

Guide to the Study of Intelligence

Teaching About Intelligence and Ethics

by Jan Goldman, Ed.D.

INTRODUCTION

George Smiley clearly felt the moral ambiguity of his profession. His ambivalence is well described in John Le Carré's novels. The fundamental question is, "Is spying ethical?" To some idealists the answer is an unequivocal "no." In 1929, Secretary of State Stimson, in shutting down the department's cryptologic effort, declared: Gentlemen do not read each others' mail. Idealism aside, since antiquity virtually all major powers have maintained intelligence services for the basic purpose of ensuring their security and existence.¹ Given the fundamental covenant between governments and their citizens to provide for the common security; those activities that promote security – defense, law enforcement, and intelligence – are necessary and ethical.²

Ethics related to spying has been a topic of examination for many years. In 1977, the Central Intelligence Agency compiled a bibliography, "Morality and Ethics: Intelligence and Security in Our Democracy." This bibliography contained 99 entries³ from academic journals and magazines, to include *The Atlantic Monthly*,⁴ *George Washington Law Review*,⁵ and *Playboy*.⁶

1. See other articles in AFIO's GUIDE TO THE STUDY OF INTELLIGENCE series on intelligence history, especially those of Colonel Rose Mary Sheldon and Professor Douglas Wheeler.

2. This is not to say that intelligence work is always ethical. Note, for example, the repressive actions of some governments. Most notable being Nazi Germany and Soviet Russia.

3. The list can be obtained from the Federation of American Scientists, <http://www.fas.org/irp/cia/product/morality.pdf>.

4. I.I. Rabi, "The Cost of Secrecy," *The Atlantic Monthly*, 1960.

5. Wallace Park, "The Open Government Principle: Applying the Right to Know Under the Constitution; Secrecy and Public Internets in Military Affairs," *Georgetown Washington Law Review*, October 1957.

6. Stephen Young, "Curbing America's Invisible Government:

Early articles usually focused on foreign policy and the United States' role in world affairs, posing questions such as, "Should the U.S. intervene or participate in particular actions overseas?" There are only 29 books on this list. The earliest were published in 1905,⁷ 1922,⁸ and 1949.⁹ Common themes were the tension between a democratic society and the use of espionage or power, and whether the government had a right to keep secrets from its citizens.

CONSIDERING INTELLIGENCE AND ETHICS

To teach about intelligence and ethics it is important to remember three things: (1) ethics are not the same as the law; (2) the ethics of intelligence work are not necessarily synonymous with a person's personal ethics; and (3) given its fundamental mission, working in the intelligence community should be considered ethical.

Most government ethics training focuses on an individual's knowledge of rules, regulations, policy and law. In the mid-1970s CIA's misdeeds became public. These included the agency's involvement in experimentation with drugs on American citizens. Further, CIA and other intelligence agencies aggressively collected information about U.S. citizens who were involved in the civil rights movement or opposed the Vietnam War. Consequently, Congress began taking a more active role in oversight, including examining what was permissible for intelligence operations. Since then, most ethics training has been developed and is administered by legal offices within each intelligence agency. Every organization wants to ensure its workforce understands and follows the rules. For lack of a better term, this is what may be referred to as "rules-based" ethics.

Loch Johnson, a former staff member on the Senate's Church Committee during the 1970s, has written about "rules-based ethics" (i.e., intelligence oversight).¹⁰ He has also co-edited an excellent intro-

The CIA" *Playboy*, May 1967.

7. Horace E. Warner, *The Ethics of Force* (Boston, Ginn & Co., 1905).

8. Paul Reinsch, *Secret Diplomacy: How Far Can It Be Eliminated?* (Harcourt Brace, 1922).

9. Martin J. Hillenbrand, *Power and Morals*, (Columbia University Press, 1949).

10. Two of the best books by the author on this topic are *America's Secret Power: The CIA in a Democratic Society* (Oxford University Press, 1991) and *Secret Agencies: U.S. Intelligence in a Hostile World* (Yale University, 1998).

duction to how the United States and other democratic societies seek accountability among their intelligence agencies.¹¹ Amy Zegart's most recent book questions whether oversight capability by Congress (or the lack thereof) is effective.¹² One of the best books on intelligence oversight, which provides basic historical knowledge, is by Frank Smist Jr. entitled *Congress Oversees the United States Intelligence Community: 1947-1994*, and was published in 1994.¹³

