

Book Reviews

Pay Any Price: Greed, Power, and Endless War¹

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*Confirmation Bias: The tendency to interpret new evidence as confirmation of one's existing beliefs or theories.*²

I. Introduction

Billions of U.S. dollars were flown into Iraq and remain completely unaccounted for. The U.S. government paid for fraudulent technology purported to sniff out terror plots that nearly resulted in the downing of civilian airliners. Without legal basis, two consecutive presidential administrations promoted enhanced interrogation techniques and domestic surveillance. In the 2014 book *Pay Any Price*, renowned journalist James Risen³ promises these examples and more as evidence of the moral decay of Washington, D.C., fueled by greed, a thirst for power, and an addiction to a state of war.⁴ Risen attempts to expose the hidden costs of the global war on terror, if not in terms of currency, then as an erosion of transparency, legitimacy, and national morals.

Risen builds his case with vignettes categorized under the headings of greed, power, and endless war. While the sum of the stories paints a compelling picture of the secondary and tertiary effects of the global war on terror, *Pay Any Price* fails to serve as a convincing argument for anything. Rather, the book espouses the belief that the excesses of war and the broadening governmental powers of the past fourteen years are sins of the greedy and power-hungry and never considers whether simpler explanations are plausible.

A reading of *Pay Any Price* is incomplete without some understanding of Risen's background. In December 2005, Risen published an expose in *The New York Times* on the National Security Agency's domestic surveillance program; two weeks following the *Times* story, Risen's book *State of War* was published discussing the domestic surveillance

program in great detail in addition to previously undisclosed intelligence and covert military operations.⁵ As one reviewer describes, *State of War* focused intently on the abuses of the senior-most members of the Bush administration in the years immediately following the terrorist attacks of 9/11.⁶

A seven-year-long legal battle ensued, as Risen locked horns with the Justice Department over the naming of his sources for the book.⁷ The Bush administration investigated, and ultimately the Obama administration prosecuted a former Central Intelligence Agency (CIA) officer for unauthorized disclosure of classified material.⁸ Through the criminal discovery process, the Department of Justice sought the names of Risen's sources for *State of War* through court orders.⁹ Risen refused.¹⁰ The Fourth Circuit ordered Risen to comply, and his writ of certiorari to the U.S. Supreme Court was denied;¹¹ nonetheless, the Department of Justice relented and Risen remained silent.¹² During this prolonged legal battle, Risen wrote *Pay Any Price*.¹³ It is difficult to read *Pay Any Price* and ignore Risen's palpable frustration with the U.S. government. While Risen tells a compelling story that forces the reader to consider the impacts of broad government power and prolonged armed conflict under the post-9/11 paradigm, one can not help but think his conclusion was drawn long before he found the supporting stories. Combined with Risen's reliance on anonymous sources, the book's tone undercuts the overall persuasiveness. It is an unfortunate result, because the stories Risen tells, if factually accurate, are troubling; and it is unfortunate that the reader is left with that lingering question: Are the stories factually accurate?

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¹ JAMES RISEN, *PAY ANY PRICE: GREED, POWER, AND ENDESS WAR* (2014).

² *Confirmation Bias*, OXFORD DICTIONARIES, http://www.oxforddictionaries.com/us/definition/american_english/confirmation-bias (last visited Sept. 18, 2015).

³ A short biography of Mr. Risen chronicles twenty years of experience reporting on national security and intelligence for the *Los Angeles Times* and *The New York Times*. *James E. Risen Biography*, THE PULITZER PRIZES, <http://www.pulitzer.org/biography/2006-National-Reporting-Group1> (last visited Sept. 18, 2015).

⁴ According to Risen, "the central narrative of the war on terror" is a combination of "those trying to monetize America's obsession with terrorism," "[a]mbition and a hunger for power, status, and glory," and "troubling . . . abuses of power that have extended across two presidencies for well over a decade." RISEN, *supra* note 1, at xxvvi.

⁵ *Id.* at 272.

⁶ Major Danyele M. Jordan, *State of War: The Secret History of the CIA and the Bush Administration*, ARMY LAW., Aug. 2007, at 68 (book review).

⁷ RISEN, *supra* note 1, at 269-70.

