

ETHICAL "NEED TO KNOWS" FOR INTELLIGENCE OFFICERS

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To establish a consensus for discussion of the intelligence profession as similar to or distinct from other professions, and to assist us in arguing for the importance of a professional ethic, we define "profession" as an honorific title founded on a unique competence in the performance of special tasks or services with a commitment to community-related services which establishes a professional-client relationship.

The intelligence officer is a highly trained professional with strict standards for performance, conduct and promotion within the profession. Through additional training and overseas travel the intelligence professional is obligated to improve skills in the clandestine collection and analysis of secret information, while always mindful of the responsibility of being a public servant. We assert that the source of an ethical dilemma of keeping secrets in an open, democratic society resides in an unclear notion of who is our client, particularly if circumstances merit security classification of intelligence information. Therefore, we must ponder whether the need to maintain secrecy overrides the right of the American public for an accounting of our activities. As professional intelligence officers we must know for whom we are acting as a moral agent and what does secrecy do to change the nature of the professional-client relationship in the sphere of national security affairs?

It is the view of the professional intelligence officer that our clients are ultimately the American people, but in the day-to-day effort to get our job done, few have an opportunity to reflect upon this. Under our system of government the congressional oversight panels and the existence of a free press serve as protectors of the public's interest. Accountability for intelligence operations should be ensured through this reflection of the nation's conscience.

We must also consider the special responsibility of the intelligence officer as one who is obliged to work in secret, obliged to perfect the skills of the profession, and to employ these skills solely for the benefit of the American society or client. Some of the skills of the professional intelligence officer if exercised outside of their proper purpose or place would be both illegal and immoral. Moreover, the purpose and unique expertise of the intelligence officer is not too dissimilar from the military officer. Both professionals employ skills that have little direct application outside of government. Both support policymakers by managing the use of force in an effort to ensure peace by protecting information and operations vital to our national security. In a sentence, the intelligence professional, like the military officer, protects innocents against aggression.

The fundamental question remains, how do ethics relate to the intelligence profession? After all, it is clear that intelligence officers are supposed to be ethical. That the Intelligence Community has an ethically responsible task is also clear. However, how ethics relate to the specifics of their work and what an individual officer needs to know about ethics is not clear. This issue is not talked about much in Intelligence Community probably because the "business" of intelligence is shrouded by secrecy, need-to-know, distrust, and deception. Perhaps some prefer the role of ethics in international affairs to be "as little as possible."

When attempting to set forth a body of principles for the conduct of intelligence operations and the inculcation of these principles for officers serving in the collection and analysis components of organizations such as the CIA, one is faced almost immediately with several key questions.

Are there general moral principles governing the conduct of professional intelligence officers? Do we have a code of ethics similar to those which apply to other professions such as law, medicine, and the military? If so, whence do they come, how well are they understood by intelligence officers, and how do we teach them to those involved in collection, analysis, covert action, and the management of intelligence operations? If there is not a recognized code governing the conduct of intelligence operations, in what manner are limits set on what is acceptable and needed and how do we prevent our profession from accepting guidelines such as "the end does justify the means" or "everything goes, just so you don't get caught?"

Our intent is to present the nature of this question, to describe the moral vitality and bankruptcy of various theoretical approaches to this problem, and to devise a systematic means of processing an ethical question which can be taught to the practitioners of this profession. We assume the intelligence profession possesses power in the form of secret information and this represents a kind of force that can be used to

protect our national interests. We therefore advocate the application of just war theory as a way of establishing certain prima facie evidence against the use of force in secret intelligence operations until such an act of force may be justified under these criteria. We therefore assert deontological principles against intervention and the use of secrecy except in justifiable cases. Hence the burden of proof is on the consequentialist who must reasonably justify a divergence from the deontological principles by applying the just war criteria. Where possible and within the limits of security we will provide case studies representative of the types of dilemmas that may confront the intelligence professional.

ARGUMENTS:

There are several hypothetical arguments which can be made on the issue of whether there exists a body of ethics governing intelligence operations. These arguments will provide a structure for further discussion of the dilemmas.

