

DATE: April 14, 2004

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In Re:

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SSN: -----

Applicant for Security Clearance

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ISCR Case No. 02-23755

## **DECISION OF ADMINISTRATIVE JUDGE**

**ROBERT ROBINSON GALES**

### **APPEARANCES**

#### **FOR GOVERNMENT**

James B. Norman, Esquire, Department Counsel

#### **FOR APPLICANT**

Mark F. Riley, Esquire

### **SYNOPSIS**

Security concerns were raised regarding a 42-year-old Iranian-born naturalized U.S. citizen who was sent to the U.S. when he was 17 years old by his father who was a senior official in the Iranian army under the Shah. He has a permanent resident, non-U.S. citizen, mother (a citizen of Iran), and two siblings who continue to be citizens and residents of Iran. He has not seen his siblings in over 25 years and had a strained relationship with them before he left Iran. The brother (with whom he has no closer than a casual or infrequent relationship, if that) and the sister (with whom he retains a closer telephone relationship and sends her a modest amount of money for support), are not agents of Iran or in a position to be exploited by that totalitarian theocratic government. The security concerns have been mitigated by the evidence developed herein. Clearance is granted.

### **STATEMENT OF THE CASE**

On October 20, 2003, the Defense Office of Hearings and Appeals (DOHA), pursuant to Executive Order 10865, *Safeguarding Classified Information Within Industry*, dated February 20, 1960, as amended and modified, and Department of Defense Directive 5220.6, *Defense Industrial Personnel Security Clearance Review Program* (Directive), dated January 2, 1992, as amended and modified, issued a Statement of Reasons (SOR) to Applicant. The SOR detailed reasons why DOHA could not make the preliminary affirmative finding under the Directive that it is clearly consistent with the national interest to grant or continue a security clearance for Applicant, and recommended referral to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

In a sworn written answer, dated December 5, 2003, Applicant responded to the allegations set forth in the SOR, and requested a hearing. The case was assigned to me on February 23, 2004. A notice of hearing was issued that same day, and the hearing was held before me on March 23, 2004. During the course of the hearing, three Government exhibits, 14 Applicant exhibits, and the testimony of four Applicant witnesses (including the Applicant), were received. The transcript (Tr.) was received on March 31, 2004.

## RULINGS ON PROCEDURE

During the proceeding, under Rule 201(b)(2), Federal Rules of Evidence, Department Counsel requested that Official Notice be taken of certain adjudicative facts as set forth in six documents furnished for consideration. There being no objection by Applicant, Official Notice was taken of: (1) U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices - 2002: Iran*, dated March 31, 2003, consisting of 24 pages; (2) Library of Congress, *Congressional Research Service Issue Brief for Congress - Iran: Current Developments and U.S. Policy*, dated July 25, 2003, consisting of 18 pages; (3) Office of the National Counterintelligence Executive, *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage 2001*, dated October 2001, consisting of 13 pages; (4) Office of the National Counterintelligence Executive, *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage--2002*, dated February 2003, consisting of 19 pages; (5) U.S. Department of State, Bureau of Consular Affairs, *Consular Information Sheet - Iran*, dated September 8, 2003, consisting of six pages; and (6) U.S. Department of State, Office of the Coordinator for Counterterrorism, *Patterns of Global Terrorism: 2002*, dated April 2003, consisting of three pages.

### FINDINGS OF FACT

Applicant has admitted the factual allegations pertaining to foreign influence under Guideline B (subparagraphs 1.a. through 1.c.). Those admissions are incorporated herein as findings of fact.

After a complete and thorough review of the evidence in the record, and upon due consideration of same, I make the following additional findings of fact:

Applicant is a 42-year-old employee of a defense contractor seeking to obtain a security clearance, the level of which has not been revealed. He had previously held an interim clearance.