At the other end of the spectrum is personal ethics. Typically, a person's history of moral and ethical conduct will determine if he or she can receive a security clearance. Most people strive to have high moral and ethical standards, and behavior can be modified with some direction and support. There are countless self-help books on how to be a better person. The hypothesis for these publications is that if you are a good person, you will be a good worker (i.e., including an intelligence analyst or collector). Popular books include those by self-help icons Stephen Covey¹⁴ and Rushworth Kidder.¹⁵ While Covey does an effective job in providing assistance in achieving personal and professional goals in a safe, efficient, and successful approach, Kidder's books focus more on assisting people with 'tough choices' and developing 'moral courage,' the titles of two of his most popular books. Without a doubt, working in the Intelligence Community requires all these traits. More philosophically focused are Sissela Bok's books. A noted philosopher and ethicist, she wrote two books that can be used as the backbone for any ethics course. Bok discusses ethics and morals from a theoretical, yet practical, approach in understanding the inherent forces on anyone performing intelligence work, as suggested by her book's titles: *Lying and Secrets*.¹⁶

11. The other co-authors, Hans Born and Ian Leigh are both international scholars on the subject of intelligence oversight, which provide further credibility to their book, *Who's Watching the Spies: Establishing Intelligence Service Accountability* (Potomac Books, 2005). The other countries considered include, inter alia, Argentina, Canada, Germany, Norway, Poland, South Africa, South Korea, and the United Kingdom.

12. See, *Eyes on Spies: Congress and the United States Intelligence Community* (Hoover Press, 2011). See also *Spying Blind: The CIA, the FBI, and the Origins of the 9/11* (Princeton University Press, 2009).

13. *Congress Oversees the United States Intelligence Community: 1947-1994* (University of Tennessee Press, 1994). Copies of this book are rare.

14. There are many books by Stephen Covey, but, his most influential is *The 7 Habits of Highly Effective People: Powerful Lessons in Personal Change* (Free Press, 2004).

15. See *How Good People Make Tough Choices* (Harper Perennial, 2009) and *Moral Courage* (William Morrow Paperbacks, 2006).

16. *Lying: Moral Choice in Public and Private Life* (Pantheon Books, 1978; Vintage paperback editions, 1979, 1989, 1999); *Secrets:*

It should be assumed that intelligence work is a profession. In an article written by this author, a key component of professionalism is to have a code of ethics.

To be a professional includes other things, too, although there is a debate as to what exactly these attributes are. If we want to think of ourselves (intelligence personnel) as more than merely intelligence "workers," then becoming a professional and defining intelligence as a profession is probably what is needed. The concept "profession" has a moderately complicated sociological definition with the following seven factors: extensive training or education, a significant intellectual component, a service that is deemed important, credentialing, an organization, autonomy of work and a code of ethics. Although, no single factor is regarded as a necessary condition, a low score in one factor can be compensated by high scores in other factors.¹⁷

In an article in *Studies in Intelligence* (1984), George Allen¹⁸ uses Samuel Huntington's model of associating warfare with tradecraft. He views the intelligence vocation as a process reaching its developmental stage, and this requires serious attention. Allen's article advocating intelligence as a profession is in sharp contrast to a memo that appeared over 40 years earlier. In a memorandum from February 3, 1941, a US Naval Officer provides the rationale for creating a special intelligence section to conduct intelligence operations. In the memorandum, the officer writes, "In order to develop an organization capable of carrying through the mission...there are certain self evident, fundamental facts which must be faced: Espionage is by its very nature not to be considered as "honorable or clean" or "fair" or "decent." It is suggested that for the Navy to conduct proper intelligence activities, they will have to find employees from "the petty criminal class, malcontents, revolutionaries, refugees, or psychopaths."¹⁹ Although, this type of thinking may seem out-of-date today, some citizens and those in the intelligence community are concerned that ethics will constrain the ability to perform required

on the *Ethics of Concealment and Revelation* (Pantheon Books, 1982; Vintage paperback editions, 1984, 1989).

17. Jan Goldman, "Ethics of Spying" *Defense Intelligence Journal*; vol. 14, no.2 (2005), 45-52.

18. George Allen was a thirty-year veteran of US military intelligence and the CIA, is the author of *None So Blind: A Personal Account of the Intelligence Failure in Vietnam*. (Ivan R. Dee Publisher, 2001)

19. Both Allen's and Goldman's articles are reprinted in this author's *Ethics of Spying: A Reader for the Intelligence Professional*, Vol. 2 (Rowman and Littlefield, 2010).

tasks. According to a former CIA operations officer, “Depending on where you’re coming from, the whole business of espionage is unethical.... It’s not an issue, it never was and never will be, not if you want a real spy service.”²⁰ The former agency employee goes on to say that spies operate under false names, lie about their jobs, and bribe or blackmail foreigners to betray their countries.

