

Ethics and Intelligence

By WILLIAM M. NOLTE

The phrase *ethics of intelligence*, with *intelligence* understood to mean espionage and related activities, may seem oxymoronic. For most of the history of what has been called the world's second oldest profession, that sense of incongruity would be justified. Intelligence services have long been instruments of regime survival, often on behalf of regimes willing to take an anything-goes approach to that survival independent of any electoral mandate. Even in societies with relatively significant popular involvement in government, England in the 18th and 19th centuries, for example, intelligence was truly a "secret service," an instrument of the Crown to be shielded from scrutiny and bound ethically to little more than serving the monarchy.

Even with the emergence of democratic, constitutional government, this situation was slow to change. For the United States, the way to deal with the incompatibility of espionage with democratic government was largely to eschew espionage. From the Revolution, to be sure, American leaders from George Washington on understood the importance of military intelligence (seen largely as reconnaissance) and would even resort to the use of spies, secret writings, and other methods. But these activities were considered as aberrational as war itself, with commensurate and temporary adjustments to standard norms of behavior.

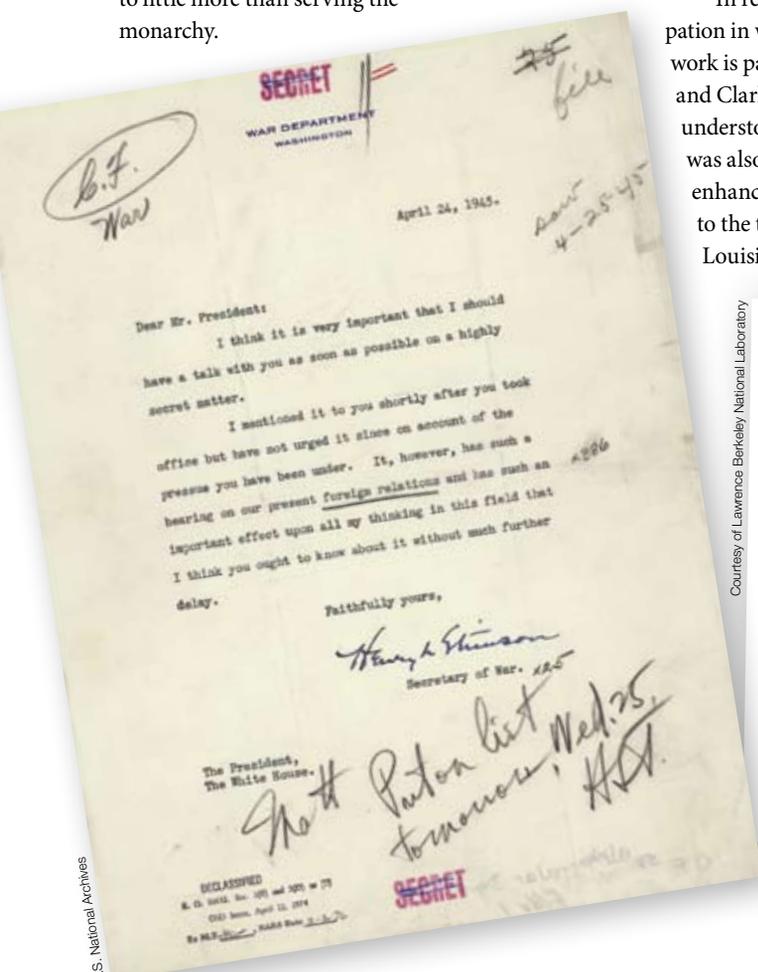
Historical Context

In retrospect, American participation in what constitutes intelligence work is part of our history. The Lewis and Clark expedition is generally understood as one of exploration. It was also an intelligence operation, enhancing the Nation's claims to the territories included in the Louisiana Purchase and providing

leaders with mapping and other information considered essential to westward growth. For much of the 19th century, two of the principal missions of the Navy were hydrographic and astronomical, for purposes both scientific and operational. Even to the turn of the 20th century, a major function of American military intelligence was the collection or creation of maps and other geographic documents. A generation accustomed to Google maps may find it hard to believe that the Duke of Wellington's first charge to intelligence—to reduce uncertainty of what lay over the next hill—remained an often unsolvable problem until well into the last century.

