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16 FEB 1979

MEMORANDUM FOR: General Counsel
FROM: Robert W. Gambino
Director of Security
SUBJECT: Office of Security Clearance Policy
Regarding Homosexuals (U)

1. This memorandum is written in response to various conversations with representatives of your Office regarding the policy of this Office with respect to the denial or revocation of a security clearance for employment with this Agency or for access to Sensitive Compartmented Information (SCI) in cases involving an admitted homosexual and/or where credible evidence indicates the likelihood that an individual will engage in homosexual acts in the future. (U)

2. As a result of long-standing and documented information, we are aware that the modus operandi of hostile intelligence services includes the collection of compromising information regarding known or suspected homosexuals and the subsequent targeting of these individuals for assessment and recruitment.¹ In addition thereto, there are other well-documented reasons that clearly indicate that a homosexual is a security risk.² Therefore, this Office has, over the years, followed the policy which was recently described as an "automatic bar" or a "per se denial of access (to SCI or security clearance in the case of applicants for employment with this Agency) to homosexuals..."³ (C)

3. We do not believe that the above referenced Justice Department memorandum is an accurate description of either our policy or our procedures in regard to the policy of this Office for the following reasons:

a. All applicants for employment or for access to SCI are investigated and appraised in accordance with what we describe as our "whole person" concept.⁴

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b. An investigation is not routinely terminated when allegations of homosexual conduct are developed. Rather the investigation is continued until and unless credible evidence or an admission is obtained and then that information along with all other available information bearing on the individual is appraised. A recommendation is then made for or against the granting of a clearance and/or access to SCI. (U)

4. As a result of the foregoing, we respectfully submit that we do have an articulated basis for our policy that we believe is both reasonable and necessary. Arguably, this may be regarded as an absolute bar notwithstanding the procedures referred to in paragraph three (3) above. If that position is taken, then I further submit that the basis for said policy (as set forth above and further documented in the attached paper) constitute and meet the requirements of the "rational nexus" test enunciated by the courts. (U)

[Redacted Signature]

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Robert W. Gambino

Attachment

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[Redacted Attachment]

²State Department Homosexual Study, February 1976.

³Office of the Attorney General memorandum dated 2 January 1979, with attachment, from J. Michael Kelly to Walter Elder.

⁴See Proposed Annex A to DCID 1/14.

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HOSTILE INTELLIGENCE SERVICE

USE OF HOMOSEXUAL ENTRAPMENT

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