It is difficult to argue that a country has no right to operate an intelligence service. As argued earlier, every country has an obligation to protect its citizens. However, coming out of World War II, the international community agreed that although ‘war is hell,’ there is a notion of a “war crime” (the Geneva Conventions and Hague Protocols). Professional soldiers therefore must adhere to a code of conduct. In recent years there has been debate over whether intelligence officers also must adhere to a code of conduct.

TEACHING INTELLIGENCE AND ETHICS

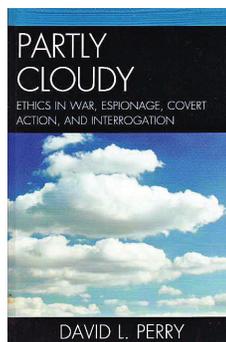
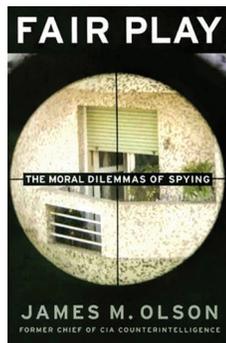
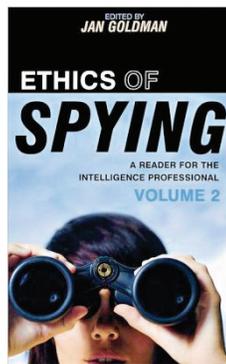
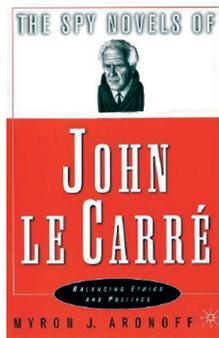
To appreciate intelligence and ethics, one can study any novel or movie by John Le Carré that stars master spy George Smiley. Although fiction, these are excellent tools for examining this subject. Of note is Myron Aronoff’s *The Spy Novels of John LeCarre: Balancing Ethics and Politics* (Palgrave Macmillan, 1998). Aronoff, a professor of anthropology and political science, clearly is an avid reader of all of Le Carré’s novels and his discussion of espionage in a democratic society has a lot of historical depth.

Until the United States became involved in the “War on Terrorism” most of the literature on professional ethics in intelligence was scattered in journals and book chapters, if mentioned at all. The first books specifically focusing on this topic appeared in 2006. That year, the first international conference on intelligence and ethics was held just outside

of Washington, DC, and *Ethics of Spying: A Reader for the Intelligence Professional* (Scarecrow Press, 2006) was published. A second volume was published four years later (Scarecrow Press, 2010). Both books include articles from historical, practical and theoretical perspective on ethics written by practitioners and academics. In the back of the books are appendices that list codes of ethics from various members of the intelligence community, as well as 20 case studies. Also that year, CIA veteran James Olson’s *Fair Play: The Moral Dilemmas of Spying* (Potomac Books, 2006) was published. This contains 50 scenarios, which form the majority of the book, in which he provides some excellent ethical dilemmas. Olsen provides comments and in some instances, the answers to each dilemma. Unfortunately, most of the case studies are not ethical dilemmas, but rather situations that have a procedural or legislative answer, which the author provides.

For anyone interested in how other countries treat intelligence and ethics, see Michael Andregg’s *Intelligence Ethics: The Definitive Work of 2007*.²¹ Andregg brings together authors who have years of practical and academic experience from Sweden, Israel, the United Kingdom, and other countries, to discuss their views of how ethics supports their country’s intelligence service.²²

As the role of domestic spying appears to be debated today, the timing of Ross Bellaby’s *Intelligence and Ethics Collection: A New Framework* (Routledge, 2014) argues that the most appropriate ethical framework for intelligence collection does create harm to society, but that it also is sometimes necessary to protect the “greater good.” However, once the harm is understood, he relies on what he calls “Just Intelligence Principles” to consider when the harm caused is justified. David Perry, previously an ethics professor at the Army War Col-



20. Appears in *New York Times*, “An Exotic Tool For Espionage: Moral Compass,” January 28, 2006, A1. Quote comes from Duane R. Clarridge, who retired in 1988 after 33 years in the CIA; he did not attend the conference.

