

# Codes of Ethics: The Intelligence Community

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*Note: The views expressed here are those of the authors and do not reflect the official policy or position of the Department of Defense or any U.S. government agency.*

This paper offers six alternative proposals to the intelligence community (IC) on the possible utility of a communitywide code(s) of ethics. This paper concludes that intelligence work is a “profession” in the traditional sense of the word and that, as such, the IC would benefit from an employee code(s) of ethics.

On February 16, 2012, the National Intelligence University (NIU) hosted a first-of-its-kind conference, “Intelligence Professionalism: Ethical Basics, Codes of Ethics and the Way Ahead.” The goal of this first conference was to discuss the importance of instituting ethical codes to assist intelligence professionals as they encounter morally ambiguous situations. Senior officials and experts shared their thoughts and experiences with 125 persons representing all major agencies in the IC.

This conference featured three panels. Panel 1 examined the subject “Intelligence Ethos and Professionalism.” What is the value of an ethos for intelligence professionals? What are the legal and moral sources for an intelligence ethos? What are the expectations of community clients? Panel 2 highlighted the IC General Counsel (GC) and Inspector General (IG) views on the possible value added from codes of ethics. The attorneys offered examples of difficult cases involving ethical dilemmas and discussed whether or not a code of ethics would have assisted in the handling of such delicate situations. Panel 3 explored the way ahead for an intelligence ethos and codes of ethics. The panelists represented the collector, analyst, and civil libertarian points of view. The outcome of the first conference was a consensus view on

the utility of a code of ethics for the community, as well as a general understanding of what such a code might look like.

On May 10, 2012, the NIU held a second conference for forty persons in a workshop format. NIU students who had been enrolled over the past academic year in the Intelligence Ethics class presented six alternative intelligence ethos and code proposals to the workshop participants, with ample time for questions and answers about the merits of each proposal. The participants agreed that incorporating ethical codes into community training and the workplace would enable employees to conduct the intelligence mission better by providing a strong moral compass for the conduct of their daily duties.

### **NIU Methodology in Developing the Proposals**

The NIU taught three sections of the Intelligence Ethics course during the 2011 to 2012 academic year, with approximately fifty military and civilian students participating from across the community. Each student was assigned to a small group, with an assignment to prepare a one-to-two-page draft “ethos” statement or ethical code for the intelligence community (for the entire IC, for a given agency, or for a given functional area, as decided by each group in consultation with the faculty member). Each group had available a range of resources, as outlined in the attached bibliography. Each group product was based upon the relevant missions, core values, and skill competencies for the selected organization. Group submissions were then graded based upon originality, clarity of presentation, coverage of relevant issues, and use of key concepts. In total, the NIU students produced a total of six alternative proposals (attached).

Generally, the students defined ethics as the “moral principles that govern a person’s [or organization’s] behavior or the conducting of an activity.”<sup>1</sup> Moreover, “intelligence ethics” was further defined as “a set of behavioral guidelines based on certain beliefs . . . regarding the role of intelligence in society.” Moreover, students saw a reciprocal relationship between morality/ethics and the law. Often moral/ethical principles are more abstract and provide an underlying basis for laws (e.g., statutes and regulations); both also evolve over time. Born and Willis are helpful here: “Laws are necessarily general and abstract, leaving considerable leeway for interpretation by those individuals whose actions are regulated by them, as well as those who are responsible for enforcing laws. . . . [I]ntelligence officials must

exercise discretion that ‘defines that area of choice which is explicitly permitted by law or which exists by way of ambiguity inherent in law.’ It is within this realm of legal ambiguity that ethics become a crucial guide to action.”<sup>2</sup> In short, laws don’t answer each and every dilemma facing intelligence professionals.

NIU Intelligence Ethics students participated in both conferences, and a representative from each group presented its draft code at the May 10, 2012, Intelligence Ethics conference.

## **The Student Proposals**

All six student proposals highlighted one important point for the workshop participants: there is no agreement on what to call this ethical code. The submissions were variously labeled code of ethics, code of conduct, ethos, core values, and creed. In fact, the IC already has one ethos statement (Service, Integrity and Accountability), derived from Objective 3.1 in the 2006 Strategic Human Capital Plan. While none of the student submissions critiqued that statement, each expanded it to a considerable degree. The participants discussed this “labeling” issue but without reaching a consensus. However, the participants did agree that the DNI could retain the current IC Ethos statement, and also add a code of ethics.

The participants agreed that certain core principles captured a sense of commonality among intelligence professionals.

