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ETHICS AND INTELLIGENCE

The three-year public agony of the Central Intelligence Agency may be coming to an end. Richard Helms has been convicted, the President has issued a new set of regulations restricting certain surveillance activities, and the torrent of public exposés by "insiders" seems to be abating. What remains to be seen is whether the traumas suffered since the sweeping congressional investigations began in 1975 have made any significant impact on the heart and guts of the Agency.

There are some suggestions, of course, that nothing much has changed. When Mr. Helms returned from receiving a suspended sentence, he was given a hero's welcome by an indulgent group of ex-colleagues. Simultaneously the announced intention of Admiral Stansfield Turner, the present Director, to reduce Agency operational personnel by several hundred was met by smear campaigns so powerful that the President soon felt obliged to publicly declare his continuing support for the Admiral. These responses from traditional intelligence officers may not be all that significant, however. Angry reactions to reductions in force are not, after all, new in Washington. Any pruning of career public servants can result in mid-level bureaucrats making high-level mischief.

The Helms case was quite another matter. Far from resolving any of the deeper issues of recent Agency conduct, it did not even address them. The case did, however, expose the persistent failure of several administrations to establish appropriate congressional arrangements for the exercise of intelligence operations. All post-war Presidents have permitted Directors of Central Intelligence to appear before congressional committees in the full knowledge that they would be closely questioned about secret operations approved and placed under tight security restrictions by the National Security Council. A long tradition had been built up over the years with the leaders of the Congress itself, that the facts concerning political operations (or clandestine intelligence operations) should be revealed only to selected members of Congress, and denied to

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formal committees at least in open session.

From time to time efforts were made by individual Presidents, or their staffs, to reach an accommodation with Congress that would reduce the vulnerability of CIA officials, caught between the professional obligation for secrecy and the legislative thirst for candor. No true resolution of this dilemma was achieved until President Ford declared for candor and so instructed Mr. Helms' successor. By then, of course, Mr. Helms had presented the testimony on operations in Chile, to a Senate committee, which a federal judge subsequently found to be not only misleading but false.

Not unnaturally many intelligence officials felt their ex-Director had been victimized. In a narrow sense he had. Lacking a presidential mandate to reveal the full nature of the U.S. involvement in the Chilean elections, Mr. Helms opted to give testimony that was less than truthful.

The irony of the case, however, is not that Mr. Helms was forced to choose between two ethical imperatives, one honoring his oath of secrecy, the other telling the truth. Far more significant is the fact that because it focused on such a narrow issue—and one where responsibility for the sorry turn of events could be laid as much at the doors of a succession of Presidents and leaders of Congress as to the Agency Director—the trial and judgment ignored a whole range of ethical problems concerning intelligence practices in a free society.

II

To some the mere juxtaposition of ethics and intelligence may appear to be a contradiction in terms. But at heart intelligence is rooted in the severest of ethical principles: truth telling. After all, the end purpose of the elaborate apparatus that the intelligence community has become is to provide the policymaker with as close to a truthful depiction of a given situation as is humanly possible. Anything less is not intelligence. It may be useful opinion—in some cases it may even be more accurate than prevailing intelligence—but if it is, the opinion maker is lucky, or in the particular instance possessed of more facts and sharper judgmental skills than the professional intelligence officer. Even the CIA has long recognized the centrality of truth telling. As a contributor to *Foreign Affairs* observed several years ago, the motto of the CIA, chosen by the doughty old Presbyterian, Allen Dulles, is "And the Truth Shall Make You Free."¹

¹ Chester L. Cooper, "The CIA and Decision-Making," *Foreign Affairs*, January 1972, p. 223.

Even as the motto was being chosen in the mid-1950s, however, the point was being lost and the purpose of the Agency corrupted. Perhaps because of the personality of Mr. Dulles and his operational successes in Switzerland during World War II, emphasis on activities having little or nothing to do with the pursuit of truth grew to preoccupy the CIA. The Church Committee's excellent report on intelligence activities makes it abundantly clear that foreign operations won top priority under Mr. Dulles' leadership; worse, foreign operations expanded from a tiny "psych warfare" section of the clandestine collection division to absorb a major share of the Agency's budget, its personnel, and skills. Operations both foreign and domestic, with a host of concomitant and now familiar malpractices, became the bread and butter of the Agency during the 1950s and 1960s.²

To accept the approximation of truth as the purpose of intelligence is one thing. To accept the methods by which truth can be obtained poses ethical dilemmas. The truth, after all, is often a set of facts, or concrete physical entities, or intentions, which the party with whom they are entrusted will guard jealously as a precious, not to say sacred, element of the national preserve. Ferreting out the truth under these circumstances often requires means and techniques not ordinarily employed in human intercourse.

