

EXCERPTED FROM

Ethical Espionage:  
Ethics and the  
Intelligence Cycle

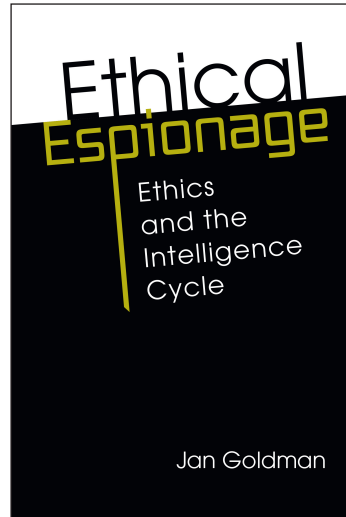
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# 1

## Ethics and the Intelligence Cycle

IT IS THE ESSENCE OF INTELLIGENCE TO KEEP TRACK OF AND FOCUS ON a potential threat or enemy. Being able to anticipate and prepare for an adversary's behavior is essential. A commander's ability to make accurate and timely decisions during a war depends on accurate and timely intelligence. In warfare, the judgment of all levels of leadership is heavily reliant on intelligence. Intelligence can never be replaced by judgment, however, even by genius. Good intelligence is essential for effective decisionmaking, regardless of how brilliant the decisionmaker may be. When commanders possess effective intelligence, they can achieve decisive advantages at the tactical, operational, and strategic levels. For example, as a result of detailed and accurate intelligence received, recognized, and acted upon by US commanders in June 1942, a vastly outgunned and outnumbered US fleet won the Battle of Midway. In 1986, marine and navy aviators were able to shut down Libya's air defense system effectively after intelligence provided a detailed understanding of it during air strikes used to counter terrorist activity in Libya. Iraqi forces were quickly and thoroughly defeated during Operation Desert Storm because intelligence identified critical vulnerabilities in their air and ground defenses.

The role of intelligence is twofold. First, it provides accurate, timely, and relevant information about an enemy (or a potential enemy) and its surroundings. Second, and as a result, intelligence is primarily responsible for supporting decisionmaking by reducing

uncertainty about potential hostile situations to a “reasonable” level while also recognizing that absolute certainty is impossible in times of war. Intelligence aims to create accurate or meaningful images of situations since people understand situations best through images. Good intelligence can paint an accurate picture of possible realities. Knowledge pertaining directly to the friendly situation or to the status of an ally does not constitute intelligence. Information that is not directly relevant to the friendly cause falls into the intelligence category.

Defining intelligence as knowledge distinguishes it from data or information. Even though intelligence derives from information, it is important to recognize that intelligence isn’t just another word for information. The raw material from which intelligence is derived is unevaluated material, such as reports from interrogations of enemy prisoners of war, radio intercepts, reconnaissance reports, and photographs. Information rarely speaks for itself conclusively. As it is compared and combined with other pieces of information, it must also be analyzed, evaluated, and, finally, given meaning. It is not enough to simply repeat information from a source. By developing this raw material, intelligence explains what the information means and identifies its implications. Knowledge is derived from the analysis and synthesis of information. In the end, we gain knowledge that helps us make a meaningful assessment of the situation, not just more information.

As intelligence is derived from information, it shares many characteristics with information. Information, as well as the intelligence that results from it, is perishable. It is inevitable that information will always be incomplete, sometimes confusing and contradictory. Some information or data will not be essential or even relevant, and some may be inaccurate or misleading. An excessive amount of information can be just as harmful as an insufficient amount. The goal is not to have a large amount of information but to have the correct information when needed in a functional manner. In conclusion, knowledge exists not for its own sake but as a basis for action.

Historically, both policymakers and the public have misunderstood or poorly appreciated the role ethics plays in intelligence work, leading to the stale joke that ethics and intelligence are incompatible. So doing the “right thing” (i.e., doing your job, which may or can require you to act immorally) should not interfere with doing the “correct thing” (i.e., acting according to moral principles). In most

cases, intelligence professionals do not face moral dilemmas when providing accurate analysis or gathering information. However, individuals doing their jobs may at sometimes face ethical and moral dilemmas due to conflicting demands and tasks. Therefore, public employees may have to take action that might be considered unethical in their private lives if they were in a similar situation. For example, intelligence professionals may have to lie or withhold information in order to ensure national security. Even though this may be the “right thing” to do, it can still be difficult for the individual to reconcile their actions with their values.