### **The Core Principles Highlighted in All Proposals:**

The Intelligence Profession: Expertise, Responsibility, and Corporateness

Guiding Right Behavior: A Code of Ethics

A Unique Mission: Serving the American People

A Call for Integrity: Speaking Truth to Power

A Need for Accountability: Reporting “Malpractice”

The Rule of Law: Uphold the Constitution, Laws of the Land, and Civil Rights

The first set of proposals (1–3) revealed a complex theme that on the one hand acknowledges the IC’s unique mission; but on the other hand it also highlights a set of shared common values and standards of conduct that are, in a sense, what defines us as “professionals.” Implicit in all three is the belief that

the community has a trust (stewardship) relationship with the American people; employees should focus on service to the nation while

maintaining a sense of integrity and accountability; and intelligence practitioners are professionals with an ethical obligation to maintain high standards of care in terms of protecting sources and methods, an emphasis on quality work (e.g., accuracy in reporting, eliminating bias, and collaboration), respecting the rights and dignity of others, and an obligation to report violations of law (e.g., a form of malpractice).

Proposal 3 is unique in that it begins with a creed written in the first-person-singular form. This proposal has considerable merit in that it reinforces the personal, as well as the institutional, obligations faced by intelligence practitioners.<sup>3</sup>

The second set of proposals (4–6) included two focused on human intelligence (HUMINT) collector issues and one focused on analytic issues. Each of these documents starts with the same basic premise stated in the first three documents, but those points are expanded within a functional perspective. The last document, Proposal 6, offers an expanded look at the “intelligence cycle.”

### **Areas of Consensus: A Way Forward?**

The workshop participants concluded that there is enough evidence of an intelligence “profession” as to merit its own professional code of ethics. We consider ourselves to be professionals, as defined by our service mission, the unique legal and ethical parameters within which we perform that mission, our specialized training, and our trust obligations to the American people. Broadly, the participants agreed that there is an intellectual necessity for thinking through ethical issues with wide participation in the community.

The participants broadly agreed that the current ODNI statement of IC Ethos (Service, Integrity, and Accountability) provided an appropriate ethos for the community. Moreover, the participants agreed that a more in-depth code of ethics would be beneficial, although it should probably be short (one to three pages). This code should embrace commonly shared principles and beliefs; new employees should be introduced to ethical issues during initial training with reinforcement throughout a person’s career to the point that shared principles and beliefs are embedded in community culture.

The participants saw value in different approaches, such as an aspirational statement, a statement of core values, or a code of ethics. Typically, professions use a code of ethics to help establish identity as well as help regulate the unique activities of practitioners. In some professions, such as the practice of law, the code of ethics has a

binding effect on attorneys and judges such that noncompliance may serve as the basis for a disciplinary action. Here, the participants noted the varying approaches within the intelligence community. For example, the Federal Bureau of Investigation (FBI) has an “Ethics Pocketguide” that expands on the FBI Core Values, with fifty pages of detailed information in various practice areas, while the National Security Agency/Central Security Service has a one-page statement of nine core values and the National Clandestine Service uses a handy pocket card that can be carried by each practitioner.

The participants agreed that the purpose of the DNI code of ethics should be to guide “right” behavior in morally ambiguous situations and help integrate the profession. The participants concluded that the DNI code should be aspirational, without the detailed rules, regulations, or disciplinary standards that are usually implicit in a “code” (the participants were concerned that the term *code* has legal connotations). On one hand, a binding code that includes specific rules, to include disciplinary standards, could help practitioners facing common problems. But on the other hand, the preparation of a binding code would be difficult, involving a lengthy and detailed process, and which might well result in another “regulation” that would sit on the proverbial shelf. Clearly, there would be considerable risk that such a detailed code would be overly restrictive, much as the Deutch Guidelines in the 1990s apparently inhibited needed collection activities. So the participants thought that a nonbinding code could be a better vehicle to build professional identity and to develop consensus on important, shared values. Moreover, a successful, shorter code could lead—at a later date—to a more detailed code, if the community felt such a need.

The participants believed that the DNI should facilitate a code(s) for the community *writ large* (an umbrella code) with possible additional guidance by functional area (e.g., collection, analysis, or special missions). An umbrella code for the community would help create that shared sense of professional identity. Here, there is a strong analogy to other professions, such as law, medicine, or the military. In other words, a practitioner is a member of a broader profession, even though he or she may also belong to a narrower guild within that profession (e.g., the bankruptcy attorney or the fighter pilot). Clearly, such an umbrella code must emphasize the unique aspects of the intelligence practitioner.

Meanwhile, the community could also have more detailed codes that highlight the critical issues facing practitioners in different

intelligence “guilds” or agencies. In this respect, HUMINT collectors in the Central Intelligence Agency (CIA) may have more ethical concerns in common with collectors in the Defense Intelligence Agency (DIA) than they do with analysts or other administrative personnel in their own agency. The participants noted that any such “functional” community code(s) would not necessarily replace any existing codes at agency level; different agencies have varying mission requirements and cultures and will likely need different codes. In any case, while there may be strength in varying agency approaches to the central identity issues (who we “are” as professionals), any existing agency codes in the community should be clearly “nested” within the overarching communitywide concepts.