Even when the United States accepted the idea of intelligence, largely in a military context, an aversion to secrecy and spying remained part of the American experience. As recently as 1929, Secretary of State Henry Stimson, upon learning that his department

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U.S. National Archives

Courtesy of Lawrence Berkeley National Laboratory



Robert Oppenheimer (left), Enrico Fermi (center), and Ernest Lawrence were advisors on Interim Committee charged in early May 1945 by President Truman to recommend proper use of atomic weapons

was funding a codebreaking operation—one that had achieved spectacular success against Japanese ciphers in the 1920s—reacted not by awarding medals and honors, but by shutting down the operation on the grounds that “gentlemen do not read one another’s mail.” Twenty years later, Dwight Eisenhower, at that time retired from the military, noted that “the American public has always viewed with repugnance everything that smacks of the spy.”¹ Only a few years before, Eisenhower had benefited from the activities of spies and other intelligence operatives, as he would again as President.

By the end of the Eisenhower Presidency, in fact, the United States hosted the largest, most complex, and most technologically advanced intelligence establishment in history, one that has only continued to grow. How, then, do we discuss the *ethics of intelligence*, defined here to include the collection and analysis of information by human and technical means, counterintelligence, and covert action?²

Ethical Considerations

Before turning to the ethical considerations associated with these functions, we should note several basic reasons why intelligence must operate within an ethical framework. First, there exist those considerations that apply to any branch of public service—that public servants must not confuse *public* interest with *personal* interest. This fundamental ethical requirement is enforced by laws proscribing the use of public office for personal gain, as befits persons in careers involving stewardship or a fiduciary capacity.

Second, intelligence is empowered to take actions *in the public’s interest and in the public’s name* that are prohibited to the public at large. Public servants may, under defined circumstances, inflict bodily harm or even lethal force on another human being, deprive others of basic liberty, or seize private property. As this applies to intelligence services, public servants may infringe on private communications, may lie and deceive, and may even interfere in the internal affairs of nations other than their own. How, then, do we limit or regulate such authorized but extraordinary behavior?

In establishing a framework in which to think about the ethics of intelligence, the just war tradition provides important analogies. Within this tradition, one can suggest three options in confronting the moral questions

raised by war, that is, the societally sanctioned use of violence for public purposes. One can argue that “all’s fair in war,” thus maintaining that war and morality are so incompatible as to preclude serious discussion. This is the realist tradition. At the other extreme, one can take the pacifist position that war can never be morally justified.

us. For 21st-century intelligence, in service to democratic and constitutional regimes, ethical norms are essential both because intelligence serves as an extension of the coercive power of the state and because of an emerging understanding that intelligence cannot be exempt (or exempt itself) from the norms imposed on other public services.

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Between these two positions, it can be argued that war is justifiable, subject to certain criteria, usually including a right of self-defense, the role of competent authority in the decision to use violence, and the employment of methods of defense proportional to the situation.³ The analogy with intelligence is this: if war can be justified under these conditions, can that same justification apply to intelligence and all it entails?

For our purposes, the ethics of intelligence in czarist Russia (or Elizabethan England, for that matter) do not concern

Among those norms is the requirement that intelligence services must operate within the law and not only under the oversight of the President in his role as head of the executive branch, but also subject to supervision and review of legislative and even judicial officers. This was not always clear even within the relatively short history of the modern American peacetime intelligence apparatus. Well into the Cold War period, a U.S. Senator who raised the question of congressional oversight was chastised by a colleague who argued, “There are things my government does I



National Security Agency Headquarters

NSA

would rather not know about.” Such oversight as occurred before the end of the 1970s was led by a very small group of senior committee chairmen who treated intelligence *unlike* any other governmental function.

Major Functions

Before returning to the issue of how a democratic public can be assured that intelligence services acting in their name operate within that public’s values, we should examine in at least some detail the ethical considerations inherent in the major intelligence functions of collection, analysis, counterintelligence, and covert action.

Intelligence collection, like combat, can take many forms, from the equivalent of “bombing at 30,000 feet” to hand-to-hand fighting. In the collection of human intelligence (HUMINT), the direct, personal involvement of intelligence case officers with a prospective “asset”—whether that asset has been recruited by the officers or their agency, or is a “walk-in” who initiates contact without being recruited—creates real ethical issues. First of all, a measure of deception has already taken place in the situation of case officers who almost certainly are not who they claim to be. Whether case officers are working under official

or nonofficial cover, they employ a manufactured legend of name, occupation, and other details.⁴

The defining characteristic of the collection of HUMINT is direct contact with another person, who has either been recruited or has volunteered to betray his government. (Whether the asset sees this as a betrayal of a more fundamental loyalty to country, people, or nation can be a different story.) If HUMINT case officers are not suborning treason, they are at least facilitating it. Moreover, the transaction in most cases exposes the asset to consequences far more severe than those to which case officers are exposed. There is a difference after all in being expelled from a country as *persona non grata* and being executed for treason. (This is not, by the way, intended to deny the risks undertaken by case officers, or to devalue their courage. The issue is relative, as it applies to most cases.)

