

*The IIEA welcomes you to the*  
**5<sup>TH</sup> INTERNATIONAL CONFERENCE ON  
THE ETHICS OF NATIONAL  
SECURITY INTELLIGENCE**

March 11-12, 2010



**GEORGETOWN  
UNIVERSITY**  
SCHOOL OF CONTINUING STUDIES



International Intelligence  
Ethics Association (IIEA)  
P.O. Box 8474  
Washington, DC 20032

## PROGRAM COMMITTEE

James Stroble, *Chair*  
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 John Lango  
 Carrie Newton Lyons  
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 Shlomo Shpiro

## THE CONFERENCE ON THE ETHICS OF NATIONAL SECURITY INTELLIGENCE

The conference is open to scholars from a broad spectrum of disciplines, including political science, law, history, law enforcement, philosophy, international relations, and theology, and others who are interested in intelligence ethics, including government employees, and members of the press and non-governmental organizations. In the past, participants have come from countries such as the United States, Sweden, Israel, Portugal, the United Kingdom, France, and Finland. The 2-day conference begins on Thursday morning, March 11, 2010 and ends on Friday afternoon, March 12, 2010.

## IIEA MISSION

- *Develop a theory of ethics* for application to the problems and dilemmas that confront intelligence practitioners and their constituencies
- *Develop intelligence ethics* as a field of research, study, and practice
- *Become a resource* for domestic and foreign intelligence practitioners to use in developing projects, improving the ethical climate and guiding their decisions
- *Work with like-minded academic and professional institutions* to establish intelligence ethics as a legitimate and robust field of research, study, and practice
- *Increase the academic and professional resources* for intelligence ethics available to the intelligence community
- *Encourage international and cross-cultural dialogue* on the subject of intelligence ethics

## IIEA PRIVACY POLICY

A list of attendees will not be disseminated to conference attendees or be distributed outside the IIEA Board of Directors. Nor will rank and affiliation, whether government agency, university, or private business, be revealed without prior consent of the individual.

Except with the express consent of the speakers or those participating in panels, all presentations and discussions at this conference are on a "not for attribution basis"; presentations and discussions may not be quoted by identity or organizational affiliation, either directly or indirectly, without consent.

No recording devices (such as cameras, audio recorders, etc.) that can capture images and sound are permitted during the presentations.

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## CONFERENCE SCHEDULE

### THURSDAY, MARCH 11, 2010

7:30am – 8:30am	<b>REGISTRATION &amp; BREAKFAST</b> (Auditorium, Gaston Hall)
8:30am – 8:50am	<b>INTRODUCTION &amp; OPENING REMARKS</b> (Auditorium, Gaston Hall)
9:00am – 9:50am	<b>CONCURRENT SESSIONS</b> <ul style="list-style-type: none"><li>• <b>George Selim</b>, <i>Can We Ethically Communicate the Threat?</i> (President's Room, Healy Hall)</li><li>• <b>Mark Silinsky</b>, <i>Partners in COIN: Warfighters, Scholars, Analysts</i> (Riggs Library, Healy Hall)</li></ul>
10:00am – 10:50am	<b>CONCURRENT SESSIONS</b> <ul style="list-style-type: none"><li>• <b>Kevin Macnish</b>, <i>The Ethics of Surveillance</i> (President's Room, Healy Hall)</li><li>• <b>Gail Harris</b>, <i>The Ethics of Intelligence Support to Military Operations</i> (Riggs Library, Healy Hall)</li></ul>
11:00am – 11:50am	<b>PLENARY SESSION</b> (Auditorium, Gaston Hall) <ul style="list-style-type: none"><li>• <b>Jody Williams</b>, <i>Morality and Brutality in the Asymmetrical Environment: Is It Even Possible?</i></li></ul>
12:00pm – 12:50pm	<b>LUNCH</b> (President's Room, Healy Hall) <b>BOOK SIGNINGS*</b> (Riggs Library, Healy Hall)
1:00pm – 1:50pm	<b>PLENARY SESSION</b> (Auditorium, Gaston Hall) <ul style="list-style-type: none"><li>• <b>George Lucas</b>, <i>Military Anthropology and the Ethics of Espionage</i></li></ul>
2:00pm – 2:50pm	<b>CONCURRENT SESSIONS</b> <ul style="list-style-type: none"><li>• <b>David Gray &amp; Michelle Darnell</b>, <i>Teaching the Ethics of Intelligence</i> (Riggs Library, Healy Hall)</li><li>• <b>Christopher M. Caldwell</b>, <i>Privatized Information Gathering, Just War, and Morality</i> (President's Room, Healy Hall)</li></ul>
3:00pm – 3:50pm	<b>CONCURRENT SESSIONS</b> <ul style="list-style-type: none"><li>• <b>Glenn Carle</b>, <i>Intelligence Operations and the Cultural Religious, and Ideological Context of Ethical Norms</i> (President's Room, Healy Hall)</li><li>• <b>Kenneth Farrall</b>, <i>Suspicious Activity Reporting and the Production of U.S. Domestic Intelligence</i> (Riggs Library, Healy Hall)</li></ul>
4:30pm – 6:00pm	<b>RECEPTION</b> (Riggs Library, Healy Hall)

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## CONFERENCE SCHEDULE

### FRIDAY, MARCH 12, 2010

7:00am – 8:45am	<b>REGISTRATION</b> (Auditorium, Gaston Hall)
8:45am – 8:55am	<b>ANNOUNCEMENTS</b> (President's Room, Healy Hall)
9:00am – 9:50am	<b>PLENARY SESSION</b> (President's Room, Healy Hall) <ul style="list-style-type: none"><li>• <b>Anna Roosevelt</b>, <i>Human Rights and the CIA: The Case of the Assassination of Patrice Lumumba</i></li></ul>
10:00am – 10:50am	<b>CONCURRENT SESSIONS</b> <ul style="list-style-type: none"><li>• <b>Nancy Sherman &amp; William Quinn</b>, <i>The Moral Shadowland of Interrogation</i> (President's Room, Healy Hall)</li><li>• <b>James Roper</b>, <i>Using Private Corporations to Conduct Intelligence Activities for National Security</i> (Riggs Library, Healy Hall)</li></ul>
11:00am – 11:50am	<b>PLENARY SESSION</b> (Auditorium, Gaston Hall) <ul style="list-style-type: none"><li>• <b>John "Chris" Inglis</b>, <i>The Ethics of Cybersecurity</i></li></ul>
12:00pm – 12:50pm	<b>LUNCH</b> (President's Room, Healy Hall) <b>BOOK SIGNINGS*</b> (Riggs Library, Healy Hall)
1:00pm – 1:50pm	<b>PLENARY SESSION</b> (Auditorium, Gaston Hall) <ul style="list-style-type: none"><li>• <b>Gary T. Marx</b>, <i>Surveillance Ethics: Context Untangles the Woven Web</i></li></ul>
2:00pm – 2:50pm	<b>PLENARY SESSION</b> (Auditorium, Gaston Hall) <ul style="list-style-type: none"><li>• <b>John Lango</b>, <i>Intelligence About Noncombatants: The Ethics of Intelligence and the Just War Principle of Noncombatant Immunity</i></li></ul>
3:00pm – 3:20pm	<b>CLOSING REMARKS</b> (Auditorium, Gaston Hall)

\*In addition to noted speakers who will be signing their books during the lunch hour, David Perry will be signing his book, *Partly Cloudy: Ethics in War, Espionage, Covert Action, and Interrogation*, as well.