The Personal Integrity Argument:

We should make sure that we hire people who are loyal, patriotic and who have the personal qualities and qualifications appropriate to handling intelligence materials. This requires a painstaking background check, including the use of a polygraph interview. This process should result in the hiring of the kinds of "honorable" employees referred to by former DCI Bill Colby in his book, Honorable Men.

This argument is based on the establishment of critical values or personality traits and our ability to recognize those who are "honorable" and discard those who don't measure up.

It places a great burden on our recruiters, personnel officers, medical officers, security and others who manage the selection process. This kind of hiring process may not inspire the ethical consciences of employees, is not likely to offer guidance for handling an ethical dilemma, and runs the risk of creating Kantian ethical egoists or "yesman/yeswomen." Cynics would suggest that, rather than "honorable" employees, CIA should be seeking those who are able to operate unhindered by stringent ethical considerations.

"I'll Know It When I See It" Argument :

This argument builds on the individual's ethical principles and allows the intelligence officer to define them for himself or herself according to his or her own moral thresholds and boundaries. This argument suffers from an absence of absolutes,

the lack of an understanding of common corporate or community goals, and an inability to teach others what is correct and appropriate behavior. It is a sequel to the first argument in that "honorable men" are expected to know on the basis of their upbringing and other factors what is right--but this "right" can be very subjective.

"What can we get away with" approach:

This epitomizes situational and anarchical ethics at its worst. It reflects the view that "everything is right, just so you don't get caught at it." It says that intelligence must be shrouded in a cloak of secrecy which should be impenetrable by the American people. Under this argument no one admits responsibility for intelligence failures. This argument betrays the values of our open democratic society, the spirit of the Constitution, and jeopardizes the oversight role of the Congress. Nevertheless, when faced by the constant compromise of sensitive intelligence operations and methods through unauthorized public disclosures, one must be concerned that there could be pressure to turn to this argument as a form of self-defense.

The Hobbesian Approach:

This approach implies "do it to them before they do it to you." It is most frequently heard in the context that the KGB is doing all sort of dastardly things and, if we are to compete, we are going to have to play the game using their rules. Despite the temptation to get a good lick in against the KGB, this argument violates all our democratic traditions and principles.

Chain of Command:

This argument says that we are much like military officers, following orders as we are expected to do. It raises what is probably the worst dilemma faced by any government official--to whom or what does an officer owe allegiance and in what order? To God, self, country, organization? Who makes up the rules and who sets the priorities? When what you are asked to do violates either personal or institutional principles, how do you stand against someone considerably senior to you? This dilemma will be the basis for further discussion in this paper.

We all have our own set of principles, our personal understanding of what is right and wrong. In our personal lives we know well what is legal and moral, and appreciate the penalties for breaking the rules. Intelligence, by its very nature, may involve certain activities that might violate the laws and customs of other countries. It is not a malum in se, but it is through an appeal to higher good--to the necessity of

providing an adequate defense for this nation--that one finds a moral basis for the conduct of intelligence operations. Is it possible that there could be a different set of moral principles which apply to institutions such as the CIA and to nations involved in intelligence collection and analysis?

The dilemma between what is ethical as an institution, but what might not be ethical for an individual, was faced by Richard Helms when he was asked before an open session of Congress a point-blank question on CIA involvement in Chile. His responsibilities as DCI were to protect intelligence sources and methods and to deny any involvement. His personal ethics said to do so was a lie. Since he was testifying under oath, he also had a legal responsibility not to lie to the Congress. This is the type of dilemma which intelligence officers try to avoid, but which they may face on a smaller scale every day.

Two prominent schools of thought on the development of an ethical code for intelligence officers are represented by Professor Arthur Dyck and General Maxwell Taylor in their discussions of the bases for a professional military ethic. Both agree that professions should be elevated by incorporating an ethical code to preserve integrity and as evidence of a commitment to the client being served.