In the event of recruitment, the ethical issues may become even more fundamental as case officers attempt to gain the trust of the potential asset by flattery, expressions of friendship, or other inducements. Moreover, the deception employed by case officers will in many instances involve engaging the officers’ families in the deception, as to what their names are, where mothers or fathers work, and so forth. On the one hand, it can be argued that it is impossible to conduct such behavior within an ethical framework. On the other hand, it can be held that life in this environment *requires* such a framework, not only for operational reasons but also to sustain the psychological and even moral health of case officers.

Here the structure of the just war tradition, applied to intelligence, is useful. Is the deception required for the defense of the Nation as it is at war, threatened by war, or trying to prevent war? It was often said during the Cold War that intelligence, including covert action, was necessary to provide leaders with some level of response short of “sending in the Marines.” As the first generation of leaders to confront the reality that any armed conflict could escalate to nuclear war, it is not surprising that from Harry Truman through the end of the Cold War, American and Allied leaders

looked for those other options, and they had not only cause to conduct intelligence but also the power.

The final principal characteristic of the just war tradition is proportionality. Even in self-defense and when properly authorized, this tradition does not condone an anything-goes operational environment. Is it ethical to engage an asset—at the risk of that asset’s liberty or even life—to prevent a nuclear exchange between superpowers? That would seem a proportional response and finds expression in the case of Oleg Penkovsky, the GRU (*Glavnoye Razvedyvatel’noye Upravleniye*, or Main Intelligence Directorate) officer who provided information to the West before and during the Cuban Missile Crisis, but who was then arrested and executed. It applies as well to the lesser known case of Colonel Ryzard Kuklinsky, the Polish staff officer who furnished detailed information on Polish and Warsaw Pact plans to deal with the rise of Solidarity in Poland during the 1980s.

If HUMINT is the analogy to hand-to-hand combat, technical intelligence is the equivalent of bombing at 30,000 feet. It has consequences, even fatal ones, but does not traditionally involve the direct contact that HUMINT does. The codebreakers at

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Bletchley Park during World War II may have known at some level that their successes had direct military consequences, but the remove from their work to application was significant. It is worth noting that the biographer of William Friedman, the “father of American cryptology,” believed Friedman’s psychological and emotional health suffered from the understanding that his elegant art form (or science) was being used for eavesdropping and military actions.⁵

In recent decades, technology has revolutionized technical intelligence beyond its mid-20th-century uses in cryptology and what was, in an earlier time, photointelligence. Signals communication across the Internet is ubiquitous, and imagery intelligence has moved within a generation from the highest of secrets to a commercial industry. In technical intelligence as in HUMINT, the



NSA

William Friedman, the “father of American cryptology”

first ethical rule must be a basic one: obey the law, at least the laws of the country for which one is employed. For Americans, that has meant a rather clear prohibition against collecting technical intelligence on American citizens or an even broader category in law of “United States persons,” the latter to include visitors legally in the Nation, corporations, and others. It is important to note, however, that limitations on imagery intelligence are somewhat less clear, in part because the expectation of privacy surrounding pictures—of homes, workplaces, and so forth—is lower than for communications. The National Geospatial-Intelligence Agency (NGA) drew little criticism for its support in mapping the consequences of Hurricane Katrina. More recently, on the other hand, plans from the Department of Homeland Security to use imagery more aggressively drew significant public and congressional attention. Everyone in every municipality in the United States knows, moreover, that the use of radar or cameras for traffic enforcement can be a volatile issue. Americans even have the extraordinary capacity to remark how safe they felt on vacation in the United Kingdom, with closed circuit television on every High Street, while professing to be uncomfortable with similar efforts here. In an age when technology simultaneously provides unprecedented means for the transmission and storage of data of various kinds but challenges many aspects of privacy, continued public debate over the nature of privacy in the 21st century is clearly inevitable.

Largely, then, the ethical issues in technical intelligence, while still involving the just war concerns of self-defense, proper authority, and proportionality, revolve around a public determination of what measures we may legally permit to deal with a perceived threat to our national security and well-being. It is not necessary that the employees of the National Security Agency (NSA) on the one hand, or the members of the American Civil Liberties Union on the other, agree whether the revised Foreign Intelligence Surveillance Act represents the perfect answer to a set of difficult questions. The more important reality may be that the statute is the outcome of an extended public discussion of the act and its implications.