The participants concluded that appropriate ethical standards for professional conduct were essential in building and maintaining the trust of the American people in “who” we are and “what” we do.

### **Areas of Work Still Needed**

What is the “jurisdiction” of the intelligence profession? The participants discussed—but did not agree on—the jurisdiction of the profession: Does the “profession” include collectors, analysts, and others defined by our unique mission? Or, does the “profession” also include administrative and support personnel not necessarily unique to the intelligence community? What does it mean to be an intelligence professional?

Here, there are two general views on the professional jurisdiction. On the one hand, intelligence practitioners could be analogized to lawyers: legal secretaries and paralegals lack the extended education, professional obligations, and ability to represent clients; such support staff are not considered members of the profession. However, on the other hand, intelligence practitioners could be analogized to military professionals. Intelligence practitioners, like military personnel, come from a wide range of educational backgrounds, and then go through training programs that integrate them into both the broader profession as well as a trade (e.g., an armor officer or a fighter pilot). Moreover, many people believe that the military profession includes both commissioned and noncommissioned officers. Indeed, noncommissioned officers are expected to take command on the battlefield if the officer becomes incapacitated. In this analogy, all IC employees share some baseline characteristics, such as a security clearance and access to classified information. Some argue

that such limited shared characteristics are an insufficient basis for an independent professional identity. Others argue that a broad, inclusive (a “big tent”) view would have the advantage of enhancing community cohesion. In short, the issue is how we approach our professional identity.

The participants also discussed two subsidiary issues. First, is there a possible role for a dissent channel in the intelligence community, much as there is such a channel in the State Department that provides a relief valve on misguided policy decisions? The participants noted that such a channel could help professionals maintain a sense of personal integrity in the face of malfeasance, helping with the leaks issue. Second, does the intelligence community require a professional disciplinary body, much as a state bar association oversees the work of attorneys, which would examine cases of ethical malfeasance? One conferee suggested that this could be an appropriate role for the Inspector General.

## **Recommendations**

Overall, the participants believe that the DNI should put a central and senior-level emphasis on the issue of professional identity. In his classic formulation, scholar Samuel Huntington defined a profession as “a peculiar type of functional group with highly specialized characteristics.”<sup>4</sup> He saw the distinguishing characteristics of a profession as expertise, responsibility, and corporateness. Here, neither our specialized expertise nor our responsibility (namely, the importance of our trust relationships) are in question; rather, the critical issue involves community “corporateness”: the claim that intelligence work is sufficiently distinct, with sufficient integration in the community, as to constitute a “profession.”

Ultimately, the issue centers on how professionals see themselves and how others see them, and this is often revealed through the way the profession self-organizes. Other professions, such as lawyers or physicians, promote professional identity through multiple venues. There is a “top down” approach in which a governmental agency (e.g., state Supreme Court or licensing agency) or a professional association promulgates codes of professional conduct, furthered in professional journals and training fora. There is also a “bottoms up” approach that involves socializing prospective and new members of the profession in educational settings. Both top-down and bottom-up approaches are mutually reinforcing.

In terms of the intelligence community, the IC should develop a code of ethics. This would further the practitioner's sense of personal responsibility for his actions, as well as reinforce the trust relationship with the American people.

## **Proposal I: Intelligence Community Codes of Ethics, Alternative Views**

1. **Service.** Our shared commitment to our national security mission must have priority, taking precedence over parochial interests, organizational as well as personal. We have an uncommon mission, and it requires selfless dedication to our nation and its citizens.

2. **Integrity.** We must have the courage to seek and speak the truth to power . . . to our leaders and policymakers, our superiors and subordinates, our colleagues and co-workers, accepting the consequences of doing so even in the face of personal or professional adversity.

3. **Accountability.** We must hold ourselves personally accountable for achieving results, as well as for adherence to all the laws and rules that govern how our most sensitive missions are to be accomplished. In this regard, we are ultimately accountable to the American people, for protecting them from harm, but also for protecting their privacy and civil liberties.

4. **Professionalism.** We must always foster a competitive, highly trained, and proficient workforce. The value of intelligence starts with our people. Professionals in the intelligence field protect their sources and methods and disclose both corruption and questionable activities pursuant to law, rule, regulation, and executive order.

5. **Duty.** We must stand ready to deploy, engage against, and destroy the enemies of the United States of America, both foreign and domestic. Duty to our country comes before individual desires.

6. **Agility.** We must be adaptive to our rapidly changing world using mission-driven professionals who embrace innovation and initiative.