Dyck advocates a traditional approach to professional responsibility that depends on the quality of the person's own ethical reflection founded on the values of duty, country, and honor. Taylor, on the other hand, advocates a "do-it-yourself" approach to professional ethics that measures the ethic in terms of mission success. Each gentleman's argument hinges on whom they perceive to be the client. Dyck understands the community to be the client, while Taylor focuses on the military mission and the principles of national security. For the professional intelligence officer there is, in addition to the above values derived from a loyalty to self and to country, a loyalty to the intelligence system itself. Sometimes the conflicting interests between these competing loyalties create a personal or corporate dilemma.

Taylor denies that ethical judgments can be made by any community outside of itself and this is a case likewise frequently made by the professional intelligence officer. In other words, Taylor insists that a military code be formulated by officers exclusively. The code would commend principles of behavior to the officer corps and not necessarily the community at large. Taylor substantiates his point by asserting that few people outside of the Defense Department would be qualified to distinguish between right and wrong in the military. Again, many in the CIA would make the same argument.

Unfortunately, the proper conduct of the military or the intelligence professions cannot be so narrowly understood. The Taylor argument assumes that only professionals in a field may justifiably make judgments on

their own professional conduct. This would create serious problems within the intelligence profession if we were to follow this line. Decisions of intent have to be subject to the judgment and the integrity of the client. Our problem remains that because what we do is necessarily secret, the client does not possess full knowledge of the circumstances and may not understand what is at stake.

Taylor probably would argue that the ideal intelligence officer is one who can carry out the assigned tasks and missions efficiently. He might conclude that the demands of intelligence might not require the absolute Kantian moralist. Dyck, on the other hand, argues that professionals can and should engage in ethical reflection to evaluate their own hierarchy of values and that this process need not impair power, authority or credibility. Rather, ethical reflection can serve to bolster these qualities.

The nature of our business--with an inherent necessity for secrecy and deception--should not disguise nor betray our obligation to our clients or whomever they may have entrusted to act on their behalf with sensitive intelligence information.

Our actions are first governed by US law, although some of these statutes were written in such a way that they are subject to a broad interpretation. To deal with these statutes, CIA seeks assistance from its own legal staff, as well as from the Department of Justice and other governmental bodies. A review of intelligence law indicates, however, that it is difficult to derive a moral standard from this source. Many situations are deliberately left fuzzy. Where there are specific requirements or prohibitions, these usually have been placed on the books as the result of an executive or legislative judgement that a situation or practice needs correction or regulation. We also operate under Executive Orders which have the force of law, but which can be changed by the President without reference to Congress and the Courts. These are a little more specific than the US Code, but may not provide guidance in all cases. Executive Orders issued by Presidents Ford, Carter and Reagan all specifically prohibit the use of assassination. This stricture was established as the result of congressional investigations that uncovered efforts, albeit unsuccessful, to murder specific foreign political figures. Despite this guidance, questions continue to be raised in the press about CIA practices in this regard, and some observers do not see the Presidential order as guidance which has universal applicability

If laws and regulations do not provide adequate moral guidance, what can you fall back on? And what is customary and proper in intelligence operations is hard to codify and particularly hard to provide to new employees. We all have a personal sense of what is right and proper, but how do we evolve an institutional sense---what are the traditions within our profession, and how do these correspond with what this nation, through its citizens and their elected representatives, consider to be justifiable and moral options?

Here we find the crux of the dilemma. In an open democratic system of government, "We the People" govern and each federal official is ultimately responsible to the people. But how can you keep the people adequately informed about sensitive intelligence operations? Even if they knew the details, they frequently would not comprehend the whys and wherefores of the conduct of clandestine operations. The principal question, therefore, is whether public sentiment can serve as an adequate judge of the ethics of our profession. We have tried to formalize this through the use of congressional oversight. This has provided for collective responsibility on the part of both the executive and legislative branches of our government, but recent press reports indicate that there remains considerable skepticism in public about the effectiveness of this system.