Analysis has its own ethical considerations, and these largely involve applying the desire to bring truth to power. As often noted, on the wall of the Central Intelligence

Agency (CIA) headquarters building is the inscription, “Ye shall know the truth, and the truth shall make you free.” Unfortunately, no one has yet developed the formula by which an intelligence analyst, let alone a whole agency or set of agencies, can know the truth, the whole truth, and nothing but the truth. No analyst in my acquaintance ever received a crystal ball from the supply room. Every analyst has been enjoined to emphasize objectivity and to avoid bias, but the reality is that every analyst—in intelligence, in law, in medicine—brings biases to the case at hand. An emergency room physician, knowing that a life-threatening disease may have many of the same symptoms as a simple case of influenza, but experiencing influenza 500 to 1,000 times more frequently than the life-threatening disease, is highly subject to being fooled by the exception to the rule. In this case, bias, understood as the formation of conclusions based on the accumulation of data, is both unavoidable and efficient. What would happen to waiting times in the emergency room, not to mention to costs, if a doctor overrode the evidence of hundreds of “routine cases” and ordered extensive tests on every patient to rule out the “1 in 100” or “1 in 1,000” occurrence?

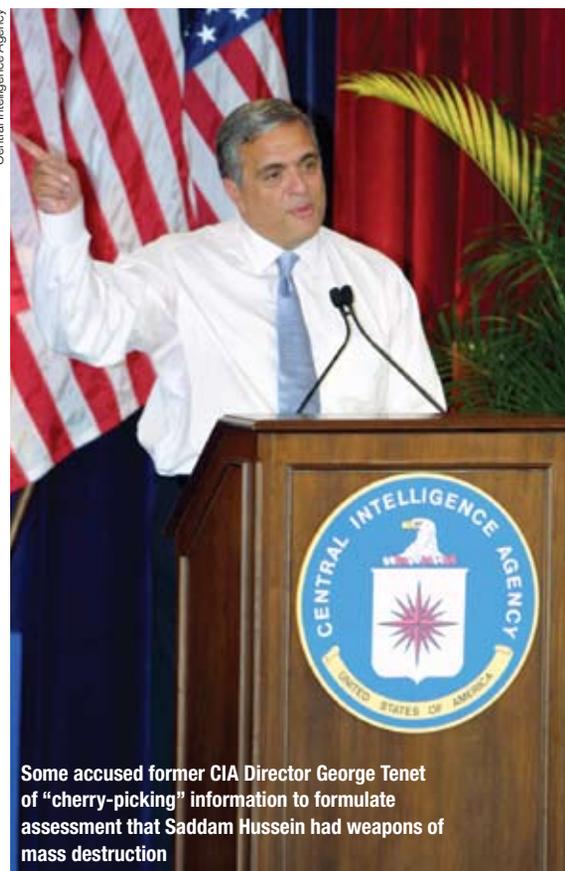
Intelligence analysts use bias in the same way and are therefore subject to the same vulnerability to nonlinear or aberrational events. An analyst who in 1990 had approached colleagues preparing a National Intelligence Estimate on the future of the Soviet Union by suggesting that it would simply go out of business, devolving the Baltics and the Central Asian Republics, and renouncing the political monopoly of the Communist Party, would have been hard pressed to provide evidence to support such an outcome. Even as “an alternative outcome,” that panacea of intelligence reformers, would this outcome have had credibility? Or would it have been dismissed, in large part because the analyst would have found it hard to produce “evidence” supporting that alternative?

Much has been made since 2003 of the politicization of analysis, and the collateral mistake of policymakers in “cherry picking” analysis. First and foremost, *politicization*, that is, the distortion of analysis to fit a desired policy or political outcome, must be considered the cardinal sin of analysis. To a great degree, politicization can only be done *within* the intelligence agencies. Once the intelligence reaches policymakers, they will

read, react to, and interpret the intelligence within the framework of policy preferences, prior experience, and personal intellectual (or ideological) preconceptions, reform efforts notwithstanding. It is at least possible that intelligence analysis can change the mind of a policymaker. But this cannot be predicted, and it certainly cannot be legislated. Finally, an analyst or even an analytic agency may fall into the same conventional (though incorrect or obsolete) wisdom shared with policymakers. Analysts and policymakers, as the phrase

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goes, may be “drinking the same Kool-Aid.” This may have taken place in the period before the American invasion of Iraq in 2003, as analysts and those they served concluded (correctly) that Saddam Hussein was continuing to hide information on his weapons of mass destruction (WMD) programs from the international community. One failure here, among others, was not considering that Iraq