⁸ Matt Apuzzo, *Times Reporter Will Not Be Called to Testify in Leak Case*, N.Y. TIMES (Jan. 12, 2015), <http://www.nytimes.com/2015/01/13/us/times-reporter-james-risen-will-not-be-called-to-testify-in-leak-caselawyers-say.html>.

⁹ *Id.*

¹⁰ *See id.*

¹¹ *United States v. Sterling*, 724 F.3d 482 (4th Cir. 2013), *cert. denied*, 134 S. Ct. 2696 (2014).

¹² Apuzzo, *supra* note 8.

¹³ RISEN, *supra* note 1, at 273.

II. Unifying Themes

Risen exposes his bias from the start with the book's section titles: greed, power, and endless war. Although effective distinctions in theory, the stories within the book rarely fit neatly into just one of these categories, or even in any of the three. By forcing this construct on the reader, Risen is attempting to bolster his theory that the outcomes of the war on terror can all be attributed to government action.

The first example of this failed construct is the chapter titled "The New Oligarchs." This chapter devotes significant discussion to private individuals and companies who have enjoyed enormous success as financial partners in the global war on terror. First, Risen turns to brothers Neal and Linden Blue, owners of General Atomics, the company responsible for production of Predator and Reaper remotely piloted aircraft (RPA).¹⁴ In the same breath that Risen discusses how much money the Blue brothers have made off RPA sales, he criticizes the government's use of RPAs due to the danger to civilians, issues of territorial sovereignty, and international rebuke.¹⁵ Risen gives similar treatment to two other companies, equating firms that were granted government contracts and were tangentially involved in controversy with the controversy itself.¹⁶

However, there is no evidence put forward to suggest that the subjects of the chapter secured these lucrative deals with the government because they were greedy;¹⁷ they were simply in the right place at the right time. Moreover, the fact that the companies experienced a windfall hardly links them to government policies or actions.¹⁸ Risen's insistence on discussing these contracts shows his desire to discuss controversial government actions in any way possible.

Risen has similar difficulty in the chapter titled "Alarbus." By all accounts, the intelligence operation described in this chapter, which includes use of a notorious Palestinian money launderer, contracted assassinations, and black market sales of RPAs, is worthy of criminal investigation and appropriate accountability.¹⁹ However, "Alarbus" falls under the section titled "Power," yet little of Risen's exposé into the program is unique to government

contracts, wartime in general, or the war on terror. Similar criminal activity can be found anywhere.

By misdirecting the attention toward the government, Risen misses an opportunity to discuss the real issues in these stories. When discussing "The New Oligarchs," Risen never addresses the questions underlying whether targeted strikes by RPAs is legally or morally justified; he simply blames the manufacturers for getting rich.²⁰ Risen could discuss governmental oversight of contractors or the lack of communication between executive agencies in "Alarbus." Instead, the author chooses to force a square peg into a round hole by implying that federal agents were behind the planned criminal acts.²¹

Many of the stories within *Pay Any Price* depict over-compartmentalization and a lack of transparency. Unfortunately, these themes do not fit Risen's narrative as he intends. An unwieldy bureaucracy rife with inefficiency (particularly when dealing with classified matters), is less Orwellian than the over-reaching and morally corrupt government that Risen wants to depict. Where Risen sees opportunistic grabs for power and money, an unbiased reader sees over-classification, interagency firewalls, and a government struggling to adapt to an unconventional enemy. The problems may be clear through either lens, but while the latter could lead to proposals for resolution, the former simply demonizes the people involved.

III. The Peril of Anonymity

Risen conducts a preemptory strike against the undeniably largest criticism of *Pay Any Price*. Preceding the prologue, Risen provides "A Note on Sources," indicating he is at least aware of the stark lack of citation to any authority in his work. The author would have the reader accept that "[t]his book would not be possible without the cooperation of many current and former government officials . . . willing to discuss sensitive matters only on condition of anonymity."²²

Undoubtedly, the use of anonymous sources remains a key component to investigative journalism.²³ Risen himself

¹⁴ *Id.* at 56.

¹⁵ *Id.* at 59-62.