At this point the ethical absolutist is compelled to say: "Exactly, an ethical society should renounce foreign intelligence altogether; given the new Administration's emphasis on human rights, domestic intelligence might best be scuttled, too." In this formulation the argument that other nations will not cease intelligence gathering activities simply because the United States renounces them, carries little weight. Ethical conduct is a force of its own; powerful nations lead by example; renunciation of intelligence gathering would be an act of moral courage with untold beneficial international consequences, etc.

But we are not all ethical absolutists. Value trade-offs are probably the best that most people in an uncertain world will accept. And it is because intelligence offers security that bizarre methods to obtain it are acceptable to most. Foreign policy making without an intelligence input of some kind would be capricious; in the uncharted waters of world crisis situations it would be scandalously foolhardy. It follows that the more ambiguous the international situation, the greater the value of intelligence in the decision-

² *Final Report of the Select Committee to Study Governmental Operations with respect to Intelligence Activities*, U.S. Senate, 94th Cong., 2nd sess., April 14, 1976, seven volumes.

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making process. Put another way, of course, this means that where intelligence does not add to international security, but rather, say to the obsessive comfort of knowing more about Ruritania than even the Ruritarians, or where it merely facilitates the feeding of salacious tidbits about foreign leaders to inquisitive Presidents, questionable methods to collect it are not acceptable.

The security returns of intelligence are probably inestimable, and they are welcomed by both world superpowers and tacitly condoned by almost all active participating nations on the world stage. Satellites monitor the missile developments of the superpowers; microwave telephone messages between foreign embassies and capitals are intercepted for critical information. Without technology of this kind in the hands of both the United States and the Soviet Union, there would of course have been no SALT talks; there would not now be any form of SALT agreement. Nikita Khrushchev implied just this when he half seriously suggested to President Eisenhower in 1958 that the two countries exchange intelligence chiefs. Both leaders recognized that inspections in each other's countries would probably be out of the question for many years to come; each knew that in order to make any progress on arms limitation he would have to rely on the safety of his own intelligence monitoring system and avert his eyes to monitoring by the other.

In a world where the two great powers can no longer guarantee international stability and where weaponry is no longer the exclusive currency of power, intelligence monitoring must sweep targets other than the principal antagonist—e.g., China or the Middle East. It must also be as concerned with economic and energy considerations as missiles. But the principle governing the choice of targets remains the same. Intelligence must promote international security, or the ethical compromises necessary to accommodate the requisite collection methods cannot and should not be stomachable.

Intelligence monitoring substitutes for full faith and credit between nations, and technology provides a pitiful but workable substitute for the joyful conditions of a distant One World. The tensions of the nation-state system are, in other words, held in bounds not only by diplomacy and by mutual common sense but by carefully calibrated monitoring systems.

Assuming, then, that intelligence can help toward security in a dangerous international order, how can the intelligence function be carried out at the least risk to other values in our society? To put this most succinctly, how can a professional intelligence service

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operate so that officials within it perform their roles in an ethical manner? Most public officials would prefer that this be the case; certainly most private citizens expect nothing less.

The traditional easy answer, of course, is that in international affairs a double standard operates. What is unacceptable human behavior at home or in one's own society can be forgiven in dealings with foreign societies or with the representatives abroad of those societies. War is the ultimate expression of this double standard. But the assassination of foreign leaders in peacetime stretches the standard furthest, beyond, as is now wholly agreed, its breaking point. Under the shelter of the double standard, self-justification usually takes the form of: "Someone's got to do the dirty work"; or "Distasteful as the task was, it served the national purpose." On examination both statements contain implicit assertions by the makers of ethical standards. This, then, is the nub of the matter.

Foreign intelligence is not, by and large, conducted by people lacking the capacity to recognize ethical standards, but standards are lowered to accommodate the perceived national purpose. Once lowered, they can be more easily lowered a second time, or they can be lowered further and further as routine reduces ethical resistance to repugnant activities. This is the area of human dynamics where yesterday's managers of the intelligence community have been the most irresolute. Management rarely blew the whistle on subordinates. When subordinates succeeded in operations of questionable morality, they were as often rewarded with promotions as reprimanded for using dubious methods.

A high management official of one intelligence agency—in this case the FBI—blurted out to the Church Committee an incredibly candid confession of amorality. In response to questions as to whether any supervisory official of the Bureau had voiced reservations about the legitimacy of the infamous Operation Cointelpro (active disruption of citizen groups) he answered:

We never gave any thought to this line of reasoning, because we were just naturally pragmatists. The one thing we were concerned about was this: Will this course of action work; will we reach the objective that we desire to reach? As far as legality is concerned, morals or ethics, it was never raised by myself or anyone else. I think this suggests really that in government we are amoral.³

To disagree with this official's conclusion is easy; to refute the implicit charge that government itself contributes to, if not insists

³ Testimony of William Sullivan, *Final Report, op. cit.*, Book II, p. 141.