7. **Tradition.** "You can't move forward if you don't understand your past." The IC is the result of much more than the National Security Act of 1949; it has undergone hundreds of minor tweaks, adjustments, evolutions, and restructures due to the "4 Ps" of many administrations working in vastly different geopolitical environments. We cannot afford to make the same mistakes again . . . the legacy we leave behind is directly related to the work we do today.



## **Proposal 2: IC Core Values and Code of Conduct**

### **Introduction**

The U.S. intelligence community (IC) is committed to the highest ethical standards of conduct in pursuit of its goal to provide policymakers with needed intelligence. Accomplishing this mission demands integrity, good judgment, and dedication to public service from all members of the community. While the IC affirms each person's accountability for his/her individual actions, it also recognizes that the shared mission and the shared enterprise of the IC require a shared set of core values and ethical conduct to which each member of the IC must be held accountable. Furthermore, the IC acknowledges that an organizational culture grounded in trust and faithfulness to the Constitution is essential to supporting these core values and ethical conduct. The following Statement of Core Values and Code of Conduct are intended to build, maintain, and protect that trust, recognizing that each member of the IC is responsible for doing his or her part by upholding the highest standards of competence and character. The nature of IC operations is such that the IC Code of Ethics is focused on expounding the IC's core values in lieu of a detailed list of ethical requirements. Understanding of and adherence to the IC's core values provides a framework for ethical action in defense of the nation.

### **Applicability**

The IC Ethics policy applies to all members of the IC community. The IC community includes:

1. Oversight bodies charged with the governance or monitoring of the IC;
2. All individuals employed by the IC to include vendors and contractors; and,
3. Agents of the IC insofar as those agents are acting on behalf of an agency.

Members of oversight bodies and IC employees shall participate in periodic ethics policy training and shall certify compliance with the IC Ethics Policy as determined by the Director of National Intelligence (DNI) or the DNI's designee. Vendor and contractor compliance with the IC Ethics Policy shall be incorporated into written agreements to which an IC agency is party. IC agents shall be briefed

on relevant IC Ethics Policy requirements. The IC Ethics Policy governs only official conduct performed by or on behalf of an IC agency. Violations of the IC Ethics Policy may result in disciplinary, civil, and/or criminal action.

### **Statement of Core Values**

Every member of the IC is required to adhere to the IC's Statement of Core Values—Integrity, Excellence, Accountability, Respect for Others, Loyalty, Diversity, Collaboration, Courage, and Trustworthiness. These values form and guide the daily work of both the organizations and personnel that comprise the IC.

1. **Integrity**—We will be honest, fair, impartial, and unbiased as we collect, report, analyze, and disseminate information. We will be true to the law and report wrongdoing if it is encountered. Professionals protect their sources and methods, and they disclose both corruption and questionable activities pursuant to law, rule, regulation, and executive order.
2. **Excellence**—We will perform our duties in a manner that fosters a culture of excellence and high quality in everything we do. Our work ethic must reflect this goal.
3. **Accountability**—We firmly believe that our mission is a public trust. We will live up to this trust through safeguarding our resources and being good stewards of the American tax dollar.
4. **Respect for Others**—We recognize the inherent dignity and rights of every person, and we will do our utmost to fulfill our responsibility to treat each person with fairness, compassion, and decency. We will use the least intrusive methods to accomplish the mission at hand. We recognize that the nature of our profession inherently conflicts with human dignity, but we strive to minimize that conflict while serving as guardians of our nation and its way of life.
5. **Loyalty**—We will serve the American people, be true to the U.S. Constitution, be consistent with the law, and obey the leaders of the U.S. government. We hold the protection of the American way of life a sacred duty.
6. **Diversity**—We are committed to diversity because a wider range of backgrounds and experiences makes us a stronger learning organization and more effective in meeting our mission. We are committed to maintaining a culture of inclusion that treats

all employees fairly and provides equal opportunities based on merit. Our employment policies prohibit discrimination.

7. **Collaboration**—We strive to share and disseminate our work to the widest possible audience. Members of the IC will cooperate with each other for the betterment of the country.
8. **Courage**—The defense of the nation requires both moral and physical valor. We aim to exhibit both.
9. **Trustworthiness**—We recognize that the work we do is inconsistent with openness and transparent government. We will mitigate this by sharing as much as possible and declassifying records. The inherent secrecy of the IC requires extra vigilance to adhere to this code of ethics.

### ***Purpose of the Code of Conduct***

The IC recognizes that each employee attempts to live by his or her own values, beliefs, and ethical decision-making processes. The purpose of the Code of Conduct is to guide employees in applying the underlying IC Statement of Core Values to the decisions and choices that are made in the course of everyday endeavors. Each IC Agency should ensure that its ethical policies are consistent with this IC policy.

