

ANNEX A

DCID 1/14 ADJUDICATION POLICY & GUIDANCE

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PURPOSE

This annex is designed to ensure that a uniform approach is followed by Intelligence Community Agencies in applying the standards of DCID 1/14. The standards apply to the adjudication of cases involving persons being considered for first time access to Sensitive Compartmented Information (SCI) as well as those cases of persons being readjudicated for continued SCI access.

ADJUDICATIVE PROCESS

The adjudicative process entails the examination of a sufficient period of a person's life to make a determination that the person is not now or is not likely to later become an unacceptable security risk. SCI access adjudication is the careful weighing of a number of variables known as the "whole person" concept. The recency of occurrence of any adverse incident, together with the circumstances pertaining thereto, is central to a fair and uniform evaluation. Key factors to be considered in adjudication are the maturity and responsibility of the person at the time certain acts or violations were committed as well as any repetition or continuation of such conduct. Each case must be judged on its own merits.

The ultimate determination of whether the granting of SCI access is clearly consistent with the interests of national security shall be an overall common sense determination based on all available information. In arriving at a decision consistent with the foregoing, the adjudicator must give careful scrutiny to the following matters.

- a. Loyalty
- b. Close relatives and associates
- c. Homosexuality and sexual perversion

- d. Cohabitation
- e. Undesirable character traits
- f. Financial irresponsibility
- g. Alcohol abuse
- h. Illegal drugs and drug abuse
- i. Emotional and mental disorders
- j. Record of law violations
- k. Security violations

Adjudicative actions concerning the foregoing items are examined in greater detail below.

#### LOYALTY

DCID 1/14 establishes the categorical requirement that, to be eligible for SCI access, an individual must be of unquestioned loyalty to the United States.

#### CLOSE RELATIVES AND ASSOCIATES

DCID 1/14 requires close examination by the SCI adjudicator when members of an individual's immediate family and persons to whom he/she is bound by affection or obligation are not citizens of the United States, or their loyalty or affection is to a foreign power, or they are subject to any form of duress by a foreign power, or they advocate the violent overthrow or unconstitutional alteration of the Government of the United States.

The adjudicator must assess carefully the degree of actual and potential influence that such persons may exercise on the individual based on an examination of the frequency and nature of personal contact and correspondence with and the political sophistication and general maturity of the individual.

A recommendation for access disapproval is appropriate if there is an indication that such relatives or associates are connected with any foreign intelligence service.

When there is a "compelling need" for SCI access for an individual whose family member is a non-US citizen and the background investigation is otherwise favorable, a waiver of DCID 1/14 standards may be recommended.

In some circumstances, marriage of an individual holding SCI access approval could present an unacceptable security risk. An individual is required to file an intent to marry and it is the responsibility of the SIO to advise the individual of the possible security consequences. If the individual marries a non-U.S. citizen, SCI access will be suspended until the case is readjudicated unless an appropriate investigation of the spouse, as required by Paragraph 11L of DCID 1/14, was conducted with favorable results. In readjudicating such cases, the same judgments and criteria as reflected in this section apply.

### HOMOSEXUALITY AND SEXUAL PERVERSION

DCID 1/14 requires that, to be eligible for SCI access, individuals must be stable, of excellent character and discretion, and not subject to undue influence or duress through exploitable personal conduct.

*THE CLAUSE IS TOTALLY IRRELEVANT.*

Sexual conduct, ~~except that which occurs within the marital bonds and in private,~~ can be a relevant consideration in circumstances in which the conduct indicates a personality disorder or could result in exposing the individual to direct or indirect pressure because of susceptibility to blackmail or coercion as a result of the deviant sexual behavior. Such behavior includes: bestiality, fetishism, exhibitionism, necrophilia, nymphomania or satyriasis, masochism, sadism, pedophilia, transvestism, and voyeurism. Homosexual activity is also to be considered as a factor in determining an individual's stability and susceptibility to undue influence or duress.

In examining cases involving acts of homosexuality or sexual perversion, it is relevant to consider the age of the person, the voluntariness, and the frequency of such activities, as well as the public nature and the recency of the conduct. A recommendation for disapproval is appropriate when, in view of all available evidence concerning the subject's history of sexual behavior, it appears that access to SCI could pose a risk to the national security.

