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EXECUTIVE OFFICE OF THE PRESIDENT  
NATIONAL SECURITY COUNCIL  
WASHINGTON

July 12, 1951

*Approved by NSC NSC Action 2388 JAM*

MEMORANDUM FOR THE NATIONAL SECURITY COUNCIL

SUBJECT: Regulations Establishing Minimum Standards for Security Clearance for Access to Classified Security Information in the Executive Departments and Agencies of the United States Government

- REFERENCES:
- A. Memos for NSC from Executive Secretary, same subject, dated June 20 and July 6, 1951
  - B. NSC Action No. 506
  - C. Memos for NSC from Executive Secretary, subject, "Minimum Standards for the Handling and Transmission of Classified Information", dated June 19, July 6 and July 11, 1951

The President has this date approved the draft executive order on the subject, as adopted by the National Security Council, the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Director of Defense Mobilization, the Chairman, Atomic Energy Commission and the Chairman, Civil Service Commission, at the 96th Council meeting (NSC Action No. 506).

The approved executive order is accordingly transmitted herewith for Council information and, at the direction of the President, is being transmitted to the Director, Bureau of the Budget, for issuance at the time of or subsequent to the issuance of the proposed executive order on "Minimum Standards for the Handling and Transmission of Classified Security Information" (Reference C).

JAMES S. LAY, Jr.  
Executive Secretary

12  
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1951  
Memo

- cc:
- The Secretary of the Treasury
  - The Attorney General
  - The Secretary of Commerce
  - The Director of Defense Mobilization
  - The Director, Bureau of the Budget
  - The Chairman, Atomic Energy Commission
  - The Chairman, Civil Service Commission

Attached draft downgraded from Restricted to Unclassified as per memo from ES/NSC dtd 9 Nov 51, subject to conditions set forth therein.

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July 11, 1951

EXECUTIVE ORDER

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PRESCRIBING REGULATIONS ESTABLISHING  
MINIMUM STANDARDS FOR SECURITY CLEAR-  
ANCE FOR ACCESS TO CLASSIFIED SECURITY  
INFORMATION IN THE EXECUTIVE DEPART-  
MENTS AND AGENCIES OF THE UNITED STATES  
GOVERNMENT

WHEREAS on the \_\_\_\_\_ day of \_\_\_\_\_ 1951, there was promulgated Executive Order \_\_\_\_\_ prescribing regulations establishing Minimum Standards for the classification, transmission and handling of classified security information, within the Executive Branch of the Federal Government, for the purpose of safeguarding official information the unauthorized disclosure of which would or could harm, tend to impair or otherwise threaten the national security; and

WHEREAS it is necessary, in order adequately to protect and safeguard such official information, that there be established in addition to the above mentioned regulations a system whereby classified security information in the possession of the Departments and Agencies of the Executive Branch of the Government shall be made available or disseminated to individuals employed by, hired on a contractual basis by, or serving in advisory capacity to any executive department or agency, whether on a permanent, temporary or part-time basis and whether or not they are compensated for their services rendered, only in accordance with a uniform minimum policy designed to maintain the security of such information by restricting and limiting its dissemination to such of those individuals as have been granted security clearances pursuant to such policy; and

WHEREAS it is desirable and proper that the Minimum Standards for procedures, designed to protect the national security by restricting the dissemination of such information to individuals who have been granted such security clearances, should be uniformly applicable to all Departments and Agencies of the Executive Branch of the Government and should be known to and understood by those who deal with or seek employment with the Federal Government:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, I hereby prescribe the following regulations establishing Minimum Standards within the Federal Government for security clearances for access to official classified security information, for the purpose of safeguarding against disclosure to unauthorized persons of such information upon which the security of the nation rests or depends.

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These regulations shall be applicable throughout the Executive Branch of the Government to the extent not inconsistent with law. Nothing in these regulations shall be construed to replace, change, or otherwise be applicable with respect to (a) any material or information protected against disclosure by any statute or (b) any restrictions upon the dissemination of material or information to any persons which are imposed by any statute. Nothing in these regulations shall be construed to authorize the dissemination, release, receipt, handling or transmission of classified security information contrary to the provisions of any law, Executive Order or Presidential Directive which restricts the same.

