

KEYWORD: Foreign Influence; Foreign Preference

DIGEST: Applicant was born and raised in Iran. He became a United States citizen in 1988. His wife and children were born in the United States and live in the United States with him. Security concerns have been raised because Applicant maintained dual citizenship, and because his elderly parents and three sisters are citizens and residents of Iran. Security concerns arising from possible foreign influence and foreign preference are mitigated. Clearance is granted.

CASE NO: 04-12500.h1

DATE: 01/26/2006

DATE: January 26, 2006

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In Re:

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SSN: -----

Applicant for Security Clearance

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ISCR Case No. 04-12500

**DECISION OF ADMINISTRATIVE JUDGE**

**MARY E. HENRY**

**APPEARANCES**

**FOR GOVERNMENT**

Daniel Crowley, Department Counsel

## **FOR APPLICANT**

Dwight A. Johnson, Esq.

Diana Kleefeld, Esq.

## **SYNOPSIS**

Applicant was born and raised in Iran. He became a United States citizen in 1988. His wife and children were born in the United States and live in the United States with him. Security concerns have been raised because Applicant maintained dual citizenship, and because his elderly parents and three sisters are citizens and residents of Iran. Security concerns arising from possible foreign influence and foreign preference are mitigated. Clearance is granted.

## **STATEMENT OF THE CASE**

On August 4, 2005, 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 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. Specifically, the SOR set forth security concerns arising under Guideline B, Foreign Influence, and Guideline C, Foreign Preference, of the Directive. DOHA recommended the case be referred to an administrative judge to determine whether a clearance should be granted, continued, denied, or revoked.

On August 15, 2005, Applicant submitted a notarized response to the allegations and requested a hearing.

This matter was assigned to me on November 8, 2005. A notice of hearing was issued on November 8, 2005, and a

hearing was held on December 7, 2005. Five Government Exhibits, and five Applicant Exhibits were admitted into evidence.<sup>(1)</sup> In addition five documents were admitted for purposes of administrative notice. The record was held open until December 21, 2005 to allow Applicant to submit documentation, which verified the mailing and delivery of Applicant Exhibit E. This documentation was received on December 20, 2005, and in absence of any objection from the government, it is admitted into evidence.<sup>(2)</sup> Applicant and four witnesses testified. The hearing transcript was received on December 16, 2005.

## FINDINGS OF FACT

Applicant admitted, with explanation, the allegations in subparagraphs 1.b and 1.c, and 2.a through 2.c of the SOR.<sup>(3)</sup> Those admissions are incorporated here as findings of fact. He denied the remaining allegation. After a complete review of the evidence in the record and upon due consideration, I make the following additional findings of fact:

Applicant is a 51-year-old electrical engineer and manager for a defense contractor.<sup>(4)</sup> He has worked for this contractor for eighteen years.<sup>(5)</sup> He completed a security clearance application (SF 86) in December 2001.<sup>(6)</sup>

Applicant was born and raised in Iran, now the Islamic Republic of Iran (Iran).<sup>(7)</sup> He immigrated to the United States (U.S.) in 1977.<sup>(8)</sup> He graduated from a U.S. university with an electrical engineering degree in 1980.<sup>(9)</sup> The same year he married his wife, who is American-born and a U. S. citizen.<sup>(10)</sup> They have twin daughters age 24, a daughter age 21, and a son age 15, all American-born citizens.<sup>(11)</sup> His wife and children reside in the U.S.<sup>(12)</sup>

Applicant's elderly parents live in Iran, although they have visited him in the U.S.<sup>(13)</sup> He talks with them once sometimes twice a month.<sup>(14)</sup> His 78-year-old mother never worked and his 83-year-old father is retired.<sup>(15)</sup> His father worked for an oil company, which is owned by the Iranian government, and receives a pension through his job.<sup>(16)</sup> His two brothers are naturalized U.S. citizens, who are residents of the U.S. and have married American citizens.<sup>(17)</sup> His three sisters reside in Iran and are Iranian citizens.<sup>(18)</sup> Two sisters are married and one is a widow.<sup>(19)</sup> All his sisters have children residing in Iran.<sup>(20)</sup> One sister works part-time as a teacher of English to neighbors.<sup>(21)</sup> One brother-in-law works for the Iranian government owned oil company.<sup>(22)</sup> He talks with his sisters two or three times a year, but not to their husbands or children.<sup>(23)</sup> His family in Iran has not held public office, has not been involved in politics or journalism, and is Muslim.<sup>(24)</sup> The Iranian government has never approached them for any reason, either before or after his trip to Iran in 1995, and if it did, his parents would not tell him.<sup>(25)</sup>

