

The Art of Intelligence: Lessons from a Lifetime in the CIA's Clandestine Service¹

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*The heart of intelligence . . . is human espionage. At its most elemental, spying is about understanding and influencing the scope of behavior, from evil to exalted, and maneuvering through this emotional labyrinth in pursuit of valuable information otherwise unavailable. Espionage is also the foundation of covert action, which is not collection but rather another tool of statecraft, a supplement to foreign policy.*²

I. Introduction

Picking up his office's secure phone line shortly after September 11, 2001, Henry Crumpton, a twenty-year veteran of the Central Intelligence Agency's (CIA) Clandestine Service, receives a request passed from CIA Director George Tenet.³ "This is not an order. This is a request," the voice says.⁴ "We are going into Afghanistan. Cofer [the CIA Counterterrorism Center Director] wants you to organize and lead the war. Director Tenet has approved it."⁵ Within seconds, Crumpton agrees to the mission and begins spearheading the CIA's efforts in Afghanistan, the mission which forms the central focus of *The Art of Intelligence*.⁶

In *The Art of Intelligence*, Crumpton attempts to collate decades of experience as a CIA operative into an informational resource on the intelligence mission. He tries to do so without compromising the inherent necessity of confidentiality that accompanies covert operations.⁷ Crumpton focuses on two areas to explain intelligence to the layman. First, he tells the reader about what he terms the "fundamentals of the business"—specifically covert action.⁸ Crumpton personally and intimately presents the CIA and its operatives' roles from the Cold War era through the United States' operations in Afghanistan and Iraq.⁹ Crumpton tangentially explains the CIA's training, recruiting, collecting, liaising, and inter-agency operations before launching into a lengthy case study focused on strategy and operations in Afghanistan.¹⁰ Second, he briefly looks into a

"new world of risk and the role of intelligence collection and covert action" in the current geopolitical environment.¹¹

For a student of intelligence, a common theme quickly emerges from Crumpton: the CIA is a poorly utilized and little-understood tool of statecraft and policy. The book finds its strength in its pointed criticism of the policy makers' failure to grasp the power and importance of intelligence.¹² Additionally, the book appears in many ways to be Crumpton's retort to allegations of intelligence shortcomings following the events of September 11, 2001.¹³ His personal memories relating to intelligence are more than anecdotal; they serve to broadly highlight the root of human motivations as well as the origin of many vexing legal issues continuing to impact U.S. Army contingency operations.¹⁴

Yet, at its core, *The Art of Intelligence* is a memoir, incompletely providing "lessons" in intelligence as the book's subtitle proclaims. Never clear on his intended audience, Crumpton's recollections most likely appeal only to the true aficionado of intelligence, hoping to hear from one of its most famous veterans. Academics will lament the dearth of potential lessons on how to restructure intelligence; the layman will be underwhelmed at Crumpton's shallow brevity and the slow pace of espionage. Although Crumpton successfully educates the layperson about the CIA in general terms, in the end, the book's lack of historical and academic context coupled with overreliance on personal experiences fails to achieve any lasting improvement in how the policy makers utilize intelligence.

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¹ HENRY A. CRUMPTON, *THE ART OF INTELLIGENCE* (2012).

² *Id.* at 32.

³ *Id.* at 1, 173.

⁴ *Id.* at 173.

⁵ *Id.*

⁶ *Id.* at 174.

⁷ *Id.* at 12.

⁸ *Id.* at 12–13, 25–120.

⁹ *Id.* at 12–13.

¹⁰ See generally *id.* at 25–38 (training), 39–65 (recruiting), 65–81 (collecting), 83–98 (liaising), 105–120 (inter-agency cooperation), 169–215 (strategy), 217–68 (operations in Afghanistan).

II. The Fundamentals of Intelligence

The first portion of *The Art of Intelligence*, in which Crumpton uses short vignettes to highlight various themes pertinent to the CIA's business of espionage, focuses on the "fundamentals" of intelligence.¹⁵ Despite the fundamentals covered, the author reveals few details about his trade. When

¹¹ *Id.* at 13, 309–17.

¹² *Id.* at 6–9, 97, 124–25.

¹³ See generally NAT'L COMM'N ON TERRORIST ATTACKS UPON THE U.S., 9/11 COMMISSION REPORT 407–19 (2004).

¹⁴ See CRUMPTON, *supra* note 1, at 125 (detainee operations), 148–60 (unmanned aerial vehicles), 279–80 (asymmetric warfare).