¹⁶ The second of the "New Oligarchs" is CACI International Inc., a defense and intelligence contractor that employed interrogators at Abu Ghraib prison in Iraq; Risen takes issue with CACI's role in detainee abuse at the prison and the fact that CACI continued to secure government contracts after the scandal became public. *Id.* at 62-64. The third example is Robert McKeon, a Wall Street investor who made substantial profit in buying and selling a company that secured contracts for training police in Iraq and Afghanistan; the link to greed is most tenuous with this example and Risen even struggles to find much controversy with the specific contract, making McKeon's inclusion in this chapter all the more questionable. *Id.* at 64-66.

¹⁷ This criticism is echoed by Risen's own employer in a book review of *Pay Any Price*. See Louise Richardson, *James Risen's 'Pay Any Price'*, N.Y. TIMES (Oct. 15, 2014),

http://www.nytimes.com/2014/10/26/books/review/james-risens-pay-any-price.html?_r=0.

¹⁸ The *New York Times* review similarly agrees with this criticism. *Id.*

¹⁹ RISEN, *supra* note 1, at 123-41.

²⁰ By analogy, "The New Oligarchs" reads like a hypothetical rebuke of Ford Motor Company for profiting on vehicle sales when some of those vehicles result in motor vehicle deaths due to negligent drivers—the logic is specious.

²¹ RISEN, *supra* note 1, at 123-41.

²² *Id.* at ix.

²³ For discussion of the current legal construct of a "reporter's privilege" under the First Amendment, particularly in light of Risen's involvement in the Fourth Circuit Court of Appeals, see Amanda A. Konarski, *The*

remains committed to protecting his sources, even in the face of potential judicial contempt proceedings.²⁴ However, as noted in *The New York Times* review of *Pay Any Price*, Risen seems to apply the principle of anonymous sourcing to every proposition within the book, even those clearly not requiring such protections.²⁵ The effect on the reader is a tendency to question every statement, especially in light of Risen's clear bias.²⁶

IV. A Hoax of Epic Proportions

In the chapter titled "The Emperor of the War on Terror," Risen details the exploits of Dennis Montgomery, a man who convinced the government to invest heavily in software technology that likely never existed.²⁷ It is Risen's best work. In addition to his penchant for gambling and his ability to attain wealthy investors, Montgomery repeatedly managed to hoodwink government agencies into believing he had the next greatest tool in combatting terrorists.²⁸

According to Risen, Montgomery peddled video compression software, facial recognition technology, and a proprietary video decoding program to the CIA and the Pentagon.²⁹ To secure these contracts, Montgomery staged fraudulent demonstrations of the recognition technology³⁰ and provided volumes of false "hidden codes" pulled from network news broadcasts, supposedly directives to Al Qaeda sleeper cells.³¹ Due to the highly classified nature of the programs there appears to have been little or no verification of Montgomery's claims or oversight of his operations;³² similarly, because the contracting officials were likely embarrassed, Montgomery was able to secure subsequent government contracts even after suspicions were raised because each agency kept its suspicions internal.³³

It is a remarkable tale not only for Montgomery's willingness and ability to con the U.S. government, but for the federal agencies' inability or unwillingness to verify what

they were buying. It also starkly displays the danger of over-classification and compartmentalization; as Risen shows, when a program is labeled "secret," it is imbued with authority and there is less oversight allowed.³⁴ Montgomery's tale has garnered more attention than many of the other stories from *Pay Any Price*,³⁵ and not surprisingly it is one of Risen's better sourced chapters.³⁶ Following publication of *Pay Any Price*, Montgomery sued Risen for defamation, and the case is currently pending.³⁷

V. Conclusion

Pay Any Price is compelling. The stories within are unsettling. Simply exposing the details of each story (with more robust citations) would add Risen's latest publication to the national dialogue about our nation's response to the lingering threat of terrorism.

Unfortunately, Risen cannot help himself and simply brings too much personal baggage to the discussion to make this book a scholarly work. Risen admits as much in the afterword:

In 2009, when the new Obama administration continued the government's legal campaign against me, I realized, in a very personal way, that the war on terror had become a bipartisan enterprise. . . . And so my answer—both to the government's long campaign against me and to this endless war—is this new book, *Pay Any Price*. . . . *Pay Any Price* is my answer to how best to challenge the government's draconian efforts to crack down on aggressive investigative reporting and suppress the truth in the name of ceaseless war.³⁸

Risen may justifiably feel persecuted, but this book is anything but unbiased. Unfortunately, with Risen's background in mind, *Pay Any Price* reads like the latest

Reporter's Privilege is Essential to Checks and Balances Being Accessible to the American Public, 11 SETON HALL CIR. REV. 258 (2014).