These regulations shall take effect ninety days after publication in the Federal Register and I call upon all citizens of the United States to join with the Federal Government in a concerted and continuing effort to prevent disclosure, to those who are inimical to the interests of the United States, of information which is in any way concerned with the security of our nation.

#### PART I -- PURPOSE

Security regulations governing the protection of classified security information provide that no person is entitled solely by virtue of his office or position to knowledge or possession of classified material, and that such material will be entrusted only to those individuals whose official governmental duties require such knowledge or possession.

The purposes of these Minimum Standards therefore are (1) to establish the policy and general procedure relating to personnel security investigations and the clearance of personnel within the Executive Departments and Agencies of the United States who, by reason of their assignment or employment, require access to classified security information; (2) to define and establish Minimum Standards of investigation and criteria upon which clearances may be granted; and (3) to effect general uniformity in the field of personnel security investigations and clearances throughout the said Executive Departments and Agencies, so that the interchange of information within the Government pertaining to completed personnel security investigations and granted clearances may be facilitated.

#### PART II - GENERAL CRITERIA

As a general policy no person will be granted a security clearance if information is developed which raises a doubt regarding his trustworthiness.

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## PART III - TYPES OF INVESTIGATIONS

1. When the investigation of any individual is required upon which a clearance may be granted, the type of investigation to be conducted will depend on the degree of classified security information to which he will require access. Upon determination of the degree of classification, the minimum standards of investigation as set forth herein will be followed.

2. Personnel security investigations will be of two types:

- a. National Agency Check
- b. Background Investigations.

3. These minimum investigative standards may be raised in any particular case or category of cases, if deemed necessary by the department or agency concerned.

## PART IV - NATIONAL AGENCY CHECK

1. A National Agency Check consists of a check, by the department or agency concerned, or by the Civil Service Commission, with the following agencies:

- a. Federal Bureau of Investigation (FBI). The FBI will conduct a complete fingerprint file and name check. A properly completed non-criminal type fingerprint card must be submitted to the FBI by the department or agency concerned (see Part VIII, Paragraph 1a).
- b. Assistant Chief of Staff, G-2, Department of the Army (G-2), Office of Naval Intelligence, Department of the Navy (ONI), or Office of Special Investigations, The Inspector General, USAF, Department of the Air Force (OSI), Chief, Intelligence Division (OIN), Coast Guard, as appropriate, will be checked when the individual is or has been a member of the armed forces or a civilian employee of the Coast Guard or the Department of Defense or its predecessors, the Departments of War and Navy and/or the National Military Establishment.
- c. Civil Service Commission (CSC). Investigative and Master Index Files will be checked in all cases where the individual is or has been an employee of the United States Government.

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- d. Immigration and Naturalization Service (I&NS), or other appropriate records, will be checked in all cases where the individual is an alien or a naturalized citizen.
- e. House Committee on un-American Activities (HCUA), will be checked when considered pertinent to the purpose of the inquiry.
- f. Other Agencies, will be checked when considered pertinent to the purpose of the inquiry.

2. In the event that derogatory or questionable information concerning an individual is disclosed by a National Agency Check, the inquiry will be extended as necessary to obtain such additional information as may be required as a basis upon which to grant or deny clearance.

#### PART V - BACKGROUND INVESTIGATION

1. A background investigation is one in which inquiry is made as outlined in Part VI into pertinent facts having a bearing on the loyalty and fitness of the individual. It will normally cover the period of his life from January 1, 1937 to the date of the investigation or from the date of his eighteenth birthday, whichever is the shorter period unless:

- a. Derogatory information is developed in the course of the investigation, in which event the investigation will be extended to any period of the individual's life necessary to prove or disprove the allegations; or,
- b. Additional investigation is specifically required by competent authority.

2. In the event, however, that credible derogatory information is developed which raises any question of loyalty to the Government of the United States or which indicates subversive activity, the case will immediately be referred to the Federal Bureau of Investigation, except as may be otherwise agreed between the Federal Bureau of Investigation and the department or agency concerned.

#### PART VI - COMPONENT PARTS OF BACKGROUND INVESTIGATION

1. National Agency Check.
2. Birth Records. The individual's date and place of birth will be verified through school, employment or other

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records. Only if a discrepancy appears need vital statistics, and any other records necessary to establish correct date and place of birth be checked.

