

# THE NAKED TRUTH:

## -- HOW PORNOGRAPHY CAN HURT YOUR CLEARANCE ELIGIBILITY

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The porn industry generates \$13 billion each year in the US, including \$3 billion from online content.<sup>1</sup> Indeed, pornography has become so prevalent that a social science researcher was unable to find any men in their twenties who had never consumed it. Logic dictates, therefore, that many people who hold or are applying for security clearances have also consumed pornography. Generally, viewing pornography does not trigger national security concerns; however, it can become problematic when it implicates associated disqualifying conduct. For instance:

- when it involves under-aged participants (child pornography)
- when it is viewed in violation of work policies (at work, during work hours, or on work computers)
- when viewing must be kept secret from disapproving spouses or partners
- when it adversely affects work or personal relationships

One area that trips up more naïve clearance applicants than any other is child pornography. Be advised that viewing pornography involving a participant under the age of 18 is strictly illegal under federal and state laws, and searching for, downloading, or simply viewing of child pornography poses a serious impediment to clearance eligibility. Those who intentionally seek such pornography are deemed an unacceptable risk to national security. However, over the years an increasing number of others who are appalled at even the thought of child porn have sought my help in overturning a clearance denial or revocation based on child pornography allegations. How does that happen?

It can happen in several subtle ways if you're not careful. For instance, when an individual opts to search for pornography through peer-to-peer (P2P) file sharing services, which is the vehicle of choice for child pornographers, investigators and polygraphers will assume that you've seen porn involving minors. Studies show that

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<sup>1</sup> Covenant Eyes, Pornography Statistics: Annual Report 2015.

most child porn is distributed clandestinely through file sharing since authorities have difficulty monitoring the sharing of files between users. View enough pornography through file sharing and you'll likely come across minors, even if you did not intend to. Child pornographers are known for burying illegal porn in innocuously named files.

Admitting to an investigator/polygrapher that you've downloaded porn through file sharing is like opening a wound in shark infested waters. You will be pressured to admit there were occasions where the females looked younger than 18. Once you do, you've admitted to viewing child pornography, which will likely serve as the basis for a clearance denial letter.

It can also happen when an individual opts to search for pornography over the internet. While it is certainly possible that commercial porn sites found on the internet contain under-aged females, chances are they do not. Commercial internet porn sites are subject to wide-spread monitoring by federal, state and private groups, which significantly decreases the likelihood that the females are minors. That doesn't stop porn websites from using legal aged actors who appear younger than 18, a point that skilled investigators/polygraphers will use to extract harmful admissions. You don't need to admit to being a pedophile to be in hot water. An admission that you occasionally viewed pornography involving participant(s) who "appeared to have been" or "could have been" or "might have been" or "possibly was" under 18 is sufficient.

Many investigators/polygraphers will not accept "I don't know answers" in this arena. Since it is virtually impossible to assess the actual age of people depicted on a porn website, you will be urged to speculate on a possible age range. If you're not sure, the skilled investigator/polygrapher no doubt will be glad to suggest an age range; typically I see the 13-17 age range referenced in denial letters.

When the topic of pornography is raised by an investigator/polygrapher you best pay attention. Listen to the questions and be very careful about your choice of words. You needn't agree with investigators/polygraphers if they attempt to lead you down a false path or try to put words in your mouth. Remember: you don't have to affirmatively state that you knowingly searched for and viewed porn involving minors to trigger a denial. It is sufficient to merely admit that "it's possible" or you "may have" seen pornography involving someone under 18.

Some smart tips for the uninitiated:

- A. Do not search for or download any pornography through file sharing. It's simply not worth the risk.
- B. Unless you absolutely know for a fact that a participant was under the age of 18, don't agree or admit to that.
- C. You will likely be asked if you believed that a participant appeared to have been or could have been under-aged. If the truthful answer is yes, then

say so but be sure to give your answer context. If true, emphasize that you are speculating because you really didn't know the person's age, that you did not seek it out, that the website represented the teens as legal, that you didn't linger on the image or download it, that you abhor under-aged porn, that you stopped visiting that website, etc.

D. Treat any discussion with investigators/polygraphers concerning pornography seriously. Make sure they understand what you are saying and what you are not saying to avoid misunderstandings. The consequences go beyond being denied a clearance. Although admissions made during a security clearance investigation are subject to the Privacy Act, admissions that you sought out or viewed participants that were or appeared to be under the age of 18 may be referred to local police authorities for further investigation.