21. Michael Andregg. *Intelligence Ethics: The Definitive Work of 2007*. St. Paul, MN: Center for the Study of Intelligence and Wisdom. A free copy of this booklet can be found at <http://conservancy.umn.edu/bitstream/46979/1/Intelligence%20Ethics%202007.pdf>.

22. An abridged version of Andregg’s book appears, “A Symposium on Intelligence Ethics.” *Intelligence and National Security* 24, no. 3 (Jun. 2009): 366-386.

lege, is the author of *Partly Cloudy: Ethics in War, Espionage, Covert Action, and Interrogation* (Lanham, MD: Scarecrow Press, 2009.) Perry explores ethical issues in war and intelligence operations, and applies careful reasoning to issues to include secrecy and democratic accountability, employing espionage to penetrate hostile regimes and terrorist cells, covert political influence, coups, and targeted killings, and the question of torture in interrogating detainees.

Since 9/11 and the ensuing counterterrorism efforts many books have emerged on the topics of torture, human and civil rights, law, and politics. One of the most widely discussed is Jane Mayer's, *The Dark Side: The Inside Story of How the War on Terror Turned Into a War on American Ideals* (Anchor, 2009). Less well known may be Michael Skerker's *An Ethics of Interrogation* (University of Chicago Press, 2012) on the subject of interrogation and torture. Skerker focuses on the act of interrogation from both a philosophical and legal perspective raising questions about the morality of keeping secrets and the rights of suspected terrorists and insurgents. Other less familiar books are Paul Lauritzen's *The Ethics of Interrogation: Professional Responsibility in an Age of Terror* (Georgetown University Press, 2013); Fritz Allhof's *Terrorism, Ticking Time-Bombs, and Torture: A Philosophical Analysis* (U. Chicago Press, 2012); Michael L Gross, *Moral Dilemmas of Modern War: Torture, Assassination, and Blackmail in an Age of Asymmetric Conflict* (Cambridge University Press, 2010) and J. Jeremy Wisnewski, and R.D. Emerick, *The Ethics of Torture* (Continuum Publishing, 2009). All of these books examine the ethics of obtaining intelligence by causing harm to an individual and are germane to today's political debate on counterterrorism policies.

To step slightly outside of the realm of the intelligence profession, there are two books that highlight the tension between being a medical professional and having moral responsibility. The first is Steven H. Miles' *Oath Betrayed: Torture, Medical Complicity, and the War on Terror* (New York: Random House, 2010). Miles clearly believes the medical profession has no business in sup-

porting interrogation that causes harm. The other book is Ryan Goodman and Minday J. Rosemann's *Interrogations, Forced Feedings and the Role of Health Professionals: New Perspectives on International Human Rights, Humanitarian Law and Ethics* (Human Rights, Harvard Law School, 2009). Other professions face ethical dilemmas that can be related to intelligence work. This would include George Lucas's *Anthropologists in Arms: The Ethics of Military Anthropology* (Altamira Press, 2009), which highlights the tension of engaging anthropologists with combat units as cultural intelligence advisors.

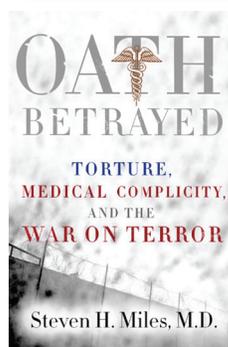
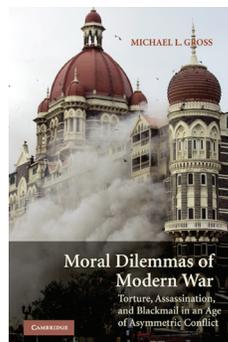
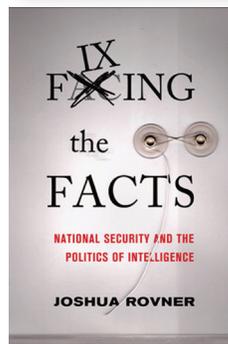
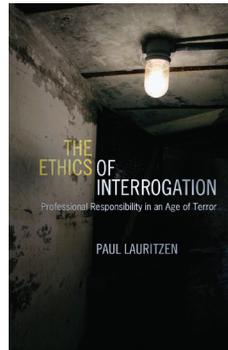
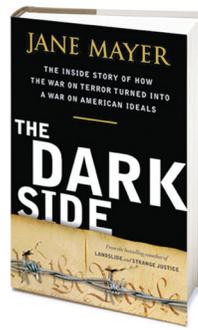
Finally, one should not ignore the ethics of intelligence analysis, or in other words, the politicization of intelligence analysis (i.e., provision of subjective assessments by intelligence analysts). Some people have argued that it was the politicization of intelligence that led to the incorrect assessment that Saddam had weapons of mass destruction and ultimately led to the U.S. invasion of Iraq in 2003. Joshua Rovner's *Fixing the Facts: National Security and the Politics of Intelligence* (Cornell University Press, 2011) does an excellent job of explaining whether intelligence shapes policy or policy and politics shape intelligence. Intelligence analysis should be objective, but, as Rovner points out, politicization occurs in many forms (often subtle and indirect).