3. Education. Attendance and activities at last school or college will be verified, except service schools of the Armed Forces. In addition to checking school records, persons in a position to know of the individual's activities while in attendance should be interviewed, if available.
4. Employment. The employment records of present and former employers since January 1, 1937, or since the eighteenth birthday of the individual, whichever involves the shorter period, will be checked. Former employers and co-workers should be interviewed, if available, to ascertain the loyalty, character and reputation of the individual.
5. References. References should be interviewed. Interviews should also be had with persons (not relatives or former employers) who have knowledge of the individual's background and activities, but who are not given as references by the individual.
6. Neighborhood Investigations. Where deemed necessary or expedient in proving or disproving derogatory information, neighborhood investigations shall be made.
7. Criminal Record. The records of Police Departments and other law enforcement agencies in the vicinities where the individual has resided or been employed for substantial periods of time should be checked if information developed from a National Agency Check is not considered adequate. The records of local FBI offices should not be checked unless special circumstances warrant the advisability of so doing.
8. Military Service. The personnel file covering any period of service of the individual in the armed forces will be checked where available.
9. Citizenship Status. In all cases the citizenship status of the individual will be established.
  - a. United States Citizens. (See Paragraph 2 of this Part.)
  - b. Aliens. The records of the Immigration and Naturalization Service, Washington, D. C., or other appropriate

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records, will be checked to verify date and place of birth, legal entry into the United States, and to ascertain whether the individual has indicated an intention to become a citizen of the United States.

- c. Naturalized Citizens. The naturalization and date and place of birth will be verified through appropriate records.
10. Foreign Travel. If the individual has traveled outside the United States since January 1, 1937, except in United States military service, the Department of State records should be checked to determine reasons for such travel. In the investigation of individuals, other than in government employment, currently domiciled abroad or who were domiciled abroad since July 1, 1946, records of the Central Intelligence Agency (CIA) should also be checked.
11. Credit Record. Whenever necessary, credit agencies and/or credit references should be contacted in those places where the individual has resided for substantial periods of time since January 1, 1937 or since the eighteenth birthday, whichever is the shorter period.
12. Foreign Connections. In the course of the investigation, the extent and purpose of contacts and associations with foreign nationals or organizations should be ascertained.
13. Organizations. During the course of the investigation, as set forth above and by examination of Personnel History Statements and other records examined, efforts should be made to determine if the individual had:

"Membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means." (Executive Order 9835, Part V).

In the event credible information is developed indicating such membership or affiliation, the investigation should be immediately referred to the Federal Bureau of Investigation as contemplated in Part V, 2, supra, except as otherwise indicated in that section.

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## PART VII - CLEARANCES

1. Citizens of the United States employed by, hired on a contractual basis by, or serving in an advisory capacity to any executive department or agency, whether on a permanent, temporary or part-time basis and whether or not they are compensated for their services rendered, may be declared eligible for access to classified security information by being granted a final or interim clearance under the standards set forth below for each category of information. When an interim clearance is granted the agency granting the same must insure that the additional investigative procedure necessary to satisfy the final clearance requirements is in progress or must immediately initiate such additional procedure.

a. TOP SECRET SECURITY INFORMATION(1) Final Clearance(a) Background investigation or,

(b) National Agency Check, plus

1. Continuous honorable active duty as a member of the Armed Forces or as a civilian in the Government service or a combination of both, for a minimum of ten consecutive years (without more than one break not to exceed 90 days) immediately preceding the date of the current investigation, and provided there is no information available indicating disloyalty or casting doubt on the character, integrity, or discretion of the individual, plus

2. Check of the agency's security files or other appropriate records to determine that no significant derogatory information concerning him is contained therein, or

(c) When the individual occupies a specific office in the Government to which he has been appointed by the President.

