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Ethical Intelligence

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Intelligence agencies like to keep a low profile. So the last few days may go down in history as their week from hell.

It began with David A. Kay, the former chief U.S. weapons inspector in Iraq, telling the Senate intelligence committee that intelligence services across the free world were "almost all wrong" in assessing Saddam's weapons of mass destruction -- an assessment that was cited as the central reason for invading Iraq.

It ratcheted up in London with Lord Hutton's long-awaited report, which exonerated British Prime Minister Tony Blair of charges that he "sexed up" intelligence dossiers in making the case for supporting the invasion.

It moves forward with President Bush's proposal to create a bipartisan commission to examine U.S. intelligence operations and propose reforms. That comes on top of the Senate intelligence committee's own investigations into the state of U.S. intelligence, a draft report of which is scheduled to go to Congress later this week.

Result: America's intelligence services -- principally the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency -- will be under intense scrutiny in the coming months. At issue are not just their strategies, competencies, and resource allocations. At issue is their integrity. Put simply, the public wants to know whether intelligence is being *done* right and *used* right.

Those are ethical questions. So the president's commission would do well to apply a framework based on such core ethical values as responsibility, honesty, respect, and fairness. Among the questions it should ask:

1. Were the agencies irresponsible? Did they base their assessments on unreliable human informants, inadequate technical sources, and unrealistic assumptions? Did they capitulate to political pressure in shaping their reports, rather than stick to their best professional judgments?
2. Was the administration dishonest? Did it spin and exaggerate intelligence reports -- cherry-picking only the arguments it wanted and ignoring contradictory evidence? Did it deliberately downplay the caveats and qualifiers sent along by intelligence analysts?
3. Has the public failed to respect reality? Did it miss the tectonic shift in national security that occurred between the fall of the Berlin Wall and 9/11 -- especially the recognition that suicidal terrorists can't be deterred but only preempted? Does the citizenry understand that you don't fight terrorists -- who are patient, driven, and dispersed -- with heavy artillery but with excellent intelligence?
4. Has Congress been unfair? Did it first underfund the intelligence agencies as the Cold War ended, and then demand that they penetrate, with expensive human spies, lots of closed regimes run by ruthless despots speaking strange tongues?

Are legislators so hooked on technology that they believe electronic surveillance has replaced the need for human sources on the ground?

That last point raises a fundamental challenge facing the agencies. The problem with intelligence services in a democracy is that everybody needs them but nobody wants them. The seamy things they sometimes must do -- like hiring foreign nationals to dissemble, steal, and commit treason -- are not things democracies like to think about, much less support. How much nicer it would be to spy from the sky, letting technology yet again replace people. Three words remind us why that won't work: Osama bin Laden. He is still at large despite satellites whizzing hourly over his head. Two words remind us why humans are needed: Saddam Hussein. He is now in captivity because an Iraqi informant knew where he was and said so.

Another challenge in the coming investigation will be its potential unfairness. When Congress or the administration is attacked, they can blast back with fact, analysis, and their records of accomplishment. When the agencies are attacked, they can say nothing. In most organizations, transparency and ethics go hand in hand: The more we're allowed to see, the more ethical we rate the organization. The problem for the agencies is that, by charter, they can't be transparent.

The danger is that the public, mistaking non-transparency for cover-up, will think the agencies are operating unethically. So they may turn against intelligence and continue defunding it -- an option that would gladden the hearts of terrorists everywhere. Holding terrorism in check requires good intelligence. The public only gets that if the intelligence services have free rein to operate effectively. But that only happens if the public trusts them. Which raises the largest challenge of all: How, in a democracy that rightly demands ethics in government, can the public be reassured that intelligence is operating ethically? That, above all, is the question that Congress, the administration, and the agencies must answer together in the coming months.