

# The Ethics of Covert Operations

"Covert action" has been used to describe many different kinds of activities in U.S. foreign policy since World War II. The most controversial of these include the U.S.-backed coups d'état in Iran and Guatemala in the 1950s, the CIA-assassination plots against foreign leaders such as Fidel Castro and Patrice Lumumba in the 1960s, the attempts to prevent the election of Salvador Allende as president of Chile in 1970 and then to subvert his government after he was elected anyway, and, of course, the contra war in Nicaragua during this decade. A larger number of covert operations have met with general, if not unanimous, public approval — for example, financial and political support for moderate parties and labor organizations in Italy and France in the late 1940s and 1950s and military aid for the anti-Soviet guerillas in Afghanistan in the 1980s.

These operations had certain elements in common. Each involved interference in the internal affairs of another state. In each case efforts were made to conceal the involvement of the United States. Each was carried out without public congressional scrutiny or review. Yet it is the differences among the cases that are more striking. They encompass many different kinds of activity, in pursuit of disparate political objectives, undertaken covertly rather than overtly for a variety of reasons. This should make us hesitate to draw categorical conclusions like those that occur so often in discussions of the ethics of covert action (e.g., that it is always wrong).

It seems fairly clear that the issues of principle arising for controversial cases of covert action fall into three groups: sometimes we argue about the *ends* of covert action, sometimes about the *means* used to pursue these ends, and sometimes about the constitutional *process* through which the operations in question were (or were not) authorized and overseen. Let us consider each in turn.

## Ends

Covert action is interventionary in a broad sense: in almost every case, it aims at influencing the course of political life in the target state by inducing or preventing a change in government or policy. Interference typically risks several kinds of harm, which are reflected in the three most prominent general arguments against intervention: that it offends the political sovereignty of the state being interfered in; that it disrupts a people's common life; and that it upsets the international order.

Some people think that its interventionary character

is enough to show why *all* covert action must be illegitimate. But this is too quick. All of the prevailing views about ethics in international affairs recognize exceptions to the general prohibition of intervention, such as self-defense, counter-intervention, and intervention to prevent gross violations of human rights. Thus, we must confront the question of whether (and how) the exceptions might apply to covert action.

A CIA official suggested one answer when he described "covert actioneers" as "the 'do-gooders' of the clandestine business" because their aim is usually to lend help to "people and institutions legitimately in need of such assistance." Covert action, this official was claiming, has a paternalistic, other-regarding rationale: its goal is to serve the interests of the residents of the state in which it takes place.

Although few cases of covert action appear to have been motivated by this kind of rationale, we should not dismiss it altogether. It reflects a long tradition in American foreign policy of justifying intervention on the ground that it is good for those whose societies are being intervened in. The Reagan Doctrine of support for "freedom fighters" is only the most recent formulation of this idea. So it is worth observing that paternalistic considerations could justify intervention, if at all, only if there were good reasons to believe that its consequences really would be in the interests of the target population. This is no small matter. One needs to know enough about the culture and values of the target society to make informed judgments about its welfare, and enough about its politics and history to calculate the likely consequences of the kinds of intervention contemplated. Any review of the history of intervention in U.S. foreign policy would quickly conclude that there were few cases in which the principal decision-makers could honestly have claimed sufficient knowledge to make these judgments responsibly. Covert interference encompasses additional difficulties arising from the constraints of secrecy. For example, a special problem of operational control occurs when intermediaries are employed to carry out the interference — partly because their aims may differ from ours, and partly because the chain of command is more ambiguous and less reliable. This leads to greater uncertainty in predicting the costs of the operation and increased chances of unintended results.

The more common justification of covert intervention, of course, is that it advances the security interests of the nation. But the ambiguities of the idea of the national interest are well known, and the bare invocation

of this idea, without more, can hardly justify any potentially costly venture. For one thing, it may refer to values of varying degrees of urgency or moral significance: although protecting a population against unprovoked attack and protecting access to raw materials or markets for goods could both be said to be in the national interest, for example, they represent concerns of dramatically different levels of importance. In addition, the national interest may be invoked in response to threats of differing degrees of immediacy: compare the imminent threat of a military invasion with the long-term threat that a nonaligned but left-leaning and strategically located regime might come to be a Soviet ally. From a moral point of view, these differences matter. Those who would justify a policy of covert intervention on the grounds that it could help avert threats to U.S. interests must explain what values would be advanced by the policy in question, how these are threatened under the status quo, and why these threats are important enough to justify the harms that interference would impose on its victims.