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## THURSDAY, MARCH 11, 2010

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### REGISTRATION/ BREAKFAST

Auditorium, Gaston Hall  
7:30 am – 8:30 am

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### INTRODUCTION & OPENING REMARKS

**JAMES STROBLE**, Program Committee Chair  
& **CHRISTOPHER VALLANDINGHAM**, IIEA President

Auditorium, Gaston Hall  
8:30am – 8:50am

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### CONCURRENT SESSIONS

#### *Option One*

Can We Ethically Communicate the Threat?

President's Room, Healy Hall  
9:00am – 9:50am

#### PRESENTER:

**GEORGE SELIM**

**Abstract:** The terrorist attacks on September 11, 2001 have profoundly impacted how the U.S. government communicates threats to the public. Writers, scholars, and public intellectuals have noted that the use of certain words by government officials to describe these threats has contributed to a polarizing debate on the severity of these threats and even whether these threats exist in reality. Terms, not inherent in the English language, such as jihad, jihadist, Islamic, Islamist, and al-Qaeda have taken on new definitions and applications in a language and culture in which they are non-native. Why is this the case?

Does this shift in vocabulary and how the threat is portrayed help promote an accurate depiction of threats to the United States or perhaps reinforce negative stereotypes that can lead to discrimination that disparately impacts Arabs, Muslims, and South Asians communities in both policy and practice? There are layers of legal and ethical safeguards in place during the process of collecting, analyzing, and disseminating intelligence. But what safeguards are in place to examine how we talk about terrorism threats publicly? Do we even need such safeguards?

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Neither the Intelligence Community nor the American public has the historical context to fully understand the vocabulary introduced in the post 9/11 era. Social scientists and communication experts both agree that the choice to use certain words can encourage some interpretations and discourage others. Words and phrases lead to associations and implications that may or may not be factually accurate.

In this presentation, I will analyze the ethical implications of using, defining, and applying this new vocabulary to modern American society. I will break down how government officials and the news media characterize major events of national security significance. I will then evaluate the clarity of the message and effectiveness of its delivery. Can the U.S. Intelligence Community accurately and effectively communicate the terrorist threat without marginalizing various ethnic and religious groups?

Accurately characterizing threats and relaying this information to the public are vital components of the ethical obligation of government officials to maintain public trust and safety. The ways in which the Intelligence Community communicates the threats facing the United States must be dynamic and evolve as the threats evolve. Words matter.

**Biography:** George Selim serves as a Policy Adviser in the Office for Civil Rights & Civil Liberties at the U.S. Department of Homeland Security (DHS). His primary duties involve advising Department leadership on policy issues at the intersection of civil rights and homeland security. This includes (1) working with other Federal agencies to develop and strengthen the U.S. Government's civic engagement, public outreach and public diplomacy initiatives; (2) regularly engaging with the American Arab, Muslim, Sikh, and South Asian communities; and (3) helping law enforcement officials better engage with ethnic and religious minorities nationally.

Prior to joining DHS, Mr. Selim had been serving at the U.S. Department of Justice as Special Assistant to the Director of the Community Relations Service (CRS), an agency created out of the 1964 Civil Rights Act. He has also worked as a community organizer for Dr. James Zogby at the Arab American Institute. Mr. Selim is a member of the Carnegie Council for Ethics and International Affairs, and the Annenberg Foundation Speakers Bureau for Public Service.

Mr. Selim holds a BA in Sociology and is an MA candidate at Georgetown University.

**Option Two**

Partners in COIN: Warfighters, Scholars, Analysts

Riggs Library, Healy Hall  
9:00am – 9:50am

PRESENTER:

**MARK SILINSKY**

**Abstract:** The military, academic and intelligence communities must work together if the United States has any chance of defeating the on-going insurgency in Afghanistan. Nevertheless, there is an ongoing debate, particularly among anthropologists, about the ethical dilemmas posed by being involved with and assisting the military and intelligence communities in these counterinsurgency efforts. This presentation will argue that all three parties can and must work together effectively and ethically in counter-insurgency operations.

**Biography:** Mark Silinsky is a 26-year veteran of the military intelligence community. He has served as a senior analyst in US Army intelligence; an Army civilian foreign area officer (FAO) for Eurasia, Russian language; an Africa analyst for the Defense Intelligence Agency; an action officer for the Joint Staff, J5; and a research fellow at the National Defense Intelligence College, as part of the Exceptional Analyst Program. He graduated Phi Beta Kappa from the University of Southern California; received an M. Phil. in International Relations from Oxford University under the supervision of Sir Michael Howard, and an MS in International Development from Tulane University, where he currently is a Ph.D. candidate. He is a graduate of the Naval War College, intermediate level, and the National Defense University, senior level, where he earned the prize for the outstanding thesis. He is also a 2008 graduate of the Afghanistan Counterinsurgency Academy, located near Kabul.

**CONCURRENT  
SESSIONS**

**Option One**

The Ethics of Surveillance

President's Room, Healy Hall  
10:00am – 10:50am

PRESENTER:

**KEVIN MACNISH**

**Abstract:** Over the last decade the quantity of surveillance carried out on domestic citizens by both central and local government has increased

massively, evidenced by a growth in the quantity of closed circuit television (CCTV) surveillance and in the number of requests made for interceptions of communications. There has also been a significant “farming out” of surveillance activities to private contractors who may not and often do not possess the same level of security clearance as government employees.

Drawing on Anita Allen’s paper, The Virtuous Spy (The Monist, Jan. 2008) and works by several philosophers (to include Thomson, Scanlon and Rachels) concerning privacy, I go one stage further by suggesting a framework by which, and under which conditions, surveillance practice may be judged ethical or unethical. I adapt the just war theory as defended by Michael Walzer, in combination with a matrix considering different aspects of surveillance (e.g. phone tapping as opposed to accessing phone records, CCTV as opposed to targeted surveillance), to further define limits and answer questions raised by Allen.

The just war theory helps to separate out means from ends of an activity, and raises pertinent questions such as authority, intent and cause, each of which will help to deal with concerns regarding the use of private contractors and the increase in requests made for targeted surveillance. One problem with this approach concerns the fact that, in military conflicts, the sides are readily identify each other as enemies. Yet surveillance may be carried out in order to determine whether an individual is a friend or an enemy. Hence it may only be possible to justify surveillance of an individual on the basis of the results of that surveillance. I address this particular feature of surveillance in the light of the principle of discrimination and the doctrine of double effect.

Finally, I ask whether there are different limits placed on the ethics of surveillance during times of war compared with times of peace, and consider whether, for the purposes of the ethics of surveillance, terrorism places a state at war or peace. I argue that terrorism falls into a grey area which is neither and, because of this indeterminate status, it behooves us to tread carefully as we clarify the ethics of the situation. On the other hand, it is precisely because we are currently in this grey area that it is most urgent that we do clarify those ethics.

**Biography:** After gaining a first in Philosophy at the Universities of Leeds and Aarhus with a focus on political philosophy and the ethics of terrorism in 1995, Kevin Macnish went on to get an MA in International Relations from the University of East Anglia. He subsequently worked for the UK and US governments in Cheltenham and Maryland for six years before leaving to study for an MA in Theology in Charlotte, North Carolina. He recently returned to the University of Leeds, completing an MA in Philosophy and is now working towards his Ph.D. in the ethics of the state’s response to terrorism.