Some accused former CIA Director George Tenet of “cherry-picking” information to formulate assessment that Saddam Hussein had weapons of mass destruction

was concealing not how *capable* its WMD programs were but how *incapable*. Similarly, before World War II, intelligence analysts and policymakers drew similar conclusions on what Japan would and could do based on woefully incorrect and stereotyped assessments of Japanese power, intelligence, and even physical capability.⁶

In the end, analysts can only put their best assessment before the policymaker. More often than not, analytic failures result not from “giving the policymakers what they want to hear,” but from sharing the intellectual and conceptual misconceptions of the policymaker, as described above, or from a failure to inform the policymaker about the limits of the information base on which judgments have been made. In the period since enactment of the Intelligence Reform and Terrorism Prevention Act, the U.S. Intelligence Community, through the Analytic Integrity Officer,⁷ has been more explicit in defining

standards for analysis, going beyond the noble but sometimes troublesome “truth to power” business. None of these will eliminate the possibility of analytic error or failure, but they provide empowerment to analysts pressing unpopular views and a greater transparency for policymakers.

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One final ethical consideration for analysts is that presented by their relationship with collectors. Most analysts work for agencies that are, at their bases, collection agencies, whether the collection source is human or technical. In a single-source context, NSA or NGA analysts, for example, process the results of signals or imagery collection. They are, in the end, the output mechanism for

the collection and processing of information received through that source. In the all-source environment, whether within a single all-source agency (CIA, Defense Intelligence Agency, and the Department of State’s Bureau of Intelligence and Research) or within community-based efforts (predominantly the National Intelligence Council), analysts need to be prepared to distance themselves from their “own” collection sources. That is to say, they have an ethical responsibility to look for the best and most accurate information, whether that information comes from their parent agency, another agency, or from open source information. They must avoid the bureaucratic temptation to become marketing representatives for the intelligence collection method they serve.

Counterintelligence, the function of preventing others from doing unto us what we hope to do unto them, presents variations on themes already discussed. Counterintel-



Strategic Air Command intelligence officers interpret reconnaissance photo during Cuban Missile Crisis, 1962

U.S. Air Force

ligence case officers (or case officers pursuing counterintelligence as part of an integrated mission) and counterintelligence analysts confront many if not all of the issues that their counterparts in other parts of the intelligence agencies deal with. In the narrower field of counterespionage, rather than the full counterintelligence agenda of understanding the intelligence structures, capabilities, and operations of foreign services, unique ethical issues arise. In large part this is because counterespionage, in confronting the possibility that a citizen or even an employee of one's own intelligence service has gone over to a foreign service, raises both ethical and legal issues of real importance.

Most obviously, espionage on behalf of a foreign power is a crime in the United States and presumably in every other country. In the American context, this means investigations must be conducted along established lines involving presumption of innocence and other considerations. At the operational level, however, any counterespionage investigation is going to place under suspicion, at least initially, a relatively large set of persons who are innocent. If the investigation involves the discovery by a foreign service of a number of that country's citizens working on behalf of the United States, one of the first counterespionage questions would be: who knew of the presence of those assets?

The clear ethical (and legal) question here is the skill of the counterintelligence officers involved in culling through a potentially large number of persons initially capable of revealing the identities of those assets to the foreign service, in pursuit of the one (or perhaps two) persons actually involved. Within a service, the even harder trick can be to ensure that all those initially reviewed are cleared with minimal or no damage to their careers or reputations. The history of American counterintelligence suggests cases in which this has succeeded (as with Aldrich Ames), but also cases in which real damage has been done to innocent persons (as in the later Robert Hanssen case).

Counterintelligence is simply an essential activity of any professional intelligence service. At its most basic, there is no reason to go to great expense and risk to gather information if that information and the sources and methods that support the process are not protected. Nevertheless, counterintelligence and counterespionage are inherently controversial. Counterintelligence is to intelligence

what an internal affairs bureau is to a police department. That it is necessary does not prevent it from being challenging ethically, legally, and even constitutionally. A popular culture that for generations portrayed Alger Hiss and the Rosenbergs as victims of Joseph

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McCarthy, Richard Nixon, or a paranoid public has not helped. Nor, it must be added, was the United States well served in these cases by intelligence services that retained for far too long information (consider the Venona project) that would have challenged the view that Soviet espionage was merely a red herring. In more recent times, the activities of the Maryland State Police in seeming to categorize everyone from antiwar activists to opponents of the death penalty as potential terrorists have done much to reinforce the view that intelligence, especially counterintelligence and domestic intelligence, represents a threat to fundamental civil liberties not only in its errors and failures but also in its very being. A highly developed ethical sense is critical for those who serve in the intelligence services; at the risk of exaggeration, it may be *most* critical for those who serve in counterintelligence.