(2) Interim Clearance(a) National Agency Check or

(b) Continuous honorable active duty as a member of the Armed Forces or as a civilian

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in the Government service or a combination of both, for a minimum of five consecutive years (without more than one break not to exceed 90 days) immediately preceding the date of the current investigation, and provided there is no information available indicating disloyalty or casting doubt on the character, integrity, or discretion of the individual.

b. SECRET SECURITY INFORMATION

(1) Final Clearance

- (a) Military - A National Agency Check.
- (b) Civilian - A National Agency Check or a record check and inquiry conducted by the Civil Service Commission as provided in Paragraph 3, Part I of Executive Order 9835. (See Part VIII, Paragraph 1a, infra.)

(2) Interim Clearance

(a) Military:

- 1. Check of 201 File or Bureau of Naval Personnel File, and if one exists, the Intelligence Field File or Special File or ONI Case History File; and there is no information contained in these files reflecting on the loyalty, character, integrity, or discretion of the individual.

(b) Civilian:

- 1. Civil Service Commission Preappointment Loyalty Check; (This is a check of major loyalty files by the Civil Service Commission, conducted prior to an applicant's appointment to a position designated by the head of the employing agency as sensitive) or Records Check conducted by the FBI under Part VI of Executive Order 9835, relating to incumbents.

c. CONFIDENTIAL SECURITY INFORMATION

(1) Final Clearance

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(a) Military and Civilian Employees:

1. Formal clearance will not be required for access to "Confidential" security information or material provided the individual concerned is a member of the Armed Services or, if a regular civilian employee, has been cleared through the investigation conducted by the Civil Service Commission under Part I of Executive Order 9835 or the FBI under Part VI of Executive Order 9835 relating to incumbents, and there is no information available indicating disloyalty or casting any doubt on the character, integrity, or discretion of the individual.

(b) Consultants and persons hired on a contractual basis by or serving in an advisory capacity to any executive department or agency, whether on a permanent, temporary or part-time basis and whether or not they are compensated for their services rendered:

1. Formal clearance will be required based upon a National Agency Check, with satisfactory results.

(2) Interim Clearance

- (a) For this purpose no Background Investigation or National Agency Check will be mandatory prior to access to "Confidential" security information or material except as hereinafter provided and in specific cases where it is deemed desirable by the responsible authority in the interest of security to have either a Background Investigation or a National Agency Check. (For Aliens, see Part VII, Paragraph 2, infra.)

d. RESTRICTED SECURITY INFORMATION

- (1) No formal clearance is required by these minimum standards for duties which require access to "Restricted" security information. The appropriate officer or responsible authority may authorize access to "Restricted" security information.

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e. ACCESS PENDING CLEARANCE REQUIREMENTS

- (1) When it is required that a United States citizen have immediate access to "Top Secret" or "Secret" security information in order for him to carry out an assigned task and the delay caused by awaiting interim clearance would be harmful to the national interest, the responsible authority concerned may authorize access, only for the purpose of carrying out the assigned task, based on the records immediately available, but must immediately institute the procedures necessary to satisfy the clearance requirements. A record of such authorizations will be made.

2. Aliens employed by, hired on a contractual basis by, or serving in an advisory capacity to any executive department or agency, whether on a permanent, temporary or part-time basis and whether or not they are compensated for their services rendered, who require access to security information classified "Confidential" or higher may be declared eligible for access to such information only by being granted a final clearance as a result of a background investigation.

a. Interim Clearance

- (1) Aliens may be granted interim clearance for access to "Confidential" security information on the basis of a favorable National Agency Check pending completion of the background investigation.

b. Access Pending Clearance Requirements

- (1) When it is required that an alien have immediate access to "Confidential" security information in order for him to carry out an assigned task, and the delay caused by awaiting interim clearance would be harmful to the national interest, the responsible authority concerned may authorize access, only for the purpose of carrying out the assigned task, based on the records immediately available, but must immediately institute the procedures necessary to satisfy the clearance requirements. A record of such authorizations will be made.

## PART VIII - CIVIL SERVICE COMMISSION

1. Investigations.

- a. The Record Check and Voucher Inquiry Investigation

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conducted by the Civil Service Commission, which includes a National Agency Check as provided in Part I of Executive Order 9835, should be accepted for investigative or clearance purposes within executive departments and agencies as the equivalent of a National Agency Check. It will not be necessary in any case for the investigative organizations of any of the executive departments or agencies to duplicate any part of a National Agency Check as herein defined conducted under either Parts I or VI of Executive Order 9835, in order that a clearance may be granted, provided that the individual has been continually in the employ of the government since the completion of such investigation.