Applicant was born in 1961 in Iran, and received his elementary and part of his secondary education there. <sup>(1)</sup> His father, a senior official in the Iranian army under the Shah, retired during the revolution in 1979 rather than serve the new theocratic republic. <sup>(2)</sup> As a precaution to avoid prosecution from the new regime because of his father's position in the former government, in late 1978 or early 1979, when he was 17-years-old, Applicant was sent by his family to the U.S. where he joined his older half-brother--a son of their common mother--who had, 10 years earlier, come to the U.S. for his own college education. <sup>(3)</sup> Upon his arrival in the U.S., Applicant resided with his half-brother and enrolled in high school. <sup>(4)</sup> He graduated from a U.S. high school, attended a U.S. community college, and received his B.S. degree in computer science from a major U.S. university. <sup>(5)</sup>

In order to support himself while attending college, Applicant held a variety of positions, including dishwasher, cook, and manager for several restaurants, and worked up to 60 hours per week. <sup>(6)</sup> Applicant met his future wife--a U.S.-born citizen--during this period while they were employed by the same restaurant. <sup>(7)</sup> They married in 1986, and now have three children. <sup>(8)</sup> Applicant and his wife own and reside in a house with an appraised value of \$410,000. <sup>(9)</sup> They have a modest investment portfolio with a net value in excess of \$4,500.00, <sup>(10)</sup> a vested 401(k) balance of nearly \$32,000.00, <sup>(11)</sup> a pension and savings balance of nearly \$13,000.00, <sup>(12)</sup> and over \$6,000.00 in their checking account. <sup>(13)</sup> They have no investments or financial interests in Iran. <sup>(14)</sup>

Applicant became a naturalized U.S. citizen, and renounced his Iranian citizenship, in October 1995. <sup>(15)</sup> He does not consider himself a dual citizen of the U.S. and Iran. <sup>(16)</sup>

Applicant's relationship with his father was somewhat distant, due primarily to his father's lengthy military career and the fact that his father took a second wife. <sup>(17)</sup> After his immigration to the U.S., Applicant had "contact" with his father about one time every five years. <sup>(18)</sup> The exact nature of the contact was not specified. They saw each other one time when his father accompanied his second wife to the U.S. for medical treatment. <sup>(19)</sup> Applicant's father passed away about 15-20 years ago. <sup>(20)</sup>

Applicant's mother (born in 1926)<sup>(21)</sup> worked for a telecommunication company in Iran for nearly 27 years before retiring in about 1982-3.<sup>(22)</sup> Thereafter, until about 1997, she enjoyed retirement.<sup>(23)</sup> She immigrated to the U.S. in 1997,<sup>(24)</sup> and holds permanent resident status.<sup>(25)</sup> Since her arrival in the U.S., she has not returned to Iran.<sup>(26)</sup> She splits her residence between Applicant's house and that of his half-brother.<sup>(27)</sup> She has applied for U.S. citizenship.<sup>(28)</sup> Applicant's mother has never been connected with any Iranian government or intelligence service.<sup>(29)</sup>

Applicant's half-brother (born in 1945)<sup>(30)</sup> has resided in the U.S. since 1969,<sup>(31)</sup> and became a naturalized U.S. citizen in 1984.<sup>(32)</sup> His philosophy regarding the U.S. , and his loyalty to it, is the same as Applicant's:<sup>(33)</sup>

. . . when you live in a place, you breathe the air, you eat the food, you live in a society that you have been so long, you become a part of it. And I would say it's very, very strong and [Applicant] honor this country just the way that I do. I always believe never bite the hand that feeds you.

Applicant's immediate family members still residing in Iran are his 44-year-old brother<sup>(34)</sup> and his 36-37-year-old sister,<sup>(35)</sup> neither of whom has he seen for the past 25 years.<sup>(36)</sup> When their father took his second wife the family separated with Applicant and his mother residing in one household and his father, brother, and sister living in a separate city.<sup>(37)</sup> As a result of the strain over the separation, Applicant and his siblings did not have a very close relationship.<sup>(38)</sup> His brother is a computer engineer and designer for a telecommunication company<sup>(39)</sup> who resides with his wife and daughter.<sup>(40)</sup> His brother served in the Iranian army in 1980-81 during the war with Iraq,<sup>(41)</sup> but has no other relationship with any government agency or intelligence service.<sup>(42)</sup> Applicant and his brother have very limited contact with each other, and do not exchange letters or e-mails.<sup>(43)</sup> Every two years or so his brother may call from Iran during the Persian New Year in March to wish him a happy holiday.<sup>(44)</sup> Their most recent telephone call was either last year or the year before.<sup>(45)</sup> Applicant's brother would like to immigrate to the U.S. but finances have prevented him from doing so.<sup>(46)</sup>