It is necessary at this time to outline some of the types of intelligence activities considered in this paper, so that we can discuss the ethical principles which apply to each of them. The first category involves clandestine intelligence collection operations which are meant to be secret. We are attempting to obtain information denied to us through normal means. In fact, other governments, especially in closed societies, use specific methods to prevent us from learning information they wish to restrict. We use various methods, including the use of human agents, spies, whom we recruit to obtain the information using clandestine methods. This, by its very nature, requires a certain amount of deception. Our officers serving overseas need to have cover stories to protect their clandestine operations. Because every nation considers spying to be illegal and those who get caught are subject to severe penalties, cover stories are important not only for the safety of intelligence officers, but also to protect our agents and our very ability to conduct espionage. The deception is not intended to be malicious; it is used to hide the true identity and purpose of those involved in what we consider to be legitimate aspects of espionage. In moral terms, a certain amount of operational deception is proper if used to protect the clandestine operation and those involved in it. It is not proper if used to hide embarrassing outcomes from the American people.

There is clearly a requirement for a certain amount of deception in clandestine operations. At times we must make others believe that we are doing something that is plausibly innocent when in fact we are conducting secret operations. This is an extension of the principle of cover and provides the clandestine officer a means to open a door or peek through a window so that a secret operation can be undertaken. Clandestine operations to gather information inevitably involve human relationships as well. A recruitment is frequently made on the basis of personal friendship and mutual trust. Nevertheless, the intelligence officer must have some measure of control. Thus, these relationships may involve

manipulation or deception. To what extent are the practices needed to maintain control "honorable?" Does this create a moral dilemma for the intelligence officer involved in such operations?

Clandestine operations are considered to be correct and morally justifiable as long as they are conducted on the basis that they are needed to protect the state. But they would not be morally justifiable if they violated the basic principles for which we stand and the institutional traditions of this intelligence service.

That is easily said, but how do we, as professional intelligence officers, know what is morally justifiable and what is not? Under what standard do we operate? Who sets the rules and how do we apply them in a given situation? It certainly encompasses more than the intelligence laws, and the ethics of this institution and profession do differ markedly from any other body of personal or professional ethics. (In fact, we come closer to those ethics which apply to the military profession than most intelligence officers recognize.)

In order to provide some kind of guideline, we have developed what we call the Chomeau-Rudolph proposal. It holds that:

--We follow the guidelines for duty, honor, and country.

--We upgrade these principles using "just war" theory as a systematic approach to ethical problems inherent in intelligence operations and analysis.

The goal of the Chomeau-Rudolph proposal is to increase the morally appropriate options available to professional intelligence officers.

Duty: obligation not only to do the job, but within ethical norms. Therefore, one needs a knowledge of the moral principles and a facility developed through practice in applying them.

Country: seeking to uphold the Constitution, but should extend beyond the strictly legal underpinnings to cover other criteria of professional competence.

Honor: emphasize moral development to be as important as physical, intellectual, tradecraft and other criteria of professional competence.

We have determined that the most sensible basis for justifying the use of intelligence operations corresponds with the general principles for the use of military power in the protection of the nation-state. Thus, we have turned to the "just war" theory to provide a framework for establishing moral principles for intelligence. Making moral assessments on complex matters requires applying universal principles and making

prudent judgments. The variables involved in these moral assessments include: (1) the type of logic involved, (2) the perceptions of the facts as they apply to the case at hand, and (3) the values of the judges.

The logic we have employed starts with the basic deontological principles favoring nonintervention, honesty, and trust in another country until such time that holding such values can cause more harm than good. In other words, the burden is put on the consequentialist who must argue a case for a departure from the absolute moral principles. A consequentialist may be justified in recommending a clandestine operation to counter the hostile actions of another country against us or the use of deception to protect U.S. interests or operations.

The accurate perception of facts, in a mass of noise and attempts on the parts of others to confuse us, is a critical part of our profession. Knowledge is our product. We endeavor to maintain analytical objectivity for it is key to the integrity of our work. Analytical perceptions which have been distorted by policy preferences, political ideologies, and personal bias may obscure the facts. We must ever be cognizant of these pressures, and potential dilemmas created when policy skews analytical judgments.

Finally, the values of the judges--our policy-level consumers and the American public--become the true arbiter of the activities of the intelligence system. Frequently we must consider what projects will look like to the public when (not if) exposed. But people who are basically moral can reach quite different conclusions about what is right or wrong. In intelligence operations there is no truly objective right or wrong which is universally understood. We must attempt to operate within a schema of ethical norms which is commonly understood and applicable to our profession. We believe that this schema is contained in "just war" theory.