¹⁵ See *supra* note 10.

working through concepts such as training, recruiting, liaising, and inter-policy coordination, Crumpton consistently fails to go beyond short accounts of his experiences in the field. Notwithstanding the title's suggestion, the reader quickly finds that the book is not a practical guide to intelligence nor does it offer suggestions on improving the intelligence landscape. Instead, the book reveals itself to be a memoir, leaving the reader to decipher its lessons.

To highlight the shortcomings of the storybook narrative, consider one of Crumpton's recurrent themes: the importance of motivation and self-awareness to a CIA operative. Determining someone's motivation, at least to Henry Crumpton, is an imperative aspect of his trade. "Self-awareness through self-examination," he offers, "is essential for a successful intelligence officer Without a solid, central reference point of yourself, every other assessment and judgment is skewed."¹⁶ While training at the CIA's secret training center known as "The Farm," Crumpton's instructors detail mechanisms to recruit potential sources to provide the CIA information.¹⁷ Termed "MICE," for money, ideology, compromise, and ego, Crumpton soon realizes that potential operatives have other motivations as well.¹⁸ Crumpton later adds revenge and coercion to the list, but recognizes that "[i]n almost all recruitments, an operations officer explores and exploits a combination of motivational factors."¹⁹ These motivational factors—each introduced through a vignette—appear regularly throughout the book, regardless of whether they relate to a CIA source, to an operative, or to a target.

Crumpton never effectively or explicitly uses these fundamentals—specifically the concept of self-awareness and motivation—to frame his recollections of disputes over the use of intelligence during the wars in Afghanistan and Iraq. Certainly a lack of self-awareness and overabundance of ego would permeate the relationship between the intelligence community, the Department of Defense, and other policy makers during the Afghanistan and Iraq campaigns.²⁰ Despite recognizing the key motivators at play,

Crumpton fails to do more than identify them and provide examples. Crumpton last served the government as the Department of State's Coordinator for Counterterrorism, with the rank of ambassador-at-large, presumably a strong platform from which to recommend significant changes and alterations to utilization of intelligence assets.²¹ Nonetheless, he never posits any recommendation for improved inter-agency operability following lessons learned from Afghanistan and Iraq other than to point his finger back at the policy makers, seemingly saying, "make it better" without providing a roadmap to do so.²² Instead, he leaves the policy issues and interoperability question for another day and another scholar.²³

III. Afghanistan Operations and Strategy

Although Secretary of Defense Donald Rumsfeld informed President Bush that there was "[v]ery little, effectively," that the DoD could do in the short term after the September 11 attacks, the CIA was very differently situated.²⁴ The CIA briefed the President on a plan incorporating intelligence assets, military power (specifically air support and Special Forces), and regional support from the Northern Alliance inside Afghanistan within forty-eight hours of the attacks.²⁵ Fifteen days after the attacks, the CIA dispatched that team, codenamed Jawbreaker, into Afghanistan.²⁶

Crumpton, at the helm of CIA operations moving into Afghanistan, presents a stunning case study raising myriad legal issues and ramifications for consideration by a judge advocate. Jawbreaker, a non-uniformed paramilitary force, was entering a sovereign, foreign nation with the intent of conducting combat operations across Afghanistan.²⁷ As a CIA operative, Crumpton seemingly bore little concern for the legal boundaries of his (or the CIA's) actions, working more on a simple "[g]o get 'em" directive from President Bush.²⁸ To carry out that directive, Jawbreaker was

¹⁶ CRUMPTON, *supra* note 1, at 63.

¹⁷ *Id.* at 34–35.

¹⁸ *Id.* at 35.

¹⁹ *Id.*

²⁰ See, e.g., *id.* at 225 ("It was driving Rumsfeld crazy—CIA officers were in the field, and his men were not."). This sentiment is echoed throughout the discourse on the relationship between intelligence and the Department of Defense. See BOB WOODWARD, STATE OF DENIAL 77 (2006) ("At an NSC meeting the day after the [September 11th] attacks, Bush asked what the military could do immediately. Rumsfeld replied, 'Very little, effectively.' The CIA stepped in to fill the void left by the secretary of defense and the uniformed military."). Woodward's account effectively indicates that the Department of Defense's (DoD) lack of an Afghanistan strategy on September 11, 2001, created an impetus for DoD's immediate preparations for operations in Iraq. *Id.* ("Later that day, at another NSC meeting, Rumsfeld asked Bush, Why shouldn't we go against Iraq, not just al Qaeda?") (quotation marks omitted in original).