Applicant's sister is unemployed because she is a female in the theocratic Iranian society.<sup>(47)</sup> She is able to survive on the retirement pensions of her parents<sup>(48)</sup> and any monies Applicant may send her.<sup>(49)</sup> In fact, he generally sends her an average of \$80.00 per month<sup>(50)</sup> through friends of his mother.<sup>(51)</sup> She has no relationship with any government agency or intelligence service.<sup>(52)</sup> They also have limited contact, but not as limited as with his brother, for they communicate by telephone once or twice each year.<sup>(53)</sup> Applicant's sister has tried to emigrate from Iran by entering Turkey, but was denied a visa each time.<sup>(54)</sup>

Applicant has been employed by the same government contractor since June 1997 where he is now a senior system engineer. His annual base salary is nearly \$100,000.00<sup>(55)</sup>. His immediate supervisor supports Applicant's application for a security clearance and has characterized him in glowing terms: Applicant is totally open, honest, and forthright, absolutely trustworthy, his reliability is above reproach, he is professional, and possesses mature judgment.<sup>(56)</sup> A neighbor who has known Applicant for 21 years has described his reputation in the community as very honest, trustworthy, and reliable, with good judgment and a sense of duty.<sup>(57)</sup> Applicant's father-in-law, the pastoral minister and a deacon of the local church, described the look of pride and gratitude in Applicant's eyes when he took the oath of citizenship.<sup>(58)</sup>

Since coming to the U.S. in late 1978 or early 1979, Applicant has never returned to Iran.<sup>(59)</sup>

Iran is a member of what President George W. Bush characterized as the "axis of evil."<sup>(60)</sup> While there was previously a lengthy period of friendship and cooperation between Iran and the U.S., since the fundamentalist Islamic revolution that toppled the Shah in early 1979, the resulting theocratic government has repressed its people, pursued weapons of mass destruction, and supported terror.<sup>(61)</sup> Iran is known to conduct intelligence operations and economic espionage against

the U.S. <sup>(62)</sup> Iran is a nation whose interests are inimical to the United States.

## POLICIES

Enclosure 2 of the Directive sets forth adjudicative guidelines which must be considered in the evaluation of security suitability. In addition to brief introductory explanations for each guideline, the adjudicative guidelines are divided into those that may be considered in deciding whether to deny or revoke an individual's eligibility for access to classified information (Disqualifying Conditions) and those that may be considered in deciding whether to grant an individual's eligibility for access to classified information (Mitigating Conditions).

An administrative judge need not view the adjudicative guidelines as inflexible ironclad rules of law. Instead, acknowledging the complexities of human behavior, these guidelines, when applied in conjunction with the factors set forth in the Adjudicative Process provision set forth in Section E.2.2., Enclosure 2, of the Directive, are intended to assist the administrative judge in reaching fair and impartial common sense decisions.

Because the entire process is a conscientious scrutiny of a number of variables known as the "whole person concept," all available, reliable information about the person, past and present, favorable and unfavorable, should be considered in making a meaningful decision. The Adjudicative Process factors which an administrative judge should consider are: (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct, to include knowledgeable participation; (3) the frequency and recency of the conduct; (4) the individual's age and maturity at the time of the conduct; (5) the voluntariness of participation; (6) the presence or absence of rehabilitation and other pertinent behavioral changes; (7) the motivation for the conduct; (8) the potential for pressure, coercion, exploitation, or duress; and (9) the likelihood of continuation or recurrence.

Based upon a consideration of the evidence as a whole, I find the following adjudicative guidelines most pertinent to an evaluation of the facts of this case:

**GUIDELINE B - FOREIGN INFLUENCE: A security risk may exist when an individual's immediate family, including cohabitants, and other persons to whom he or she may be bound by affection, influence, or obligation are: (1) not citizens of the United States or (2) may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.**

Conditions that could raise a security concern and may be disqualifying, as well as those which could mitigate security concerns, pertaining to both adjudicative guidelines are set forth and discussed in the Conclusions section below.

