mental, and Personality Disorders • Criminal Conduct • Security Violations • Outside Activities • Misuse of Information Technology Systems 	<ul style="list-style-type: none"> • Allegiance to the United States • Foreign Influence • Foreign Preference • Sexual Behavior • Personal Conduct • Financial Considerations • Alcohol Consumption • Drug Involvement • Psychological Conditions • Criminal Conduct • Handling Protected Information • Outside Activities • Use of Information Technology Systems

A report by Heuer & Condo (2006) describes the changes made to each of the revised guidelines and the reasons for making them. Changes that were representative of emerging themes and concerns are discussed here. By changing “Emotional, Mental, and Personality Disorders” to “Psychological Conditions” the title was broadened and made more neutral, and deleting the term “disorders” avoided having to fit an applicant’s behavior into a category defined by the medical or psychiatric communities as a “disorder.” It allowed consideration of behavior that raises questions about a person’s reliability, trustworthiness, and judgment whether or not it is officially defined as a “disorder.” “Security Violations” was changed in the 2005 guidelines to “Handling Protected Information” to broaden it to include the varieties of sensitive but unclassified information that have recently proliferated in addition to classified information, and to allow consideration of actions that suggest preparations for espionage, such as unauthorized copying or storage of national defense information, rather than just designated security violations. “Misuse” became “Use” of Information Technology Systems, maintaining the more neutral phrasing throughout the guidelines (Heuer & Condo, 2006).

Major revisions were made to the “Foreign Influence” and “Foreign Preference” guidelines, reflecting awareness of globalization’s mixing of peoples and cultures and these effects on the American workforce. In previous versions of the

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Adjudicative Guidelines, the concern over foreign influence was with coercion that could be applied to foreign relatives, friends, or associates in order to influence a clearance holder. This was a lingering Cold War way of thinking about the problem based on threats to persons trapped in communist countries. In the 2005 version this was broadened to include equal concern for voluntary cooperation with foreign governments or transnational groups and the divided loyalties implied in such involvements. Despite a prohibition on using a formal country threat list, adjudicators are urged to consider the particular country or group involved in a case to gauge the level of threat. The type of persons designated under foreign influence was broadened as well to include the ties to extended family members that many immigrant groups in the United States maintain, and to business and professional contacts abroad that may be as important to an individual as the family. What had earlier been described as ties “to a foreign government” was broadened to reflect the recent rise of multinational, nongovernmental groups with power and influence sometimes equal to any government; the 2005 guideline on foreign influence notes that contacts may be a security concern “if they are associated with any other organization or group interested in obtaining information on U.S. policy, military capabilities, technology, or scientific research” (Heuer & Condo, 2006).

The provisions under “Foreign Preference” also changed substantially in 2005. The concern is actions taken or not taken by an applicant for access to classified information that suggest he or she has interests in or ties to a foreign country or group that outweigh the interests of the United States. The global landscape regarding dual citizenship has changed rapidly in the last decade as more nations extended or even insisted on dual citizenship as a means to tie their migrants to other countries more closely to the home country. Rather than asking adjudicators to sort through the tangled policy web of whether a person did or did not hold dual citizenship, the 2005 guideline on foreign preference focused more sharply on indicators of a possible preference that can be documented. These symptoms include among others, having a *current* foreign passport and refusing to relinquish it, taking action to be recognized as a citizen of a foreign nation (in contrast to passively having dual citizenship through no actions of one’s own), voting in foreign elections, and performing duties in support of any group with interests in conflict with those of the United States. Persons with dual citizenship are no longer required to renounce a foreign citizenship at a consulate of that nation, since this can be a sign to foreign intelligence services that the person is applying for a security clearance, thus identifying a target for them (Heuer & Condo, 2006).

Most of the other guidelines were also revised in the 2005 version to update concerns and better explain mitigations. New language and examples were added to the “Personal Conduct” guideline to say explicitly that this guideline should be used for concerns that, while each could be small in and of itself (or not even mentioned in the guidelines), when several issues were added together they may result in a disqualifying decision. Examples, such as violence in the workplace, misuse of an

employer's time, conduct that creates vulnerability to exploitation or duress either in this country or abroad, have been added to capture the concerns in this area. The security concerns in both the alcohol and the drug guidelines were expressed in the 2005 version in terms of these substances' impact on reliability, judgment, and ability to control personal impulses, reflecting the series of studies on these topics over the past decade (Hadley, 2005).

The "Handling Protected Information" guideline was expanded in the 2005 version from two general concerns about security violations in earlier versions to seven more specific concerns that focus on activities preparing for or engaging in espionage, including collecting, storing, trying to view, downloading, transmitting, or otherwise handling classified or protected information that the individual does not have the need to know. These provisions reflect the wholesale move to automated data systems and information technology in the workplace. Similarly, the "Use of Information Technology Systems" guideline specifies concerns with hacking, sabotage, unauthorized introduction of software, and other ills of information handling in the early 21st century (Hadley, 2005).

FUTURE REVISIONS OF THE ADJUDICATIVE GUIDELINES

While the drafting and coordination of revisions were underway between 2001 and 2005 leading to the current version of the Adjudicative Guidelines, a whole series of developments in the federal personnel security system was also taking place. Congress passed an important piece of legislation in 2004, the Intelligence Reform and Terrorism Prevention Act (IRTPA), in response to the 9/11 Commission's recommendations in the wake of the attacks on September 11, 2001. One of IRTPA's many changes to the landscape of intelligence and security agencies included creating the Director of National Intelligence (DNI) with authority over the 16 Intelligence Community agencies (United States Congress, 2004). In 2008, E.O. 13467 further strengthened and specified the role of the DNI as the Security Executive Agent for the federal government. Eventually, four agencies—DoD, OPM, the Office of Management and Budget (OMB), and Office of the DNI (ODNI)—created and staffed an interagency team, the Joint Security and Suitability Reform Team, in 2007 to push forward reform of the personnel security system. This interagency group (its name was soon shortened in usage to the Joint Reform Team [JRT]) is composed of staff delegated from their home agencies for a period of several years to achieve these reforms. This group has laid the policy groundwork, sponsored the research, and engendered the support for a faster and more efficient personnel security system.