### ***Code of Conduct***

As members of the intelligence community, we will:

1. Seek the truth and report it accurately.
2. Continually strive to increase the quality of our work while complying with the professional standards that govern our work.
3. Put loyalty to the highest moral principles and to country above all else.
4. To the maximum extent possible, promote the sharing of information. Avoid overclassifying.
5. Be fully accountable to management, the executive and legislative branches, as well as to the American people.
6. Support an environment of respect for the rights and viewpoints of all people.
7. Avoid improper political activity.
8. We will protect sources and disclose both corruption and questionable activities pursuant to law, rule, regulation, and executive order.
9. Disclose and manage potential conflicts of interest.

## ***Interpretation and Sources***

The Statement of Core Values and the Code of Conduct are intended to address significant ethical challenges that an IC employee may face in the course and scope of employment. However, situations may arise resulting in actual or perceived conflicts between the various core values and conduct statements. IC employees are charged with executing a potentially dangerous and always challenging mission with minimal oversight by the public other than through the constitutionally established mechanisms in place through the U.S. Congress. Self-governance and mutual forbearance are required to ensure effective implementation of the IC Ethics Policy. IC employees are encouraged to discuss potential ethical challenges with objective parties in a manner consistent with security protocols, such as the agency general counsel, inspector general, or ethics ombudsman.

There are additional sources of authority that address specific questions or situations. Examples include the U.S. Constitution, acts of Congress, treaties and conventions to which the United States is party, Executive Orders, DNI Directives, agency policies and procedures, and the international Law of Armed Conflict.

## **Proposal 3: An IC-Wide Ethos**

I am an Intelligence Professional.

I serve the People of the United States.

I will defend the Constitution and exemplify our nation's values.

I will embrace the fairness of fact and fight to mitigate bias.

I will integrate my work with that of my peers from all agencies.

I will not endanger others or my country with incomplete information.

I will protect my sources and methods.

I will master my craft.

I am proud to be an Intelligence Professional.

A holistic approach was used to design this ethos, beginning with a thorough review of existing ethical codes. This IC-wide ethos implements the best frameworks and themes from a broad range of reviewed material. Among the most effective codes reviewed and implemented in the IC-wide code include those from the medical community, the Central Intelligence Agency (CIA), the Federal Bureau of Investigation (FBI), and the U.S. Coast Guard (USCG). In addition to using frameworks presented by the above existing codes,

an examination of core concepts in classroom discussions helped develop an understandable, relatable, and above all, applicable ethos for the entire intelligence community.

The initial target audience for this project was the members of IC agencies; however, as research progressed, the target audience gradually expanded to include the American people as an integral portion of the audience. We came to realize that an ethical code is meant to serve the general public involved with the agency, however tangential, just as much as the intended recipient of the code (the IC). One reason for this is to gain back credibility and trust from the American public that may have been lost during recent events that undermined public confidence in the community, such as the fiasco involving weapons of mass destruction (WMD) in Iraq. While the focus of this code is not to specifically address culpability for perceived intelligence failures, this ethos is a reminder that the IC is aware that the ultimate goal of the organization is to proudly serve the American people while upholding the defense of national security. Ultimately, the goal of this ethos serves two purposes: to guide every member of the IC in daily activities while also rebuilding the relationship between the American people and the IC that is vital to national security and prosperity.

The IC-wide ethos is divided into three critical elements to specifically address each of these goals: Distinguishing Character, Guiding Beliefs, and Fundamental Beliefs.

**Distinguishing Character:** The first section of the ethos serves as a reminder that intelligence analysts, collectors, and managers are not only experts in each intelligence field but also are, above all, *professionals*. Further, this section outlines the ultimate goal of the intelligence community: to serve the people of the United States. The nature of this work requires navigation through a challenging environment that demands high moral and ethical standards. Through this challenging environment, this code serves as a moral compass to guide IC members by reminding them of the ideals and values they defend and that their actions must always be above reproach.

**Guiding Beliefs:** The second section outlines intelligence-specific challenges that IC members should endeavor to always follow through the course of public service. Embracing and weighing all facts equally will ensure that inherent bias is effectively mitigated in collection and analytical efforts. Integration is identified by the Director of National Intelligence as one of the three core characteristics essential for effective intelligence work. Articulating this in the IC-wide ethos demon-

strates a never-ending commitment to share information and collaborate on collection. Incomplete information or analysis can improperly influence policymaker's decisions affecting credibility of the United States at home and abroad. These policy decisions carry not only the security and future prosperity of the United States but also directly impact U.S. service members and allies serving on the front lines. The IC always strives to provide the most complete information possible for the war fighter, and where needed, articulate remaining gaps to policymakers without exception or fear of reprisal.