In 1988, Applicant formally renounced his Iranian citizenship when he became a U.S. citizen. In 1995, at the request of his Iranian family, Applicant traveled to Iran to visit his parents, sisters, nieces, and nephews for the first time since his arrival in the U.S. in 1977. (26) Despite his renunciation of Iranian citizenship at the time he swore allegiance to the U.S., Iran still considered him a citizen because he had been born in Iran. (27) Thus, prior to his trip, he applied for and received an Iranian passport to travel within Iran. (28) He used his U.S. passport until he arrived in Iran, but then used his Iranian passport to enter Iran, as required by the Iranian government. (29) This passport expired in 1998 and is now invalid. (30) More recently, he renounced his Iranian citizenship for a second time, in writing, and return his expired and invalid Iranian passport to Iranian officials. (31)

Prior to his 1995 trip to Iran, Applicant consulted with the security officer at his work, who approved the trip. (32) Applicant's family did not travel with him. Before his wife and daughters could go to Iran, he would have to marry his Christian wife in the Iranian Muslim tradition and she would be required to convert to Muslim, as would his Christian daughters. (33) His wife and daughters would then be required to follow the Muslim traditions. (34) He has not returned to Iran and does not plan to do so. (35) His parents have traveled to the U.S. to visit him on several occasions, the last time in 2003. (36)

Applicant has worked for his current employer since 1987. (37) His employer promoted him in 1993 to the managerial position he currently holds. (38) He received a substantial cash award for work on a specific project. (39) Although he has held a security clearance since the early 1990s, his children and his friends did not know that he worked in a job that required a security clearance until just prior to his hearing because he never discussed the specifics of his work with them. (40) His family in Iran does not know he has a security clearance nor do they know anything about his work, except his father knows he works in electronics. (41)

He considers himself a U.S. citizen, not an Iranian citizen. (42) His co-workers, friends and family describe him as a loyal U.S. citizen, not an Iranian citizen. (43) He has spoken to them about his disagreement with actions of the Iranian government. (44) He tells his children that they are privileged to have the rights of freedom of speech and religion since he had been raised without the freedom to speak out against the government. (45) He loves the U.S. (46) He is an intelligent, hard worker, who is reliable, dependable, and a team builder. (47) He is honest, caring, straightforward, trustworthy, and a man of his word. (48) He not only follows the rules, but insists that others do the same. (49) He keeps his commitments. (50) His family in the U.S. comes first. He would not compromise his values by whatever may happen in Iran. (51)

Applicant owns a home in the U.S. (52) He does not own any property or land in Iran, nor does he have any business or financial interests in Iran. (53) He provides no financial support to his family members living in Iran. (54) Other than his parents and sisters, he has no contact with other family members or past friends still living in Iran. (55)

Iran is an authoritarian, constitutional, theocratic republic, dominated by the Shi'a Muslim clergy.<sup>(56)</sup> Human rights violations continue, particularly against journalists who speak out against Iran's current government, minority religions, such as the Baha'i faith, and political activists, who oppose the current ruling regime.<sup>(57)</sup> Serious mistreatment of prisoners occurs.<sup>(58)</sup> Although human rights violations are prohibited by law, the Iran government does not enforce the law.<sup>(59)</sup> The current Iranian government supports and actively sponsors terrorism, especially against the U.S.<sup>(60)</sup>

## **POLICIES**

Enclosure 2 of the Directive sets forth adjudication guidelines which must be considered in the evaluation of security suitability. 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 in Paragraph E2.2., Enclosure 2 of the Directive, are intended to assist the administrative judge in reaching fair and impartial common sense decisions.