Since the protection of the national security is the paramount determinant, the final decision in each case must be arrived at by applying the standard that the issuance of the clearance is "clearly consistent with the interests of national security," <sup>(63)</sup> or "clearly consistent with the national interest." For the purposes herein, despite the different language in each, I have concluded that both standards are one and the same. In reaching this Decision, I have drawn only those conclusions that are reasonable, logical and based on the evidence contained in the record. Likewise, I have avoided drawing inferences that are grounded on mere speculation or conjecture.

In the decision-making process, the burden of producing evidence initially falls on the government to establish a case which demonstrates, in accordance with the Directive, that it is not clearly consistent with the national interest to grant or continue an applicant's access to classified information. If the government meets its burden, the heavy burden of persuasion then falls upon the applicant to present evidence in refutation, explanation, extenuation or mitigation sufficient to overcome the doubts raised by the government's case, and to ultimately demonstrate that it is clearly consistent with the national interest to grant or continue the applicant's clearance.

A person who seeks access to classified information enters into a fiduciary relationship with the government predicated upon trust and confidence. It is a relationship that transcends normal duty hours and endures throughout off-duty hours as well. It is because of this special relationship that the government must be able to repose a high degree of trust and

confidence in those individuals to whom it grants access to classified information. Decisions under this Directive include, by necessity, consideration of the possible risk that an applicant may deliberately or inadvertently fail to protect or safeguard classified information. Such decisions entail a certain degree of legally permissible extrapolation as to potential, rather than actual, risk of compromise of classified information.

One additional comment is worthy of note. Applicant's allegiance, loyalty, and patriotism are not at issue in these proceedings. Section 7 of Executive Order 10865 specifically provides industrial security clearance decisions shall be "in terms of the national interest and shall in no sense be a determination as to the loyalty of the applicant concerned." Security clearance decisions cover many characteristics of an applicant other than allegiance, loyalty, and patriotism. Nothing in this Decision should be construed to suggest I have based this decision, in whole or in part, on any express or implied decision as to Applicant's allegiance, loyalty, or patriotism.

## CONCLUSIONS

Upon consideration of all the facts in evidence, an assessment of the witness testimony, demeanor, and credibility, and after application of all appropriate legal precepts and factors, including those described briefly above, I conclude the following with respect to each allegation set forth in the SOR:

The government has established its case under Guideline B. Applicant has been portrayed as a person who is a potential security risk because members of his immediate family or persons to whom he is bound by affection, influence, or obligation--in this instance, his brother and sister--are not citizens or residents of the United States or may be subject to duress. The concern also carried over to Applicant's mother because of her citizenship status as a non-citizen permanent resident of the U.S. These situations raise the potential for vulnerability to coercion, exploitation, or pressure, and the exercise of foreign influence that could result in the compromise of classified information. In support of its contentions, the government has cited the fact Applicant's mother is a citizen of Iran, and his brother and sister are citizens of, and reside in, Iran.

It is uncontroverted that Applicant's mother is a citizen of Iran residing in the U.S., and his brother and sister are citizens and residents of Iran. Those simple facts, standing alone, might be sufficient to raise security concerns over the possibility of Applicant's vulnerability to coercion, exploitation, or pressure. However, the mere possession of family ties with a person in a foreign country is not, as a matter of law, disqualifying under Guideline B: [\(64\)](#)

The language of [Guideline] B (Foreign Influence) in the Adjudicative Guidelines makes clear that the possession of such family ties *may* pose a security risk. Whether an applicant's family ties in a foreign country pose a security risk depends on a common sense evaluation of the overall facts and circumstances of those family ties. *See* ISCR Case No. 98-0419 (April 30, 1999) at p. 5.

The citizenship and resident status of Applicant's brother and sister, as well as the citizenship status of his mother, when considered in light of the nature of the government in Iran--a totalitarian theocratic government whose interests are inimical to the United States and which is known to conduct intelligence operations and economic espionage against the U.S.--activates Foreign Influence Disqualifying Condition (FI DC) E2.A2.1.2.1. (*an immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country*) and DC E2.A2.1.2.2. (*sharing living quarters with a person or persons, regardless of their citizenship status, if the potential for adverse influence or duress exists*).