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on amorality, is more difficult. Presumably, the official, like most Americans, entered government service with some sense of ethics and acceptable norms of moral behavior. He came to believe, apparently, that the responsible intelligence officer *should not* concern himself with such matters. They are, he said, irrelevant to the conduct of his government business.

III

Most professions, such as the law and medicine, have for centuries provided themselves with fail-safe systems to ensure that ethical norms are not compromised out of existence, or rusted from misuse. Some of these systems work better than others, some are susceptible to corruption themselves and a few are mere shams, but the fact that they exist and generally are taken seriously by the members of the profession is critically significant. At the very least, it means that there are limits to a professional's freedom and that those limits are defined by ethical codes sanctioned by colleagues.

A profession whose end purpose it is to root out the truth cannot afford to resist asking where its limits should be set. However, the intelligence professional has in the past operated under the simple guideline, "don't get caught." Recently there have been signs that suggest that the intelligence community is busily, if somewhat ponderously, groping towards a limit-setting policy for its professionals.

The business of limit setting will not be easy, particularly for the centerpiece of the community, the CIA, and specifically for its large clandestine services element. It will not be easy because of the grim ethos of clandestine collection and operations, developed long before orbiting photographic satellites or sophisticated interception systems were ever conceived. That ethos is rooted in a concept as old as human society: the weak or the vulnerable can be manipulated by the strong or the shrewd. Human intelligence collection is a major preoccupation of the clandestine service. Simply put, this is the process of extracting from others information or national assets they would not willingly part with under normal circumstances.

In some cases the creation of appropriate circumstances is relatively easy. This is where the source is a willing volunteer acting out of his own sense of patriotism. Anti-Soviet emigré Hungarians providing detailed information on Russian military units occupying their country fall into this category. The clandes-

tine officer must provide the means whereby the emigré can return to his country. By and large the clandestine officer can content himself with the knowledge that the Hungarian is as anxious to reenter his homeland illegally as he is anxious to have him make the effort.

But the highest art in tradecraft is to develop a source that you "own lock, stock and barrel." According to the clandestine ethos, a "controlled" source provides the most reliable intelligence. "Controlled" means, of course, bought or otherwise obligated. Traditionally it has been the aim of the professional in the clandestine service to weave a psychological web around any potentially fruitful contact and to tighten that web whenever possible. Opportunities are limited, but for those in the clandestine service who successfully develop controlled sources, rewards in status and peer respect are high. The modus operandi required, however, is the very antithesis of ethical interpersonal relationships.

Sometimes the information obtained by these methods can be important. It is, however, rarely of critical importance. At best it may provide a measure of confirmation of some already suspected development or fill in a missing piece of a complex mosaic of facts. There have been occasions when controlled sources have been successful in snatching internal documents off high-level desks in their own governments, but even in these instances the "take" has not been earthshaking. Perhaps the faintly disappointing record of achievement by clandestine operatives is explainable in bureaucratic terms. Well-placed officials with immediate access to critical policymaking circles—and for the most part this means they are part of the policymaking process—are generally well rewarded by and well satisfied with their own governments. If they were not, they would not hold powerful positions. The main targets for clandestine collectors are usually second- and third-level officials who may not be fully privy to policy developments.

Finally, there is the human consideration. Most controlled sources are ambivalent about the roles they are obliged to play. On the one hand, there may be gratification that their retainer fees enable them to reduce some crushing personal debts, or to meet other expenses incurred as a result of weaknesses or personal misjudgments. On the other hand, they will almost certainly feel a sense of guilt in betraying trusts they are expected not to betray; they may also feel more than a little self-loathing that they have been too weak to resist being used by those who pay them or blackmail them. How these feelings subconsciously affect what they report and how they report is anybody's guess. It is at least

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possible that the clandestine officer who "owns" a controlled source may not have the extraordinary asset that his "tradecraft" teaches him he should have.