Perhaps even more controversial than counterintelligence is *covert action*, that is, actions undertaken by a government to deny its role in events *the fact of which* may be impossible to deny. (In contrast, clandestine intelligence consists of activities the fact of which a government wishes to conceal. A technical collection system operates clandestinely, for example; a crowd of protesters is, by definition, not a clandestine act, but the sponsorship and organization of the event may be the fact a government wishes to remain covert.)

Covert action ranges from propaganda (leaflets dropped into Nazi-occupied Europe mocking Adolf Hitler's parentage), to sponsorship of political groups and parties (as the United States did in Italy and France in the 1940s), to efforts to destabilize or change regimes, as the United States did in Iran in the 1950s and attempted to do to Saddam, off and on, for many years.

Once again, the just war analogy is useful. The first question in the use of covert action must be whether it is conducted under the auspices of proper authority. For the United States, this has meant for some years now that covert action must be undertaken after a "finding" by the President that such actions are important to American national security. Extending that proper authority, Congress must be notified of that finding. In other words, at no point in the future should covert actions originate in some odd part of the national bureaucracy, such as the National Security Council staff, as took place in the Iran-Contra affair. The United States has made at least one definitive statement on proportionality and covert action by banning U.S. involvement in assassinations.

Covert action will always remain an issue of ethical controversy. Is it essential to provide the President with a full range of options short of "sending in the Marines"? Where within the bureaucracy should covert action reside? Does its place in the intelligence establishment threaten to compromise intelligence-gathering and analysis? Or is the exposure of covert action potentially even more embarrassing to the State Department or Defense Department?

When reviewing potential covert action, decisionmakers must consider whether and for how long it can remain so. Even 50 years after the fact, it remains hard to believe that the U.S. role in the Bay of Pigs could have remained covert. If anything, changes in the news media since that time, and a breakdown in the media's willingness to accept the word of government officials that revealing information could harm national security, make the likelihood of a covert action remaining covert much more unlikely than in the 1950s or 1960s. The Afghan covert action after the 9/11 attacks nevertheless suggests that covert action can work and can retain a measure of "cover" long enough for that cover to support a successful outcome.

The second question is whether a given action should be undertaken covertly. One can argue that American support for anti-communist, moderately leftist political parties in France and Italy, through the CIA, was not only appropriate but essential. But in the 21st century, would the CIA be the appropriate instrument for such actions? We now have a fuller range of instruments—the Institute for Democracy, for example, or the international extensions of the Republican and Democratic

parties that assist in the development of political parties overseas. It would seem that a good rule of thumb would be to prefer overt actions where possible. In the years after the invasion of Iraq, for example, press accounts suggested that the Bush administration, faced with evidence that Iran was subsidizing various Shia parties and factions, considered funding

Finally, there is the issue of long-term consequence. I noted above that analysts do not receive crystal balls as part of their kit. Indeed, the United States interfered in the internal affairs of Iran in placing the Shah back on the throne. And, yes, decades later the Shah was overthrown, producing the state of U.S.-Iranian relations that continues

review by legislative or judicial authorities, places an ethical burden on both the overseers and those they oversee.

For overseers, the ethical responsibility must include a sense of the uniqueness and fragility of the oversight process and the governmental functions it reviews. And here, one must say that the American experiment in oversight has enjoyed great success. Not only have the congressional overseers of intelligence carried out their responsibilities to protect sources and methods with only limited failures, but they have done so with the confidence of the nearly 500 House and Senate colleagues for whom they serve as proxies. Members of Congress have an ethical responsibility to subordinate partisan interests to the national interest, and the record of the last 30 years suggests they achieve this imperfectly on the intelligence committees, as they do on the agriculture or transportation committees. One can even argue they have achieved it less imperfectly, never expecting that partisan politicians will ever fully fore-swear including partisan costs and benefits in their calculations.

Thirty years ago, the idea of congressional oversight was treated as either a novelty or an intrusion by intelligence professionals who could recall “the good old days,” which may not have been all that good for the intelligence services or the Nation. Whatever one’s opinion on that, oversight is clearly not a novelty and it is not going away. Director of Central Intelligence William Webster’s admonition that he wanted CIA personnel to testify before Congress “completely, candidly, and correctly” remains a useful shorthand for the ethical responsibilities on the part of the overseen. Article I of the Constitution gives Congress control over all monies spent by the U.S. Government, and the three decades in which Congress was deficient in applying this to the intelligence agencies should be seen as what they were, part of the learning process by which the United States groped toward reconciling powerful, secret, and permanent intelligence services within the framework of a constitutionally based polity.

