

Morals of Intelligence

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BURYL CHADWICK COOPER, APR 19 2008

While discussing intelligence operations and its related covert functions, the issue of ethics and morals arises. Philosophers have divided morals into three areas: metaethics, normative ethics, and applied ethics. A brief investigation into the philosophy of morals and ethics (and its inherent elusive definition) helps one better understand how morals apply to intelligence activities. While many perceive spying and espionage as immoral due to the nature of deception and surrounding levels of secrecy found in its operations, moral judgments have governed intelligence related functions since before the U.S. gained its independence from England. Due to the potential loss of human life and domestic and international implications and values, morals, as defined by the public, must continue as a guiding force in planning and conducting intelligence operations.

When discussing morals three categories of ethical philosophy arise. First, metaethics, the most theoretical area of moral philosophy, deals with questions surrounding the nature of morality.[1] Next, normative ethics is concerned with providing a moral framework to determine what is right and wrong.[2] Normative ethics theory is divided further by assigning the morality to the actor, the action or the consequence.[3] The normative philosopher might ask, "Is the assassin, the assassination, or the outcome right or wrong?" while the metaethics truth-seeker would ask, "Is there right and wrong" or, "Moral, compared with what?" Lastly, applied ethics is the most practical philosophy and applies normative ethics theory to specific cases, identifying the morally just choice.[4] Author, Loch Johnson, identified 38 individual covert intelligence operations and ranked them morally according to applied ethics theory.[5] While understanding that nearly every person has a different outlook and opinion on individual and conceptual morals, it is important to understand that, in a democracy, the public must define what general moral philosophy is appropriate and should be employed by the government and its intelligence agencies.

The United States has depended on spy craft since the times of George Washington and his contemporaries. One of America's first spies, Revolutionary War officer Nathan Hale, supposed, "Every kind of service necessary to the public good becomes honorable by being necessary." [6] Standing outside of CIA headquarters, a statue of Hale reminds and suggests to its employees that the ends justify the means. If this assumption is correct, do conventional morals have any bearing on the daily operations and covert actions undertaken by intelligence operatives? The answer depends on the responder's perspective, whether they take a realist or idealist view and how they define morality and ethics.

Many writers have considered the morality of war and intelligence activities as functions of war and attempted to define it. Italian political philosopher Niccolo Machiavelli (1469-1527) argued in *The Prince*, that the security of the state is so important that it may justify certain acts by the ruler that would be forbidden to other individuals not burdened by the responsibility of assuring that security.[7] Some may consider this view immoral, while others argue that political leaders must follow a code of conduct different from that of the average citizen.[8] By observing two distinct codes of ethics: first, conventional religious ethics concerned with salvation of the soul and, second, moral obligations of rulers, who must provide for national security, one can see how, as an individual, the ruler should be "good" in the conventional sense, yet be willing to practice "evil" if the duties of governance require. From the Machiavellian perspective, the rulers are morally bound (above conventional morality) to provide for the security of the state- this idea is the prevailing perspective amongst the intelligence community and government at large.

Despite the morality that many believe to be inherent in government service, others, including the father of U.S

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modern intelligence, Herbert Yardley, consider intelligence and its related covert activities less than respectable. After a trip to Europe, Yardley concluded that the British cipher bureaus “had a long and dark history, backed by a ruthless and intelligent espionage,” and that Great Britain was an international power due to such behavior.[9] Yardley concluded that to gain “equal footing” with European powers, the United States needed to build and finance a team of skilled intelligence officers.[10] His outlook parallels many others, both within and without of the Intelligence Community, that intelligence operations are an unavoidable evil that help to ensure the survival of the sovereign state and the protection of its citizens.

Without federal government, national anarchy would prevail. In fact, the world is in a state of international anarchy at present due to the lack of a strong international governing body. Englishman Thomas Hobbes (1588-1679) was concerned with the lack of a global government, “There must be some coercive power to compel men equally to the performance of their covenants, by the terror of some punishment, greater than the benefit they expect by the breach of their covenant.”[11] Today, the United Nations serves as an international governing body, yet, it often lacks the strength and unity to “compel [nations] ... to the performance of their covenants.”[12] Without a strong international power to enforce law, it is incumbent among individual nations to seek self-preservation and build a hegemonic power. Without a legitimate and powerful international government, there are no moral obligations to govern the relations of states and each state must fend for itself, employing all means available- including war and spy craft.