Quality of information obtained aside, a fundamental ethical issue concerning clandestine human collection remains. That issue is the impact on the clandestine officer of his relationship with his source. The former's bread and butter is the subversion of the latter's integrity. The officer is painstakingly trained in techniques that will convert an acquaintance into a submissive tool, to shred away his resistance and deflate his sense of self-worth. Of course, the source may be thoroughly cynical, even a venal merchant of his country's privacy, and in that case the task of the clandestine officer is less burdensome—although he may come to find the relationship just as repellent as if the source had slowly and resistingly been bent to compliance. Whatever the chemistry between the two individuals, collector and source, or perhaps more pointedly, dominant and dominated, the biggest loser is the one whose ethical scruples are most damaged in the process. Depending on the techniques he may have to use to bring the source under control and maintain that relationship, the biggest loser may be the clandestine officer.

Another prime concern of the clandestine services is the development of methodologies and devices to thwart the defensive measures of other intelligence agencies and other national political systems. While much of this activity is purely technical electronic engineering, a significant investment has also been made in such exotica as "truth drugs," complex psychological warfare strategies, bizarre bugging devices and the like. Some of these devices and techniques have been used with profit and success by clandestine officers operating overseas; others have proved impractical in the field or have stalled on the drawing board as development costs got out of hand. But the search for new ways to penetrate other societies goes on. Today's drug experimenters (if there are indeed any left) may become tomorrow's experts in long-range behavior modification processes.

Whatever the state of these arcane arts, they have two things in common. First, their purpose is almost always to facilitate the manipulation of man by man. In this sense they are not dissimilar in effect and impact to the process of controlled source development. Secondly, the practitioners of these arts and the "psych warfare" experts are obliged by the very nature of their trade to presume that they are operating in hostile environments. The end point of their efforts, after all, is to bypass normal authority, or at

the least, to use semi-legal means to overcome obstacles placed in their path by the authorities of other nations. The professional premise of the officers engaged in these practices, then, is the constructive use of illegality. While revolutionaries around the world have lived long and comfortably with this paradox, it is quite another matter for sober and presumably accountable U.S. public servants to be exposed to its temptations.

In this connection it is important to note that over the years officers whose careers have primarily been spent in clandestine activities have occupied the preeminent roles in the management of the CIA. At least until recently, when heavy reductions in clandestine staff were ordered by the current Director, Admiral Stansfield Turner, roughly two-thirds of the highest executive positions at any given time were filled by officers whose careers blossomed in the clandestine services. Years of hardening in the ugly business of source control and penetration of foreign capitals have surely taken their toll. Little wonder that the CIA's top leadership did not traditionally spend much time setting "limits" on the Agency's activities. Little wonder that management developed a process of compartmentalizing what it recognized to be questionable activities. The most bizarre operations, such as Chaos (to be discussed below) and human drug experimentation, have been traditionally walled off even from other Agency colleagues whose questions might have been embarrassing. Mr. Helms himself testified before the Church Committee that in many instances the CIA's General Counsel was simply excluded from knowing of the existence of particularly exotic activities and operations.⁴ The inference is inescapable that he was shut off out of fear that he would, as he had occasionally done in the past, advise that the operations overstepped legal limits. Similarly, the Church Committee report makes clear that even the recommendations of the Agency's elaborate Inspector General system could be, and sometimes were, rejected by the Agency Director.⁵

Thus, a picture emerges of a highly compartmentalized bureaucracy whose direction has been largely controlled by officials with long experience in the seduction of other human beings and societies. Not immoral or even without ethical standards themselves, they had lost the habit of questioning where they should set limits on their official conduct. And other officers who might have been expected to remind them of these limits were kept in ignorance. This state of affairs is particularly distressing when it

⁴ *Final Report, op. cit.*, Book I, p. 282.

⁵ *Ibid.*, p. 286.

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involves an organization where high premiums are paid for inventiveness, for "outsmarting the opposition."

In an organizational context where the edge of possibility is bounded only by the stretch of the imagination, special arrangements for limit setting are necessary. Each management level of the clandestine services, from the most immediate and parochial to the highest, should have an officer who plays the role of "nay-sayer." His task would be to review operational plans for their ethical consequences and occasionally to remind the imaginative subordinate that daring and innovativeness must sometimes bow to prudence. Every organization has informal "nay-sayers" seeded through its ranks. In traditional bureaucracies they are almost always negative influences, cruel stiflers of initiative and zeal. In intelligence organizations, institutional "nay-sayers" could have just the opposite effect: they could be critical to a rediscovery of ethically acceptable limits of activity.

