

Student Guide

Counterintelligence Concerns for Adjudicators Short

Introduction

Welcome to Counterintelligence Concerns for Adjudicators! This Short learning topic addresses counterintelligence concerns for Adjudicators and explains concerns that may affect national security determinations.

Individuals who will be involved in evaluating suspected security violations and determinations of eligibility revocation or suspension should clearly understand the counterintelligence concerns for Adjudicators.

Learning Objective: After completing this Short, the learner will be able to identify and explain traits, characteristics, and motivations that may make someone more susceptible to being targeted and even co-opted.

This short should take approximately 15 minutes to complete.

Adjudicating Counterintelligence Risks

Being granted national security eligibility is both a privilege and a critical responsibility. Not everyone who applies for eligibility for access to classified information is granted that eligibility.

Individuals may have engaged in risky personal behaviors that could lead to coercion, exhibit precarious tendencies that could be exploited, or have vulnerabilities that bring their trustworthiness or loyalty into question. Individuals could also travel overseas extensively or without reporting it, disregard work and security rules, or misuse-controlled substances. Such behaviors may be considered counterintelligence, or CI, risks.

Counterintelligence is information gathered and activities conducted to protect against espionage, other intelligence activities, sabotage, or assassinations conducted by or on behalf of foreign governments or elements thereof, foreign organizations or persons, or international terrorist activities.

Adjudicator's CI Evaluation

It is critical that Adjudicators understand the counterintelligence concerns for National Security Eligibility Determinations to accurately evaluate CI risks created by certain vulnerabilities that can be exploited by those who desire to circumvent national security.

The objective of the Adjudicator's CI evaluation during National Security Eligibility Determinations is to identify indicators of susceptibility and determine if the concern is valid or if there are mitigating circumstances before allowing individuals eligibility for access to sensitive positions or classified information.

Adjudicators can reference Security Executive Agent Directive 4, or SEAD-4, National Adjudicative Guidelines, for adjudicative criteria, including counterintelligence concerns, as well mitigating factors that could affect decisions.

National Security Eligibility Determinations: National security eligibility determinations take into account a person's stability, trustworthiness, reliability, discretion, character, honesty, and judgment. Individuals must be unquestionably loyal to the United States. When a person's history shows evidence of unreliability or untrustworthiness, questions arise as to whether the individual can be relied upon and trusted to exercise the responsibility necessary for working in an environment where protecting the national security is paramount.

Vulnerability: Vulnerability is a weakness, characteristic, or circumstance that could be exploited by an adversary.

The Adjudicative Process

The adjudicative process is used to determine if an individual considered for a sensitive position or eligibility for access to classified information is an acceptable security risk.

As an Adjudicator, you will examine not only any specific concern raised about an individual's activities or behaviors but also review an extended period of that individual's life. This is known as the "whole-person" concept, and it combines all available reliable information about the person, past and present, favorable and unfavorable.

Each case must be judged on its own merits, and the final determination remains the responsibility of the authorized adjudicative agency. Note that any doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security.

The ultimate determination of whether to grant or continue national security eligibility must be clearly consistent with the interests of national security. There must be an overall common-sense judgment based on careful consideration of the guidelines provided in SEAD-4, each of which is to be evaluated in the context of the whole person.

Espionage Motivators

The biggest motivators for espionage are money, ideology, coercion, and ego (commonly referred to as MICE).

M: Money: Not just money but other material things as payment.

I: Ideology: Allegiance, support, or sympathy to another system or country.

C: Coercion: The target may be forced into compliance through the exploitation of societal norms or family members; often blackmail or seduction.

E: Ego: The satisfaction, challenge, or thrill of leading a double life or even possibly revenge.

Although not all motivators for espionage fall under the MICE umbrella, it is a good start to understand the basic motivators.

Not all espionage cases fit under one category. For example, Robert Hanson was paid money, but complained he wasn't able to get a promotion which also likely motivate him (ego/revenge) to commit espionage.

Evaluation Guidelines

The following elements are CI concerns that you, as an Adjudicator, need to understand.

Foreign contacts and associations: Foreign contacts and interests, including personal relationships and business, financial, and property interests, are a national security concern if they result in divided allegiance.