The "just war" principles have evolved over the centuries and are well understood to apply to the ethical standards to be followed by a nation at war. Since the major function of intelligence is to provide early and adequate warning of an attack by forces inimical to the nation, one can derive an extension of the "just war" principles to intelligence. The CIA was formed in 1947 primarily to protect the US against a growing Soviet threat and to insure that we would suffer no more Pearl Harbors. Initial focus was almost exclusively on the USSR and its allies, but recent threats to this nation have taken so many other forms that we have come to use intelligence to provide timely and accurate information on a whole host of issues that affect the security of the US and its people, including economic and agricultural problems overseas, as well as problems such as terrorism and narcotics.

To review briefly the jus ad bellum requirements:

- just cause--defend one's state, citizens, allies.
- just intent--restoration of peace, freedom.
- probability of success--can we pull it off? ~~not~~
- proportional objectives-- counterintervention, preserve secrecy of operation.
- last resort--all options considered, exploited.
- ordered by competent authority--President, DCI, etc.

The jus in bello requirements are:

- discrimination--no assassination, invoke double effect principle.
- proportionality--cause limited damage, undertake "acceptable risk."

A reasonable explanation for intelligence capability is the argument of the consequentialist who remains true to the value of Duty, Country, and Honor but can justify a departure from the prohibition on the use of force.

The consequentialist is justified for arguing for a use of force given:

that the superpower nature of the US places such an obligation on it that not acting in a certain situation could be more evil than acting. Policymakers as well as intelligence officers must consider the right thing to do in the context of the real, rather than the ideal or hoped for situation...and the price of neglect may be too high. In many instances the instrument of choice in the conduct of foreign affairs is the quiet and deniable use of intelligence resources instead of the more forceful and overt means, such as military force. But there are some serious considerations, including the ability of political leaders to develop a consensus that the non-war options are viable and acceptable. How does one integrate the wishes of the American people and to what extent should their intentions control the planning and execution of intelligence operations? If secrecy is an executive privilege in our society, how do we protect our secrets from other components of our own society? Some effort must be made to weigh the moral imperatives against the possibility of damage to the nation if secret operations are not used.

Staying for the moment within the rubric of clandestine intelligence collection, the principles outlined above suggest that you must seek information in which this government has a legitimate interest. Operations simply for their own sake are not justifiable. The officer seeking approval for a particular collection effort needs to have a specific goal in mind in order to gain approval. The CIA has an internal

review mechanism to assure this is the case. The principle of "just means" is a little more murky, but there are well-understood professional standards included in what we call "tradecraft, or the proper conduct of clandestine operations. These principles are taught to all clandestine service officers. An officer who departs from the norm or uses unethical means to gain information runs the risk of criticism, reprimand, and endangering future operations.

The principles of last resort and proportionality come together in the conduct of clandestine operations. Our officers understand that they should be working to collect only that type of information which cannot be collected by other means. If the information is available through unclassified references, can be collected overtly by State Department officers, or through clandestine technical means, then the case officer should question whether the use of an agent is proper. Sometimes the agent will be asked to provide reporting in order to verify or amplify data from other sources, but that would still meet the criteria of last resort and proportionality.

The last criterion, likelihood of success, is one of the most troublesome. Sometimes the information desired is so valuable that extremely high risks and costs in an attempt to gain it are justifiable. In every operation the key questions to be asked are how much risk can be accepted, what is the potential payoff, and what penalties would have to be paid if the operation failed. As with the rest of clandestine operations, these principles are taught in training programs for clandestine service officers and are part of the review process undertaken before CIA Headquarters approval is given.

