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ROUTING AND RECORD SHEET

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DATE 16 December 1985

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TO: (Officer designation, room number, and building)	DATE RECEIVED	DATE FORWARDED	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
1. Executive Director 7D55, Hqs.				In case you missed it, the attached--for my money--is a thoughtful exposition of some of the underlying reasons why what we in CIA do is fundamentally--if not necessarily in each and every particular--right and just. The arguments are not new...but neither are the issues. And, it's comforting to see in print erudite support for our mission. [redacted]
2.				
3. DDCI 7D60, Hqs.				
4.				
5. DCI 7D60, Hqs.				
6.				
7. ~~EXO~~/DDA 7D24, Hqs.	12/20	12/20	DB for	Attached is a remarkably perceptive article! Dean
8. ADDA DDA				
9. ~~DDI 7E44, Hqs.~~				
10. DDA Reg (file)				
11. ~~DDO 7E26, Hqs.~~				
12.				
13. ~~DDS&T 6E56, Hqs.~~				
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Secrecy and Democracy: The CIA in Transition.

By Admiral Stansfield Turner. Boston: Houghton Mifflin Company, 1985.

Reviewed by Mackubin T. Owens

> . . .for a man who wishes to profess the good in everything needs must fall among so many who are not good. Hence it is necessary for a prince, if he wishes to maintain himself, to learn to be able to be not good, and to use it and not use it according to the necessity.
>
> Machiavelli
> *The Prince*, Chapter XV

> No government could give us tranquility and happiness at home, which did not possess sufficient stability and strength to make us respectable abroad.
>
> Alexander Hamilton
> Speech of 29 June, 1787
> at the Federal Convention

> Natural right must be mutable in order to cope with the inventiveness of wickedness. What cannot be decided in advance by universal rules, what can be decided in the critical moment by the most competent and most conscientious statesman on the spot, can be made visible as just, in retrospect to all. . . .
>
> Leo Strauss
> *Natural Right and History*

Despite the fact the the United States came into existence by means of armed struggle and has periodically employed military force to preserve itself as an independent political community or to further its national interests, Americans have traditionally had difficulty thinking clearly about the use of force in the international arena. Part of the problem is the fact that the United States is founded on certain principles that justify and regulate the use of force. Often these very principles are used to condemn the use of force, to demand that the United States behave as if the world were not an environment hostile to the interests, indeed survival, of liberal democracies like the United States. The tendency to use American principles to deny the morality force in international affairs often becomes moralistic.

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paying no attention to geopolitical factors, national interests, risks or the realities of power.

Supporters of the use of force frequently take the opposite tack, claiming that nations always use force or the threat thereof in their own interests according to the prevailing realities without recourse to the constraints of principle. This tendency to take the realistic view of foreign policy often becomes a cynical denial of principle and culminates in the assertion that in international affairs there is no difference at all between a liberal democracy like the United States and a totalitarian regime like the Soviet Union.

What is true about the use of force in general applies as well to foreign intelligence operations. On the one hand there are those who claim that there is no place in a democratic society for any sort of foreign intelligence operations, since the components of such operations—clandestine intelligence collection, counterintelligence, and, covert action—all require secrecy and deception, and as such are at odds with democratic standards of decency, openness, and honesty. Covert action in particular draws the ire of such critics: it is, they say, an attempt to impose our will on the affairs of others, making the United States no different than its totalitarian adversaries.

The realistic view is described by President Carter's Director of Central Intelligence, Stansfield Turner, in his important new book, *Secrecy and Democracy*. According to Turner, advocates of this approach contend

> . . .that those who oversee intelligence should be free to decide ethical issues purely on the basis of what is necessary to combat the enemy. They believe that those who are well informed about the threats posed to our country should make ethical decisions on behalf of the citizenry, not merely reflect the opinion of less informed citizens. . . .

But in intelligence as in foreign policy generally, the dichotomy between idealism and realism is a false one and leads to problems that make the conduct of foreign policy more difficult than it needs to be.

The idealist-realist dichotomy is particularly dangerous when applied to intelligence operations since it tends to force policymakers toward the extremes of doing nothing out of the conviction that intelligence activities are immoral, or doing all manner of things as if the character of a liberal democracy were unimportant.

Consider how Turner's formulation of the policymaker's moral responsibility drives him toward the idealist position:

> The . . . school to which I subscribe says that there is one overall test of the ethics of human intelligence activities. That is whether those approving them feel they could defend their decision before the public if the actions became public. . . . [T]he overseers should be so convinced of the importance of the actions that they would accept any criticism that might develop if the covert actions did become public, and could construct a convincing defense of their decisions.
>
> We are a democracy, one with high ethical ideals. We should never turn over custody of those ideals to any group of individuals who divorce themselves from concern for the public attitude.