Included in the guidelines are disqualifying conditions and mitigating conditions applicable to each specific guideline. In addition, each security clearance decision must be based on the relevant and material facts and circumstances, the whole-person concept, along with the factors listed in the Directive. Specifically, these are: (1) the nature, extent, and seriousness of the conduct; (2) the circumstances surrounding the conduct; (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 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. Although the presence or absence of a particular condition or factor for or against clearance is not outcome determinative, the adjudicative guidelines should be followed whenever a case can be measured against this policy guidance.

The sole purpose of a security clearance determination is to decide if it is clearly consistent with the national interest to grant or continue a security clearance for an applicant.<sup>(61)</sup> The government has the burden of proving controverted facts.<sup>(62)</sup> The burden of proof is something less than a preponderance of the evidence.<sup>(63)</sup> Once the government has met its burden, the burden shifts to the applicant to present evidence of refutation, extenuation, or mitigation to overcome the case against him.<sup>(64)</sup> Additionally, an applicant has the ultimate burden of persuasion to obtain a favorable clearance decision.<sup>(65)</sup>

No one has a right to a security clearance<sup>(66)</sup> and "the clearly consistent standard indicates that security clearance determinations should err, if they must, on the side of denials."<sup>(67)</sup> Any reasonable doubt about whether an applicant

should be allowed access to sensitive information must be resolved in favor of protecting such sensitive information. <sup>(68)</sup> 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." The decision to deny an individual a security clearance is not necessarily a determination as to the allegiance, loyalty, and patriotism of an applicant. <sup>(69)</sup> It is merely an indication that the applicant has not met the strict guidelines the President and the Secretary of Defense have established for issuing a clearance.

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:

**Foreign Influence - Guideline B: 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 not citizens of the United States or 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.**

**Foreign Preference - Guideline C: When an individual acts in such a way as to indicate a preference for a foreign country over the United State, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.**

## CONCLUSIONS

Upon consideration of all the facts in evidence, and after application of all appropriate adjudicative factors, I conclude the following with respect to the allegations set forth in the SOR:

The government has established its case under Guideline B. Foreign Influence Disqualifying Condition (FI DC) E2.A3.1.2.1. (*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*) applies in this case. Paragraph E2.A2.1.3.1. defines "immediate family members" to include a spouse, father, mother, sons, daughters, brothers, and sisters. Applicant's father, mother, and three sisters live in and are citizens of Iran. This "could create the potential for foreign influence that could result in the compromise of classified information. The mere possession of family ties with a person in a foreign country is not, as a matter of law, disqualifying under Guideline B. <sup>(70)</sup> However, such ties do raise a *prima facie* security concern sufficient to require an applicant to present evidence of rebuttal, extenuation or mitigation sufficient to

meet the applicant's burden of persuasion that it is clearly consistent with the national interest to grant or continue a security clearance for him. [\(71\)](#)

I considered the Foreign Influence Mitigating Conditions (FI MC), particularly 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*). Notwithstanding the facially disjunctive language of FI MC 1, Applicant must prove that his family members, cohabitant or associates are not agent of a foreign power, and are not in a position to be exploited by a foreign power in a way that could force Applicant to chose between the person(s) involved and the U.S. [\(72\)](#)

The government produced substantial evidence to establish the potentially disqualifying conditions. The burden shifted to Applicant to produce evidence to rebut, explain, extenuate, or mitigate the facts. His father, who is a citizen of Iran and a retired oil company employee, and his mother, also a citizen of the PRC and a homemaker, do not work for the government or the military. His sisters are citizens of Iran and live there. One works part-time teaching English to neighbors. The other sisters do not work. The evidence does not establish that his family members in Iran are agents of a foreign power.

The nature of a nation's government, its relationship with the U.S., and its human rights record are relevant in assessing the likelihood that an applicant's family members are vulnerable to government coercion. The risk of coercion, persuasion, or duress is significantly greater if the foreign country has an authoritarian government, a family member is associated with or dependent upon the government, or the country is known to conduct intelligence operations against the U.S. The hostility of Iran to the United States places a heavy burden on Applicant to demonstrate that the immediate family members in Iran do not pose security risk and he is not in a position to be forced to choose between loyalty to the United States and his family members. With its adversarial stance and its dismal human rights record, it is conceivable that Iran would target any citizen in an attempt to gather information from the United States.