What about oversight beyond the congressional? The Intelligence Reform and Terrorism Prevention Act included a provision for a civil liberties protection board, which was for its day as novel as congressional oversight in the 1970s. The board quickly became a dead letter. It was nevertheless revived in 2007, and now the President and Congress must see how

any anticipated gain from the application of “extraordinary methods” of interrogation should be measured against the cost once those methods become known

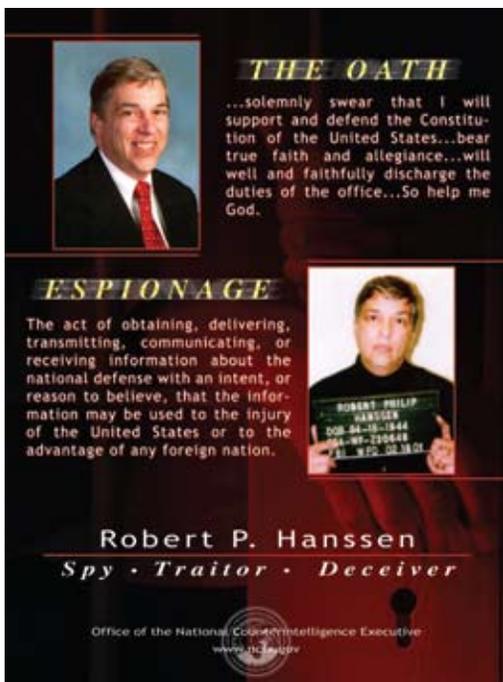
other groups to balance the scales. According to those accounts, this was abandoned for fear that disclosure of American support would discredit the very people we were trying to support or would expose the United States to accusations that we were meddling in Iraq’s internal politics.

Given that we were occupying the country at the time, one would suggest that any concern for intervening in Iraq’s internal affairs should have long since passed. Then why not, instead of abandoning the plan, do it *overtly*? That is, why not declare that foreign involvement in Iraq’s electoral process would not be tolerated, provide an interval for compliance, and then announce that we would decertify parties receiving foreign support or at least even the scales with support of our own?

now into its fourth decade. But could either the policymakers authorizing the Iranian operation or the operators carrying it out have envisioned the next 25 years or so of Iranian or world history? That is clearly asking too much. It is reasonable that both policymakers and operators understand that covert action at least has the potential to initiate consequences that are long-term, unpredictable, and unintended. For example, although space does not permit a full discussion of the issues involving interrogation of prisoners, this subject exists at something of an intersection among human collection, counterintelligence, and covert action. Here are three brief points: first, renouncing torture and defining torture may be separate tasks, with the latter more difficult. Nevertheless, it is hard to avoid the thought that a good, albeit incomplete, line can be drawn at any technique that a nation has renounced either in principle or through the prosecution of persons for its application. Secondly, any anticipated gain from the application of “extraordinary methods” of interrogation should be measured against the cost once those methods become known. Finally, as in any profession with an ethical basis, intelligence officers must be prepared to confront the possibility that notwithstanding what their supervisor has told them, or even “what the lawyers have okayed,” in the end they must rely on their individual ethical sense in deciding to participate in actions they consider unethical.

Guarantors of Ethics

As noted, the discussion of the role of ethics and intelligence is not a traditional one. It should come as no surprise, therefore, that the ethical responsibilities involved in the oversight of intelligence have an even shorter history. But this still-novel process, by which a nation’s most secret services come under



Office of the National Counterintelligence Executive

FBI agent Robert Hanssen spied for the Soviet Union for over 20 years

this entity can work. Is it the start of a National Intelligence Review Board, however constituted and wherever attached to the Federal structure?

Within and beyond the United States, the issues associated with the proper role of intelligence alongside more traditional instruments of statecraft, predominantly the diplomatic and military instruments, continue to evolve. In the United States, the administration and Congress must deal with the issues of an intelligence establishment that carried out orders many now in positions of leadership find objectionable if not abhorrent. What to do? At one level, issuing new orders and interpretations while ensuring that the necessary oversight bodies are fully knowledgeable of proposed actions makes eminent sense. But should individuals in the intelligence services be held accountable—even criminally so—for carrying out orders from proper authorities? Does a democratic government really want its intelligence services overruling or ignoring opinions from the Department of Justice?