However, also applicable, in this instance, is Foreign Influence Mitigating Condition (FI MC) E2.A2.1.3.1. (*a determination that the immediate family member(s), (spouse, father, mother, sons, daughters, brothers, sisters), cohabitant, or associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States*), as well as C E2.A2.1.3.3. (*contact and correspondence with foreign citizens are casual and infrequent*). In this instance, after an examination of the evidence, I determine that the relationship between Applicant and his brother cannot be considered anything closer than casual and infrequent, if that. Applicant has not seen his brother in 25 years, nor been in contact with him more frequently than once every two years, with the most recent contact having taken place either last year or the year before. Their relationship over 25 years ago was strained when the family split up and

there is nothing in evidence to indicate it has, in any way, improved since then.

The only person seemingly coming within the ambit of security concern is Applicant's sister. That relationship, while continuing solely via telephone communications once or twice a year, remains emotionally, but not physically, close. They have not seen each other for 25 years, and even before that period the relationship, as with the one with his brother, and for the same reasons, was strained. Applicant sends her a modest stipend to augment her living expenses, but nothing more. As far as the potential for influence is concerned, it should be noted that Applicant has declared he would cease sending her support if threatened in any way because his family in the U.S. is more important to him than his sister. And, in fact, when asked for reimbursement for medical expenses for his sister, Applicant refused to provide it.

Equally meaningful is the historical perspective. Since his arrival in the U.S. 25 years ago, and especially since he has been employed by a defense contractor since 1997, there have been no instances of Iranian government efforts to capitalize on his sister's Iranian residence and citizenship or Applicant's employment or security clearance status. When asked what he would do if Iran threatened his sister unless he furnished sensitive, or even something innocuous such as a telephone book or newspapers, Applicant declared he would not risk his own family or his country, referring to his family in the U.S. or the U.S. government, in favor of his sister, and would immediately report the situation to the authorities. <sup>(65)</sup> He added that even if she were tortured, while he loves her, he would not put his family in jeopardy because he loves his family a lot more than his sister. <sup>(66)</sup>

The best predictor of whether an applicant's relatives are in a position to be exploited in the future by a government which has no interest in complying with human rights and liberties, or even with the accepted rules and norms of international law, is the government's past conduct. Considering all of the above, including the Iran's past conduct, as well as the citizenship and residency status of Applicant's sister, I do not consider her to constitute an unacceptable security risk.

Considering the citizenship and residency status of Applicant's mother, I do not consider her to constitute an unacceptable security risk.

Also applicable, in this instance, is MC E2.A2.1.3.5. (*foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities*). As noted above, neither Applicant nor his wife has any financial interests in Iran whereas their entire holdings are in the U.S.

Thus, I conclude Applicant has, through evidence of extenuation and explanation, successfully mitigated and overcome the government's case under Guideline B. Accordingly, allegations 1.a. through 1.c. of the SOR are concluded in favor of Applicant.

For the reasons stated, I conclude Applicant is suitable for access to classified information.

### **FORMAL FINDINGS**

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Paragraph 25 of Enclosure 3 of the Directive, are:

Paragraph 1. Guideline B: FOR THE APPLICANT

Subparagraph 1.a.: For the Applicant

Subparagraph 1.b.: For the Applicant

Subparagraph 1.c.: For the Applicant

### **DECISION**

In light of all the circumstances presented by the record in this case, it is clearly consistent with the national interest to

grant or continue a security clearance for Applicant. Clearance is granted.