Applicant's closest family members are his wife, three daughters and son, who are U.S. born citizens, who live with him. His two brothers are U.S. citizens, living in the U.S. They have no Iranian governmental connections and are not agents of a foreign power. Because these family members are in the U.S., they are not vulnerable to coercion or exploitation by a foreign power.

Applicant's remaining family members live in Iran. His retired, elderly father and elderly mother live quietly. They are not, and have not been, political activists or journalists, challenging the policies of the Iranian government. Likewise, his sisters are not politically active, and do not work for the Iranian government or military or any news media. His family members' religion is Muslim, thus, they are not targeted by the Iranian government because of their religious beliefs. The Iranian government has never approached any of his Iranian family for any reason, and in particular, has not approached them since his visit in 1995. Because his family members live quietly, avoid activities which would bring attention to themselves and are unaware of his work, they are not targets for coercion or exploitation by the Iranian

government, which regularly seeks to quiet those which speak out against it.

Likewise, FI MC E2.A2.1.3.3. (*Contact and correspondence with foreign citizens are casual and infrequent*) applies as to allegation 2.b. Applicant talks by telephone with his three sisters living in Iran two or three times a year, mostly when they are at his parents home. He has no other contact with them, as they do not telephone him. He provides no support to them nor does he write to them. He is not close to his sisters. His contact with them is casual and infrequent.

Finally, none of the individual family circumstances discussed above are determinative. Rather, these circumstances must be considered together under the "whole person concept", which includes consideration of Applicant's evidence of his family's absence of governmental connections; financial dependence, or lack thereof, on the government; or business connections susceptible to industrial espionage. To ignore such evidence would establish a virtual per se rule against clearing applicants with foreign family ties. Likewise, while the nature of Iran's government, its human rights record, and its relationship with the U.S. are clearly not determinative, they are relevant factors to be considered.

Applicant and his witnesses credibly testified about his love of and loyalty to the U.S. His U.S. family comes first. He would not take any action which could cause potential harm to his U.S. family or to this country. If the Iranian government should threaten harm to his family members living in Iran if he did not provide them with classified information, I am persuaded by all the testimony regarding his character for trustworthiness, straight forwardness and honesty that, as he so testified, he would report to the authorities any contacts, requests, or threats by foreign authorities or individuals to him or his Iranian family, if they tell him about any threats. He has established a record of following the rules and requiring those around him to do the same on projects requiring security clearances. He has earned the respect and trust of his employer, his friends, and family because of his honesty, integrity and straight forward manner. He has taken great care not to reveal the nature of his work to anyone, especially his family in Iran. Until just prior to the hearing, only his wife knew he held a job requiring a security clearance. He carefully avoided discussing this issue and his work with others. By his actions, he has indicated a willingness to protect the highly sensitive work he performs and the national interests of the U.S. I find that Applicant has mitigated the government's security concerns as to Guideline B.

The government has established its case under Guideline C. Foreign Preference Disqualifying Condition (FP DC) E2.A3.1.2.1. (*The exercise of dual citizenship*) and FP DC E2.A3.1.2.2. (*Possession and/or use of a foreign passport*) apply. Even though Applicant renounced his Iranian citizenship when he swore allegiance to the U.S. in 1988, under Iranian law, he retained his Iranian citizenship. Using his dual citizenship status, he obtained an Iranian passport to ease travel within Iran in 1995 when visiting his parents and sisters. He used his U.S. passport to travel to Iran, but once in Iran, he used his Iranian passport.

I have considered the Foreign Preference Mitigating Conditions (FP MC) and conclude that FP MC E2.A3.1.3.4. (*Individual has expressed a willingness to renounce dual citizenship*) applies. When he became as U.S. Citizen in 1988, Applicant renounced his Iranian citizenship. Since then, he has considered himself a loyal U.S. citizen and not an Iranian citizen. He renounced his Iranian citizenship for a second time in December 2005 through a formal written declaration mailed to and received by the government of Iran. In so doing, he exceeded all reasonable requirements for



renunciation of foreign citizenship. He has shown time and again a preference for the U.S.