²¹ CRUMPTON, *supra* note 1, at 317.

²² *Id.* at 310 ("There were no incentives for policy makers to blame themselves. They were protecting their tribe."). Crumpton is notably harsh on the Federal Bureau of Investigation, taking the agency to task for its justice-oriented mission: "Forward-looking intelligence collection and analysis were almost nonexistent [within the FBI]. The FBI sought justice, not prevention." *Id.* at 110.

²³ See *id.* at 317. Crumpton spends a mere nine pages devoted to "policy" despite overt dissatisfaction with policy makers' utilization of the intelligence community throughout the majority of the book. Most of Crumpton's discussion of policy focuses on his promotion to Coordinator for Counterterrorism at the Department of State. *Id.* at 309–18.

²⁴ WOODWARD, *supra* note 20, at 77.

²⁵ *Id.*

²⁶ *Id.*

²⁷ CRUMPTON, *supra* note 1, at 192–93.

²⁸ *Id.* at 184.

supported by unmanned aerial vehicles (UAVs).²⁹ The CIA's use of armed drones, especially the Predator, opened a new area of legal discourse still being debated today.³⁰ This conversation was not lost on Crumpton who notes that "[w]ith the eventual incorporation of Hellfire missiles on the [Predator], the system would call into question the very nature of war."³¹

In this regard, Crumpton—who was a prime player in the development of armed UAVs³²—is correct: the questions raised by Crumpton's initial assault into Afghanistan, especially the use of UAVs, have not subsided, nor have they been settled. Following the killing of an American citizen, Anwar al-Awlaki, by UAV in 2011, the controversy over what has been termed President Obama's "weapon of choice" has only intensified.³³ Scholars continue to debate the legalities of use of UAVs as an instrument of war,³⁴ a notion that Crumpton succinctly dismisses.³⁵ Given that the legalities of the use of UAVs as an instrument in armed conflict are not resolved, however, they pose a ripe area for normative and substantive discourse by judge advocates now and in the future. For the legal scholar looking into the history of this novel legal issue, Henry Crumpton was a witness to the nascent UAV program, and he confronts the issue head-on in his narrative discourse on operations in Afghanistan.

Given the speed at which Jawbreaker entered into Afghanistan, Crumpton provides a warning on another issue highly relevant to the judge advocate's practice: protocol on detainee operations. Crumpton recalls that his team

encountered a prisoner problem. Our Afghan allies had captured hundreds of the enemy but had no prison system to process and contain them. The U.S. military had not established any prisoner of war protocols or allocated resources to handle the captured enemy. With the CIA having no writ for prisoners at that time (and not wanting one) and so few U.S. troops being on the ground, the obvious default was to our Afghan allies.³⁶

The results were disastrous; a prison revolt took place in the Afghan's makeshift prison on November 25, 2001, drawing public attention, for the first time, to CIA operations on the ground in Afghanistan and resulting in the first American casualty of the operation.³⁷ Unwittingly, Crumpton provides a lesson for the judge advocate: given the potential for future conflicts to unfurl as rapidly as the situation in Afghanistan, preparation for collection of detainees cannot be overlooked and must be considered in operational plans from the outset.

IV. Conclusion

Although Crumpton's personal experiences pertaining to training, recruiting, collecting, and liaising provide context and anecdotal background to the intelligence business, the focus of the book centers on operations and strategy in Afghanistan. Through his discussion of the strategy and operations conducted, Crumpton offers the reader and—in many regards—the judge advocate a window into some of the burgeoning consequences of the conflict, most notably the use of UAVs and detainee operations. These insights fail to make up for the ultimate shortcoming of the book: a lack of discussion on how the United States can fix its often-alluded to inability to properly utilize intelligence assets.

Crumpton takes the reader directly into the origins of the United States' fight in Afghanistan.³⁸ From his perspective within the operations, Crumpton draws several, overly simplified conclusions. The attacks on September 11, 2001, followed by the United States' response marked "an era of war unrestricted by conventional boundaries"³⁹—one that had "the potential to take new and dangerous forms with great speed and little warning."⁴⁰ In short, the nature of war

²⁹ *Id.* 148–60.

³⁰ See, e.g., *Battle Brewing over Obama Administration's Use of Deadly Drones*, THE PLAIN DEALER (Feb. 06, 2013, 6:05 AM), http://www.cleveland.com/nation/index.ssf/2013/02/battle_brewing_over_obama_admin.html (discussing political and legal debate over use of UAVs to target U.S. citizens).