²⁴ Discussed *infra*, Section I.

²⁵ Richardson, *supra* note 16. One example Richardson points to is a quote for how much money the U.S. government has spent on the global war on terror.

²⁶ See *infra* Section I.

²⁷ RISEN, *supra* note 1, at 31-53.

²⁸ *Id.*

²⁹ *Id.* at 35.

³⁰ *Id.* at 37.

³¹ *Id.* at 44-46.

³² *Id.* at 43.

³³ RISEN, *supra* note 1, at 47-48.

³⁴ *Id.* at 44.

³⁵ See, e.g., Aram Roston, *The Man Who Conned the Pentagon*, PLAYBOY MAGAZINE, Jan.-Feb. 2010, http://www.stopdown.net/Dennis_Montgomery_Playboy.html; Eric Lichtbau & James Risen, *Hiding Details of Dubious Deals, U.S. Invokes National Security*, N.Y. TIMES (Feb. 19, 2011), http://www.nytimes.com/2011/02/20/us/politics/20data.html?_r=2; Morgan Till, *James Risen: Government Crackdown on Whistleblowers Bad for Democracy*, PBS NEWSHOUR (Oct. 13, 2014), <http://www.pbs.org/newshour/rundown/james-risen/>.

³⁶ Risen's sources include former employees of Montgomery, court documents from related lawsuits between Montgomery and investors, former CIA and White House officials, and Montgomery's former attorney. RISEN, *supra* note 1, at 31-53.

³⁷ Steven Nelson, *Journalist James Risen Sued for Reporting Post-9/11 Contractor Was Con Man*, U.S. NEWS & WORLD REPORT (Feb. 25, 2015), <http://www.usnews.com/news/articles/2015/02/25/journalist-james-risensued-for-reporting-post-9-11-contractor-was-con-man>.

³⁸ RISEN, *supra* note 1, at 272-73.

sophomoric volley in a war between intransigent sides. As if publishing further examples of government waste or incompetence will prolong the author's status as a media hero, Risen seems at least equally interested in provoking a response as he does in promoting change. Perhaps this explains why, despite the compelling narrative, *Pay Any Price* falls short of any concrete recommendations for how to move forward.

Unfortunately, Risen's best ideas are the victims of his tone and motivation. Where he succeeds in detailing what he terms the "homeland security-industrial complex," the never-ending supply of cash and demand for solutions to the new problem of terrorism, he never suggests how the nation could have responded to 9/11 that would have avoided this outcome.³⁹ Likewise, his stories are devoid of any analysis about the controversial topics (such as enhanced interrogation or domestic surveillance) that he calls immoral and illegal; for Risen, those issues have been long-since settled.

Lastly, almost lost in the book is a profound statement worthy of its own treatise. In reviewing the immediate aftermath of the attacks of 9/11, Risen draws a significant conclusion. He states:

But for the Bush administration, using the courts was never an option. . . . Bush brushed aside the FBI and Justice Department, and turned instead to the Pentagon and Central Intelligence Agency . . . [and] reached for a national security answer to terrorism rather than a law enforcement solution. That would turn out to be the crucial decision that would alter the history of the next decade.⁴⁰

One wonders how compelling *Pay Any Price* could have been with this as its main theme.

For civil liberty advocates, anti-war voices, and Risen's sympathizers, *Pay Any Price* provides ample cause for teeth-gnashing and consternation and will only confirm the original biases brought to the reading. For those readers seeking more—either furtherance of a dialogue or new research to consider—they are likely to be disappointed. Regardless of the audience's predisposition, the themes of *Pay Any Price* are troubling and thought-provoking and merit further discussion, even if Risen shows little interest in engaging in that discussion himself.

³⁹ *Id.* at xiii.

Soon, a counterterrorism bubble, like a financial bubble, grew in Washington, and a new breed of entrepreneur learned that one of the surest and easiest paths to riches could be found not in Silicon Valley building computers or New York designing clothes but rather in Tysons Corner, Virginia, coming up with new ways to predict, analyze, and prevent terrorist attacks—

or, short of that, at least in convincing a few government bureaucrats that you had some magic formula for doing so.

Id. at 31.

⁴⁰ *Id.* at 76.