Let us review a few illustrations of the types of dilemmas faced by clandestine officers. All would agree that it is wrong for government officials to accept a bribe. Is it wrong for an intelligence officer to give a bribe in the course of operations to accomplish the task? There are many areas of the world where bribery is an accepted norm. Another interesting situation might involve a cover story that is starting to unravel. The basic principle in the use of cover is deniability. Should an officer deny association with intelligence--that is, lie--to maintain cover? Intelligence officers are taught to maintain cover even if taken prisoner and there is ample evidence about the activity in question. Is it a lie and immoral to persist in a cover story at that time? A good example is the U-2 incident in which Francis Gary Powers was shot down over the Soviet Union. His cover story was that he was on a weather reconnaissance flight and had gotten lost. President Eisenhower stuck with the cover story despite clear evidence that first, Powers was alive and second, that the Soviets had recovered parts of the aircraft. When Khrushchev paraded the evidence out in front of Soviet television cameras, however, deniability was gone. At that point, President Eisenhower came forward and assumed complete responsibility for the operation. This was proper, for to continue in the denial was no longer

justifiable in an attempt to protect sources and methods. They had been totally compromised. To continue to deny would be to lie without purpose or effect.

A totally different set of problems arises in the area of intelligence analysis. These may result in part from the separation between operations and analysis. While there is good communication between the officers involved in both activities, the functions are quite distinct, and because of compartmentation--or "need-to-know"--analysts and operations officers carry out their tasks in what might seem to be two different cultures. Nevertheless, they must understand their collective responsibility to the system as a whole. One of the points we attempt to inculcate in training is that all Agency officers are collectively responsible for whatever the CIA does. An analyst cannot distance himself or herself from operations and say "that is not part of my business and I don't know what is really going on in the clandestine side of the Agency anyhow."

In the business of intelligence analysis, principles of business ethics may provide better guidelines than the "just war principles" which we have applied to clandestine operations. The CIA analytical function was set up to provide to the DCI and to the White House a truly independent group of country and technical experts who could determine the threats to the US as they saw them. Intelligence analysts must not get involved in the formulation and implementation of policy, nor can they construct their analysis so as to favor one particular policy position over another. This means that the CIA analyst must walk a very fine line in order to provide information which is both objective and policy or program relevant without taking sides in the internal fights within the Administration which frequently evolve over these issues. In addition to providing intelligence to the Executive Branch, CIA also provides intelligence analysis to the Congress. In the US system, that inevitably means that the Agency will be providing information to a legislative body that may seek to overturn, stop or alter the policies of the Executive. That raises the question of "For whom are we really working?" Former DCI William Colby, just prior to his testimony before a Senate committee, responded to that question by saying that our obligation is to the truth.

All analysts have personal opinions and biases. It is hard to write a truly objective article which does not in some way reflect how the analyst feels about the issue. We used to say, when training analysts, "are you starting with the premise that the glass is half-full or half-empty?" If an analyst believes that the Administration is off on the wrong tack, is it proper to attempt to steer or change policy through analysis? Some analysts believe that they should try to change the views of policymakers through their analysis---not understanding that high level policy decisions are based on many other factors than just the "objective" facts and interpretations provided by intelligence specialists.

The most serious ethical problem faced by intelligence analysts is the attempt by others to politicize their product. The CIA by and large has been able to stand back from policy and program squabbles, but it is very possible to state what is considered to be a non-political view and discover that the analyst has lined up on the side of one of the principal policymakers and has perhaps alienated others. Sometimes, then, what is perceived as politicization is only an association of our analysis with a specific policy position. Most intelligence analysts jealously guard their position as guardians of the truth and resist strenuously any attempts to co-opt them. Sometimes, however, we go so far in an attempt to maintain our independence and objectivity that we find ourselves taking a line of reasoning which argues a position which is in opposition to a policy which has been espoused by the Administration.

There are enough checks and balances built into the system so that the view of any one analyst does not get out until it has been reviewed and coordinated with all the other analysts who have an interest in the subject. There is also a very cumbersome, but necessary, mechanism for editorial and managerial review of papers before they are published. If an individual analyst believes that he or she is not being adequately heard on a key issue or that his or her analysis has been politicized, there are several avenues of appeal. There have been a few analysts who have resigned in protest and taken their case to the American people (as did Sam Adams over the differences in the counts of enemy forces in Vietnam), but these cases are quite rare.