The U.S. government has, though elected and non-elected leaders, identified broad morals and codes of ethics to be followed in both domestic and international situations. Consider the Constitution and the Bill of Rights, these documents identify inherent “truths” and “rights” that must, according to the Founding Fathers, be respected and defended. The Fourth Amendment prohibits unreasonable searches and seizures by the government of U.S. persons, thus creating a law and standard for intelligence and law enforcement agencies to adhere. If following the Constitution and law is the “right thing to do,” and thus, moral in the classical sense, the Intelligence Community should aggressively seek to follow its guidance and standards as interpreted by the Judicial Branch.

Various organizations and judges have added to the Fourth Amendment and helped define what it means to the present day government and its various branches. The National Security Agency abides by the Fourth Amendment and, according to the Director of the NSA, its employees follow “USSID 18, which is kind of our library of instructions of how to conduct SIGINT and protect privacy.”[13] These laws and guidance, created by nationally elected leaders, reflect the moral sentiment desired by the people of the United States. The Intelligence Community is morally bound to follow these directives and exercise the will of the people. Although government edicts are often incredible long and seem to cover every situation that may arise, inevitably, cases arise that require the moral judgment of an individual. This person must, to the best of his or her ability, choose the moral right and exercise what he or she believes to be what the will of the people to be.

Certainly, there are intelligence activities that are more controversial than others are. In attempting to define the moral “right,” intelligence strategists have identified an array of both overt and covert activities that the United States may apply against other nations and actors. These activities are categorized based on their level of “intrusiveness ... from nonforcible to forcible intervention.”[14] With potential intelligence activities listed and grouped into categories, it becomes clear that some actions carry more risk to human life than others do, and before employment, must meet certain criteria. Generally, the higher the risk for loss of human life, the more controversial and questionable the activity becomes. Additionally, exceptions are provided for in times of war or during a national or international crisis. Because the public allows exceptions to the morality of governance, “morals” may be reduced to “justifiable action” when applied to government.

Justifiable action was the code of ethics within the U.S. Intelligence Community from the 1950’s until 1975. During this era, the CIA planned coup d’états of freely elected governments and assassinations of foreign leaders while the NSA and FBI were regularly accused of spying on American citizens and politicians, as evidenced by the Watergate scandal.[15] Perhaps, due to the fear of nuclear annihilation from the Soviet Union, the public may have condoned many covert activities that would now be shunned. Others argue that the morally questionable covert activities conducted during the 50’s through the 70’s, however repugnant, resulted in the survival and ultimate success of the

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United States and the downfall of the Soviet Union. These actions and others echo the tenets of Machiavelli, Hale and Yardley- immoral in the general sense, yet necessary for the survival of the government, thus morally justified.

Additionally, the metaethics philosophy must be considered when comparing the covert intelligence actions of the United States with the actions of other nations. On July 10, 1985, a bomb tore a 3 ½ by 10-foot hole in the engine room of the Rainbow warrior; a second bomb destroyed the ship's propulsion system and killed one person.[16] French officers of the DGSE placed the bombs in order to prevent the ship's owners, Greenpeace, from interfering with French underground nuclear tests.[17] Six and a half years earlier, on Christmas night in 1979, a KGB special operations team led an assault on the Afghan palace, which was guarded by 300 loyal guardsmen and 3,000 regular soldiers. By KGB design, the attack left no survivors. In comparison of these despicable, yet possibly justified operations, the metaethics philosopher asks, "How virtuous is the United States, relative to the operations and methods of other nations?"

When comparing the actions of other nations against those of the U.S., one finds that the United States is not innocent of wrongdoing in past covert and overt affairs. The bungled Bay of Pigs operation and subsequent death and capture of Cuban ex-patriots and the slaughter of hundreds, if not thousands, of Panamanians during the deposition of Manuel Noriega are but a sample of U.S. deeds that are morally questionable. When asked about the 23 U.S. soldiers who had died, and the 324 wounded during the capture of Panama, President George Bush responded, "Every human life is precious, and yet I have to answer, yes, it has been worth it." [18] The morality and virtue of these U.S. intelligence operations and more has been the subject of debate for years and debate of new operations will likely continue in the face of recently revealed information concerning the NSA domestic spy program and the recent U.S. involvement in the wars in the Middle East.