This book intends to provide a better understanding of the tension created between personal accountability and professional responsibilities within the realm of intelligence. Unfortunately, we live in an increasingly fragmented and politicized society that is affecting how Americans perceive their government. The goal here is to transcend the parochial perception created and enhanced by Hollywood and the media that everyone who works in the “business of spying” (whatever that means) does not care about ethics or morality and rather will do whatever it takes to get the job done. This book is written uniquely to overcome this narrow-minded perception.

## The Intelligence Cycle

Information becomes intelligence through the *intelligence cycle*, a fundamental theoretical model, which consists of several steps, including planning what information needs to be sought, determining how that information will be collected, exploiting the material, and, finally, analyzing that information into intelligence and disseminating it to the people who need to make decisions.

It is essential to remember that the intelligence cycle is not a template but rather a loose conceptual model. A number of important concepts are conveyed by the intelligence cycle as a basic tool. It establishes first that there are multiple players involved in the intelligence process. As policymakers raise requirements, intelligence collectors provide the analysts with the data they need for analysis and assessments. Collection priorities should be driven by real intelligence requirements rather than whims and preferences. Policymakers need to analyze collected information or data for intelligence significance before distributing it. In this case, there is

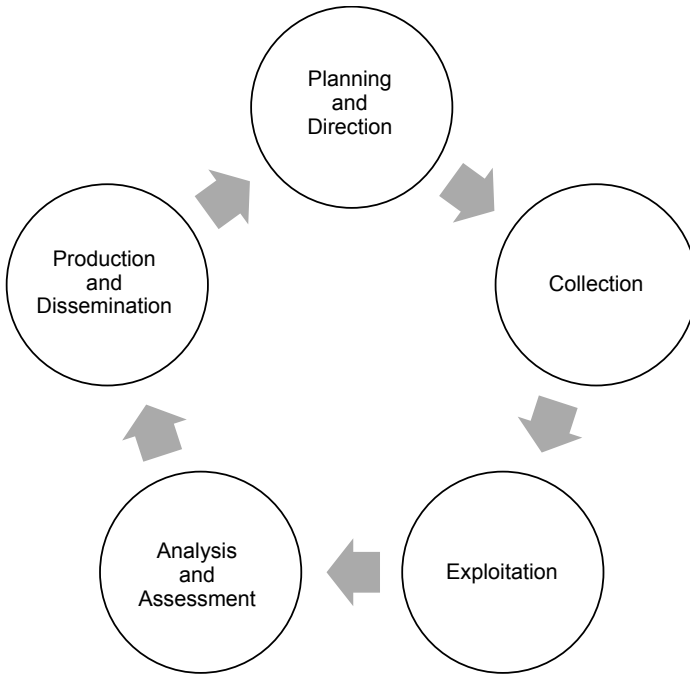
a question of relative expertise: policymakers are the experts in forming policies, analysts are the experts in analyzing data for significance, and collectors translate intelligence requirements into collection strategies. Additionally, the cyclical nature of the intelligence cycle highlights that each piece of intelligence disseminated shapes subsequent requirements, which feed back into the system as policymakers' understanding develops. In that sense, the cycle never ends but is constantly in motion. Policymakers' requirements can be shaped and driven in this way, but not necessarily in terms of setting strategic agendas.