**Option Two**

Riggs Library, Healy Hall  
10:00am – 10:50am

The Ethics of Intelligence Support to Military Operations

PRESENTER:

**GAIL HARRIS**

**Abstract:** Intelligence support to military operations goes back to the dawn of time and has had its ups and downs; but, overall has proved its worth throughout history. During World War II Dwight Eisenhower estimated that it saved thousands of British and American lives. Similarly, Adm. Chester Nimitz, commander in chief (CINC) of Allied forces in the Pacific theater, believed that the good intelligence he received was worth as much as an entire Fleet. An excellent book on the subject has been written by Christopher Ford and David Rosenberg and is called *The Admiral's Advantage*. In their book Ford and Rosenberg state: "Numerous historical accounts...attest to the vital role that intelligence played in making possible the Allies' overwhelming victory in 1945. For example, General Thomas Handy reportedly believed that Allied intelligence triumphs shortened the war in Europe by at least a year."

Professional ethics plays a major role in whether intelligence support to military operations is successful or not. For purposes of clarification, I'm using the ethics definition found in the Merriam-Webster's Collegiate Dictionary Tenth Edition. Ethics are "the principles or conduct governing an individual or a group (professional)". For military intelligence, I'm using a definition found in the Oxford University Press. Military intelligence is intelligence on any foreign military or military related situation or activity which is significant to military policy making or the planning and conduct of military operations and other activities. Warfighters commonly say on the first day of a war or crisis the war plan is out of date. My central premise is when it comes to providing intelligence support for crises and/or war, the existing intelligence architecture is frequently out of date. One common misperception is intelligence support to military operations simply involves keeping track of enemy and/or potential enemy order of battle, a list of military and military related equipment a country or transnational organization has. It is so much more than that. How much more an intelligence professional gives and becomes involved in is largely determined by the personal work ethic of the individuals involved. Each situation needs to be approached with new methods, techniques, and technologies.

The ethical challenge comes in how do you deal with a situation where the intelligence organization in place is not adequate for the problem at hand? Typically each war fighting command has its own intelligence staff; but, that organization is part of a much larger intelligence community that is supporting

many other commands and missions. There are only a finite amount of assets. How can you ethically realign intelligence support? What happens if you meet with resistance from the intelligence community? What if what needs to be done is not in your job description? What if your career takes a hit because you're "rocking the boat"? Do you do what you feel is the right thing regardless of the consequences? How do you know what's the right thing? Could the "status quo" be right? These are just a few of the ethical questions that must be answered in order to effectively support military operations.

I've always considered job descriptions as just a recommendation. They're usually pretty generic and allow for some flexibility. You can choose to follow it to the letter or be proactive and lean forward as the situation warrants. A common joke concerning the work ethic differences between Air Force Intelligence Officers and Navy Intelligence Officers is the Air Force style is to go by the book. If it's not written down they won't change it until someone rewrites the job description. The Navy Intelligence Officer says if there's no rule or regulation saying you can't do it, go for it and we'll worry about the job descriptions later. The famous Admiral Grace Hopper quote is frequently cited. "It's better to ask for forgiveness than permission." Both ways have been proven effective but the Navy way does carry a greater career risk. You may succeed but there's great potential for ruffling feathers within the intelligence community and you could find your career will take a major hit.

An example revolves around crisis, contingency and/or war planning. In support of the command's operational staff, the intelligence professional can simply choose to provide the conventional and unconventional threat information on potential enemies (includes nation states and transnational groups such as terrorists), sit next to the operators and help develop the plans, or something in between. I've found that a very useful role for the intelligence professional and one that is not usually part of the job description is to conduct informal table top war games of various iterations of the plans. The most valuable contribution is to assume the mindset of the potential enemy and demonstrate ways the enemy can or cannot counter various aspects of the operational plan. That involves saying something like: If you choose option A, that plan can be countered by the enemy in several ways and then going on to elaborate. The best military intelligence officers should be so familiar with the U.S. military operational capabilities that they can successfully be assigned to a major staff as an operations officer.

A second example, involves those intelligence professionals assigned to a theater level command such as United States Central Command or Fleet level such as the Fifth Fleet, you are required to periodically update threat assessments. These assessments can be very detailed and involve looking at your command's geographic region of responsibility and identifying what is the potential threat

to U.S. interests. Generally speaking you look at the region as a whole and then do a country by country assessment of their foreign and national security policies, current government, history, military capabilities, etc. You can choose to simply take a brief look at the previous assessment and make minor changes and resubmit it or take the time and effort required to conduct a thorough new look at the region and rewrite the assessment. That would involve spending considerable time and effort conducting research and collaborating with other intelligence community analysts. Considering the heavy work load most analysts face, the first option is often very tempting.

A more recent illustration of the scope of the problem can be found in the recently released paper Fixing Intel: A Blueprint for Making Intelligence Relevant in Afghanistan, written by the senior military officer in Afghanistan, Major General Michael Flynn. The paper's central premise is the U.S. intelligence community is more concerned about secrecy than mission effectiveness and is not properly structured to support the conflict in Afghanistan and consequently is unable to get the right information to the decision makers in the time and format they need. The bulk of the community's efforts are applied toward the IED problem. Major General Flynn states: "These labor-intensive efforts, employed in isolation, fail to advance the war strategy and, as a result, expose more troops to danger over the long run. Overlooked amid these reactive intelligence efforts are two inescapable truths: 1) brigade and regional command analytic products, in their present form, tell ground units little they do not already know; and 2) lethal targeting alone will not help U.S. and allied forces win in Afghanistan."

**Biography:** Over the past 30 years, Captain Gail Harris has built a unique professional career that includes breaking ground for women and African Americans in the military, providing combat-proven leadership and intelligence analysis during major international conflicts, and developing policies and strategies for mitigating cyber warfare. She is also recognized as an engaging educator, expert speaker and trusted role model for women and men in the military and civilian sectors. Early in her career, Captain Harris was selected to serve as the first woman in Naval History to serve as Intelligence Officer in a Navy aviation squadron. When she retired in 2001, she was the highest-ranking African American female in the United States Navy.

She has worked closely with the nation's intelligence organizations to develop policy and proposed new strategy for addressing the emerging issue of computer network defense. She also has provided intelligence support in an innovative manner, using technology to deliver real-time combat intelligence from a location in the continental United States to locales on the other side of the world, now a common practice.

Captain Harris's memoir, *A Woman's War: The Professional and Personal Journey of the Navy's First African American Female Intelligence Officer* (Scarecrow Press, 2010) was released earlier this year.

*This book is available for sale at the conference.*

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## PLENARY SESSION

Auditorium, Gaston Hall  
11:00am – 11:50am

**Balancing Morality and Brutality in the Asymmetrical Environment:  
Is It Even Possible?**

PRESENTER:

**JODY WILLIAMS**

**Biography:** Jody Williams, the recipient of the Nobel Peace Prize in 1998, served as the founding coordinator of the International Campaign to Ban Landmines (ICBL) until February 1998.

Since February 1998, she has served as a Campaign Ambassador for the ICBL, speaking on its behalf all over the world. From 1999-2004, she served as senior editor for the 1000-page annual Landmine Monitor Report, a groundbreaking initiative by civil society that monitors the implementation and compliance of the Mine Ban Treaty.

In February-March 2007, Professor Williams led a High Level Mission on Darfur for the UN's Human Rights Council. She presented the Mission's hard-hitting report to the Council in March and continues to be actively involved in work related to stopping the war in Darfur.