Unfortunately this ethical test while a well-meaning attempt to strike a balance between realism and idealism fails to provide any room for the exercise of the virtue most necessary for success in foreign policy: the virtue of prudence.

Prudence is the ability to adapt one's principles to the prevailing conditions. It is the rare habit of moral discrimination concerning how to act in accordance with principle, while taking account of changing circumstances. It is the ability to know the right means to the right end. Prudence is above all the virtue of the statesman, who must know how to achieve justice without abstracting from experience.

There is clearly a close relationship between principle and prudence. Principles or ends do not tell us how to achieve judgement of a particular kind. At the same time prudence requires for its own guidance a knowledge of the ends to be achieved. Without principles, prudence becomes mere cleverness.

The founders of the republic recognized the inextricable relationship between principle and prudence. Indeed, in the Declaration of Independence prudence is invoked immediately after the statement of the universal principles for which the Declaration is justly most famous: the equality of men, inalienable rights, government by consent, and the right of revolution. Through much of our history, prudence has been most often used to limit the employment of force by the United States on behalf of those seeking to achieve those universal rights which were first promulgated by the Declaration. But given the realities of the present world, prudence must be invoked in support of the use of the various means of foreign policy, one the most important of which is foreign intelligence, if the nation is to survive, and with it a liberal international order.

But prudence, which requires that those to whom the American people have entrusted the management of their affairs sometimes act in secrecy, is not served by placing national security decisions at the mercy of volatile popular opinion. Turner's denial notwithstanding, this is what he does with his ethical test. Should those who operate in the realm of foreign intelligence divorce themselves from concern for the public attitude? Of course not, but concern for the public attitude does not mean compliance with every transient current or breeze of passion that may be passed off as popular opinion.

The proper understanding of the public attitude is that the deliberate sense of the community should govern the conduct of the peoples' representatives in both domestic and foreign affairs. In this view, the real public attitude that should guide public policy is the one that arises out of cool and sedate reflection and deliberation which take into account the true interests of the people at large. This has always been understood to mean the sense of the community as reflected in staggered elections, not in media induced hysteria such as characterized the debate over the CIA in the mid-1970s. In current practice, however, Turner's test would require that those approving intelligence operations be willing to subject themselves and their agencies to the latter rather than to the former. This cannot help but have an inhibiting effect on the conduct of intelligence activities. The actual performance of the CIA under Turner suggests that such inhibitions were at work in the late 1970s to the detriment of U.S. foreign policy. One has only to consider the important intelligence failures that occurred during the Carter administration: the fall of the shah of Iran; the Soviet invasion of Afghanistan; and the Sandinista revolution (indeed there are suggestions that the CIA played a role in destabilizing Somoza, in the hopes of bringing the non-Communist Left to power in Nicaragua).[1]

The consequence of Turner's test, as borne out during his own directorship is that if the U.S. public has been stirred up in opposition to intelligence activities such as was the case during the 1970s in the wake of Vietnam and Watergate, intelligence operations may be curtailed at precisely the time they are most necessary: in the dangerous period during which the Soviets and their surrogates are most active and aggressive. The link between the stirring up of popular opinion against the instruments of U.S. foreign policy and the aggressiveness of Soviet foreign policy is provided by the concept of the correlation of forces.

Most analysts agree that how the Soviet leadership perceives shifts in the correlation of forces has a major impact on Soviet international activities. The correlation of forces of course is a far broader concept than the nonrevolutionary idea of balance of power. It includes such factors as the social and political cohesion of the adversary, economic power (especially as it affects military effort) and important but subjective factors such as morale and will. The Soviets tend to be much more aggressive at all levels of foreign policy when the leadership concludes that the correlation of forces has shifted in a direction more favorable to world socialism or against the interests of the developed capitalist West.

The period following the U.S. withdrawal from Southeast Asia and Watergate was, according to this analysis, a particularly dangerous time, contributing as it did to the Soviet perception that the social and political cohesion, morale, and will of the West in general and the United States in particular were collapsing. In retrospect, it is clear that the Soviets moved against the West on many fronts after 1974. An aggressive U.S. intelligence during this time could have prevented many of the previously mentioned intelligence failures of this period. But aggressive intelligence operations were not possible because policymakers did not wish to go out on a limb to defend such operations against public attack.

Some of us saw it at the time. See memo: "Soviet View of Detente."

If the record of the U.S. intelligence establishment during the Carter administration suggests that the Turner test will lead toward excessive caution when the public has been stirred up against the intelligence agencies, how would a prudential approach make things different without swinging away from idealism and toward the cynical realism described by Turner?

