



SUFFOLK ACADEMY OF LAW
The Educational Arm of the Suffolk County Bar Association
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SECURITY CLEARANCES

What it is and How to Obtain Clearance

FACULTY & PROGRAM COORDINATOR

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Chad Lennon was appointed Director of the Veterans and Service Members' Rights' Clinic At Touro Law Center February 2019. He was previously an Assistant District Attorney in Suffolk County who was also the Prosecutor in Veterans Treatment Court for the District Court and East End Court. Previously, Director Lennon was a Criminal Defense Attorney in Maryland before taking the position at the Suffolk County District Attorney's Office. In addition to his role as the Director of the clinic, he serves in the Marine Corps reserves as a Major. His current billet is the Company Commander of Bravo Company. He has participated in numerous deployments and exercises around the globe and is a Purple Heart recipient.

Co-Chair, Suffolk County Bar Association, Committee on Military and Veterans Affairs

Co-Chair, Advocacy Committee, National Law School Veterans Clinic Consortium

Committee member, New York State Bar, Committee on Veterans

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Security Clearances

By Chad H. Lennon
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Agenda

- ◉ What is a Security Clearance?
- ◉ Need to know
- ◉ Evaluation of Individual
- ◉ SEAD 4
- ◉ Guidelines
- ◉ Adjudication
- ◉ Clearance Granted
- ◉ Criminal Violations

Need to know

- ◉ Why are you seeking clearance?
- ◉ Not everyone is cleared for everything.
- ◉ Compartmentalize.
- ◉ Business v. Government.
 - Poly have polys.

Security Clearance

- ◉ Access to protected information.
- ◉ Unclassified
 - For Official Use Only (FOUO).
- ◉ Classified
 - Top Secret
 - Secret
 - Confidential
 - Restricted
 - Official

Classified

- Top Secret
 - Exceptionally grave damage to national security.
- Secret
 - Serious damage to national security
- Confidential
 - Damage or prejudicial damage to national security.
- Restricted
 - Undesirable effects
- Official
 - General business
- Unclass

SEAD 4

- Security Executive Agent Directive 4.
 - Went into effect June 2017.
 - Directive to establish and adjudicate criteria for clearance eligibility.
 - Minor changes to foreign preference and polygraph.
 - SEAD 4 added polygraph, but poly alone is not basis for adverse determination.

Guidelines

- ◉ A – Allegiance to US
 - overthrowing the government.
- ◉ B – Foreign Influence
 - Divided loyalties.
- ◉ C – Foreign Preference
 - Dual passport holders.
- ◉ D – Sexual Behavior
 - Relates to criminal sexual behavior.

Guidelines

- E – Personal Conduct
 - Lying on SF86
- F – Financial Considerations
 - Credit scores, debt
- G – Alcohol Consumption
 - Repeated behavioral issues.
- H – Drug Involvement
 - Passage of time.

Guidelines

- ◉ I – Psychological Conditions
 - untreated mental illness, unreliability or dysfunctional behavior.
- ◉ J – Criminal Conduct
 - Felonies, misdemeanors, and infractions.
- ◉ K – Handling Protected Information
 - Failure to maintain proper possession.
- ◉ L – Outside Activities
 - Relationships with foreign people and entities.
- ◉ M – Use of IT
 - Downloads and browser history.

Adjudication

- ◉ Whole person determination.
- ◉ Conduct
 - Nature, extent, seriousness
- ◉ Circumstances
 - What happened and why.
- ◉ Frequency and Recency
 - Timeline
- ◉ Age and maturity

Adjudication

- ◉ Extent of participation.
 - Voluntary?
- ◉ Rehabilitation/Permanent Change.
- ◉ Motivation for conduct.
- ◉ Pressure, coercion, exploitation, or duress.
- ◉ Likelihood of continued activity.

Reporting

- ◎ Behavior in the guidelines.
 - How was it report?
 - Self reported?
 - Right away?
 - Intent to deceive?

Polygraph

- Full Scope

- Entire background

- Single Scope

- One purpose

- Results Vary

- Sleep, medication, stress, etc.

- Court Admission

- Results not admissible, but admissions may be.
- Admissions may be used in investigation.

Clearance Granted

- ◉ Adjudicated your clearance.
- ◉ Access
 - Secret vs. TS/SCI

Criminal Violations

- ◉ Intentionally release information.
- ◉ Lose clearance.
- ◉ Fines.
- ◉ Jail.

- ◉ Don't be .
 - Bradley Manning – wikileaks, DOD
 - Edward Snowden – contractor, surveillance program.
 - Robert Hansen – Soviets/Russia, FBI, 1979-2001.
 - Greg Chung – economic espionage, NASA, China.

Questions

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Feel Free to Join Us at Our Weekly Recovery Meeting