*WHAT OTHER KIND OF COHABITATION IS THERE?*

### COHABITATION

~~Except marital~~ Cohabitation with a member of the opposite sex, in and of itself, does not preclude SCI access approval.

The identity of a cohabitant must be ascertained and a determination made if such association constitutes an unacceptable security risk based on the same criteria as in the section dealing with Close Relatives and Associates. Cohabitation with an alien, for example, requires the same scrutiny as marriage to an alien. Extra-marital sexual relations are also of legitimate concern to the SCI adjudicator when the potential for undue influence or duress exists.

#### UNDESIRABLE CHARACTER TRAITS

It is emphasized that an individual's lifestyle is examined only in an effort to determine whether a pattern of behavior exists which indicates that granting SCI access could pose a risk to national security. In cases where allegations have been reported which reflect unfavorably on the reputation of an individual, it is incumbent upon the SCI adjudicator to distinguish fact from opinion and to determine which negative characteristics are real and pertinent to an evaluation of the individual's character and which are unsubstantiated or irrelevant. Relevant negative characteristics are those which, in the adjudicator's informed opinion, indicate that an individual is not willing, able, or likely to protect SCI information. The adjudicator's personal likes or dislikes must not be permitted to affect the determination.

Examples of specific concern in determining whether an individual has undesirable character traits are any substantive credible derogatory comments by associates, neighbors and other acquaintances; any litigation instituted against the individual by such persons as a result of the individual's actions; or allegations of violations of law. A recommendation for disapproval would be appropriate for an individual who cannot be relied upon to obey rules and regulations.

In examining the circumstances of cases involving incidents of untruthfulness, the adjudicator must weigh all factors with particular emphasis on establishing the intent of the individual. Where an individual has tried to obscure pertinent or significant facts by falsifying data, i.e., on the Personal History Statement by either omission or

false entry, such action should be weighed heavily against recommending access. Failure to disclose derogatory personal information, such as a court martial or serious crime, would appear to be intentional and, consequently, would warrant a recommendation for disapproval.

#### FINANCIAL IRRESPONSIBILITY

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 an 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 a recommendation for denial of SCI access when there is other evidence of irresponsibility.

#### ALCOHOL ABUSE

The SCI adjudicator should examine any information developed relative to an individual's use of alcoholic beverages to determine the extent to which such use would adversely affect the ability of the individual to exercise the care, judgment, and discretion necessary to protect SCI information. The adjudicator should determine whether a pattern of impropriety exists, although one incident caused by alcohol abuse may be of such magnitude to warrant a recommendation for disapproval.

In determining the security impact of a person's pattern of alcohol use, the adjudicator should consider the circumstances, amount and rate of consumption, the time and place of consumption, and the physiological and behavioral effect such drinking has on the individual. For example, does the

individual's drinking result in absences from work or careless work habits? Does the individual become talkative, abusive or manifest other undesirable characteristics? Does the individual drink until intoxicated? Has the individual been arrested for any acts resulting from the influence of alcohol?

In the absence of conclusive evidence, additional insight may be available from appropriate medical authorities. If the individual acknowledges having an alcohol abuse problem and is seeking help, it may be appropriate to defer access determination and monitor the individual's progress for a year or so.

If, after considering the nature and sources of the information, the adjudicator determines that an individual's drinking is not serious enough to warrant a recommendation for disapproval of SCI access, it may be appropriate to recommend approval with a warning at the time of indoctrination that future incidents of alcohol abuse may result in SCI denial. The adjudicator may also recommend a reinvestigation of the individual's use of alcohol after an appropriate period of time has passed.

#### ILLEGAL DRUGS AND DRUG ABUSE

The SCI adjudicator should examine all allegations of an individual's use, transport, transfer, sale, cultivation, processing and manufacturing of hallucinogens, narcotics, drugs and other materials and chemical compounds identified and listed in the Controlled Substance Act of 1970, as amended. Consequently an individual's involvement in any of these activities is of direct concern to the SCI adjudicator in order to determine the individual's capability to exercise the care, discretion, and judgment required to protect SCI information. The use of these substances may lead to varying degrees of physical or psychological dependence as well as having a deleterious effect on an individual's mental state and ability to function.