Covert action, which can be quite controversial, is the type of intelligence issue most frequently discussed in the media. It accounts for only a small fraction of CIA's overall effort and does not relate either to the collection of secret information or the production of intelligence analysis. It does provide a covert means to the Administration for the execution of US policy overseas. That the CIA is the executive agent for most covert activity on behalf of the US Government is almost an accident of history. When the national security apparatus (including the National Security Council, the Department of Defense and the Central Intelligence Agency) was being created in 1947, the logical place to put the responsibility for covert action was in the CIA. These kinds of operations had been performed well by the OSS in World War II. It seemed to make sense to continue to use those methods as the Cold War began in earnest; and although we can not brag about our successes, covert action has made a positive impact in many instances.

The major feature of covert action is that it is deniable, i.e. that the hand of the US Government is hidden and deniable. It is designed, in part, to head off nasty situations overseas which could harm the US and its interests and secretly to favor those who are most likely to support us. Many of the recipients of US covert assistance would be seriously compromised should the fact of the covert action be known. For this

reason, it is necessary to take extraordinary measures to protect these relationships. Unfortunately, in recent years thanks to investigative work on the part of some journalists and because of leaks of sensitive information, the details of many of these covert activities have been compromised. Such revelations force the intelligence and policy communities into even greater secrecy and can set up great pressures on those charged with the protection of intelligence sources and methods. This creates a dilemma which has been faced by every DCI since Richard Helms. The DCI must balance the need to protect the viability of clandestine assets against the obligation to keep both the Executive and the Congress informed about intelligence operations.

There are no clear principles which apply in the use of clandestine or covert action. Each case must be judged on its own merits. There is once again implied in "just war" theory a basis for the right of one government to interfere in the affairs of another, so long as the principles of just cause, just means, proportionality, etc., prevail. It is where they are exceeded or ignored that we run the risk of conducting a covert operation which violates both the principles of the Agency and the nation.

The major moral principle we would set for the conduct of covert action is that it should be the sort of thing that would be acceptable to the American people, if its details were revealed--remember what we said earlier about "We the People." The final judge in these matters appears to be American public opinion as reported in our public media and expressed through our elected representatives. The problem is that we are not dealing with an informed public in most instances relating to espionage and covert actions. Does the public appear to trust either officials of the administration or their elected representatives to do what is right and proper? Just mention the name CIA in some circles in this country and you conjure visions of agents working the back alleys of the world doing things that Americans would not approve of. To make our system of checks and balances work, someone must do a more effective job explaining the why of what we are doing without revealing any of the secret specifics. In that sense, the intelligence system is dependent on the White House to explain its use of intelligence resources within the bounds of secrecy, and it is also dependent on the Congress which must learn not only what is going on, but also keep in mind what the American people would think about such operations.

If the American people are truly the final arbiters of policy in this country, and of what is ethical and moral, they need to have enough of an understanding of what is at stake to make informed judgments on these matters.

So what ethical construct do we have and how do we teach it in the classroom? First, it is patently clear that despite the problems of defining, in a universal sense, what is ethical, the CIA needs to have a commitment to teaching ethics to its employees. The nature of our work

is such that it is not sufficient merely to depend upon hiring the right people. Loyalty to the Agency as well as an understanding of what is appropriate in various situations can be taught in the classroom and handed down from one generation of intelligence officers to the next. Each CIA employee comes to us with a strong personal set of moral values. We are very careful to screen for these and to hire "honorable men." In our training and orientation programs, we strive to inform our officers of laws and regulations relating to our profession as well as to instill in them some of the ethos of the CIA and our traditions. Old hands usually take the newer officers under their wings and help them develop an understanding of the sensitive nature of our work and some of the principles which govern our behavior. In training classes, we frequently resort to case studies and a discussion of the pros and cons of some of the more sticky operations. It is necessary that every CIA officer has an adequate understanding of what the other components are doing--without revealing even to other CIA employees the details of the more sensitive operations. Nevertheless, the bottom line is that there is no code, no universally understood set of principles. In our work, the end does not justify the means, but it frequently charts the course which must be taken. It is up to the professional intelligence officer to choose the right and proper course of action to obtain the proper results. "Just war" principles can help, but the final judge does appear to be what the American people and their elected representatives would hold to be necessary and proper.