In 2003, Williams was named Distinguished Visiting Professor of Global Justice, in the Graduate College of Social Work at the University of Houston. In 2007 she was appointed the "Sam and Cele Keeper Endowed Professor in Peace and Social Justice."

Her most recent book, *Banning Landmines: Disarmament, Citizen Diplomacy and Human Security*, edited with Steve Goose and Mary Wareham and released in March 2008, analyzes the Mine Ban Treaty and its impact on other human security-related issues.

*This book is available for sale at the conference.*

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## LUNCH

President's Room, Healy Hall  
12:00pm – 12:50pm

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## BOOK SIGNINGS

Riggs Library, Healy Hall  
12:00pm – 12:50pm

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## PLENARY SESSION

Auditorium, Gaston Hall  
1:00pm – 1:50pm

### Military Anthropology and the Ethics of Espionage

PRESENTER:

**GEORGE LUCAS**

**Abstract:** From the infamous American Anthropological Association (AAA) censure of Franz Boas immediately after World War I to the current national debate about the professional (im)propriety of “military” anthropology, the concern of academic anthropologists has focused principally upon prohibitions against “secret” or “clandestine research,” and against members of their discipline or profession “engaging in espionage.” My recent book, *Anthropologists in Arms* (AltaMira Press, 2009) questions the accuracy of this standard or “received” history of anthropology’s alleged “unprofessional” collaboration with military, intelligence and security forces (“the litany of shame”). I situate the collective anxiety of anthropologists about being perceived as “spies” less to this mythologized history than to the underlying methodology of field ethnography as itself constituting “espionage,” a generalized disciplinary “bad faith” revealed in part by the discipline’s troubled history with the concept of “informed consent.” Appropriating the terminology of the eminent anthropologist, Gerald Berreman, this presentation will distinguish between “secrecy” and “clandestinity,” and examine distinct practices of “secret research” in light of the doctrine of informed consent in order to determine which secret or covert practices might, in fact, constitute unethical professional conduct.

**Biography:** George Lucas is Professor of Philosophy and Class of 1984 Chair of Ethics in the Vice Admiral James B. Stockdale Center for Ethical Leadership at the United States Naval Academy (Annapolis), and Visiting Professor of Ethics at the Naval Postgraduate School (Monterey, CA). From 1990 through 1995, the author was Assistant Director of the Division of Research Programs at the National Endowment for the Humanities in Washington DC.

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Professor Lucas has taught at Georgetown University, Emory University, Randolph-Macon College, the Catholic University of Louvain, Belgium, and served as Philosophy Department Chairman at the University of Santa Clara in California. Professor Lucas received his Ph.D. in Philosophy from Northwestern University in 1978 and is the author of six books, over forty journal articles, translations, and book reviews, and has also edited several book-length collections of articles in philosophy and ethics. His latest book, published last month, is *Anthropologists in Arms: The Ethics of Military Anthropology* (AltaMira, 2010).

*This book is available for sale at the conference.*

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## CONCURRENT SESSIONS

### *Option One*

### Teaching the Ethics of Intelligence

Riggs Library, Healy Hall  
2:00pm – 2:50pm

PRESENTERS:

**DAVID GRAY & MICHELLE DARNELL**

**Abstract:** Since the attacks of September 11, national and international security issues have taken center stage in the public forum. Included in these debates are concerns regarding national security intelligence. Interestingly, during this same time period, academic programs on Intelligence Studies have proliferated and within these programs, courses of study specifically on the ethics of intelligence have also emerged. The purpose of this presentation is to describe an example of one such course and detail development elements including the front-end analysis, curriculum design, instructional development, student learning assessment, and course evaluation aspects of the course entitled “Ethics of Intelligence”. Emphasis is placed on 1) substantive content of the disciplines of Ethics and Intelligence Studies, 2) the synthesizing of the two fields, 3) educational methodology and pedagogy, as well as, 4) descriptive and prescriptive approaches and strategies. This project was developed by a team consisting of an Ethics scholar and Intelligence Studies scholar. The end result of the study produced a course for delivery during the spring semester in 2010. Additionally, this paper features course description, recommended textbooks and readings, course exercises, assignments, and other requirements for this course of study, as well as, provides a rich proposal for those seeking to inaugurate a similar effort.

**Biography:** Dr. David Gray, an Associate Professor of International Security

Studies at Fayetteville State University, North Carolina, specializes in international and national security and strategic studies; current global security issues; U.S. foreign and national security policy formulation and strategy; globalization and international security; political violence and insurgency; international terrorism; international weapons proliferation; and homeland defense and homeland security. A retired U.S. Air Force Officer, David is also a former, senior Foreign Service / Central Intelligence Agency officer and program director. He has extensive experience in the national and international security and intelligence communities and has completed assignments for the United States Departments of Defense, Energy, Homeland Security, Justice, and State, as well as, the United Nations, the Congress and the National Intelligence Council. He also served in a number of overseas assignments in various parts of Europe, Asia, Africa, and the Middle East.

Dr. Michelle Darnell earned her Ph.D. in Philosophy from Purdue University in 2004 and is currently an Assistant Professor of Philosophy at Fayetteville State University, in Fayetteville, NC. She specializes in 19th-20th century European Philosophy, especially Existentialism, and Ethics. Dr. Darnell is particularly interested in making explicit how theoretical study in the field of Existentialism and Ethics can be applied to other such professional disciplines as Business, Intelligence Studies, and Homeland Security Studies. She has previously presented papers in the area of Intelligence Ethics, and has published several papers on both Existentialism and Ethics more generally. She also is the author of a book on the theoretical writings of Kant and Sartre.

### Option Two

President's Room, Healy Hall  
2:00pm – 2:50pm

PRESENTER:

### Privatized Information Gathering, Just War, and Morality

CHRISTOPHER M. CALDWELL

**Abstract:** Contemporary conflict revolves around intelligence gathered and intelligence gathering. National security itself relies upon a nation's ability to gather intelligence about what combatants, or potential combatants, are doing and planning. Intelligence acquisition is thus clearly an issue now encompassed by the Just War tradition. With the increased use of privatized businesses within contemporary conflict, a new consideration must be addressed. Private businesses are now used, and potentially at quite a profit to those businesses, in national security endeavors including intelligence acquisition. The influence of the introduction of business into the national security interest within the Just War tradition is the focus of the project.

Within the Just War tradition there are various principles suggested as absolute. *In Just Wars: From Cicero to Iraq*, Alex Bellamy argues that two rules within the tradition should be understood as absolute: "the idea that actors are obliged to provide good reasons when they decide to wage war and the principle of non-combatant immunity." Intelligence and intelligence gathering is central to both proposed absolute rules. The justification to wage war, i.e. the good reasons, relies upon information about the actions of the combatant, or the potential combatant, which justify the use of force on a large scale. Some of the information needed to justify waging war can only be gathered through careful work relying upon specialized technology and expertise, e.g. interpreting satellite photos, making certain inferences about what is occurring at a location based upon the composition of the location and materials entering the location, etc. The intelligence gathering, however, begins before it is clear which individuals are combatants and which are non-combatants. After all, the intelligence gathered may reveal that the entity under surveillance poses no threat to national security. Additionally, the individuals who are under surveillance may not even be aware that the work they are doing is part of a war-related project. For example, a chemist may not be aware that his work is a part of a chemical warfare project. Thus, the principle of non-combatant immunity can pose a difficulty for intelligence gathering entities due to the difficulty of determining which individuals are combatants and which are not for a variety of reasons. If we accept the absoluteness of the principle of non-combatant immunity, which I do in this project, the privatization of intelligence acquisition requires a closer investigation.