The intelligence cycle can thus be defined as the process by which raw information is converted into an approved type of intelligence that can be used by policymakers, military commanders, and other decisionmakers in making decisions. Due to its highly dynamic nature, this five-step cyclical process is exceptionally active, continuous, and nonending (see Figure 1.1). It is considered highly effective and efficient as it quickly converts information into what some people would call "actionable intelligence."<sup>1</sup> By repeating this cycle, decisionmakers can quickly and accurately assess the current situation and make informed decisions. This iterative cycle allows decisionmakers to adjust strategies based on changing circumstances continuously. The cycle also allows for feedback loops, which enable decisionmakers to make timely adjustments and corrections. By leveraging this cycle, decisionmakers can achieve their objectives promptly and effectively. This iterative decisionmaking process helps ensure that choices for further action are based on up-to-date information and that strategies are continuously adjusted to accommodate environmental changes. It also helps to ensure that decisionmakers have the flexibility to react quickly and efficiently to changing circumstances. Each of the five steps of the intelligence cycle is conducted individually before the finished intelligence is distributed and the cycle repeated. As noted above, the five steps include planning and direction, collection, exploitation, analysis and assessment, and production and dissemination.<sup>2</sup>

### *Step 1: Planning and Direction*

This first stage, which I consider one of the most important steps, is determining what intelligence activities are needed to meet consumers' intelligence requirements and provide them with what they

Figure 1.1 The Intelligence Cycle



need. A planning and direction step must be taken to carry out the intelligence cycle. Essentially, the cycle starts at this point, and it is from here that all activities are initiated. Often, the direction phase takes place before the planning phase. In such cases, there is usually a consumer need for a specific product.<sup>3</sup> The products that can be produced include a full report, a graphic image, or raw data that has been collected, processed, and disseminated but has yet to be analyzed or created. Based on the decisionmaker's requirements (i.e., answers to questions they need answered), the intelligence organization will plan its intelligence-cycle activities to generate the product that will satisfy their needs. Toward the end of the process, the decisionmaker's requirements are analyzed to determine the resources required to deliver the product. This information is then compiled and presented in such a way that it is most effective and efficient.

### *Step 2: Collection*

Data is collected in the second part of the intelligence cycle to produce the final product. Data collection can include the gathering of any raw source of information that may relate to the basic intelligence sources of geospatial intelligence (GEOINT), human intelligence (HUMINT), measurement and signature intelligence (MASINT), open-source intelligence (OSINT), and signals intelligence (SIGINT). In other words, information is gathered from social media, newspapers, aerial imagery, satellite imagery, public documents, and electronic and communication intercepts. This data is used to gain a better understanding of the environment, population, and infrastructure in each area or targeted to individuals and possible actions they may take. Consequently, if the first step is to figure out “what we needed to know,” this step uses all available resources to obtain the information.

### *Step 3: Exploitation*

This third step entails converting the raw data into an understandable format usable to produce the finished product. During the phase of data processing and exploitation, highly trained and specialized personnel and technologically advanced equipment transform raw data into usable and understandable information. Several steps can be taken to convert data stored on film, magnetic media, or other media into information that can be analyzed and used for production, including data translation, data decryption, and image interpretation. Although these steps are typically seen as the mechanical translation of raw information into a useable product for the analyst, they can lead to an incorrect analysis if done poorly.

### *Step 4: Analysis and Assessment*

During the fourth step of the process, the collected information will be integrated, evaluated, analyzed, and prepared to be included in the finished product. This step also requires highly trained and skilled individuals (in this case, analysts) to give meaning to the processed information and to prioritize it based on known requirements. A finished intelligence product synthesizes the processed information to ensure the product meets the policymaker’s expectations to enable



the making of a decision. In short, this step is when the analyst forms the questions answered in the first step of the intelligence cycle.

### ***Step 5: Production and Dissemination***

This is the moment of delivering the finished product to the decisionmaker who has requested it and to others if necessary. This is the final stage of the intelligence cycle. The finished product is typically delivered via electronic transmission or hard copy. Typical methods of disseminating information include possibly classified websites, emails, real-time collaboration tools, or hand delivery of a hard copy. Upon dissemination, the intelligence product is called “finished intelligence.” However, after the product has been disseminated, more gaps in intelligence will likely be identified, and the intelligence cycle will start over again. As often mentioned in the intelligence community, “You now know what you don’t know.”