³¹ CRUMPTON, *supra* note 1, at 151.

³² *Id.* at 148–52.

³³ Scott Baldauf, *Good Reads: Drones, Al Qaeda, and American Exceptionalism*, CHRISTIAN SCI. MONITOR, Oct. 11, 2011, <http://www.csmonitor.com/World/2011/1011/Good-Reads-Drones-Al-Qaeda-and-American-exceptionalism> (noting that the United States engaged in only thirteen UAV attacks between 2004–2007 but had executed eighty-one UAV missions between January and October 2011).

³⁴ Compare Robert P. Barnidge, Jr., *A Qualified Defense of American Drone Attacks in Northwest Pakistan Under International Humanitarian Law*, 30 B.U. INT'L L.J. 409, 446 (2012) (concluding that the use of UAVs to support operations in Pakistan are not unlawful), with Peter Margulies, *The Fog of War Reform: Change in Structure to the Law of Armed Conflict After September 11*, 95 MARQ. L. REV. 1417, 1471–77 (2012) (raising the legal issue of remote targeting by UAVs and concluding that remote targeting is an acceptable change to the law of armed conflict).

³⁵ See CRUMPTON, *supra* note 1, at 155 (noting that President Clinton limited the use of covert actions to kill Usama Bin Laden but would have "no apparent problem killing him with a cruise missile").

³⁶ *Id.* at 241.

³⁷ *Id.* at 241–42, 244.

³⁸ See generally *id.* at 170–215 (describing Crumpton's recollection of preparations for CIA operations in Afghanistan, including pre-September 11, 2001, actions).

³⁹ *Id.* at 277.

⁴⁰ *Id.* at 278 (quoting Eliot A. Cohen, *A Strange War*, NAT'L INT., Nov. 1, 2001, <http://nationalinterest.org/article/a-strange-war-579>).

and warfare had changed. From this shift in war, Crumpton came to understand three key points: First, that the “degree of asymmetry in warfare had reached a new level.”⁴¹ Second, he noted “the role of nonstate actors was increasing.”⁴² War was no longer simply state-on-state action; the United States would now have to focus on three separate actors: “nonstate actors, enemies, and allies.”⁴³ Third, he found that “at an operational, even tactical level, the battlefield was now global.”⁴⁴ The global battlefield would require “attack[ing] the enemy in their safe havens,” notably border areas.⁴⁵

In one regard, Crumpton’s insights are welcome; he was directly involved in the formulation of the entry strategy and subsequent conduct of operations in Afghanistan. Further, he was involved with CIA operations surrounding embassy bombings in Tanzania and Kenya,⁴⁶ as well as the attack on the USS *Cole*.⁴⁷ Presumably, few people should be better situated to detail the implications of the post-September 11 world than Henry Crumpton. Yet, given the short shrift the book gives to policy considerations, his conclusions are axiomatic and less than timely to anyone who lived through

the September 11th attacks. Instead of seizing on his opportunity to transform his observations into firm lessons on the nature of war and the improper use of intelligence assets, Crumpton chooses to avoid engaging in a comprehensive discussion about the use of intelligence as a tool of statecraft.

The end result is a memoir void of future applicability that will appeal only to the most insatiable fans of intelligence operations. Possessing the knowledge, the education, the background, and the control of the facts that he does, Crumpton should have incorporated a prospective recommendation to policy makers so that they would not have to search for the “lessons” in his book.⁴⁸ Crumpton could easily have melded his memoirs into a brilliant treatise on how to improve intelligence operations. Ultimately, the reader is left pondering if perhaps the author could not engender a recommendation, preferring only to vent his frustrations about the treatment of the CIA in which he served.

⁴¹ *Id.* at 279.

⁴² *Id.* at 280.

⁴³ *Id.* at 311.

⁴⁴ *Id.* at 280.

⁴⁵ *Id.* at 311.

⁴⁶ *Id.* at 105–20.

⁴⁷ *Id.* at 163–67.

⁴⁸ For another presentation of intelligence operations, including prospective policy recommendations, see MARK M. LOWENTHAL, INTELLIGENCE: FROM SECRETS TO POLICY (2012). Lowenthal effectively presents a clear, concise guide to intelligence operations across the full spectrum of operations and includes a discussion on intelligence reform. *Id.* at 327–44.