Advocates of covert action often point out its desirability as an instrument of foreign policy, in comparison to the alternative of regular military force,

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which does more damage and intrudes more deeply on the rights of other states and peoples. Covert action provides a "third way" between diplomatic pressure and overt economic or military aid, on the one hand, and direct military intervention, on the other. But the familiar tendency to rationalize adventurist foreign policies by invoking vague and overblown conceptions of national interest suggests that the relatively less damaging character of covert action might be more a liability than an asset. For the low-risk, quick-fix aspect of covert action almost certainly encourages decision-makers to commit national power more widely than they would otherwise find it advisable to do. It also reduces the incentives to reach diplomatic solutions.

### Means

Covert operations can employ a wide variety of means, each of which raises different ethical questions. These include the acceptability of techniques of non-coercive interference such as propaganda and corruption of the integrity of domestic political procedures, the justifiability of political assassinations, and the legitimacy of supporting forces that use indiscriminate

military and paramilitary tactics in their efforts to destabilize a government.

I would like to concentrate on issues surrounding covert action as a form of manipulation. Covert action is often manipulative. The meaning of this, and of the evil connected with it, is not as obvious as it may seem, especially in the context of international relations.

On the level of individual relations, manipulation is a form of power that employs deception of those over whom power is exercised. It is a way of getting what you want despite the possible resistance of others. Manipulation occurs when you exercise power over other people, inducing them to behave according to your wishes, in a way intended to conceal from them that power has been exercised. For example, you might induce people to do one thing rather than another by providing them with skewed or incomplete information or by altering their preferences in ways they are unlikely to detect (as in subliminal advertising). The distinctive evil of manipulation derives from the fact that by attempting to hide the exercise of power, manipulation seeks to enlist a person's capacity for self-determination in the service of goals which are not, or not necessarily, the person's own. Because manipulation interferes with the normal process of selecting goals and deciding how to pursue them, it is an invasion of a person's autonomy. And because it operates invisibly, manipulation leaves a person peculiarly defenseless against this invasion.

There is a clear analogy at the international level. Consider, for example, the CIA's attempts to manipulate the Chilean elections of 1964 and 1970 by funneling funds to conservative forces in order to prevent victories by parties of the left. These activities were not coercive in any strict sense; individuals were not forced to act against their will. Nor were constitutional procedures crudely set aside (as they were in the coup of 1973, for example). Rather, constitutional procedures were *used*, in the pejorative sense of that term. The U.S. acted in ways calculated to cause the normal processes of social decision-making to produce outcomes that might not otherwise have taken place. Because the U.S. role was kept secret, the Chilean people were defenseless against it; for example, in deciding how to vote, they were unable to compensate for the influence on their attitudes and beliefs of U.S. interference in their domestic political life. This is just as much an assault on the autonomy of those affected as is manipulation in the individual case. Indeed, it is worse. The offense to individual autonomy is compounded at the social level by an offense to democracy, whose integrity depends on the capacity of its people to participate knowledgeably and rationally in political deliberation. This, of course, is precisely what manipulation subverts.

### Constitutional Processes

Covert operations have to be kept secret to be effective, but this means that they cannot be subjected to the usual processes of public consideration and review.

