

A personal perspective

The Need for Ethical Norms

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The word "ethics" turns off many and confuses more. Yet the notions of shared values and an agreed-on process for dealing with adversity and change—what many people mean when they talk about corporate culture—seem to be at the heart of the ethical issue. People who are in touch with their own core beliefs and the beliefs of others and are sustained by them can be more comfortable living on the cutting edge. At times, taking a tough line or a decisive stand in a muddle of ambiguity is the only ethical thing to do. If a manager is indecisive and spends time trying to figure out the "good" thing to do, the enterprise may be lost.¹

We take great pride in our Agency's specialness, exhibiting an individual and corporate stance that speaks to the uniquely demanding nature of our business and our long tradition of "can do." This pride is well placed. America's expectations for the Agency and its people are extraordinarily high, and our record over the past four decades attests, in the main, to the fact that these expectations have been met, if not exceeded.

This pride has its dark side, which has its costs. One of the foremost has been our seemingly sustained reluctance to formalize the ethical minimums which should govern our business and to pass these findings on to those who join the Agency. Although many of us have discussed the ethics of our profession, little has been done organizationally to capture these thoughts. Rather than possibly hamstringing future options by formalizing Agency dos and don'ts, we seem to prefer risking a repetition of behaviors which have jeopardized our organizational standing and credibility in the past. We can ill afford to allow this trade-off to continue.

An Amoral Business

The need for a code of conduct is not trivial. The ethics attendant to the intelligence business are, at best, complicated. Each day many of us face formidable ethical choices. It is no accident that we are concerned about the ethical standards of potential employees.

Our ethical conundrum was captured in part by Judge Webster, when he answered a Third World leader seemingly perplexed over the then-Director's personal ethical standards.

I don't understand it, Mr. Director. You are a judge, a man committed to upholding the law; and yet you have been placed at the head of an essentially lawless organization.

In responding, Judge Webster reportedly noted that:

In the United States, we obey the laws of the United States. Abroad we uphold the national security interests of the United States.²

This measured response understates the ethical pressures faced by many of this Agency's officers. The legal and moral strictures applied to civil servants are articulated and time-tested. There are no analogous sets of ethical criteria associated with protecting the national security interests of the US. Most of our constituents would rather remain ignorant of what we have to do to accomplish some of our jobs. Case officers regularly move from upholding the laws of the US to upholding national security interests, and some have to face situations where these two requirements conflict. In most cases, the Agency seems able to deal effectively with these ethical problems. Our record, however, is not spotless.

Espionage is essentially amoral. We regularly break the laws of other governments, misrepresent ourselves to others, and use a variety of methods to manipulate others into doing our bidding. Those who are particularly skillful in doing so quickly move up the organizational ladder. It is not surprising that officers who are rewarded for their operational successes abroad sometimes stumble when they return to the US. A proclivity for getting the job done, for example, can get one into trouble when "can do" unintentionally results in a contravention of federal regulations or the expectations of a US civil servant.

More damaging would be a continuation of past tendencies among some to maintain an "operational" approach in dealings with other US agencies and the Congress. The operational realities faced by those stationed abroad can contribute to skepticism of the motivations of others and a fundamental distrust of all outsiders. Some have found it difficult to cast these biases aside during their tours at Headquarters. Using a "well-documented" pattern of Congressional leaks as a rationalization for our natural tendencies toward compartmentalization, we have had a history of limiting our disclosures to Congress. This issue was candidly addressed by the Executive Director of the Association of Former Intelligence Officers:

To my mind, to disclose as little as necessary to Congress, if they can get away with it, is not a bad thing because it helps Uncle Sam....we understand what they were doing. We hope that we would have tried to do the same thing ourselves. We're not paid to go out and blab our secrets around or we won't have any secrets anymore.³

The ethical challenges imbedded in our overseas operations have their analogies in the analytical world. Just as our operations officers are expected to penetrate regularly the hard targets or make good on high-risk covert actions, our customers turn to Agency analysts for seemingly impossible answers. Our clients expect analytical objectivity but demand omniscience. We are equally accountable for mind-reading as we are for the in-depth analysis of intelligence data. "Telling it like it is" does not go down well when it means saying we do not know. Under such conditions, analysts are tempted to paper over their ignorance by frequent invocation of the "we believe" formulation.