In very general terms, the proposed system will incorporate automated records checks and automated decision routines to take further steps toward a consistent government-wide clearance process supporting reciprocal acceptance of clearances across agencies (Joint Suitability and Security Reform Team, 2008; 2009). An important milestone was the issuance of E.O. 13467 in June 2008, which

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restructured federal authority for personnel security and for employment suitability determinations under an interagency Performance Accountability Council (PAC). The DNI serves as the Executive Agent for security and the Director of OPM serves as the Executive Agent for suitability (E.O. 13467, 2008).

While the various parts of the proposed system were still being honed and maneuvered into place, in mid-2008 the DNI issued an updated policy directive (Intelligence Community Directive [ICD] Number 704 [2008]), which replaced DCID 6/4 for personnel security standards governing SCI. At the same time, he issued a series of four policy guidance documents on specific aspects of those standards, including investigations, adjudication, reciprocity, and due process, which were four parts of ICD 704.

The Intelligence Community Policy Guidance Number 704.2 (October 2008) issued by the DNI deviates from the revised uniform Adjudication Guidelines that came out in 2005. The revisions are minor except in Guideline C, Foreign Preference, where the text has been rewritten. The changes to this guideline include a statement that the guideline's intent is "determine risk based on foreign associations" and is not "a measurement of how loyal a subject is to the United States." A new paragraph states that it is no longer automatically disqualifying for access if a person is both a citizen of the United States and a citizen of another country "absent a showing of heightened risk related to national security" nor is it prohibited to "exercise any right, privilege or obligation of foreign citizenship or action or obtain recognition of a foreign citizenship by a U.S. citizen" (Intelligence Community Policy Guidance Number 704.2, 2008). The disqualifying conditions listed in the revised guideline concern a subject's failure to disclose to security officials the exercise of these citizenship rights, along with intentional expatriation from the U.S., holding foreign office, or serving in a foreign military.

These revisions reflect the concern in the Intelligence Community that the previous standards and policies on foreign preference prevented agencies from employing individuals with the personal histories and languages needed for effective intelligence in a globalized context. When E.O. 13467 designated the DNI as the Security Executive Agent for the federal government, his specified powers included responsibility for

Sec. 2.3 (i) ...the oversight of investigations and determinations of eligibility for access to classified information or eligibility to hold a sensitive position made by any agency; [and]

(ii) ...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 (E.O. 13467, 2008).

Thus, the ODNI's revision of what had been uniform Adjudicative Guidelines exerts the DNI's authority over both collateral and SCI standards and procedures as the Security Executive Agent, but it dilutes the uniformity for the time being.

In 2009, another review and potential revision of the uniform Adjudicative Guidelines governing both collateral clearances and SCI access was launched under the direction of the ODNI. This effort continues the general approach to the guidelines taken in recent years, of updating and refining them often to ensure that they reflect current practices, potential new issues, and language. For the first time, a single agency, the ODNI, has authority over decisions about the Adjudicative Guidelines for the entire Executive Branch, including the Intelligence Community, the DoD, and the other federal agencies. This should simplify the task of governmentwide coordination of revisions to standards and guidelines by reducing the number of agencies that must agree. The personnel security system continues to move toward a single and more consistent system, and the Adjudicative Guidelines are the expression of the standards for adjudicating access to classified information. Maintaining them as a "living document" is an important element in making the personnel security system work well.

SUMMARY

SUMMARY

Tracing the evolution of the Adjudicative Guidelines over 60 years has touched on, but resolutely not dwelled upon, many developments in the nature of the federal government and its executive agencies, international relationships, geopolitical powers, social norms, information technology, and in the policies and procedures of the personnel security system. Main points identified in this evolution have included the following:

- The Adjudicative Guidelines have a 60-year history stretching back to 1953 with their origin in the early Cold War.
- Three major versions and several minor revisions of the Adjudicative Guidelines have been produced in the Department of Defense.
- A parallel but different set of Adjudicative Guidelines has been issued by the DCI for persons considered for access to SCI starting with the DCID 1/14, issued in 1980, and continued under the DNI starting in 2005.
- The guidelines evolved as the personnel security system evolved from a local agency focus toward a unified, governmentwide system.
- Each revised set of the guidelines has expressed both a core of concerns that changed little between versions, and various contemporary issues or preoccupations that did change over time.
- The courts have influenced the evolution of adjudication standards and procedures in decisions that mandated due process for those denied a clearance and that a nexus be demonstrated between personnel security standards and the sensitivity for national security of the job. The Supreme Court has affirmed the responsibility of government agencies to adjudicate personnel security decisions to uphold national security.
- There has been a shift from arbitrary formulations and negative, critical language to more neutral guidelines that demonstrate a conceptual link between the goal—granting access to persons who are reliable, trustworthy, and loyal—and the behaviors and conditions evaluated in the security standards.
- Research in social science, addiction medical studies, and psychology has improved the Adjudicative Guidelines so that they better reflect expert knowledge where it can illuminate the behaviors of concern.
- Adjudication of a compilation of a person's behaviors in order to assess the risk of future behavior that could compromise national security remains a risk assessment and a human judgment.

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