**Fundamental Beliefs:** This final section summarizes what each intelligence professional must embrace to be successful in the intelligence community. Protection of sources and mastery of all skill sets and management levels will enable every member of the IC to be successful as a team, an agency, and a community. Professionals in the intelligence field protect their sources and disclose both corruption and questionable activities pursuant to law, rule, regulation, and executive order. The final line, though at first glance appears repetitive, contains one important addition: pride. Though many of our greatest accomplishments may never be known; we must always take pride in our quiet service to the nation and the professional manner in which we serve.

**Distribution of Message Ideas:** The most successful messages that "stick" tend to have innovative approaches. Anchoring new approaches in the IC through a simple message: *I am an Intelligence Professional*, has the capacity to positively change the current culture and create better performance through customer and productivity-oriented behavior.<sup>5</sup> Some key ideas to spread this message include displaying a banner or plaque through each entry and exit of IC buildings with this simple statement: *I am an Intelligence Professional*. Additionally, badges issued by each agency should include the statement on the front: *I am an Intelligence Professional*. Accompanying each badge will include a similar-sized card to carry that has the extended proposal of the IC-wide ethos. Chief Executive Officer (CEO) Alan Mulally of Ford Motor Company turned around the company by embracing the concept of distributing a similar message relative to his company. The corporate motto, "We Are One Ford," is now printed on the back of every employee's ID badge.<sup>6</sup> Some other ideas to help IC members embody the IC-wide code include adding the statement, *I am an Intelligence Professional* to office letterhead, adding quarterly awards that are given to individuals embracing the code, challenge coins with living the code, and

something as memorable as including the statement in fortune cookies distributed in the building. If the IC is serious about its members internally embracing an IC-wide ethos, the desired message must be readily visible in the simplest of ways.

## **Proposal 4: HUMINT Professional Ethos, Core Values, and Creed**

### ***HUMINT Professional Ethos***

I am a HUMINT professional interrogator. I have been entrusted by the U.S. government and the agency I serve with the unique mission of acquiring information from human sources. I must abide by the laws and regulations of the Constitution, my government, and my home agency in the performance of my duties. I am self-reliant, investigative, alert, and well trained in the art and skill of active and passive information collection as a HUMINT professional. I have been entrusted to foster positive relationships and communicate effectively. I will strive for constant improvements in myself and my profession while maintaining appropriate bearing and resiliency. I am a professional, will take pride in my calling, display the highest levels of moral and ethical conduct, be an example to others, and understand that I must always reflect integrity as I serve. I will protect my sources and disclose both corruption and questionable activities pursuant to law, rule, regulation, and executive order. I will uphold the value of human life and will not deprive others of their rights and privileges. I willingly commit to this creed and to the profession of Human Intelligence.

### ***HUMINT Core Values***

- **Duty:** Devotion to duty comes first
- **Integrity:** Adheres to legal, ethical, and moral principles and standards
- **Objectivity:** Maintains an unbiased attitude toward sources and methods and information collected
- **Credibility:** Provides clear and accurate assessments to superiors
- **Respect:** Treats sources fairly to encourage cooperation
- **Initiative:** Remains cognizant of the environment and exploits new opportunities
- **Self-Control:** Maintains both personal patience and psychological well-being while working with sources

## ***HUMINT Professional Creed***

I am a proud American HUMINT professional.

I will faithfully adhere to all regulations.

I am never discouraged by opposition or noncooperation.

I will always assess the veracity of new information.

I am emotionally detached but empathetic to my sources.

While I am persuasive with my sources, I am completely honest with my comrades, for in courageous truth lies intelligence victory.

## **Proposal 5: HUMINT Collector Ethos**

As a human intelligence (HUMINT) collector, I will pursue our intelligence needs with vigilance, persistence, initiative, and tenacity, knowing our nation depends on my efforts. Predictive knowledge of our adversaries' capabilities, plans, and intentions affords the United States a strategic advantage against its adversaries. The manner in which I execute my operations reflects equally upon my level of professionalism and my credibility. Tradecraft provides a powerful toolkit designed for exclusive use only during operations. American law frames our opportunities and serves as guidance, although not as counterproductive lists of prohibitions and limitations. During HUMINT operations, context and content are equally important. The value in secrecy lies inherently within operational security, not within the compartmentalization of intelligence to prevent disclosure to our customers. I will capitalize on the opportunities presented by operational ambiguity, and I will embrace the principle of favorability. Thorough operational planning is critical and enables me to react to the realities I am presented with, as operations unfold.

## ***HUMINT Collector Core Values***

**Autonomy:** I recognize that HUMINT collection methods are often ambiguous and ill defined. This subjective paradigm allows me operational freedom to execute my mission without direct supervision from superiors.

**Imagination:** Creativity is the cornerstone for problem solving. History and tradition are not substitutes for innovative thought processes. I recognize the value in the indirect approach and the pitfalls of linear thinking.