IV

That element of the CIA whose job it is "to tell the truth," as opposed to collecting the truth overseas, is the overt Intelligence Directorate. It would appear at first glance to have the easier job. But this is not necessarily so. For one thing, truth is rarely simple fact; it is almost always a combination of fact and judgment and as such almost always subject to second guessing. The intelligence analyst has no monopoly on wisdom and prescience, but he does have one advantage. He is not subject to the policy considerations of the operating departments, such as State and Defense. He is, in this respect, free to call the shots as he sees them, whether or not they substantiate or confirm some fundamental premise of U.S. policy. Ignoring the policy assumptions of the Administration in a search for the most defensible judgment can be an unhappy affair, as those analysts who toiled through the Vietnam years can testify. While support from Agency superiors for the views of the analysts was strong during the Johnson and Nixon Administrations, the analytic product—that is, the truth as the analysts saw it—was not always palatable to higher consumers. The "truth" more often than not implicitly cast doubt on the outcome of the U.S. efforts in Indochina. Reaction to such judgments at White House and National Security Council levels was at worst unfriendly, and at best indifferent.

Nevertheless, the obligation remains for the analytic component of the CIA to produce what it believes to be the least assailable version of a given situation and its consequences for the future

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course of events. In this lonely and sometimes scorned pursuit, there are ethical pitfalls no less severe than those encountered by the overseas clandestine collectors.

A case in point is the unusual episode surrounding the studies of radical youth produced by the Agency at the demand of both Presidents Johnson and Nixon in the late 1960s and early 1970s. The original order for such a study coincided with one of the peak points in protest against the Vietnam War, protests conducted in Europe and the Far East as well as in the United States. When the order was first relayed to the Agency by Walt Rostow, then National Security Special Assistant to the President, it was accompanied by the hypothesis that the protest actions were so vociferous and so universal that they must be orchestrated by communists. Dubious at best, this became the principal theme of the first study and the several successive versions that were subsequently ordered. The Agency undertook, in other words, to determine whether communist instigation lay behind the worldwide protests.

The first edition of the study concluded that there had been no discernible communist involvement in the student protests, with a purely theoretical aside that, at least as far as U.S. student protests were concerned, there were a variety of justifications for protest that made communist intervention unnecessary. The study was ill received by the White House. In effect, it was rejected out of hand with the pointed question: "Are you sure of your conclusions? Have you turned over every rock?" These injunctions were to be repeated twice more as the Agency, confident of its original judgments, tried to produce the evidence, or demonstrate the absence of evidence, that would similarly persuade two reluctant Presidents and a host of presidential advisors.

The costs to the CIA of "turning over every rock" were shatteringly high. The dearest cost was the decision to expand greatly the patently illegal "Operation Chaos," which had begun modestly with the intention of collecting evidence for the analysts preparing the first version of the student paper. To this end U.S. agents under control of the Clandestine Services, counterintelligence component were infiltrated into student groups within the United States and abroad. Once again the operation was carefully compartmentalized so that few even of the most senior Agency officials were aware of its existence—including those responsible for the production of the study. When the first study was rejected, Chaos was built up into a sizable operation, with access to computer technology and a network of overseas and domestic employees keeping book on many thousands of U.S. and foreign students.

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Not only was the Agency's legislative charter, which mandates *only* overseas espionage, violated, but so too were privacy rights of thousands of young Americans.

The second cost was a natural concomitant of the first. As more and more "rocks got turned over," the pursuit of evidence became an end in itself. A tendency developed among the collectors to believe that if they hunted long enough and assiduously enough, some communist involvement might be found, and if it were, the President would be satisfied. In short, the collection effort lost perspective. Had it found communist affiliations—say, in the leadership of a particular student organization—it would not have been of much significance given the overwhelming negative findings elsewhere in the great majority of student movements. The notion that an assertion can be converted to a truth if there is one scrap of positive evidence to support it is dangerous nonsense—in this case nonsense entertained by desperate Presidents and abetted by officials who might better have said: "We have turned over enough rocks, Mr. President." Thus, at the end of the unhappy affair called Chaos, one side of the Agency was unwittingly engaged in what was a corruption of the search for truth, to say nothing of extensively illegal activities, while the other side of the Agency was frenetically trying, under heavy fire, to stick to its best judgment.

In retrospect, it can be rationalized that all the actors in this unhappy drama were victims of the curious political climate of Washington as the Vietnam conflict ground to a conclusion. The psychological ingredients were all there: bureaucratic weariness with a clearly failing U.S. policy to which the Agency had already committed much of its manpower energies for a decade was one. Presidential frustration as various ways out of the dilemma were closed off was another. When all is said and done, however, there can only be one satisfactory explanation for the Agency's plunge into massive illegal activities. Top management had the means, the manpower and the mind-set to do the President's bidding and to do it without arousing suspicion or inviting investigation. Only in the waning days of Chaos (and the War) did complaints from lower echelons of the Agency begin to be registered around Washington. What top management lacked was the habit of limit setting, the reflex that warns of dangerous consequences—not of being found out, but of transgressing minimal ethical standards. Presidents can perhaps be forgiven for obsessiveness, but for the servants of Presidents, particularly those whose business is truth, the first duty is to guard against those personal and institutional

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frailties that make a mockery of the search for truth.