The above questions will undoubtedly be with us for some time. One point that perhaps needs to be emphasized for the men and women of the American intelligence services is that if they do serve within an ethical framework, they should understand that some day they may be directed to take an action they find abhorrent. It is at this point that the indoctrination (and there is no better word) in the values and norms of an ethically based service must engage. However the individual officer responds—by complying, by at least raising concerns, or by declining to comply—raises its own set of potential consequences. Ethical professionals should understand that from the moment they enter medicine, law, the military, intelligence, or any other profession worthy of the name.

Whatever the future holds for the subject of ethics and intelligence, we are past the point of speculating whether a relationship exists between the two. As former CIA director Michael Hayden said, American intelligence “must operate in the space permitted by the American people.” Achieving that goal will involve the development of intelligence services that place an ethical framework at the center of their professional identity. **JFQ**

NOTES

¹ Dwight D. Eisenhower, *Crusade in Europe* (Garden City, NY: Doubleday, 1948), 32. Eisenhower became one of the most important of Presidents in his leading the development of American intelligence, especially technical intelligence. There may be some connection to his support of intelligence methods that at least “smack” less of the spy than does espionage as historically conducted. In the end, however, Eisenhower never lost his sense that espionage and other components of intelligence were at some level odious but nonetheless essential in a world that he described as living by rules less “sporting” than those to which Secretary Stimson referred a generation earlier.

² It is at least possible to consider covert action as part of the intelligence function only instrumentally; that is, covert action is often undertaken by intelligence organizations. It may not be inherently a function of intelligence organizations, and it certainly does not exist exclusively within the operational purview of such organizations.

³ One could employ other ethical systems, but the just war tradition seems to provide the most usable transfer to intelligence. Immanuel Kant’s ethical approach, for example, with its categorical requirement—that if something is wrong, it is always wrong—leaves little room for the thought that secrecy and deception can be justified.

⁴ Official cover means the officer is acknowledged as working for the United States (or another) government, but his intelligence connection is concealed by a diplomatic or other cover. An officer working under nonofficial cover denies any connection with government. Importantly, official cover provides diplomatic immunity from arrest; nonofficial cover does not.

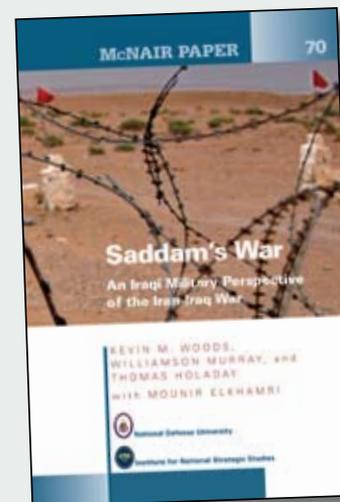
⁵ William Clark, *The Man Who Broke Purple: The Life of Colonel William F. Friedman* (New York: Little, Brown, 1977).

⁶ See Douglas Ford, “‘The Best Equipped Army in Asia?’ U.S. Military Intelligence and the Japanese Imperial Army before the Pacific War, 1919–1941,” *International Journal of Intelligence and Counterintelligence* 21, no. 1 (Spring 2008).

⁷ The Analytic Integrity Officer is a position established by the Intelligence Reform and Terrorism Prevention Act of 1974 (Title 1, Section 1019) to ensure that intelligence reports produced by the Intelligence Community are “timely, objective, [and] independent of political considerations.”



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Saddam's War: An Iraqi Military Perspective of the Iran-Iraq War

How did the fall of Saddam Hussein’s regime look from the Iraqi perspective? That question triggered the Iraqi Perspectives Project (IPP), sponsored by U.S. Joint Forces Command and the National Intelligence Council. The effort was named “Project 1946,” inspired by the research methodology used by U.S. Army historians working with former members of the German General Staff after World War II.

This McNair Paper covers a broad spectrum of Middle Eastern military history through the eyes of Iraqi Lieutenant General Ra’ad Hamdani, who held various command positions in the 1980–1988 war and, during Operation *Iraqi Freedom*, commanded the II Republican Guard Corps. Interviewed in depth by Kevin Woods and Williamson Murray over several days, General Hamdani shared his knowledge on a wide range of subjects, with emphasis on his experiences in Iraq’s long war against Iran. This volume is provided in the hope that it will improve our understanding of Middle Eastern military thought, the new Iraqi military, neighboring countries, and the dynamics of a region vital to U.S. interests.

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