Working On The Edge

Our ethical challenges are further complicated by our corporate imperative towards risk taking. While no one subscribes to achieving success at any cost, if we ever become afraid to risk failure in order to maximize the potential for success, our value to the US Government would be significantly reduced. As an agency we are expected to take substantial analytical, technological, and operational risks. Indeed, we develop and cultivate the reputation of being the one government agency capable of getting the job done, and those among us who demonstrate the ability to do so advance rapidly. "Can do" is not an idle boast. Our fellow agencies and Congressional oversight committees who hold us accountable for "failures" expect us to be uniquely proactive in our approaches. The US requires just such a capability; if we could not provide these services, others would develop the ability to do so.

- Our analysts have to continue to make judgments on the basis of incomplete information with the full recognition that hindsight will often prove them to have been inaccurate. At the same time, they have to have the integrity and personal courage to revise their estimates on the basis of new information or to admit their ignorance as to the likely unfolding of future events.
- Our operations officers have to continue to take chances with the full recognition that some of these will backfire. This may mean doing business with the dark side, with the understanding that such activities could redound against us in the years to come. It should never mean undertaking or condoning activities which could not stand up under close scrutiny.

A Secret Organization

The pressure to maintain high personal standards seems all the more appropriate when one considers that the secret nature of our business carries a responsibility for self policing. Our corporate successes and often the personal safety of our officers and their agents rest on a strict application of "need-to-know" principles. This holds true even within the embassies in which we operate and within our own organization.

Norms

The ease with which we can invoke "sources and methods" to preclude broad oversight of our activities is a temptation which has to be avoided when it comes to undertaking ethically questionable activities or when dealing with our mistakes.

Given these operational challenges, it would only seem appropriate to arm our officers with the clear understanding of the minimal ethical standards they will be expected to apply throughout their careers. Those who would refrain from this straightforward approach would soon recognize that "can do" is not incompatible with "do not do." A clear understanding and consistent application of ethical values will advance and not compromise Agency contributions to our natural security. As the parable of the Sadhu points out, a clear understanding of Agency ethical standards empowers the Agency officer to act correctly and decisively. In short, we cannot and should not shirk from the addressing the conclusion of a retired case officer:

Alan Fiers was one of the penultimate warriors of the modern era of the Agency, and when he fell, all of the soldiers had to quiver. If Alan Fiers was not safe then no one is safe, simply because everything becomes a function of judgment.⁴

The Need For Change

The imperative for defining what we stand for seems clear.

- A lack of ethical integrity is unconscionable to an American public and Congress who bridle, in the first place, over the need to grant the CIA immunity from the public's right to know. We have to be seen as above reproach on this score, regardless of the unique ethical challenges we face. Integrity should not be seen as being derived from an analysis of the relative costs and benefits of being candid. It has to reside in each and every one of us in our day-to-day dealings.
- Our officers should be able to operate with a self-confidence that allows each to make the appropriate ethical choices even when the issue is clouded and the decision made on the run. Success in our business often rests on amoral behavior in the

conduct of operations overseas and on moral behavior when dealing with US persons or organizations. Our officers have to have a clear understanding of professional ethical standards if they are to move effectively and decisively between the diverse standards of behavior called for by these two operating environments.

This Agency can no longer permit the "slips," "errors," and "misjudgments" which naturally evolve from an environment where our officers are often left to their own judgment when shifting through the maze of sometimes conflicting signals regarding proper behavior.

- Corporate ethics may remain fuzzy in the eyes of the individual case officer, analyst, or contracting officer, particularly where ethical considerations come into conflict with "can do."
- Each Agency Office or Division may have its own variation of acceptable ethical behavior, and this variation itself is often reinterpreted with each new component head.
- Ethical issues are not always fully and formally addressed within corporate training programs.

It is not a question of not having the information necessary to develop ethical standards. Forty years have left a record of both appropriate and inappropriate ethical choice. Our past is littered with the residue of those who were either unclear as to the ethical standards they were expected to uphold or who were unable to meet these standards. All of us bemoan the misfortune of having our mistakes or indiscretions result in strictures that make it more difficult to meet the demands of an increasingly complex mission. But we have yet to take the steps necessary to ensure that history does not continue to come full circle.

The development of a code of ethics is complicated. Ethics may constrain "can do" from time to time. We risk focusing on the words and not the spirit of any code that is developed. And an ethical code may require the alteration of time-honed behaviors among mid-level and senior officers. But when you stop to think about it, for an organization that rightly prides itself in the caliber of its people and its capabilities to get the job done, this issue should not prove all that challenging.

NOTES

1. "The Parable of the Sadhu;" Bowen H. McCoy;
Harvard Business Review; September-October
1983.
2. "The In-Culture of the DO;" Charles Cogan,
Studies in Intelligence; Summer 1991.
3. "Plea Ripples Through CIA;" Benjamin Weiser,
Washington Post; 31 August 1991.
4. Ibid.