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Is it possible, then, to introduce, or better to revive, a sense of ethics in the intelligence community? Certainly much can be accomplished simply by strong leadership that sets an appropriate tone. Presumably some efforts are being made in this direction now. But rhetoric alone cannot do the job that is required. Some specific prescriptions are offered in the following paragraphs.

The time would appear ripe, from the perspective both of history and the complexities of a world where energy resources, food supply and technological sophistication carry as much, if not more weight than weapons superiority, for the intelligence community to get out of political operations. The massive investment in these activities in recent years has paid off only rarely in terms of advancing U.S. interests. At times, as in the Congo, they have done more to confuse and unsettle an already fluid situation than to stabilize it. Some operations have probably cost the United States goodwill for years to come. Cost-benefit factors apart, political operations are often, although not always, illegal activities in which the greatest skill is to thwart the established authorities of foreign countries. To live clandestinely, to manipulate others, to distress the political ecology of another society—these are all activities that induce an amoral view of life. While they may or may not produce critical effects in the countries where they are undertaken, they almost certainly will affect those who engage in them. They are, finally, activities that have little or nothing to do with intelligence.

It can be argued that there are occasions, or there may be occasions, when political action of a clandestine nature may be the only feasible way to produce a desirable circumstance beneficial not only to the instigating country, but to a larger portion of the world's peoples. One can imagine, for example, such operations, mounted in South Africa, that might have positive consequences throughout the southern part of the continent. U.S. policy interests could be served at the same time as the interests of South Africa's neighbors. Indeed, there have been occasions when massive infusions of U.S. funds and skills have turned the tide in tightly balanced and critical political contests. Support for the non-communist parties in Italy and France in 1948 comes to mind as does the far less obtrusive (and, one gathers, predominantly European) support in 1975 for democratic elements threatened by hard-line (and Soviet-supported) Communists in Portugal.

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The opportunity for U.S. intervention in political events of high international significance would not be lost by the abolition of a political operations capability. Private citizens recruited for the occasion have carried out such tasks for Presidents before and could again. On the other hand, there could be two salutary consequences for the United States in abandoning political operations as an ongoing activity of the CIA. First, Presidents would have to shoulder the burden themselves and create ad hoc arrangements for each instance. This would almost certainly sharpen their discrimination and force them to concentrate on interventions with the highest chance of success and the least chance of exposure. Second, the elaborate network of clandestine operators currently in place could be drastically reduced. No longer would it be necessary to nurture and maintain agents around the world on a contingency basis. The temptation to indulge in operational mischief of low or ambiguous priority for the sake of keeping agents alert would be foreclosed.

Many of the arguments used to question the efficacy and suitability of political operations can be applied to the process of human clandestine intelligence collection. The product is not all that impressive; the moral damage to the collectors is high; intelligence tends to be collected as an end in itself; and there is always the risk of exposure. Nevertheless, intelligence must be collected in selected areas and against specific subject targets. Technology is now the workhorse of the collection business and it should remain so. The present Director has in effect recognized this evolution in collection methods; he has justified his reduction of covert officers on this ground. Photographic and audio satellites and other interception devices are immensely expensive, but they have the advantage of doing only minimal damage to the ethical standards of the operators and processors. As noted above, technological intelligence collection is in at least one highly significant area—that of arms limitation control—tacitly accepted as essential to security by both superpowers.⁶

Of course, even with the phasing down of clandestine human collection, the need will remain for residual capability in certain esoteric collection techniques. Atmospheric conditions in some geographic locations may be so unfavorable that short-range

⁶ Harry Rositzke in "America's Secret Operations: A Perspective," *Foreign Affairs*, January 1975, pp. 334-51, has presented a sophisticated view of the remaining need for clandestine human intelligence and counterintelligence collection. And Herbert Scoville, Jr., writing from a consumer's viewpoint (as I do) has laid I think the right stress on the predominant need for technological methods today. "Is Espionage Necessary for our Security?," *Foreign Affairs*, April 1976, pp. 482-95.

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collection devices will be needed to supplement "stand-off" equipment, such as satellites. There will always be the need for personnel skilled in the techniques of situating these devices. Similarly, there must be those who can exploit the defector or the "walk-in" source.

Counterintelligence is another field of clandestine intelligence activity which probably cannot be dispensed with for some years to come. But if counterintelligence is to survive, it should be organized on a purely defensive basis as a protection against foreign penetration of the U.S. intelligence services and their technical capabilities. It should be a small, lean component with a sophisticated understanding not only of the technological capabilities of major foreign intelligence services, but also of those countries' political dynamics. Far from being walled off from other Agency components as in the past, it should be a vital part of Agency life, as much to gain from exposure to varying points of view as to influence those points of view.