## **Ethics and the Intelligence Cycle**

In each of these stages of the intelligence process, known as the intelligence cycle, intelligence community officials might make choices for expediency and efficiency or in the name of national security. An ethicist viewing the intelligence cycle might seek to identify situational influences in any of the steps that could result in ethically questionable behavior. For example, during the exploitation phase of the intelligence cycle a word may have been purposely misinterpreted to have hostile intentions rather than a more benign meaning. An ethicist may want to analyze and define the ethics of an organization or government officials by reflecting on the purpose of a specific mission or its objective.

It is believed that an attack on a US Navy ship in the Gulf of Tonkin never occurred. Historians believe that the August 4, 1964, incident was misinterpreted intentionally by the decisionmakers. Evidence suggests Secretary of Defense Robert McNamara deliberately and unethically distorted the evidence. Previously intercepted signals were collected and selectively chosen to distort the truth. According to historians, “SIGINT information was presented in such a manner as to preclude responsible decision makers in the Johnson Administration from having the complete and objective narrative of events of

04 August 1964.”<sup>4</sup> The unethical use of faulty and misused intelligence gave President Johnson the ability to establish and conduct aggressive action leading to US involvement in the Vietnam war.

Intelligence should be thought of not just as a product—knowledge—but also as the process that produces that knowledge. Intelligence is the process that identifies and evaluates existing conditions and capabilities, estimates possible enemy courses of action based upon these conditions and capabilities, and assists in the development and evaluation of friendly courses of action—all in support of decisionmaking. Intelligence must not be construed as the exclusive province of intelligence specialists among those involved in the intelligence cycle. Intelligence activities are driven by the need to answer questions crucial to the planning and execution of operations, but intelligence is inseparable from operations. Data collected during operations is essential to developing a timely and accurate intelligence picture. Above all, intelligence shapes (some would say drives) the decisions made during operations.

## **About the Book**

The never-ending intelligence cycle is the framework for this book. It is important to remember that intelligence, at its core, is primarily a process based on information. Beyond simple surveillance and documents, people are the most important aspect of obtaining information. Many ethical dilemmas are sprinkled throughout the chapters to make this a thought-provoking book. These historical and fictional ethical quandaries aim to engage the reader in thinking about how ethics would apply to different situations.

There is a tendency in books and articles emphasizing ethics to focus on people only (i.e., the collection of human intelligence, or HUMINT). This is reasonable because ethics can only occur when individuals are involved in the intelligence process. While the most dominant ethical dilemmas seem to occur in the collection portion of the intelligence cycle, this book goes beyond that small segment to other parts of the intelligence process. Ultimately, the book should lead to a debate on what we should expect from the professionals in the intelligence community regarding the quality of its people and the work we entrust them with carrying out for our national security. The chapters reflect how information becomes intelligence, inter-

woven with the understanding of where and if ethics is a participant in this process.

I should note that I reject the concept that “if its legal, it must be ethical.” Most democratic societies have laws that govern and provide oversight of its intelligence communities. For example, the US intelligence community is governed by presidential directives, executive orders, and congressional legislation. But ethics may not coincide with the legal aspects of intelligence oversight. If this book provides you with a better understanding of the distinction between law and ethics, I will have accomplished one of my objectives.

Fundamentally, the purpose of the book is to “unpack” an ethical framework that remains constant while subjecting our values to continuous scrutiny, reexamination, and reformulation. My intent is to provide clarity and knowledge, specifically focusing on those values that are the hallmark of the intelligence professional and cut across all disciplines, be it collection, analysis, production, or establishing the requirements necessary to conduct intelligence operations. This book is grounded in the belief that professional education matters and that professional spirit, while important, must be informed by historical precedent and ethical understanding.

Chapter 2 provides a short history of what government organizations create and establish the US intelligence community, differing from how this is portrayed in the media. Additionally, this chapter establishes an understanding of the role of morals, including values and principles. It mostly looks at morals from Western democratic societies, which will be considered for this book as universal. From a personal perspective, it examines the concept of “doing the right thing,” (however that is interpreted). We discuss ethical decisionmaking in our quest to separate opinion from fact. We look at several popular belief systems in developing a person’s moral compass. Finally, we discuss the separation of ethics and law.