Persons involved in drug trafficking, i.e., the commercial cultivation, processing, manufacturing, purchase or sale of such substances should normally be recommended for disapproval.

In cases involving the use of drugs, the adjudicator must consider the nature of the substances used and whether the use is experimental or habitual. The frequency, recency and circumstances surrounding said use are key elements. For example, has the individual used "hard" drugs or hallucinogens such as heroin, cocaine or LSD? Has the individual used drugs regularly or only on occasion? Does the individual currently use drugs? Does the individual regularly purchase drugs or participate merely when offered drugs by others? Has the individual's behavior been affected by the use of drugs and, if so, to what extent?

Once the judgment is made that an individual is a habitual user of any controlled substance (multiple use beyond the point of mere experimentation), a recommendation for disapproval is appropriate. Moreover, repeated use, still in the experimental stage, of hard drugs ~~or even a single use of hallucinogens such as LSD would be disqualifying?~~ *NOT TRUE IN CIA*

#### EMOTIONAL AND MENTAL DISORDERS

DCID 1/14 requires that persons considered for access to SCI be stable and of excellent character and discretion. Emotional and mental disorders which interfere with an individual's perception of reality or reliability are of serious concern to the SCI adjudicator in determining whether an individual is able or willing to protect SCI information.

It is essential to obtain as much information as possible when an allegation has been made in this area. If feasible, the individual should be interviewed to obtain additional details. When appropriate, government psychological and psychiatric personnel should be consulted so that psychiatric or psychological data may be properly evaluated.

If a current emotional instability appears to be a temporary condition, for example, caused by a death, illness or marital breakup, it may be advisable to recommend postponing final action and rechecking the situation at a later date. This precludes a security disapproval for what may be a temporary condition which, when cured, would have no security implications.

Military and civilian personnel who decline to take medical/psychiatric tests when so directed by competent authority should not be recommended for SCI access.



### RECORD OF LAW VIOLATIONS

In determining whether an individual is "stable, of excellent character and discretion" as required by DCID 1/14 for access to SCI, the adjudicator must weigh carefully any record of law violations by the individual. Although a pattern of repeated minor traffic violations could be significant, the adjudicator is principally concerned with more serious criminal violations or court actions reflecting adversely upon the individual's reliability or trustworthiness.

Each case involving convictions for criminal offenses must be considered from the standpoint of the nature and seriousness of the offense, the circumstances under which it occurred, how long ago it occurred, whether it was an isolated offense or a repeated violation of the law, the offender's age at the time, social conditions which may have a bearing on the individual actions, and any evidence of rehabilitation.

Any conviction for a felony will normally support a recommendation for disapproval. If the offense was committed many years prior, the subject has shown evidence of rehabilitation, and the investigation shows no other derogatory information, an approval may be considered. A large number of minor offenses, however, could indicate irresponsibility and may support an adverse recommendation.

### SECURITY VIOLATIONS

Most security violations are caused by carelessness or ignorance with no intention of compromising security. However, the record of an individual responsible for multiple violations should be scrutinized. The individual's current attitude toward security should be confirmed with his/her supervisor. A pattern of violations may be sufficient ground for a recommendation disapproval.

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**REMARKS**

Pat:

1. The attached Annex A to DCID 1/14 appeared in [redacted] folder after the 18 July 1979 SECOM meeting. This item was not discussed at the SECOM meeting. [redacted] called on 23 July 1979 to say that this was an action item. I see nothing wrong with it and propose that the OS position should be one of support (i.e., no response to SECOM by 1 Aug 79).

2. In view of [redacted] (OS SECOM representative) absence, do you want me to coordinate this attachment with DD/PSI (specifically CD/4) or make a unilateral decision in PPG and forgo any reply to SECOM (therefore, supporting the Annex)?

DO NOT use this form as a RECORD of approvals, concurrences, disposals, clearances, and similar actions

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 Prescribed by GSA  
 FPMR (41 CFR) 101-11.206