A vigorous reexamination of the entire collection function, both in terms of techniques and targets, would be salutary at this point in the intelligence community. Collection that goes beyond what the satellite and the intercept station provide cannot be forsaken altogether. Indeed, it should be improved with renewed emphasis on (a) analytic collection and (b) the old-world expertise of the open dialogue replacing the controlled source. Collectors with the training to mine and exploit technical materials in archives and specialized libraries or statistical centers could be the intelligence pick-and-shovel men of the future.

For those tightly closed societies where access to such material is almost completely denied to the United States, a different methodology will be necessary. Third-country officials with some access privileges in the host country must be assiduously cultivated, but (breaking with past practice) in an open and reciprocal manner. Collectors with substantive knowledge of their data targets should be authorized to disseminate "trading materials" to their foreign counterparts in exchange for hard-to-get data and technical material. This will be a delicate business. Maladroit handling of such negotiations could result in even tighter controls over information by the host country. Needless to say, negotiations could not be conducted *in* the target country without risking the expulsion of third-country nationals. New expertise in content evaluation both of the materials desired by the United States and the data to be used as trading currency will have to be developed.

At the higher levels of intelligence collection—that is, gaining

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insight into the sensitive complex of issues concerning political, economic and military developments in a target country—emphasis should be on the old-fashioned method of diplomatic dialogue. Reports that contribute to an understanding of social or economic trends or that sort out shifting national priorities are almost always more significant and useful than the one-shot item that reveals a specific decision or records some finite act. “Think pieces” have traditionally been the preserve of the ambassador or senior Foreign Service official. Their quality has, however, been uneven; they suffer from irregularity. Part of the problem is that few Foreign Service officers stay long enough on a single posting to become in-depth analytical experts. Only a few of the largest embassies have enjoyed the luxury of having one such person on their staffs for a number of years. What is being proposed here is that CIA officers fill the roles of permanent in-country experts. These would be senior officials, chosen for their substantive familiarity with the political and economic cultures of the countries to which they are posted. They would be expected to cultivate openly the widest circle of acquaintances and to report selectively both to headquarters and the ambassador. Clandestinity would give way to substantive expertise.

The finely trained and highly skilled clandestine collection officer with years of service in the field is likely to scoff at these suggestions. It has always been the contention of the clandestine collector that overt techniques could indeed uncover immense amounts of data about the capabilities of a foreign nation target, but that the intentions and plans of the same country could only be unlocked by controlled penetrations. There is, of course, some truth to this proposition. Final and critical decisions—e.g., to go to war with a neighbor, to begin the development of nuclear weaponry—are so tightly held and originate from such complex motivations that they do not suddenly spring off printed pages being turned by a lonely researcher. On the other hand, neither have such decisions been revealed with any great degree of success by penetration agents in the past.

Once the CIA has begun to turn itself around by the actions suggested above, it will have taken the most painful steps. But backsliding into old habits and behavior patterns will surely occur unless other, less dramatic moves are made. The influence of the clandestine service in the Agency remains strong and, given the sheer weight of numbers, it will have a significant voice in internal Agency affairs for years to come.

Something of the flavor of how that voice might express itself

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can be inferred from the hero's welcome given to Richard Helms when he appeared at a reception of recently retired covert officers fresh from his conviction in federal court. The old methods of compartmentalization and tightly controlled operations have become a way of life not easily shaken in the insular bureaucracy of an intelligence service. Radical rearrangements of traditional procedures must be considered.

At the least the Inspector General's function should be strengthened, as the Church Committee has recommended. Specifically, this officer's role should be expanded beyond its traditional one of internal control and response to employee complaints. One ex-Agency official who is a careful student of its recent history has suggested the creation of an ombudsman accessible to employees who felt they were being used in improper activities.⁷ This would be a helpful addition to the Inspector General's staff, freeing him for the vital task of constructively intervening in questionable plans and programs throughout the Agency.

Similarly, the Legal Counsel must be given more steel to put under his velvet glove, particularly when his rulings are ignored or overturned by the Director. Traditionally matters of legal propriety have been referred to the Legal Counsel by other senior officers when and if they chose to do so; in effect his role has been passive. It should be a relatively simple internal matter to reverse this pattern. President Ford followed up one Church Committee recommendation by giving the Legal Counsel access to the Executive Oversight Board in the event that one of his rulings was ignored by the Director. This is a significant step in strengthening the legal review function in the Agency.