A prudential approach to intelligence, as to foreign policy in general, begins with the recognition that questions concerning U.S. actions in the world cannot be resolved in a theoretical void. The examination of the conduct of international affairs must be done within the context of not only the specific problem, but also of the nature of the countries involved and the probable consequences of taking a particular action. The means of foreign policy, including the use of force and covert intelligence operations, are not in themselves legal or moral. The morality and legality of these instruments depend on how they are used, by whom, and for what purposes. Consider what the United States as a regime is up against in a hostile world. According to Lenin in a 1920 speech to a Komsomol conference

> We say that our morality is entirely subordinated to the interest

> of the proletariat's class struggle. . . . Morality is what serves to destroy the old exploiting society and to unite all the working people around the proletariat which is building the new socety. . . . To a communist all morality lies in this united discipline and conscious mass struggle against the exploiters. We do not believe in an external morality and we expose the falseness of all fables about morality.

The justness of the goal, as well as the justness and proportionality of the means, must be taken into account. A covert intelligence operation is an instrument, a means to an end. If the end is good, the proportionate use of such operations to achieve the end is legitimate.

Furthermore, it must be understood what the unconditional rejection of covert intelligence operations means for the hope of establishing a liberal order in the world: to reject their use is to reject an important tool of statecraft, and to provide an incentive for our adversaries to use all the means at their disposal, at little or no cost. This observation is confirmed by the fact that since the end of World War II, every retreat by a democratic nation for want of will to use the tools of statecraft has been followed by the advance of a totalitarian nation.

The fact is that a liberal world order and the components of this order such as peace and human rights, desired by many of those who unconditionally reject covert intelligence operations depend upon the strength of the United States and its allies. In order to achieve the goals of a liberal foreign policy, the United States has no choice but to participate fully in world affairs. And such participation may, at times, require the employment of military or paramilitary means. It is often asserted that the United States puts too much faith in military solutions as opposed to political ones. But all solutions in international affairs are political: the military or paramilitary option is just one aspect, and indeed may be required for the success of other options. To distinguish artificially between military-paramilitary and political solutions is to give the advantage to the heirs of Lenin, who understand the continuity of war and politics and who act accordingly, to the detriment of a liberal world order.

Pascal observed that while force without justice is brutal, justice without force is impotent. His point is that it is necessary to combine justice and force. It is true, of course, that the use of covert operations may require the violation of international law, at least as interpreted according to a narrow, legalistic viewpoint. But those who unconditionally reject the use of such operations must acknowledge that prudence sometimes dictates that the form of international law must at times be sacrificed for the sake of that which the law is intended to accomplish: the protection of life and liberty and the maintenance of a liberal world order. For critics must recognize that in the end, international law depends for its continued existence on the strength of liberal nations, such as the United States, and their demonstrated commitment to support a world order dedicated to liberty and human rights.[2]

Thus we may accept Turner's characterization of the United States as a democracy with high ethical ideals, one worth defending against brutal adversaries who would destroy the ideals along with the nation that upholds them. Precisely because this is the case we should not accept his ethical test for covert intelligence operations because it has the effect of establishing an inflexible rule which inhibits such operations at the time they are most needed.

Prudence indicates that the United States, as a fundamentally decent and good regime, should be defended with whatever tools are necessary under the circumstances, limited only by the concept of proportionality. The founders recognized that something as important as the defense of the Union could not properly be constrained in advance by universal rules. As Hamilton wrote in *Federalist 23*, the powers necessary to defend the nation

> ought to exist without limitations, because it is impossible to be foreseen or define the extent and variety of national exigencies, or the correspondent extent and variety of the means which may be necessary to satisfy them. The circumstances that endanger the safety of nations are infinite and for this reason, no constitutional shackles can wisely be imposed on the power to which the care of it is committed. This power ought to be coextensive with all the possible combinations of such circumstances; and ought to be under the direction of the same councils which are appointed to preside over the common defense.
>
> . . . the means ought to be proportional to the end; the persons from whose agency the attainment of any end is expected, ought to possess the means by which it is to be attained.

Hamilton and the other founders appreciated the harshness of the international arena and never for a moment underestimated the ambition, vindictiveness, and rapaciousness of the United States' potential enemies. Nor can we.

Notes

1. This claim is made in Richard Cummings, *The Pied Piper: Allard K. Lowenstein and the Liberal Dream* (New York: Grove Press, 1985), pp. 472–474.
2. See, e.g., Mackubin T. Owens, "Grenada, Nicaragua, and International Law," *This World*, No. 9, Fall, 1984, pp. 3–14.