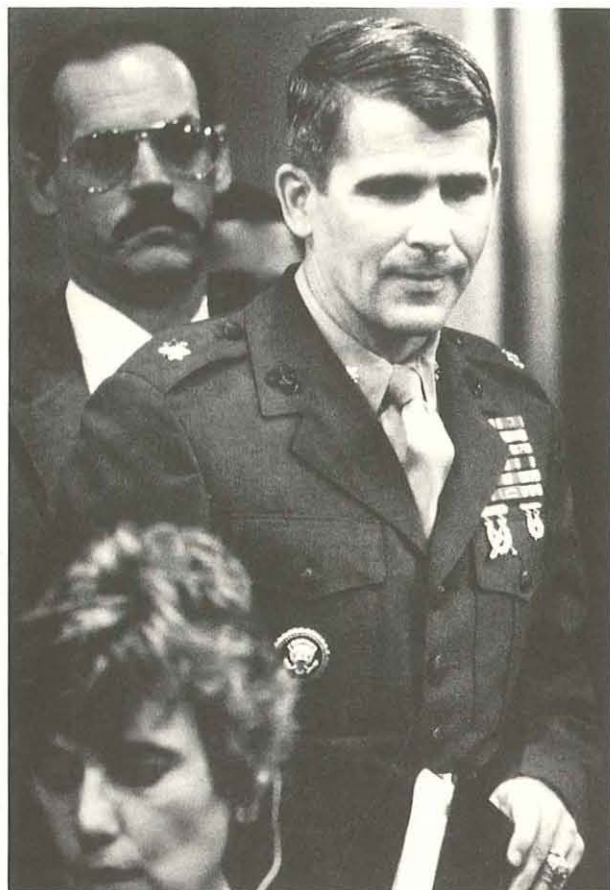


Photo by Glen Stubbe/The Washington Times

Gregory Trevorton refers to this as "the paradox of secret operations in a democracy." On the one hand, Trevorton is ready to agree that there may be occasions when covert action would be justifiable on grounds of national security. On the other, he does not see how covert action, even if justifiable on these grounds, can be reconciled with democratic principles.

The difficulty in this way of seeing things can be explained in two connected points. First, democracy is not some sort of mechanical device designed to harness individual political decisions to the popular will, so that any decision not approved by the people must be suspect. Democratic institutions are means for ensuring the responsiveness of policy to the interests of the people and for deterring the unauthorized use of power by those who hold public office. There is no reason to deny that democratic citizens could have good reasons for removing certain categories of decisions from popular control or even popular review. Indeed, a wide range of existing practices in such disparate areas as the administration of justice and macroeconomic policy suggests exactly this. These practices limit opportunities for public review of executive decisions, yet we do not usually regard them as contrary to democratic ideals.

But this does not mean (and this is the second point) that there is nothing more to be said about how the democratic idea constrains the role of secrecy in government. We need to tell a story connecting any provisions

for secrecy with the underlying aims of democratic institutions, showing in each case why those aims are likely to be achieved more successfully with secrecy than without it. This story will also suggest the limits of secrecy — where to draw the line between decisions that may be made secretly and those that must be publicly acknowledged and what procedural safeguards would be desirable to deter negligence and malfeasance among those officials who operate behind the shield of secrecy.

The real issue is not whether we make a logical or conceptual mistake in thinking that covert action is compatible with democracy. The serious question is practical, not conceptual; it is whether there are ways to organize the planning and execution of covert operations so that they serve rather than subvert the aims of democratic government.

The new covert action regime instituted in the mid-1970s employs a form of limited accountability whereby the executive branch is required to inform certain members of Congress about the planning and execution of covert operations. The proponents of the new regime were moved by the hope it would help deter several kinds of abuse of executive authority. Chief among these was the danger that covert action would fail to be the servant of official policy. They also hoped to deter transgressions of domestic law and the Constitution, and to guard against violations of international law and human rights.

This new emphasis on accountability has ethical as well as political significance. It reflects a judgment about the conditions under which it could be reasonable for citizens to risk depriving themselves of information that is important to the conduct of democratic political life — in other words, about the practical conditions under which democracy and covert action can coexist.

The question before us today is whether the judgments reached more than a decade ago were sound. Events of the Reagan years suggest that the formula worked out in the mid-1970s was a step in the right direction, but that it contained loopholes that enabled zealots in the CIA and the National Security Council to repeat the same kinds of abuses of authority that the formula was devised to deter. Certainly efforts should be made to close these loopholes. But as a matter of political ethics, our emphasis should be on a deeper question. This is whether any form of accountability is likely to be sufficient to bring the unauthorized use of executive power under control. If the answer to that question is no, then our democratic principles compel us to consider whether the capacity to conduct covert operations in peacetime should properly belong to the executive branch at all.

— Charles R. Beitz

Charles R. Beitz is Associate Professor of Political Science at Swarthmore College. This article was adapted and condensed from his paper, "Covert Intervention as a Moral Problem," *Ethics & International Affairs*, vol. 3 (April 1, 1989).