Having close family or friends who live in a foreign country can prompt more frequent contact (visits, conversations, phone calls, etc.) with foreign nationals. Business and financial dealings may also make an individual more susceptible to developing sympathies or support for foreign entities.

Foreign contacts may also include individuals residing in or on holiday in the United States. For example, a roommate at college who is from Germany is considered a foreign contact because the roommate is a cohabitant.

Foreign influence is not only about the contact. It is also about the network connected to that contact. For example, influence may come from a relative, like a father-in-law, who may have been a military officer from another country.

History has shown that people do not commit espionage only because of personal ties with individuals in a foreign country. Sharing religious beliefs and beliefs in or empathy with a cause are also motivators for committing espionage, sabotage, or acts of terror. Therefore, Adjudicators should also look for close involvement with or loyalty to movements and ideologies.

Foreign travel: The significance of foreign travel depends on the country visited and the nature of contacts during the visit. Travel to countries where there is a high probability that contacts may be connected with terrorism and countries where the government actively targets Americans for intelligence collection could pose a vulnerability.

Indicators of CI concern may include:

- Repeated short visits to the same country
- Repeated travel to any country that serves as a tax haven
- Unreported side travel while on a business trip
- Failure to disclose or even attempt to conceal travel to foreign countries
- Travel outside the United States to pursue deviant sexual interests

Concerns and mitigating conditions can be located in SEAD-4, Guideline B: Foreign Influence, Guideline E: Personal Conduct, and Guideline L: Outside Activities.

Foreign preference: When an individual's beliefs and actions indicate a preference for a foreign country over the United States, the individual may provide information or make decisions that are harmful to the interests of the United States.

Foreign preference can be seen as overzealous love of or loyalty to a homeland or country of origin. It can also present itself as preference for a governmental system other than American capitalism or democracy.

Foreign preference concerns are becoming more common because many countries allow and even encourage dual citizenship. With an increased number of American citizens who have foreign backgrounds, foreign countries are now offering American citizens incentives to obtain dual citizenship.

Concerns and mitigating conditions can be located in SEAD-4, Guideline C: Foreign Preference.

Anti-American statements, activities, and associations: The expression of unpopular or antigovernment beliefs is protected by the First Amendment to the U.S. Constitution. However, attempts to overthrow or influence the U.S. Government, actions that prevent others from exercising their constitutional rights, interference with the constitutional process, or deliberate actions that harm the interests of the United States are unlawful actions and a CI concern.

Indicators of counterintelligence concern may include:

- Arrests for protesting American governmental actions
- Membership in anti-American groups or organizations
- Involvement in civil suits resulting from protest actions
- University restrictions or disciplinary actions due to demonstrations and/or aggressively advocating an anti-American belief
- Social media contacts
- Donations to foreign organizations that support or engage in terrorist activities

Concerns and mitigating conditions can be located in SEAD-4, Guideline A: Allegiance to the United States, Guideline B: Foreign Influence, Guideline C: Foreign Preference, Guideline J: Criminal Conduct, and Guideline L: Outside Activities.

Suspicious financial transactions or unexplained affluence: Ownership of foreign bank accounts, stock in foreign companies that is not sold on public markets in the United States, private equity ownership interest in a foreign business, and ownership of foreign real estate may result in unexplained affluence and be indicators of CI concern.

Indicators of CI concern include:

- Large deposits of money into banking institutions
- Purchases of high-value items, usually with cash
- Vague explanations of large gambling wins, inheritance, or stock market gains
- Attempts to hide income or assets

Concerns and mitigating conditions can be located in SEAD-4, Guideline F: Financial Considerations and Guideline L: Outside Activities.

Adjudicators may use the following to investigate and assess suspicious financial transactions or unexplained affluence:

- Cash flow analysis
- Net worth analysis
- Financial disclosure form
- Financial Crimes Enforcement Network (FinCEN) database

Personal conduct: Activities and behaviors involving questionable judgment, lack of candor, dishonesty, or unwillingness to comply with rules and regulations can raise questions about an individual's reliability, trustworthiness, and ability to protect classified or sensitive information.

Excessive alcohol consumption often leads to the exercise of questionable judgment or the failure to control impulses such as gambling or illicit sexual activities. This creates potential leverage for foreign influence.