Ultimately, the differences between private businesses and governments gathering intelligence reveals that a violation of the principle of non-combatant immunity is more likely, or even encouraged, by the pressures and principles of business. The pressure to deliver a product, in this case intelligence, is different if one works for a profit-driven private company than if one works for a government agency concerned with national security. The pressure for profitability and the emphasis on seeing one's duty as primarily directed toward shareholders frequently causes employees of private businesses to violate ethical principles, and even laws, as we have seen in recent cases involving banking and finance. One particular difference is that the methods of employee evaluation will be markedly different in one setting than another, especially as one moves up the organizational chain of command. Persons promoted to executive levels of private businesses face intense pressure to deliver shareholder profits and to ignore ethical principles. Failing to do these things can result in unemployment. If the principle of non-combatant immunity is absolute, then this is a clear violation of morality, since executives and others involved in for-profit intelligence gathering will see the principle as irrelevant. However, even if the principle of non-combatant immunity is merely prima facie, when an executive or company

overrides the principle in order to increase profit, a serious moral violation occurs, since financial profit is not sufficient reason for overriding the prima facie principle of non-combatant immunity. Thus, the use of private businesses to gather intelligence for the purposes of national security is a serious violation of the Just War tradition and constitutes a serious moral violation.

**Biography:** Christopher M. Caldwell is Assistant Professor of Philosophy at Virginia State University, where he specializes in Ethical Theory. He earned a Ph.D. in Philosophy from the University of Kansas in 2004. His research interests are primarily in ethical theory, normative ethics, and metaethics.

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## CONCURRENT SESSIONS

### *Option One*

Presidents Room, Healy Hall  
3:00pm – 3:50pm

Intelligence Operations and the Cultural, Religious, and Ideological  
Context of Ethical Norms

PRESENTER:

**GLENN CARLE**

**Abstract:** An intelligence service is designed to operate unfettered by most of the legal, cultural, ethical, religious, or ideological constraints that bound the actions of other governmental institutions and individuals in international relations. An intelligence service is also designed to exploit all foreign laws, morals, beliefs, and perceptions so that they serve only the *raison d'état*, or national interest. There is no “right” or “wrong.” Yet, an intelligence service must operate within the bounds set by its own country’s law, contrary to cynical conventional wisdom. They do not have *carte blanche*—unless the law gives it to them expressly and precisely for specific issues or circumstances. This is true of the intelligence services of all democratic governments based on the rule of law. It is especially true, perhaps, of the CIA.

There is no “rogue elephant” intelligence service in democratic societies. But, intelligence work obliges its practitioners to cultivate behavior that for all “normal” individuals approaches sociopathy, cynically to exploit an individual’s deepest beliefs, morals, and aspirations. This often creates a tension between an officer’s duty and his personal sense of right and wrong. In some circumstances, one’s personal ethical norms—this personal conscience—clash with one’s orders, even if one’s orders have the sanction of law. Sometimes, then, an officer may

feel obliged to oppose the practices, instructions, and laws that bound his work, but in so doing he will stand alone.

The law and personal conscience are the only constraints upon intelligence services. No other cultural, religious, or ideological consideration plays a role. The profession’s enforced ethical relativism and detachment—approaching an embrace of sociopathic behavior—can lead to acute personal crises if the laws bounding an officer’s behavior clash too strongly with one’s personal sense of morality. This personal sense of right and wrong is the only “moral” constraint on the conduct of intelligence business.

**Biography:** Mr. Carle spent 23 years in the Clandestine Service of the Central Intelligence Agency, where he worked in a number of overseas posts on four continents and in Washington, D.C. Mr. Carle has worked on terrorism at various times since the mid-1980s. He also worked extensively on Balkan, Afghan, Central American, and European political, security, and economic issues. Mr. Carle’s last position was as Acting and then Deputy National Intelligence Officer for Transnational Threat on the National Intelligence Council. Since his retirement from the CIA Mr. Carle has, among other positions, worked as Vice President for Strategy at McClendon Corporation.

Mr. Carle holds a B.A. in Government from Harvard College and an M.A. in European Studies and International Economics from the Johns Hopkins University School of Advanced International Studies. He has done additional graduate work in International Relations at the Institut d’études politiques de Paris, France, and studied at the Université de Grenoble, France. Mr. Carle speaks French and Spanish fluently.

### *Option Two*

Riggs Library, Healy Hall  
3:00pm – 3:50pm

Suspicious Activity Reporting and the Production of U.S.  
Domestic Intelligence

PRESENTER:

**KENNETH FARRALL**

**Abstract:** While much attention within policy circles has been focused on the potential impact of a domestic intelligence agency separate from the FBI, a comparably momentous change—initiated as part of the Intelligence Reform and Terrorism Prevention Act (IRTPA 2004) and via President Bush’s December 2005 memorandum (Guidelines and Requirements in Support of the Information Sharing Environment)—continues to transform the domestic intelligence landscape with relatively little public notice or comment.

Suspicious Activity Reporting, the primary initiative of the Information Sharing Environment (ISE), is a comprehensive logic for the decentralized production of domestic intelligence records designed to ensure that “most Federal, State, local, and tribal law enforcement organizations will participate in a standardized, integrated approach to gathering, documenting, processing, analyzing, and sharing information about suspicious activity that is potentially terrorism-related.”(1) While leaving considerable discretion to local agents producing the reports, a functional data standard ensures that formalized and vetted (but not necessarily accurate) Information Sharing Environment Suspicious Activities Reports (ISE-SARs) can flow seamlessly into existing federal data systems such as the Department of Homeland Security’s INSight Information Management System, the Federal Air Marshall Service’s Tactical Information Sharing System (TISS), the Department of Treasury’s Financial Crimes Enforcement Network (FINCEN) and the National Counterterrorism Center’s Terrorist Identities Datamart Environment (TIDE), informing a range of risk assessment algorithms and watch lists such as the Transportation Security Administration’s Selectee and NoFly lists. SARs are more “produced” than captured or collected, as they involve the identification of data subjects in the field and the subject’s error-prone enrollment into counter terrorism narratives, rather than simple capture of a communication or transaction log. Outside the scope of most federal privacy legislation, SARs are not subject to the notice requirements of the Privacy Act of 1974 or the E-Government Act of 2002. The generation of a suspicious activity report is not subject to legislative and judicial constraints in the way that FISA, for example, applies to the capture of telephone conversations. A class of SAR, produced by banks as part of the amended Banking Secrecy Act and circulated primarily within FINCEN, grew rapidly in number between 1996 and 2008, quickly overwhelming the capacity of intelligence agents to read and assess them. The present, much more generalized program of suspicious activity reporting, appears to be expanding at least as rapidly but in relative obscurity. Wikipedia, as of October 2009 (five years after the passage of IRTPA and nearly two years after the release of the first ISE-SAR standard,) incorrectly describes SARs as falling only within this narrow financial context.