- b. In those cases where a background investigation is required under the provisions of these minimum standards, the National Agency Check component of the background investigation should not be duplicated by the investigative organization concerned if it is determined that the Civil Service Commission is conducting its investigation as required by Part I of Executive Order 9835.

2. Notice to Civil Service Commission and reply thereto.

- a. In order to comply with Section 2, Part III of Executive Order 9835, the investigative organizations which conduct personnel security investigations will prepare and submit, in duplicate, a "Notice of Personnel Investigation" (Standard Form 79) to the Investigations Division, United States Civil Service Commission, Washington 25, D.C., on the same day the investigation is initiated. This requirement will apply only to background investigations instituted, and not to National Agency Checks.
- b. The Civil Service Commission will search the Standard Form 79 against its investigative files and report to the agency on one copy any pertinent information resulting from the search, including the location of any report of previous investigation. The other copy will be filed in the master index file. The information reported by the Commission will be used to prevent duplication in investigative coverage as provided for in Part XI, infra.

PART IX - RECORD OF INVESTIGATION AND CLEARANCE

Final and interim clearances granted must be made a matter of record and made a permanent part of the security files, so as to avoid

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duplication of investigations and clearances. Denial of clearance must be made a matter of record in a similar fashion, including a statement of the reasons for such denial. The record should reflect the date of investigation; the type of investigation conducted; the agency which conducted the investigation; the location of the investigative file; the date clearance was granted or denied; the signature of the authorized person granting or denying the clearance; and the following specific entry: "(interim) (final) clearance granted for access to (classified categories) security information required in the performance of officially assigned duties."

#### PART X - DELEGATION OF AUTHORITY

The head of the executive department or agency concerned is authorized to clear personnel for access to classified security information. Such authority may be delegated within these departments and agencies, but the heads thereof shall be responsible in all cases within their respective jurisdictions and shall not by virtue of said delegation be relieved of their responsibility under this Part.

#### PART XI - RECIPROCAL ACCEPTANCE OF PREVIOUS INVESTIGATIONS AND CLEARANCES

1. It is highly desirable that responsible authorities within the executive departments and agencies accept from each other on a mutual and reciprocal basis the results of previous investigations, and previous clearances which have been granted by appropriate authority. Such reciprocation will avoid the repetitious filing of Personal History Statements, and the time and expense of multiple investigations and multiple clearances. However, this applies only where a prior investigation by an investigative agency of the Government meets the standards prescribed herein. If the prior investigation does not meet such standards, supplemental or additional investigation should be conducted.

2. The prior clearance of, or denial of access to, an individual by an appropriate authority of one department or agency will not, however, be binding on another department or agency. The ultimate authority to grant or deny clearance in any case will rest with the head of the department or agency who is responsible for the security of the information to which the individual in question may be granted access.

#### PART XII - PRIOR CLEARANCES

At the discretion of the head of an agency, the applicability of these minimum standards will not affect clearances granted prior to the date of publication of these regulations.

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PART XIII - ACCESS TO ATOMIC ENERGY ACT  
"RESTRICTED DATA"

Clearance of personnel within the government for access to "Restricted Data" as defined by the Atomic Energy Act of 1946 will be governed by the provisions of that Act and by the regulations of, or agreements with, the Atomic Energy Commission.

PART XIV - CANCELLATION OF INVESTIGATIONS

Some personnel security investigative cases pending may be no longer necessary, for such reasons as the decease of the individual, separation from the service, or a change in employment; or for some other non-security reason. In those instances, in order to save time, effort, and expense, each requesting agency will promptly notify the appropriate investigative agency to cancel all investigations which for any reason are no longer required.

PART XV - EXISTING LAWS

Nothing herein contained will affect any authority and procedures prescribed by Executive Order 9835 dated March 21, 1947, or by any law of the United States.

PART XVI - INTERPRETATION OF REGULATIONS BY  
THE ATTORNEY GENERAL

The Attorney General, upon request of the head of a department or agency or his duly designated representative, shall personally or through authorized representatives of the Department of Justice render an interpretation of these regulations in connection with any problems arising out of their administration.

THE WHITE HOUSE

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