The illegal use of controlled substances, including misuse of prescription and non-prescription drugs, can raise questions about an individual's susceptibility to foreign influence because such behavior may lead to physical or psychological impairment.

Indicators of CI concern may include:

- Legal problems such as driving while intoxicated, public drunkenness, or disorderly conduct
- Work problems such as excessive absences, reduced productivity, or unsafe habits
- Social problems such as interpersonal conflicts, abuse, or aggression
- Engaging in cyberbullying or other aggressive online behavior

Concerns and mitigating conditions can be located in SEAD-4, Guideline D: Sexual Behavior, Guideline E: Personal Conduct, Guideline G: Alcoholic Consumption, Guideline H: Drug Involvement and Substance Misuse, and Guideline L: Outside Activities.

Financial considerations or extreme debt: An individual who appears unable to satisfy debts and meet financial obligations may have poor self-control, lack of judgment, or an unwillingness to abide by rules and regulations. Individuals who are financially overextended may be at risk of having to engage in illegal acts to generate funds. The need for a quick or continued influx of cash to maintain a lifestyle is a potential weakness that can be exploited to compromise an individual's ability to protect classified or sensitive information. Inappropriate drug use can increase indebtedness and financial issues or inappropriate personal or sexual behavior.

Indicators of CI concern include:

- Inability or unwillingness to pay debts
- Bankruptcy filings
- Divorce with significant alimony and/or child support

- Repossession of property
- Loan foreclosure
- Failure to file federal, state, or local income tax returns
- Petty criminal conduct such as larceny and theft

Concerns and mitigating conditions can be located in SEAD-4, Guideline F: Financial Considerations and Guideline L: Outside Activities.

Sexual behavior that increases vulnerability: Sexual behavior may subject the individual to undue influence of coercion, exploitation, or duress, especially if it involves a criminal offense, causes embarrassment, or reflects a lack of judgment or discretion.

Excessive alcohol consumption, illegal drug use, or misuse of prescription drugs can lead to sexual activity that is illegal or would be embarrassing if it became public knowledge.

Although inappropriate sexual behavior can be used to blackmail an individual, Adjudicators must understand that any sexual behavior can be used against someone as long as the individual can be shamed or influenced. For example, a woman from a strictly religious family who is living with her boyfriend may attempt to conceal her living arrangements or even be coerced to perform illegal activities.

Concerns and mitigating conditions can be located in SEAD-4, Guideline D: Sexual Behavior, Guideline G: Alcohol Consumption, and Guideline L: Outside Activities.

Psychological conditions: No negative inference may be raised solely based on mental health counseling. However, certain emotional, mental, and personality conditions can impair judgment, reliability, or trustworthiness. If this concern is a possibility, a duly qualified mental health professional employed by or acceptable to and approved by the U.S. Government should be consulted.

Some indicators of psychological conditions may include:

- Behavior that habitually violates the commonly accepted rules of society
- A sense of entitlement, impulsiveness, or immature responses to work situations
- Lack of concern with meeting deadlines
- Lying to cover up a mistake or to make oneself look superior to co-workers
- Deliberate actions to undermine a colleague who is viewed as a competitor for promotion
- Failure to seek medical attention or failure to follow prescribed treatment for a diagnosed mental condition.

Note: Individuals with an unmanaged psychological condition may medicate themselves with alcohol or misuse prescription drugs.

Concerns and mitigating conditions can be located in SEAD-4, Guideline I: Psychological Conditions.

Criminal activities: By its very nature, criminal activity creates doubt about a person's judgment, reliability, and trustworthiness.

Depending on the crime, age at conviction, severity, and many other factors, criminal activity can foretell a willingness to ignore rules, laws, and guidelines.

A minor criminal offense such as disturbing the peace may not appear to be a concern or disqualifying condition. However, if the offense resulted from an attempt to prevent members of a minority group from legally demonstrating, it may be considered a disqualifying behavior under Guideline A: Allegiance to the United States.

Mitigating factors to consider for criminal activity include:

- Severity of crime
- Age when crime was committed
- Judicial outcome and sentence
- Rehabilitation actions taken

Concerns and mitigating conditions can be located in SEAD-4, Guideline A: Allegiance to the United States and Guideline J: Criminal Conduct.