ASD(C31)Memorandum, dated August 16, 2000 (the Money Memo) mandates that, "consistent application of the guideline requires that any clearance be denied or revoked unless the applicant surrenders the foreign passport or obtains official approval for its use from the appropriate agency of the United States Government". Applicant allowed his Iranian passport to expire in 1998. Thus, it is not valid, and cannot be used to travel any where in the world. While the Appeal Board has held that an expired passport must be surrendered, there is no legal authority for this holding. While he has surrendered his Iranian passport to the proper officials, I do not believe that Applicant needed to surrender an expired, obsolete, and unusable passport to mitigate the government's concerns under this guideline. Given that he has renounced his Iranian citizenship twice and surrendered his expired Iranian passport, which prevents him from getting a new passport, Applicant has mitigated the government's security concerns under Guideline C.

I am persuaded by the totality of the evidence in this case that Applicant would not be vulnerable to pressure or duress from a foreign power or the government of Iran. It is clear that he is not only cognizant of his duties in protecting national security, but he has taken extra precautions to prevent others from learning about his work on projects related to national security. His immediate family resides with him in the U.S. and have never visited Iran; thus, the possibility of pressure being exerted by a foreign power or entity on them does not exist. His two brothers are naturalized U.S. citizens, living in the U.S.; thus, they are not vulnerable to duress or coercion by a foreign power either. Although he regularly speaks with his elderly parents, his contacts with his sisters in Iran are limited. He has no contact with other Iranian citizens. Since arriving in the U.S. twenty-eight years ago, he has returned to Iran once, in 1995, to visit his family. His Iranian family knows nothing about his work. While I recognize that the Iranian government supports terrorists who are intent on the destruction of the U.S., within Iran, the Iranian government usually targets political activists, outspoken journalists, and those of specific non-Muslim religious beliefs. His Iranian family are none of these. The Iranian government has not approached his parents or his sisters in the past, especially not since his visit in 1995; thus, it is highly unlikely that the Iranian government would now target his family members. Applicant has mitigated the government's case under Guidelines B and C. Accordingly, for the reasons stated, I find that it is clearly consistent with the national interest to grant a security clearance to Applicant

### **FORMAL FINDINGS**

Formal findings For or Against Applicant on the allegations set forth in the SOR, as required by Section E3.1.25 of Enclosure 3 of the Directive, are:

Paragraph 1. Guideline B (Foreign Influence): FOR APPLICANT

Subparagraph 1.a: For Applicant

Subparagraph 1.b: For Applicant

Subparagraph 1.c: For Applicant

Paragraph 2. Guideline C (Foreign Preference): FOR APPLICANT

Subparagraph 2.a: For Applicant

Subparagraph 2.b: For Applicant

Subparagraph 2.c: For Applicant

### **DECISION**

In light of all of the circumstances presented by the record in this case, it is not clearly consistent with the national interest to grant a security clearance for Applicant. Clearance is granted.

Mary E. Henry

Administrative Judge

1. At the hearing, I made notations on Applicant Exhibit D based on the testimony presented.
2. Applicant Exhibit F consists of a letter dated December 15, 2005, signed by counsel; Attachment A, which is Applicant's December 7, 2005 letter renouncing his Iranian citizenship and returning his passport; Attachment B, an Affidavit from Counsel regarding the mailing of the letter and a copy of the returned passport ; Attachment C, a copy of the shipping receipt dated December 8, 2005; and Attachment D, a copy of the tracking sheet showing delivery to the appropriate officials on December 9, 2005 of the December 7, 2005 letter with Applicant's expired Iranian passport.
3. Applicant's response to SOR, dated August 15, 2005, at 1-2.
4. Government Exhibit 1 (Applicant's Department of Defense Personnel Security Questionnaire, dated October 12, 1990) at 1; Government Exhibit 3 (Applicant's Security Clearance Application, dated April 15, 2003) at 2.
5. Government Exhibit 3, *supra* note 4, at 2.