VI

A more sweeping structural change for the Agency has been suggested from time to time. This would entail a complete divorce of overt and covert intelligence activities. Overt functions (analysis, reporting, estimates, etc.) would be aggregated under one organizational roof and covert functions (collection, operations, counter-intelligence, technical development of human control devices, etc.) under another. The objective behind such proposals has usually been to remove from the intelligence end product the taint of the methods used to obtain the raw data, in other words to strengthen the dignity and credibility of the Agency's truth-telling function.

⁷ See Harry Rositzke, *CIA's Secret Operations*, New York: Reader's Digest Press, 1977, Chapter 13.

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There are merits to these suggestions, but perhaps the optimum time for divorce has passed. Indeed, if political operations were now eliminated and clandestine collection minimized, the temptation to breach ethical standards by the clandestine services would be reduced significantly. Moreover, cutting the clandestine services adrift would result in the concentration in one organization of most of those officers—now at high positions—who have been exposed to the highest ethical risks. Backsliding would be a great temptation, managerial control an administrator's nightmare.

But the measures discussed above will amount to little more than tinkering if not buttressed by a radical new personnel policy that places a premium on ethical values. Beyond native intelligence, recruitment criteria have in the past emphasized such psychological factors as stability, intellectual curiosity and phlegm. Once selected on the basis of favorable readings on these counts, the candidate had, of course, to survive the polygraph test—a final screening against the possibility of penetration by a foreign agent or a duplicitous adventurer. To this battery a test of ethical values should be added.

Law enforcement agencies in a few communities have provided something of a model in an area almost as contentious. A handful of larger police departments have been including in their selection procedures a "violence test" for rookie candidates.⁸ The tests are basically psychological, designed to determine which applicants, in the normal course of their duties, would resort too readily to heavy-handed or bullying tactics. The results are not yet wholly clear—in part, one suspects, because there is little or no reinforcement of the desired value level as the new patrolmen become acculturated by their older colleagues, who possessed badges years before consideration of behavior patterns became a professional concern.

An ethics test could be constructed from an array of situational choice problems inserted into the Agency's selection instruments. Such problems would present difficult ethical decision choices for the test-taker in a variety of interpersonal and organizational settings. To prevent the job applicant from tilting his answers toward problem solutions he presumes the testers are seeking, the questions would have to be scattered throughout the various portions of the questionnaires used—psychological, intelligence,

⁸ The "Machover DAP" test is one frequently used to detect overly aggressive personalities. Sophisticated screening instruments are described in the publication *Police Selection and Career Assessment*, issued by the Law Enforcement Assistance Administration, National Institute of Law Enforcement and Criminal Justice, U.S. Dept of Justice, 1976.

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etc. All ethics questions could then be selected out of the various test parts and reviewed separately. One hopes that a rough profile of the applicant's personal ethical standards could be obtained by this device, but at best it would probably do no more than single out applicants with unacceptably low or hopelessly confused ethical standards. Follow-up tests for those who enter the Agency and have served for several years would be considerably more difficult to design, but they are not beyond the skills of Agency psychologists.

Surely this is slippery ground. One man's ethical floor may be another's ethical ceiling. Who is to define what the acceptable level of ethical beliefs should be? How would Agency management keep its ethical sights straight in a period of rapidly changing moral values? The issues raised are immensely difficult, but dismissing the concept will not solve the problem of the current low estate of the Agency in the public mind. Tackling the problem head on would, if nothing else, constitute a clear signal of top Agency management's concern to current employees, prospective recruits and the general public.

VII

Finally, the real purpose of intelligence—truth telling—must be placed at the center of Agency concerns. This is a harsh prescription; it is certainly the most difficult objective of the lot. But it must be the principal purpose of Agency leadership to establish beyond question the capacity of its experts and its facilities to seek out and find the truth, or the nearest approximation of the truth possible. Public cynicism will have to be dispelled before this is possible; it will take time. There are no easy paths to this objective. Indeed, the present mood of the public toward the Agency militates against its succeeding. The best graduate students do not gravitate to the Agency; its name is suspect in much of academia; business and professional groups are fearful of association.

Where such circumstances exist they must be met with new and probably at first none too credible approaches. Insistence on being primarily in the business of truth telling will not automatically convince the skeptic that it is so. But CIA leadership that condones no other competing role and that demands that ethical questions be asked before internal Agency policies are decided upon will have made a beginning in the long journey back to public accountability. None of these steps, of course, would avert the damage that an unscrupulous President, intent on misusing intelligence talents, could produce. Only loud, angry public resignations by intelligence leaders could in such a case underscore a professional's ethical commitment to truth.

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