Negligent handling or mishandling of personal or proprietary information: Improper handling of protected information such as personally identifiable information (PII), protected health information (PHI), proprietary company information, or other sensitive government information, whether unintentional or deliberate, is a serious CI concern.

Improper use of information technology systems such as computer-based devices and data networks may raise security concerns about an individual's reliability and trustworthiness, calling into question their willingness or ability to properly protect sensitive systems, networks, and information. This is important in identifying potential witting and unwitting insider threats.

With the popularity of "following" others on social media, personal information such as cell phone numbers, home addresses, or work travel/deployments can be shared and may become CI concerns.

Concerns and mitigating conditions can be located in SEAD-4, Guideline K: Handling Protected Information, Guideline L: Outside Activities, and Guideline M: Use of Information Technology.

Potentially problematic and suspicious activities: Certain types of outside employment or activities can represent a security concern if they pose a conflict of interest with an individual's security responsibilities. Any employment or service with the government of a foreign country could present a CI concern. Association with any foreign national, organization, or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology could present a CI concern.

Other behaviors that may be and often are exploited include:

- Smuggling anything to or from (but not limited to) a relative or friend
- Black market currency exchange
- Illegal export of antiquities
- Contact with dissident groups opposed to the government

- Distribution of religious or political literature in a foreign country that is against the law in that country

Concerns and mitigating conditions can be located in SEAD-4, Guideline L: Outside Activities.

Complete explanations and potential mitigating factors for these guidelines are contained in the appendices of SEAD-4.

Contributing Factors

In evaluating the relevance of an individual's conduct, the Adjudicator should consider the following factors:

- Nature, extent, and seriousness of the conduct
- Circumstances surrounding the conduct, to include knowing participation
- Frequency and recency of the conduct
- Individual's age and maturity at the time of the conduct
- The extent to which participation is voluntary
- The presence or absence of rehabilitation and other permanent behavioral changes
- Motivation for the conduct
- Potential for pressure, coercion, exploitation, or duress
- Likelihood of continuation or recurrence

When a CI concern is suspected for an individual currently eligible for access to classified information or a sensitive position, the adjudicator should consider whether the individual:

- Voluntarily reported the information
- Responded to questions truthfully and completely
- Sought assistance and followed professional guidance, where appropriate
- Resolved or appears likely to favorably resolve the security concern
- Demonstrated positive changes in behavior
- Should have their national security eligibility suspended pending final adjudication of the information

Unfavorable Eligibility and Single Actions

While adverse information concerning a single CI concern may not be sufficient for an unfavorable eligibility determination, the individual may be found ineligible for a security clearance if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or unstable behavior.

However, a single criterion of sufficient severity may result in an unfavorable eligibility determination even without a recent occurrence or a recurring pattern. Given reliable, significant, disqualifying adverse information, the appropriate adjudicative agency can terminate further investigation and end the individual's clearance.

It is important to remember that any doubt concerning personnel being considered for national security eligibility will be resolved in favor of national security.

Knowledge Checks

Question 1

Mitchell is applying for a cleared position as a contracted data specialist. Mitchell recently married a foreign national from a country hostile to the United States. His new spouse's family still lives in their home country and some members are elected officials. His spouse is naturalized but has also retained her original citizenship to more easily visit that family. Which of the following counterintelligence concerns potentially apply? Select all that apply; then select Submit.

- Mitchell holds dual citizenship
- Mitchell's spouse holds dual citizenship
- Mitchell's choice of spouse indicates lack of allegiance
- Mitchell's spousal family could exert influence

Question 2

Cynthia is a new hire for a cleared position with the Federal Government, requiring routine access to Top Secret information in the performance of her duties. Cynthia reported psychological treatment for depression three years ago following the death of a parent. She was not prescribed medication during the treatment and has had no further treatment since. Given no other issues, does her depression qualify as a CI concern? Select the best response; then select Submit.

- No, negative inference cannot be solely based on mental health counseling.
- Yes, any form of mental health counseling represents a counterintelligence risk.