Chapter 3 discusses how ethics is built on belief systems. It looks at several different theories and decisionmaking processes used by individuals in seeking to come to a decision when faced with an ethical dilemma. Additionally, this chapter seeks to separate the differences between legal and ethical decisionmaking to include a short history of congressional oversight of the US intelligence community.

Chapter 4 focuses on intelligence collection, one of the most important and likely well-known aspects of the intelligence process among the public. Critical questions surround how information is

collected, where it is collected, how it is collected, and from whom it should be collected. The US intelligence community can access many technical means to gather information about a person using highly sophisticated technology (e.g., miniaturized cameras the size of a fingernail, biometrics, artificial intelligence, etc.). However, if and when should discretion be a part of monitoring an individual's movements and possibly eliminating all forms of their privacy? This chapter is also a good primer for understanding the different forms of intelligence collection and how ethics can surround each important aspect of the intelligence profession.

Chapter 5 is about words. If you are going to be an intelligence analyst or even a collector, you need to be able to communicate. Intelligence work is based on acquiring and disseminating information (stolen or otherwise). Using the correct word, which is accurate and precise, is the *raison d'être* (reason for being) for any intelligence analyst. However, the misuse of a word or purposeful ambiguity of a sentence can lead to faulty assessments and lousy policy. This chapter looks at other professions to see how words are handled and if the intelligence profession can learn from them.

Chapter 6 is about keeping secrets and disseminating intelligence. Who has a right to know, who should know, and who has a need-to-know what intelligence is being produced? Those outside the intelligence community assume that if you have a high security clearance, you get to see everything produced by all the intelligence agencies. Of course, this is incorrect, and the ethics of the right to receive information and who is allowed to "keep secrets" is discussed.

Chapter 7 deals with covert operations, while Chapter 8 gets into the politics of intelligence. Both chapters are closely linked because covert operations are the result of policy; they occur when the intelligence community is committed to an action when it may not be supported by national security objectives. Intelligence should be objective and never filtered through the political lens of the consumer. This should be distinct from the notion that all intelligence requires action. It should be noted that when a policymaker does not make a decision, that is in fact an action—or rather an action of inaction. It is when intelligence is purposefully skewed to make the policymaker's decision easier, that is when we look at the ethics of the politicization of intelligence.

Chapter 9 concludes the book by seeking to answer the question "Can ethical espionage be achieved?" Do codes of conduct, codes of

ethics, ethical mission statements, and any other inscriptions found on the walls of an organization in both the government and private industry have any meaning? Does the public want an ethical intelligence community, or are morals and spying more like oil and water, never to be mixed? Part of the solution could come from ethical leadership within the organization. This chapter looks at other intelligence communities beyond US borders.

Overall, this is a book to be enjoyed. It includes factual and hypothetical ethical dilemmas, challenging readers' assumptions about the intelligence profession that seeks to provide them with national security. The American public has a right to ask these questions, and the intelligence community has a right to consider, from both a professional and personal perspective, if they can or will live up to these expectations. Ethics is an important part of any intelligence cycle as it helps to guide the use and interpretation of intelligence data. It helps to ensure that the intelligence process is conducted in a way that is fair and just and does not infringe on the rights of individuals or groups. So let's get right to seeing how ethics works with each step of the intelligence cycle.

## Notes

1. Although there is no official definition for "actionable intelligence," it is considered information that will force those consumers to initiate action as the result of a mitigating or impending threat.

2. A good survey of different perspectives can be found in Mark Phythian, ed., *Understanding the Intelligence Cycle* (London: Taylor & Francis Group, 2013).

3. The person who needs the intelligence, and for whom the product is produced and provided (e.g., policymaker, commander, warfighter, etc.), is often referred to as the "consumer."

4. John Prados, "Tonkin Gulf Intelligence 'Skewed' According to Official History and Intercepts," *National Security Agency Electronic Briefing Book*, no. 132 (December 1, 2005); see also, "Skunks, Bogies, Silent Hounds, and the Flying Fish: The Gulf of Tonkin Mystery, 2-4 August 1964," *Cryptological Quarterly*, 2001.