**Risk Taking:** HUMINT collection holds an inherent degree of risk. I will not shy away from operations simply because of the risk in-



volved. I will strive to develop courses of action designed to mitigate the degree of risk while accomplishing the mission.

**Resourcefulness:** Working alone and far from headquarters, I realize that resources and organizational support can be scarce. My ability to leverage all available tools at my disposal and improvise to overcome unexpected challenges will result in mission success.

**Professionalism:** I represent my organization, the intelligence community, and the U.S. government during the course of my professional duties. I will remember that when I interact with foreigners outside the borders of America and far from home, I am the United States. Professionals in the intelligence field protect their sources and disclose both corruption and questionable activities pursuant to law, rule, regulation, and executive order.

### **Statement of Purpose**

After the passage of Intelligence Reform and Prevention of Terrorism Act (IRPTA) in 2004, the human intelligence (HUMINT) community has been broadened and expanded to reach across several intelligence community (IC) agencies, as well as to maintain a role in the Department of Defense (DoD). With more entities now conducting HUMINT operations, a code of ethics is necessary to guide the behavior of all HUMINT operators. The Central Intelligence Agency (CIA), Defense Intelligence Agency (DIA), Federal Bureau of Investigation (FBI), as well as the DoD, all have a role in HUMINT collection, but each have vastly different cultural practices. The necessity for this ethical code is rooted in the recent statutory changes that dramatically impacted the organizational structure of the HUMINT community.

First, the focus of this ethical code is for overt and clandestine HUMINT collectors, not analysts. The code should serve as a tool designed for the specific challenges of HUMINT operations. The audience for this code is the HUMINT collectors themselves; however, the code is unclassified and accessible for both internal and external consumers. This transparency helps mitigate the distrust often created by the secret nature of the profession. The code serves to fulfill the social contract between the IC and the public it serves.

The mission focus for all HUMINT intelligence collectors should be in support of a common IC goal. Historically, the objective of each agency was to focus on specific mission requirements and accomplishments. Additionally, some agencies have not been organizationally focused on HUMINT operations. For example, the FBI has traditionally been focused on law enforcement procedures. However, information

sharing now has to be conducted across agencies for one unified goal. A common ethical code can align the disparate organizational cultures and facilitate a sense of community.

Second, this ethical code focuses on virtue ethics, placing value on the positive attitude toward a moral duty. Highlighting the ideal representation of a HUMINT collector will help to shape the IC in the future. Developing this ethical code aids in combating past utilitarian practices. Historically, some IC collectors have defaulted to a utilitarian approach to justify their actions. Utilitarianism states that the proper course of action maximizes overall happiness and effectiveness. The contemporary environment demands that the actions of HUMINT collectors be driven by an ethically guided process. Increasing public scrutiny combined with significant economic cutbacks emphasizes the importance of virtue ethics within the secret society of HUMINT collectors. The HUMINT collector ethical code will guide the conduct of good intelligence with a focus on proper ethical consequences.

### **Proposal 6: Analytic Community Ethos**

The intelligence cycle captures the complex process of producing valuable intelligence for the policymaker by packaging it into five discrete stages: planning and direction, collection, analysis, production, and dissemination.<sup>7</sup> Throughout each stage, significant ethical issues arise that analysts, collectors, and policymakers must consider as they contribute to the intelligence community's mission to evaluate security interests to inform policy decisions. Intelligence analysts play a unique role in each stage of the intelligence cycle, making it a particularly useful framework from which to construct an ethical code specific to the analytic community. Professionals protect their sources and disclose both corruption and questionable activities pursuant to law, rule, regulation, and executive order.

The intended audience for our ethical code is analysts in the U.S. intelligence community (USIC), rather than for public release. This is for several reasons. First, since analysts regularly face a specific set of issues throughout each stage of the intelligence cycle, they will realize greater benefit from a code that is specifically tailored to their analytic work. Second, concepts and terminology that may be unfamiliar to the general public, such as the relationship between the National Intelligence Priorities Framework and collection or the problem of stovepipes within agencies, speak specifically to the ana-

lytic community. Our belief is that a narrowly focused code of ethics will provide more direct applicability to an analyst's daily work.