Question 3

Parker is a newly hired Information Systems Specialist responsible for performing maintenance on the Secret Internet Protocol Router Network (SIPRNET). During his interview, he revealed that he was recently caught viewing pornographic sites containing underage subjects on a cleared contractor's network. Which CI concerns might be raised by this behavior? Select all that apply; then select Submit.

- Criminal conduct
- Outside activities
- Drug involvement
- Use of information technology

Question 4

Regina has been assigned to a contract position at a cleared facility that requires access to noncritical-sensitive information. Regina has worked for the same Government contractor for the past 14 years, but in non-sensitive roles. Regina revealed in her e-QIP that she was convicted of shoplifting jewelry from a mall store during her freshman year at college. Your investigation reveals that Regina committed the theft while participating in pledge activities for a sorority. Regina performed 90 days of community service and has not engaged in any other criminal behavior since.

Which of the following potentially mitigating conditions may apply to Regina's situation? Select all that apply; then select Submit.

- Severity of crime
- Reparations for the crime
- Age when crime was committed
- The information was voluntarily reported

Summary

This course has looked at Counterintelligence Concerns for Adjudicators. You should now be able to identify and explain traits, characteristics, and motivations that may make someone more susceptible to being targeted and even co-opted when reviewing available applications and investigative documents.

You have a responsibility to fairly evaluate and balance the various potential concerns about an individual's vulnerabilities as they impact safe handling of secure data and systems.

By understanding the importance of each of the indicators, you will be able to provide a more thorough and accurate evaluation of an individual's ability to hold and maintain a security clearance.

To access more information on Counterintelligence Concerns for Adjudicators, please visit the Short's Resources.

Conclusion

You have completed the Counterintelligence Concerns for Adjudicators Short.

Knowledge Check Answers

Question 1

Mitchell is applying for a cleared position as a contracted data specialist. Mitchell recently married a foreign national from a country hostile to the United States. His new spouse's family still lives in their home country and some members are elected officials. His spouse is naturalized but has also retained her original citizenship to more easily visit that family. Which of the following counterintelligence concerns potentially apply? Select all that apply; then select Submit.

- Mitchell holds dual citizenship
- Mitchell's spouse holds dual citizenship**
- Mitchell's choice of spouse indicates lack of allegiance
- Mitchell's spousal family could exert influence**

Feedback: When evaluating Mitchell for CI concerns, items of interest would be his spouse's dual citizenship and the potential influence his spousal family could exert over him.

Question 2

Cynthia is a new hire for a cleared position with the Federal Government, requiring routine access to Top Secret information in the performance of her duties. Cynthia reported psychological treatment for depression three years ago following the death of a parent. She was not prescribed medication during the treatment and has had no further treatment since. Given no other issues, does her depression qualify as a CI concern? Select the best response; then select Submit.

- No, negative inference cannot be solely based on mental health counseling.
- Yes, any form of mental health counseling represents a counterintelligence risk.

Feedback: Without other relevant issues, Cynthia's mental health counseling has no negative inference.

Question 3

Parker is a newly hired Information Systems Specialist responsible for performing maintenance on the Secret Internet Protocol Router Network (SIPRNET). During his interview, he revealed that he was recently caught viewing pornographic sites containing underage subjects on a cleared contractor's network. Which CI concerns might be raised by this behavior? Select all that apply; then select Submit.

- Criminal conduct**
- Outside activities
- Drug involvement
- Use of information technology**

Feedback: Viewing illicit sites on secure company systems creates serious concerns about Parker's security access due to criminal conduct and misuse of information technology.

Question 4

Regina has been assigned to a contract position at a cleared facility that requires access to noncritical-sensitive information. Regina has worked for the same Government contractor for the past 14 years, but in non-sensitive roles. Regina revealed in her e-QIP that she was convicted of shoplifting costume jewelry from a mall store during her freshman year at college. Your investigation reveals that Regina committed the theft while participating in pledge activities for a sorority. Regina performed 90 days of community service and has not engaged in any other criminal behavior since.

Which of the following potentially mitigating conditions may apply to Regina's situation? Select all that apply; then select Submit.

- Severity of crime**
- Reparations for the crime
- Age when crime was committed**
- The information was voluntarily reported**

Feedback: In Regina's case, the potentially mitigating conditions include the severity of the crime, her age when the crime was committed, and the fact that she voluntarily reported the conviction.