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**Robert Robinson Gales**

**Chief Administrative Judge**

1. Government Exhibit 1 (Security Clearance Application (SF 86), dated March 13, 2003), at 1.
2. Tr., at 39-40.
3. Tr., at 28-30, 88.
4. Tr., at 29-30.
5. Government Exhibit 1, *supra* note 1, at 1; Tr., at 30-31.
6. Tr., at 31-32.
7. Tr., at 35.
8. Government Exhibit 1, *supra* note 1, at 4; Tr., at 36.
9. Applicant Exhibit E (Uniform Residential Appraisal Report, dated February 18, 2004), at 2.
10. Applicant Exhibit M (Investment Account Statement, dated February 29, 2004), at 1.
11. Applicant Exhibit K (Projected Pension Benefit, dated March 1, 2004), at 3.
12. *Id.*, at 4.
13. Applicant Exhibit L (Online Checking Account Register, dated March 18, 2004), at 1.
14. Tr., at 65.
15. Government Exhibit 1, *supra* note 1, at 1; Government Exhibit 3 (U.S. Department of Justice, Certificate of Naturalization, dated October 27, 1995).
16. Tr., at 76. There is, however, some inconsistency regarding Applicant's impressions on dual citizenship. In his SF 86, completed in March 2003, he responded "yes" to the question: "Are you now or were you a dual citizen of the U.S. and another country." Government Exhibit 1, *supra* note 1, at 1. In December 2003, he stated: "[f]or all intents and purposes I consider myself to be an American by choice if not by birth." Response to SOR, dated December 5, 2003), at 2. During the hearing he stated: "I don't have dual citizenship with Iran." Tr., at 76. Despite Applicant's position, under Iranian law, U.S. citizens who were born in Iran, and the children of such persons, are considered Iranian nationals. Department of State, Bureau of Consular Affairs, *Consular Information Sheet - Iran*, dated September 8, 2003, at 2.
17. Tr., at 42.
18. Tr., at 42.
19. Tr., at 41.
20. Tr., at 41.
21. Government Exhibit 1, *supra* note 1, at 4.

22. Tr., at 43.

23. Tr., at 43.

24. Response to SOR, *supra* note 16, at 1.

25. Applicant Exhibit A (Mother's Permanent Resident Card, dated October 24, 1997).

26. Tr., at 45.

27. Tr., at 44.

28. Tr., at 45.

29. Tr., at 43.

30. Applicant Exhibit N (U.S. Department of Justice, Certificate of Naturalization, dated May 18, 1984).

31. Tr., at 88.

32. Applicant Exhibit N, *supra* note 30.

33. Tr., at 95.

34. Tr., at 47.

35. Tr., at 50.

36. Response to SOR, *supra* note 16, at 1.

37. Tr., at 56.

38. Tr., at 57.

39. Tr., at 47.

40. Tr., at 48.

41. Tr., at 47.

42. Tr., at 48.

43. Tr., at 48.

44. Tr., at 48.

45. Tr., at 49.

46. Tr., at 49.

47. Tr., at 50.

48. Tr., at 50.

49. Tr., at 51.

50. Tr., at 51.



51. Tr., at 52.

52. Tr., at 51.

53. Tr., at 51.

54. Tr., at 52.

55. Applicant Exhibit K, *supra* note 11, at 2.

56. Tr., at 115-117.

57. Tr., at 106-107.

58. Applicant Exhibit C (Letter from father-in-law, dated March 8, 2004).

59. Tr., at 46.

60. President George W. Bush's comments regarding Iran in The President's State of Union Address, dated January 29, 2002, at [www.gov.com/union\\_1\\_2002.html](http://www.gov.com/union_1_2002.html), at 5.

61. President George W. Bush's comments regarding Iran in The President's State of Union Address, dated January 28, 2003, at [www.gov.com/union\\_1\\_2003.html](http://www.gov.com/union_1_2003.html), at 9; U.S. Department of State, Office of the Coordinator for Counterterrorism, *Patterns of Global Terrorism: 2002*, dated April 2003, at 2-3; Library of Congress, *Congressional Research Service Issue Brief for Congress - Iran: Current Developments and U.S. Policy*, dated July 25, 2003, at CRS 4-7.

62. *Id.*, Library of Congress, *Congressional Research Service Issue Brief for Congress - Iran: Current Developments and U.S. Policy*, at Summary; Office of the National Counterintelligence Executive, *Annual Report to Congress on Foreign Economic Collection and Industrial Espionage 2001*, dated October 2001, at 6.

63. Exec. Or. 12968, *Access to Classified Information*; as implemented by Department of Defense Regulation 5200.2-R, *Personnel Security Program*, dated January 1987, as amended by Change 3, dated November 8, 1995. However, the Directive uses both "clearly consistent with the national interest" (Sec. B.3; Sec. C.2.; and Sec. D.2.; Enclosure 3, Sec. 1.; and Sec. 25), and "clearly consistent with the interests of national security" (Enclosure 2 (Change 3), Adjudicative Guidelines, at 2-2).

64. ISCR Case No. 98-0507 (Appeal Board Decision and Reversal Order, May 17, 1999), at 10.

65. Tr., at 60-61.

66. Tr., at 61.