In addition to a specific audience, we also crafted the code of ethics with a very specific purpose. The code does not simply outline general inspiration principles—rather, it articulates specific directives of ethical behavior for the most important issues at each stage of the intelligence cycle that analysts must adhere to in order for the mission to succeed. Driven primarily by the imperative voice, the code's language and tone reflect the seriousness and attention to detail with which analysts daily approach their vocation. The determined and focused effort that analysts dedicate to the substantive issues at each stage of the intelligence cycle must also be applied to the ethical issues that ultimately affect the success of the mission. In essence, adherence to the code enables the ultimate purpose of intelligence analysis: to turn raw information into useful assessments for the policymaker.<sup>8</sup>

The code also addresses the analytic community's various relationships with other participants of the intelligence cycle. For instance, in the planning and direction process, analysts must prioritize their efforts based on requirements provided by the policymaker. In collection, the analyst must respect the complex relationship with the collector. During the analysis phase, the code stresses the importance of objectivity, honesty, and self-examination to avoid politicization. The production stage speaks to the analytic community's responsibility to the American people, recognizing a product's concrete influence over policy, public resources, deployment of military force, and legislation.<sup>9</sup> Finally, the dissemination phase calls on analysts to uphold the integrity of their analysis by speaking truth to power in their relationship with the policymaker and to collaborate ethically with other levels of government and foreign partners.<sup>10</sup>

Despite its direct tone, the code cannot be strictly enforced due to the inherent subjectivity of analytic work. Still, we believe it can raise the standard of analysis in the community. The imperative language warns analysts individually and collectively that ethical decisions made at each stage of the intelligence cycle contribute to the USIC's ability to protect national security interests. By the nature of the intelligence cycle, this ethical code is detailed in its attention to the diversity of concerns within the intelligence community but general in its flexibility to address analysts from each agency. Some may criticize the intelligence cycle's inability to comprehensively explain a highly complex process. Ultimately, however, we believe it provides the most valuable framework to inform and guide the analytic community's ethical behavior.<sup>11</sup>

## ***The Ethical Intelligence Cycle***

1. Planning and Direction:
  - a. Ensure targeting and collection priorities are proportional to the national interests at stake.
  - b. Use the National Intelligence Priorities Framework when considering potential outliers and anomalies.
  - c. Consider the least intrusive methods first. Open source should be your first resource.
  - d. Recommend that resources be used wisely and anticipate potential consequences in allocating collection requirements.
  - e. Be objective and avoid political influence in developing collection requirements.
2. Collection:
  - a. Provide honest and timely feedback to the collector.
  - b. Act responsibly. Do not collect just to collect, collect within the scope of your mission.
  - c. Take care to describe the source properly—be diligent and objective in the source description.
  - d. Protect sources and methods.
  - e. Appropriately scale collection to the immediacy and severity of the threat.
3. Analysis:
  - a. Avoid abuse of access to information.
  - b. Recommend but do not direct.
  - c. Trust but verify—seek the truth, evaluate information, and do your best to corroborate information with other sources; however, do not immediately distrust single-source information.
  - d. Maintain objectivity and avoid politicization.
  - e. Always use alternative analysis and consider the widest possible range of hypotheses.
  - f. Do not misrepresent or overinflate in your analysis.
  - g. Let the policymaker be the policymaker—do not make policy decisions. Remember the difference between providing political context and taking a partisan position.
  - h. As an analyst, your job includes providing feedback to collectors, but without actually directing collection activities.
4. Production:
  - a. Be cognizant of the weight that analytical products carry; understand that assessments have influence over policy, allocations of public resources, deployment of military force, and legislation.

- b. Coordinate with the widest possible range of IC experts before disseminating analytical products.
  - c. Strive to find a balance between quality and timeliness in production—an on-time C- product is worth far more than an A+ product that is too late.
5. Dissemination:
- a. Speak truth to power—give the policymaker accurate information rather than what he or she wants to hear.
  - b. Don't stovepipe—disseminate to the widest possible audience; when in doubt about sharing or disseminating information, seek guidance.
6. Always follow your agencies' guidelines for appropriate dissemination and release of information to domestic and foreign intelligence partners.

## Notes

1. Hans Born and Aidan Wills, "Beyond the Oxymoron: Exploring Ethics through the Intelligence Cycle," in *Ethics of Spying: A Reader for the Intelligence Professional, Volume 2*, Jan Goldman, editor (Lanham, MD: Scarecrow Press, 2010), 37.

2. Ibid.

3. Federal employees take an oath of office, a practice that emphasizes personal responsibility. See 5 U.S.C. § 3331.

4. Samuel P. Huntington, *The Soldier and the State: Theory and Politics of Civil-Military Relations* (Cambridge, MA: Belknap Press of the Harvard University Press, 1957), 7.

5. John Kotter, *Leading Change* (Boston, MA: Harvard Business School Press, 1996), 21.

6. Josh Cable, "Management Lessons You Can Learn from Alan Mulally," <http://www.industryweek.com/global-economy/management-lessons-you-can-learn-alan-mulally>.

7. Born and Wills, "Beyond the Oxymoron," 42–43.

8. Ibid., 48.

9. Ibid., 47.

10. Ibid., 48.

11. Ibid., 42–43.

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