Using publicly available state and federal government documents, including recent public reports produced by the Office of the Program Manager for the Information Sharing Environment, congressional reports, legislation, and leaked documents from multiple state fusion centers, I carefully examine the historical context and current logic of SAR production, map their flows across and between local, state, and federal agencies, and consider their potential impact on American society. In addition to exploring common elements between the current SAR initiative and prior, discontinued programs such as the Terrorism Information Prevention System (TIPS) and the Department of Defense’s Threat

and Local Observation Notice (TALON) system, I examine the growing network of public and private institutions enrolled in the national SAR project (including local police, utility companies, and the public at large), the incentives which drive the generation of reports, and the evolving legal and policy environment(s) in which this occurs. An overproduction of SAR reports reduces the efficiency of the domestic intelligence apparatus by essentially filling the analyst’s field of view with chaff, while simultaneously endangering privacy rights and chilling protected First Amendment activity. It is the primary goal of my presentation to spark policy discussions that can better regulate the process of suspicious activity reporting as it continues to unfold.

**Biography:** Kenneth Farrall is a post-doctoral Research Fellow in the philosophy and politics of computing, digital media, and information systems at NYU’s Department of Media, Culture and Communication. He received his Ph.D. in Communication from the University of Pennsylvania. His dissertation, “Suspect until Proven Guilty, a problematization of state dossier systems via two case studies: the United States and China” examines the factors driving the expansion of and resistance to national ID and personal record systems. Prior to receiving his Ph.D., Ken worked for six years in China’s Internet industry, chronicled in part in the 2000 Harvard business case, “VirtualChina.com: The Building of a Virtual Community.”

## RECEPTION

Riggs Library, Healy Hall  
4:30pm – 6:00pm

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## FRIDAY, MARCH 12, 2010

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### REGISTRATION

Auditorium, Gaston Hall  
7:00am – 8:45am

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### ANNOUNCEMENTS

President's Room, Healy Hall  
8:45am – 8:55am

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### PLENARY SESSION

President's Room, Healy Hall  
9:00am – 9:50am

Surveillance Human Rights and the CIA: The Case of the  
Assassination of Patrice Lumumba

#### PRESENTER:

**ANNA ROOSEVELT**

**Abstract:** The point of the presentation is to analyze in terms of ethics, human rights, and the law the intelligence and diplomatic operations of the US and its allies in what is now the Democratic republic of Congo in the 1960s soon after independence from Belgium. This important case has not yet been considered systematically from the point of view of such principles. The conclusion of the research on which the paper is based is that serious ethical wrongs, human rights violations, and illegal civil and criminal acts were committed against Lumumba, his colleagues, and the people of Congo by the CIA in collaboration with Belgian intelligence, with disastrous long-term consequences for the countries involved and for the furtherance of democracy and world peace. Nonetheless, the case has never been professionally investigated by an appropriate, independent policing body, perpetrators were never charged, adjudicated, or punished, the surviving victims were never given the opportunity for recompense or redress, and the complete facts of the case remain censored and therefore have not been published and studied.

Theoretical and methodological templates from several intellectual and philosophical traditions and systems are employed in the analysis of this case: ethics in espionage and national defense, international human rights, and national and international law. Basic rights at issue in this case include: the right to life

and limb, physical and intellectual liberty and freedom of speech, rule of law, including freedom from illegal ethnic and racial discrimination, from actionable fraud and deception, from assault, from illegal arrest, from false accusations, from prosecution without charges and a chance to dispute them, from non-judicial incarceration, freedom to travel, freedom of speech, freedom from illegal surveillance and invasion of privacy, freedom of the press, access to legal representation and legal facilities to fight libel and slander, access to a democratic society, to self determination, and free political action (to vote, be voted upon, to help decide on the type and leadership of the country, etc.).

Given the potential continental and international strategic importance of Congo as a large, rich, vital, populous country, the lack of a stable economy and basic government services such as police, a functioning judicial system, and public education, medical care, and social services, the intensity of the military conflicts that continue to fester at its borders, the continuing close participation of the United States and Belgium in the country's economic, diplomatic, military, and cultural affairs, the future importance of Africa in world affairs, and the magnitude of the ethics, human rights, and legal abuses that the three countries together have been involved in, there is considerable urgency for the release of the classified documents and other records of the Congo crisis and the following period of rule by dictatorship sponsored by the US and Belgium and a careful reconsideration of the case by an independent, international legal body.

**Biography:** A.C. Roosevelt is an anthropologist interested in human evolution, human organization, human rights, and long-term human-environment interaction. A graduate with distinction from Stanford, Roosevelt received a Ph.D. with distinction from Columbia.

Professor of Anthropology at the University of Illinois, Chicago, 1994 to the present, and Curator of Archaeology at the Field Museum of Natural History, 1991 to 2002, Roosevelt researches human history and prehistory in tropical forest Amazonia and the Congo.

For her research, Dr. Roosevelt received a five-year MacArthur Foundation Fellowship, the Explorers Medal, Gold Medal of the Society of Women Geographers, Order of Rio Branco, the Wings Trust Award, and Bettendorf Medal. She is a Fellow of the American Academy of Arts and Sciences, Royal Geographical Society, American Association for the Advancement of Science, and American Anthropological Association.

Her six books are Amazonian Indians from Prehistory to the Present (editor, U. Arizona Press), The Ancestors: Native Artisans of the Americas (co-editor with J.G.E. Smith, Museum of the American Indian and U. Washington Press),

Moundbuilders of the Amazon (Academic Press), Parmana: Manioc and Maize Subsistence along the Orinoco (Academic Press), The Excavations at Coroza, Venezuela: Stratigraphy and Ceramic Seriation (Yale University Publications in Anthropology), Ancient Lakes: Cultural and Biological Diversity (co-editor with H. Kawanabe and G. Coulter, Kenobi Press). She has published 85 articles in Science, Nature, Natural History, L'Homme, Man, Geoarchaeology, Quaternary Geochronology, Human Biology, Paleopathology at the Origins of Agriculture, Quark, La Vanguardia, U. California Press, Columbia U. Press, Harvard U., Cambridge U. Press, Academic Press, etc.

## CONCURRENT SESSIONS

### Option One

President's Room, Healy Hall  
10:00am – 10:50am

### The Moral Shadowland of Interrogation

#### PRESENTER:

#### NANCY SHERMAN & WILLIAM QUINN

**Abstract:** Intelligence is a key component of our combat capability. Our ability to elicit information from enemy combatants is critical to our success. To this end, we take civilians, acculturate them into the military, and select some to train as interrogators. But interrogators, and soldiers in general, never fully leave behind their civilian personae. Even when interrogators operate according to the highest standards of war and intelligence gathering, they still may feel they cross moral boundaries, at least as seen through their civilian eyes. The near exclusive focus on torture has silenced this more general debate about the moral shadowland in which the interrogator dwells, even when he does not practice torture. So, for example, to elicit valuable information, an interrogator must build intimate rapport with a subject, but then exploit it. At some reflective moment, this manipulation may feel like a genuine betrayal of intimacy; it may feel like a trespass of a significant moral boundary.

As philosophers and policymakers we tend to think of the morality of war in terms of the justice of cause and the justice of conduct. That is at heart of traditional just war theory. And we think of the individual cost of war that soldiers bear in terms of physical wounds, and psychological, stress related injuries. These are the so-called visible and invisible wounds of war. But rarely do we think in terms of moral injuries or moral stress. And even less so, the moral weight of war when soldiers do no wrong by war's best standards,

whether it be incurring "acceptable" collateral damage or, in the case at hand, manipulating and exploiting a detainee by morally and lawfully acceptable methods.