6. *Id.*
7. Government Exhibit 1, *supra* note 4, at 1; Government Exhibit 4 (Applicant's statement, dated March 11, 2004) at 2; Tr. at 29-30.
8. Government Exhibit 2 (Applicant's statement, dated January 29, 1991) at 2; Tr. at 29-31.
9. Government Exhibit 3, *supra* note 4, at 1; Government Exhibit 1, *supra* note 4, at 2.
10. Government Exhibit 3, *supra* note 4, at 2; Tr. at 31.
11. Government Exhibit 3, *supra* note 4, at 3; Tr. at 32.
12. Tr. at 32.
13. *Id.* at 50-51, 53.
14. *Id.* at 50-51.
15. *Id.* at 56-57.
16. *Id.*
17. *Id.* at 34; Government Exhibit 2, *supra* note 8, at 2; Government Exhibit 4, *supra* note 7, at 2.
18. Tr. at 33-34; Government Exhibit 2, *supra* note 8, at 1; Government Exhibit 3, *supra* note 4, at 4.
19. Tr. at 79-83.
20. *Id.*
21. *Id.* at 81.
22. *Id.* at 83.
23. *Id.* at 50-51.
24. *Id.* at 35; 60, 84.
25. *Id.* at 61-62.
26. *Id.* at 32-33; Government Exhibit 4, *supra* note 7, at 3.
27. Tr. at 64-65.
28. Government Exhibit 4, *supra* note 7, at 3-4; Tr. at 66-69.
29. *See generally* Government Exhibit V (Consular Information Sheet, dated October 11, 2005) at 1.
30. Government Exhibit 4, *supra* note 7, at 3.
31. Applicant Exhibit E (Applicant's renunciation letter, dated December 7, 2005, and copy of returned expired Iranian passport); Applicant's Exhibit F (Documents which reflect the mailing of the renunciation letter and receipt of the same).
32. Tr. at 66.

33. Government Exhibit V, *supra* note 28, at 2; Tr. at 32-33.
34. *Id.*
35. Tr. at 69-70.
36. *Id.* at 53.
37. *Id.* at 36.
38. *Id.* at 37.
39. *Id.* at 42, 44; *see* Applicant's Exhibit D (copy of photo of work project with signatures of co-workers).
40. Tr. at 54-55, 102, 106, 115, 126.
41. *Id.* at 53-56, 60.
42. *Id.* at 64-65.
43. *Id.* at 97, 99, 107-109, 117, 124.
44. *Id.* at 97, 107, 124.
45. *Id.* at 52, 60-61, 76-77, 126-127.
46. *Id.* at 106-108, 117.
47. *Id.* at 89.
48. *Id.* at 89, 92-93; 106-107, 115-116, 117.
49. *Id.* at 96.
50. *Id.* at 104-105.
51. *Id.* at 108-109, 117.
52. *Id.* at 36.
53. *Id.* at 64.
54. Government Exhibit 2, *supra* note 8, at 2.
55. Government Exhibit 2, *supra* note 8, at 1; Tr. at 63-64.
56. Government Exhibit II (U.S. Department of State, Iran: Country Reports on Human Rights Practices 2004) at 1.
57. *Id.*; Government Exhibit I (U.S. Department of State Fact Sheet, dated April 9, 2004, titled "Iran: Voices Struggling to be Heard") at 1-3.
58. Government Exhibit II, *supra* note 53, at 3.
59. *Id.*
60. Government Exhibit III (U.S. Department of State Background Note: Iran) at 4-5.

61. ISCR Case No. 96-0277 (July 11, 1997) at 2.
62. ISCR Case No. 97-0016 (App. Bd., December 31, 1997) at 3; Directive, Enclosure 3, ¶ E3.1.14.
63. *Department of the Navy v. Egan*, 484 U.S. 518, 528 (1988).
64. ISCR Case No. 94-1075 (App. Bd., August 10, 1995) at 3-4; Directive, Enclosure 3, ¶ E3.1.15.
65. ISCR Case No. 93-1390 (App. Bd. Decision and Reversal Order, January 27, 1995) at 7-8; Directive, Enclosure 3, ¶ E3.1.15.
66. *Egan*, 484 U.S. at 531.
67. *Id.*
68. *Id.*; Directive, Enclosure 2, ¶ E2.2.2.
69. Executive Order No. 10865 § 7.
70. ISCR Case No. 99-0424, 2001 DOHA LEXIS at 33-34 (App. Bd. Feb. 8, 2001)
71. *Id.*
72. ISCR Case No. 02-14995 at 5 (App/ Bd. July 26, 2004); *see* 50 U.S.C. § 1801(b) (defining "agent of a foreign power")