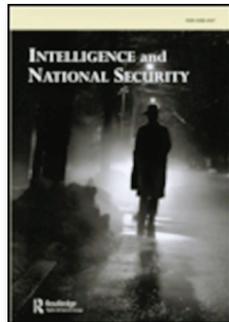
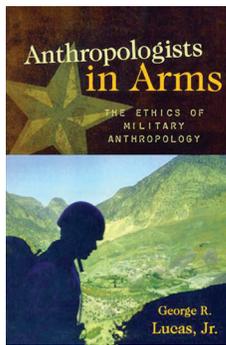
Ethics are an important ingredient of politics. Studying intelligence and ethics is fundamental to appreciating how intelligence can operate in a democratic system.

READINGS FOR INSTRUCTORS

Any of these books cited above can be used in any course on intelligence and ethics. Of course, they can be easily supplemented with the numerous articles that appear frequently in many publications. Besides those books and articles in the footnote, the following are recommended:

J.E. Drexel Godfrey's article, "Ethics and Intelligence" in the well-regarded *Foreign Affairs* (April 1978) is often credited as the first article to focus on the juxtaposition





of espionage and morals. The author brings out the need to accept intelligence work as a profession.

John Langan, in “Moral Damage and the Justification of Intelligence Collection from Covert Political Action” in *Studies in Intelligence* (Summer, 1981) assesses claims that immoral activity damages the perpetrator. Langan, a professor and Jesuit Priest, believes preserving national security is regarded as a morally worthy goal, when the nation observes standards of internal and external justice in persevering a just political community.

Written after the Iran-Contra Affair, Lincoln Bloomfield’s article “Legitimacy of Covert Action: Sorting Out the Moral Responsibilities” in the *International Journal of Intelligence and CounterIntelligence* (1990) makes the argument that intelligence is not involved in morals; rather it’s political. He believes that if citizens do not like how intelligence is conducted, they need to replace their elected officials.

One of the most recent articles on ethics, is Allison Shelton’s “Framing the Oxymoron: A New Paradigm for Intelligence Ethics” (*Intelligence and National Security*, February 2011). She proposes that ethical justifications should be considered along a moral psychological spectrum. Students will find extremely interesting the example of targeted political assassination, although, they will have to pass through some philosophical terminology.

As the editor of the *International Journal of Intelligence Ethics* (Rowman and Littlefield Publishers), every

issue has at least 3 or 4 articles on different aspects of the intelligence cycle. However, articles of particular interest for students would be “Rights of Irregular Combatants” by Michael Skerker (Spring/Summer 2011), “Privatized Information Gathering: Just War Theory and Morality” by Christopher Caldwell and “Using Private Corporations to Conduct Intelligence Activities for National Security Purposes: An Ethical Appraisal by James Roper” (both appear in the Fall/Winter 2011 issue). All three of these articles discuss the new realities of tradecraft against the backdrop of counter-terrorism and the free enterprise of intelligence operations.

Ethics in intelligence has come a long way from the days of Cold War novels and an identifiable enemy on the battlefield. However, ethics is ‘doing the right thing, for the right reason,’ and that has not changed over time.

Dr. Jan Goldman, the founding editor of the *International Journal of Intelligence and Ethics* (Rowman and Littlefield Publishers),



has studied the intelligence profession for over 25 years. He has co-chaired six international conferences on intelligence and ethics. His forthcoming books include *The Central Intelligence Agency: An Encyclopedia of Covert Operations*,

Intelligence Gathering, and *Spies*, 2 vols.; (Praeger, 2014) and *War on Terror Encyclopedia: From the Rise of Al Qaeda to 9/11 and Beyond*, (ABC-CLIO, 2015).



Plato and Aristotle in Debate. Lucia della Robbia, Florence.