In the public debate, exploitation in the context of wartime interrogation remains, by and large, a moral black hole. Yet it is a hole in which many interrogators struggle to climb out of. What moral lines do interrogators feel they are crossing? In what sense do they bring into war their civilian consciences? To what degree must they in order to hold onto their humanity? How do they leave behind the interrogator's moral persona once they take the uniform off?

Drawing on interviews with veteran interrogators from Abu Ghraib, as well as her visit to Guantanamo as part of a medical observer team, Dr. Nancy Sherman sheds light on the mental and moral landscape of the interrogator. Her talk draws from her new book, *The Untold War: Inside the Hearts, Minds, and Souls of our Soldiers* (W.W. Norton, 2010).

**Biography:** Nancy Sherman is a University Professor of Philosophy at Georgetown University. She is a faculty affiliate of Georgetown's Kennedy Institute and has taught at the Georgetown University Law Center. In 1997-1999, she served as the inaugural holder of the Distinguished Chair in Ethics at the United States Naval Academy. In October of 2005, Dr. Sherman was part of a small team invited by the Assistant Secretary of Defense for Health Affairs to visit Guantanamo Bay Detention Center to observe and advise on the medical and psychological conditions of detainees and on matters of medical ethics. Dr. Sherman holds a Ph.D. from Harvard University in Philosophy and received the George Plympton Adams Prize for the most distinguished doctoral dissertation in the area of history of philosophy. She also holds an M. Litt. in Philosophy from the University of Edinburgh, a B.A. from Bryn Mawr College, and is a graduate of the Washington Psychoanalytic Institute.

She is the author of *The Untold War: Inside the Hearts, Minds, and Souls of our Soldiers* (W.W. Norton 2010)

*This book will be available for sale at the conference.*

William Quinn served in the United States Army from 2001 to 2006 as a human intelligence collector, interrogator, and Korean linguist. He was deployed to Iraq from February 2005 to February 2006 in support of Operation Iraqi Freedom, and was stationed at Abu Ghraib and Camp Cropper. Will is currently studying International Politics and Security Studies at Georgetown University and is a cadet in Army ROTC. He will graduate and be commissioned as a 2nd Lieutenant in May.

**Option Two**

Riggs Library, Healy Hall  
10:00am – 10:50am

Using Private Corporations to Conduct Intelligence Activities for  
National Security Purposes

PRESENTER:

**JAMES ROPER**

**Abstract:** Using private corporations to conduct intelligence activities has one significant advantage over having units of the Federal Government perform such activities. Branches of the Federal Government are subject to close oversight, but our “capitalist paradigm” discourages such close scrutiny of private corporations. Therefore, private corporations can operate in gray areas not available to government intelligence agencies.

A second advantage claimed for using private corporations (or “contractors”) for intelligence operations aimed at protecting national security is efficiency. American “public philosophy” assumes that government functions best when it is “run like a business” so that it responds to market forces, and is thereby driven to achieve the highest levels of efficiency. This tenet of our public philosophy suggests that using private contractors instead of government agencies to protect our national security is the most efficient approach.

This “public view” of government conflicts with another widely shared assumption: government is often most indispensable in cases where there is “market failure,” that is, in cases where we place great value on things business has no financial incentive to provide at the “socially optimal” level. Many argue we would not retain our basic human rights and related liberties if it were left to business to support such claims since there is no apparent way to “turn a profit” by promoting basic rights and freedoms. Rights, including negative rights, are very costly, and require an active and well financed government to sustain them. Yet our public philosophy seems to suggest that government is most fair and just when it is “run like a business.” Even if we were to grant that government should be run like a business in carrying out some intelligence activities, this concession would not establish that the “business model” would maintain our basic human rights and liberties while protecting our national security.

Traditionally, many have argued that the justification for government authority is based on a (hypothetical) “social contract” that people accept because it promises liberty and security far beyond what is possible in a “state of nature.” I argue that the proposal of a social contract as justification for government authority represents a fundamental misconception; rather, we should think in terms of a (hypothetical) “social covenant,” where this is defined along the lines of traditional religious covenants—though without presuming that the covenant

is between God and human beings. Such a covenant will embody a gift, an exchange of promises, and the determination of our ensuing life together by that promise. The special advantage to speaking of a social covenant is that it represents a decision on the part of those who would acknowledge it to sustain a relationship, perhaps in spite of difficult circumstances. That is why such a covenant provides a meaningful framework for protecting our fundamental rights and liberties, and hence preserving the justice and fairness of government. It is also why Abraham Lincoln spoke of what he called “covenanted patriotism.” A social contract seems, by comparison, to be more ephemeral—and, hence, more easily abandoned in the face of serious difficulties.

This difference sheds light on the disparity between maintaining our commitment to our government when it is “running like a business” and upholding our commitment to it in the face of “the tragedy of the commons”—circumstance in which many want to take from government without entrusting it with their resources. One does not have to be a super patriot (“my country right or wrong”) to believe a government that is easily abandoned when difficulties emerge is unlikely to protect our fundamental rights and freedoms when “the going gets tough.” Such a government will typically not be judged either just or fair. On the other hand, many believe our relationship with business is best represented by a contract which can be ended when it ceases to be advantageous to support it. It follows that American public philosophy is mistaken to assume that “government should be run like a business.” Government has its own special character—which differs crucially from the character(s) of even the largest businesses. That is why, when it comes to protecting our national security, we should rely on our government, which in democratic society stands in a covenantal relationship to we the people. The protection of our national security should not be vested in private corporations which are at best contractually bound to serve us.

**Biography:** After his graduate work at Princeton University, James Roper joined the Philosophy Department at Michigan State University. He teaches business ethics, a course he designed and placed in the curriculum. He also teaches courses in philosophy of science, logic, medical ethics, and social and political philosophy. He has published in *Philosophy of Science*, *Synthese*, *The Journal of Business Ethics*, *The American Philosophical Association Teaching Philosophy Newsletter*, *Florida Philosophical Review*, *Essays in Philosophy*, *The International Journal of Ethics*, and *Organizational Ethics: Healthcare, Business, and Policy*; and has had book chapters appear in *Trends in Contemporary Ethical Issues* (Aidan E. Wurtzel, Ed.), *Research in Ethical Issues in Organizations*, Vols. 5 and 6 (Moses L. Pava and Patrick Primeaux, Eds.), *In the Socratic Tradition* (Tziporah Kasachkoff, Ed.), *Proceedings of The Midwest Society for Philosophy of Education Society, 2001-2003* (Alexander Makedon, Managing Ed.) and *2004-2005* (Jason Helfer, Ed.), *Proceedings of the Society for the Philosophical Study*

of Education, 2006-2007 (Jason Helfer, Ed.), Encyclopedia of Business Ethics and Society (Editor: Robert W. Kolb), and Cross Examination Debate Association 1991: 20th Anniversary Conference Proceedings (D. Thomas & S. Woods, Eds.). He edited a volume of Essays in Philosophy on business ethics, which was published in June 2005. Prof. Roper has developed, and published accounts of, an approach to teaching business ethics based on student classroom debates. In addition to developing a website to help others utilize this “debate” teaching method, he is also writing a book entitled The Covenant of Democracy and has just published (Kendall Hunt, 2009) Dimensions of Informal Logic. He is also working on several articles for an encyclopedia on global justice to be published by Springer.