During times of war, extreme measures are often permitted by leaders and citizens as required for the preservation of the state. The Bush administration declared that the United States is in a state of war against terrorism- paving the way for use of extreme measures. By declaring a war that may never conceivably end, the U.S. may officially be in a "state of war" indefinitely. Official war or not, Hobbes breached the subject of perpetual war hundreds of years before, "In all times, kings, and persons of sovereign authority... are in continual jealousies... having their weapons pointing, and their eyes fixed on one another... and continual spies upon their neighbours; which is a posture of war." [19] Acknowledging the actual state of affairs justifies the use of security measures preserved for use only in war times and allows for unconventional collection and exploitation of intelligence and security measures- as evidenced by the Patriot Act and NSA domestic wiretapping program.

In addition to the ethics and morality surrounding individual intelligence operations, one must consider the moral obligation of the United States to protect the innocent, without regard for citizenship. Does the U.S. have a duty to depose tyrants and oppressive governments or an obligation to defend other democratic nations? As the world's only superpower, many argue that the United States is the only country with the means to confront unjust dictators and defend the defenseless and its leaders are morally bound to do so, employing intelligence activities to achieve the desired outcome. Others dispute that the U.S. should not meddle in the affairs of other countries and it would be unethical to interfere in the politics and domestic policies of foreign nations. Regardless of the stance one takes on the issue described, morals and ethics must guide the decision to wield military and intelligence activities in effort to influence foreign nations.

Some intelligence operations are designed to secure the interests of the U.S. by supporting dissident factions in enemy nations. Intelligence activities concerning the Kurds during the first Gulf War, and the aid and weapons the U.S. supplied to them is evidence of the dual nature of many intelligence operations. On the one hand, the aid helped the starving and oppressed nomadic Kurds in Northern Iraq. On the other hand, the weapons were intended to build support for the U.S. and incite the violent overthrow of Saddam Hussein. In the end, the U.S. military did not provide sufficient support to the Kurds and the operation ended in the slaughter of nearly two hundred thousand Kurds by the vengeful Saddam seeking retribution for the uprising.[20] Many consider the entire operation immoral by pointing out that the U.S. should have not interfered with the domestic policies of Iraq and second, leaving the Kurds to die after promising them support resulted in deaths of thousands. Others defend the actions, claiming that the decisions made in the operation were in the best interest of American security at the time and thus, the decisions were morally

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just. As evidenced by the equally convincing views taken by the moral opponents, it is clear that moral decisions are not easily made and an operation can be both moral and immoral.

Does supporting a third party in a morally unjust act make the supporting nation immoral as well? The United States is very familiar with surrogate wars and murderous operations. The building up and training of the Taliban militia in Afghanistan is a prime example of how the United States avoided a direct war with the Soviet Union, thus morally preserving American blood and resources, yet by supporting a humanely cruel society and tribal government, the U.S. could be considered responsible for Afghanistan's immoral transgressions. Additionally, the United States morally helped a weaker nation fight against an oppressive communist regime. Conversely, providing weapons to Afghani tribesmen helped to build a nation where human rights violations and drug use is rampant, creating an immoral situation. Further, the subsequent environment became a training ground for many Muslim extremists and the safe haven for America's most wanted terrorists, including Bin Laden. The subsequent war with the Taliban and Islamists, which the United States helped to train and arm, which ensued after the September 11, 2001 attack on the World Trade Center and the Pentagon, caused many to consider the irony of the situation. The multi-faceted outcome of this covert/overt action leaves many moral and ethical questions unanswered and open to perpetual deliberation.

In sum, philosophers have debated ethics and morals for millennia and will likely continue to debate for as long as they have the ability to express their differences of opinion. Because each person, state and nation is influenced by different ideals, and because each value life, property and freedom differently, morals and ethics in a democracy will be ever changing and adapting to the predominate viewpoint of the majority. By electing people perceived as moral leaders, who represent the nation's values, the United States, is in a good position to make morally just choices in utilizing its intelligence agencies. Congressional hearings, public information disclosures, accountability, free elections and a transparent government are essential to the morality of the nation; these national attributes will help to set the standard for national and international interactions, thus, bringing morality and order to the world.

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