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## PLENARY SESSION

Auditorium, Gaston Hall  
11:00am - 11:50am

### The Ethics of Cybersecurity

PRESENTER:

**JOHN “CHRIS” INGLIS**

**Biography:** Mr. Inglis took the position of Deputy Director of the National Security Agency (NSA) in August 2006. As the senior civilian at NSA, he acts as the Agency’s chief operating officer, guiding and directing strategies and policy, and serves as the principal advisor to the Director. He holds the rank of Brigadier General in the Air National Guard, qualified as a command pilot, and has commanded at Flight, Squadron, Group and Joint Force Headquarters. He holds graduate degrees from Columbia University in Mechanical Engineering (Guggenheim Fellow) and Johns Hopkins University in Computer Science.

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## LUNCH

President’s Room, Healy Hall  
12:00pm – 12:50pm

*also*

## BOOK SIGNINGS

Riggs Library, Healy Hall  
12:00pm – 12:50pm

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## PLENARY SESSION

Auditorium, Gaston Hall  
1:00pm – 1:50pm

### Surveillance Ethics: Context Untangles the Woven Web

PRESENTER:

**GARY T. MARX**

**Abstract:** In this presentation, I offer a contextual framework for the ethical analysis of surveillance. I argue that surveillance is neither good nor bad but context makes it so. The mass media and much popular opinion rush too quickly to questions of right or wrong before making distinctions based on context. Rather than being defined only as a tool or a kind of behavior (e.g., a video camera, monitoring or identification) surveillance can be usefully seen as involving five (often temporally linked) behavioral sequences. Together these constitute the surveillance occasion. The stages are tool and subject selection, data collection, data processing (analysis and interpretation, identification), uses (actions or inaction) and fate of the data.

Ethics can be assessed at each stage. To do this requires identifying the presence or absence of rules (and more generally informal expectations) appropriate to each stage. It next requires consideration of two questions. Judged by standards such as those found in the US Constitution, the UN Declaration of Human Rights and the Geneva Convention is the rule justified? That bedrock issue requires an often contentious discussion of values underlying the rule. The second question is empirical and less transcendent. It takes the rules as a given. It then asks about the fit between the rule and observed behavior, when these are at odds the behavior is likely to be seen as unethical by the standards of the group in question.

I suggest 29 questions to be asked about the surveillance occasion and longer term intended and unintended consequences. Other factors being equal, the more these questions can be answered in a way that affirms the underlying principle (or a condition supportive of it) the more ethical the use of a tactic is likely to be.

There is enormous variation in expectations about surveillance depending on the context. Some major determinants are the kind of institution (contrast a prison with a factory or the state with the private sector); the kind of role played (agent or subject); shared or conflictual goals (medical diagnosis or criminal investigation); kind of place as legally defined (a public street or inside a home); kind of data (offered to unaided senses or requiring sense-extending, border breaking technology, anonymous or identified and impersonal or personal/ sensitive information or visual, auditory or narrative form); mechanisms for data-

gathering (involuntary as a result of coercion, deception, automated extraction or voluntary).

**Biography:** Gary T. Marx is Professor Emeritus from M.I.T. He is the author of *Protest and Prejudice*, *Undercover: Police Surveillance in America*, *Collective Behavior and Social Movements* (with Doug McAdam) and editor of *Racial Conflict*, *Muckraking Sociology*, *Undercover: Police Surveillance in Comparative Perspective* (with C. Fijnaut) and other books. With Norman Goodman, he revised *Society Today* and edited *Sociology: Popular and Classical Approaches*. *Undercover* received the Outstanding Book Award from the Academy of Criminal Justice Sciences and Marx was named the American Sociological Association's Jensen Lecturer for 1989-1990. He received the Distinguished Scholar Award from its section on Crime, Law and Deviance, the Silver Gavel Award from the American Bar Association and the Bruce C. Smith Award for research achievement. In 1992 he was the inaugural Stice Memorial Lecturer in residence at the University of Washington and he has been a UC Irvine Chancellor's Distinguished Fellow, the A.D. Carlson Visiting Distinguished Professor in the Social Sciences at West Virginia University, and the Hixon-Riggs Visiting Professor of Science, Technology and Society at Harvey Mudd College, Claremont, CA. Major works in progress are books on new forms of surveillance and social control across borders. He received his Ph.D. from the University of California at Berkeley.

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## PLENARY SESSION

Auditorium, Gaston Hall  
2:00pm – 2:50pm

**Intelligence About Noncombatants: The Ethics of Intelligence and the Just War Principle of Noncombatant Immunity**

PRESENTER:

**JOHN LANGO**

**Abstract:** Usually, in writings concerning just war theory, the topic of intelligence is considered insufficiently or not at all. However, applications of just war principles to cases standardly involve epistemic questions—in particular, questions of evidence collection and analysis. Given the secretiveness of wars and preparations for wars, such epistemic questions often have to be answered in the real world partly by means of intelligence collection and analysis. For instance, if the just cause principle is to be applied to a looming crisis correctly, it is not enough for leaders of a state to assert that there is a just cause for war. To establish that truly there is a just cause for war, there is need for adequate evidence, evidence that has to be properly collected and analyzed, often partly by means of intelligence work.

This presentation discusses the relevance of intelligence for applications of the principle of noncombatant immunity. That principle has been understood differently by different just war theorists, and so this paper focuses on the revised version of the principle in Michael Walzer's *Just and Unjust Wars*. Some illustrations are drawn from the current U.S. and NATO counterinsurgency operations (COIN) in Afghanistan. With the aim of limiting noncombatant casualties there, General Stanley McChrystal, Commander of those COIN operations, issued recently (July 2, 2009) a Tactical Directive to U.S. and NATO forces in Afghanistan. This directive involves, or appears to involve, a concept of noncombatant immunity.

In conclusion, in order to answer satisfactorily a range of epistemic questions about applications of the noncombatant immunity principle, there is a need for sufficient intelligence collection and analysis. Does the subject of intelligence about noncombatants raise special ethical problems or special ethical dilemmas about intelligence work? A main task for this presentation is to attempt to answer this question.

**Biography:** John W. Lango is Professor of Philosophy at Hunter College of the City University of New York. He received his Ph.D. in philosophy from Yale University. He specializes in metaphysics, ethics, and political philosophy. Concerning metaphysics, he has written articles on the philosophy of time and the metaphysics of Alfred North Whitehead. He is the author of *Whitehead's Ontology*. Concerning ethics and political philosophy, he has written articles on just war theory, UN peacekeeping missions, intelligence ethics, armed humanitarian intervention, and other subjects. He is a coeditor of *Rethinking the Just War Tradition*. Some of his recent articles on ethics and political philosophy are: "Military Operations by Armed UN Peacekeeping Missions: An Application of Generalised Just War Principles," in *The Moral Dimension of Asymmetrical Warfare: Counter-terrorism, Western Values and Military Ethics*, ed. Th. A. van Baarda and D.E.M. Verweij (Leiden: Martinus Nijhoff, 2009), pp. 115-133. "Collective Security and the Goals of Intelligence," *Defense Intelligence Journal* 16:1 (2007), pp. 19-31. "Generalizing and Temporalizing Just War Principles: Illustrated by the Principle of Just Cause," in *Rethinking the Just War Tradition*, ed. Michael Brough, John W. Lango, and Harry van der Linden (Albany: State University of New York Press, 2007), pp. 75-95.

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## CLOSING REMARKS

Auditorium, Gaston Hall  
3:00pm – 3:20pm

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