

Book Reviews

STATE OF WAR: THE SECRET HISTORY OF THE CIA AND THE BUSH ADMINISTRATION¹

REVIEWED BY MAJOR DANYELE M. JORDAN²

*There is a secret history of the CIA and the Bush Administration both before and especially after 9/11. It is a cautionary tale, one that shows how the most covert tools of American national security policy have been misused. It involves domestic spying, abuse of power, and outrageous operations. It is a tale that can only now begin to be told.*³

On September 11, 2001, suicide terrorists killed thousands of unsuspecting American citizens by hijacking and crashing airplanes into prominent American buildings.⁴ The President of the United States, George W. Bush immediately responded by launching a worldwide manhunt for those responsible.⁵ He declared that he would take every precaution to protect American citizens from further attacks at home and abroad.⁶ President Bush further stated that he would unleash the “full resources of the intelligence and law enforcement communities” to find those responsible, “making no distinction between the terrorists who committed the acts and those who harbor them.”⁷ It is against this backdrop that *State of War: The Secret History of the CIA and the Bush Administration* unfolds.

In *State of War*, author James Risen chronicles the leadership failures in the wake of the September 11th⁸ attacks.⁹ He then unveils the power struggles that developed during the Bush Administration’s quest to rid the world of terror.¹⁰ Risen also describes the hasty and questionable policy decisions, failed intelligence efforts, and unbelievable operations that were the inevitable result.¹¹ At its conclusion, *State of War* accomplishes the author’s main goals of exposing the neoconservative base that captured the administration’s foreign policy,¹² while also explaining the demise of the once powerful Central Intelligence Agency (CIA).¹³

State of War begins with a description of the “complicated” relationship between President Bush and CIA Director George Tenet.¹⁴ This description includes a synopsis of how Tenet secured his position as Director in the new Bush Administration.¹⁵ While developing the complex connection between President Bush and George Tenet, Risen identifies the

¹ JAMES RISEN, *STATE OF WAR: THE SECRET HISTORY OF THE CIA AND THE BUSH ADMINISTRATION* (2006).

² U.S. Army. Written while assigned as a student, 55th Judge Advocate Officer Graduate Course, The Judge Advocate General’s Legal Center and School, U.S. Army, Charlottesville, Virginia.

³ RISEN, *supra* note 1, at 10.

⁴ E.g., Nancy Gibbs, *Special Report: The Day of the Attack*, TIME, Sept. 12, 2001, available at <http://www.time.com/time/nation/article/0,8599,174655,00.html>.

⁵ The White House, President Bush Addresses the Nation (Sept. 11, 2001), available at <http://www.whitehouse.gov/news/releases/2001/09/20010911-16.html#>.

⁶ *Id.*

⁷ *Id.*

⁸ Also called “9/11” throughout the book.

⁹ Such failures are described throughout the book. However, early on, Risen points to the absence of effective leadership as the defining characteristic of the Bush Administration. RISEN, *supra* note 1, at 3. Risen also spends a great deal of time chronicling the CIA’s intelligence failures, which not surprisingly, are also blamed on the Bush Administration. *Id.* at 109 (naming pressure from the Bush Administration as the reason the CIA suppressed or ignored strong evidence that Iraq did not have a nuclear weapons program).

¹⁰ *Id.* at 63–70. Risen states that “the dominant power relationship” in the Bush Administration was between Rumsfeld and Cheney. *Id.* at 64. Together, they “reorganized” the intelligence bureaucracy with Rumsfeld placing himself at the head. *Id.* at 67.

¹¹ See *id.* at 65 (charging that post 9/11, the President and his staff made important decisions “on the fly”); *id.* at 120 (blaming the CIA’s inability to recruit spies in Iraq for their lack of intelligence there); *id.* at 81 (discussing the CIA’s plans to engage in sabotage activities to undermine the Iraqi regime).

¹² See *id.* at 1 (accusing Secretary of Defense Donald Rumsfeld and “[his] cadre of neoconservative ideologues” of exerting “broad influence over foreign policy”).

¹³ See *id.* at 220–21 (concluding that the CIA lost its dominance in the U.S. intelligence community due to the Bush Administration’s politicization of the agency, and due to the influence of the neoconservatives).

¹⁴ *Id.* at 11.

¹⁵ *Id.* at 11–18.

other main players in this saga: Vice President Dick Cheney,¹⁶ Secretary of Defense Donald Rumsfeld,¹⁷ Secretary of State Condoleeza Rice,¹⁸ and former Secretary of State Colin Powell.¹⁹ Risen later demonstrates that their personalities and personal ambitions were directly linked to the abuses and failures that plagued both the Bush Administration and the CIA.²⁰

Even though the specific personalities and agendas of the senior officials are important to *State of War*, the heart of the book centers on their abuses.²¹ Risen grabs the reader with tales of domestic spying, assassination squads, risky covert operations, harsh interrogation tactics, secret transfers of prisoners, illegal drugs, Afghan warlords, fabricated evidence of weapons of mass destruction (WMD), and dangerous ties between the U.S. allies and al Qaeda.²² These are the stories that make *State of War* such a controversial and insightful book. However, as interesting as these tales may be, they lack detailed analysis.

One example of an underdeveloped story is the situation in Iraq. Risen's main theory on Iraq is that Iraq posed no threat to the United States.²³ He argues that the President, in building a case for an invasion of Iraq, falsely accused Saddam Hussein of having "terrorist connections" and WMDs.²⁴ According to the author, the administration used the WMDs as a pretext because "Iraq had been on the Bush agenda from the very beginning."²⁵ The remainder of his analysis centers on the Bush Administration's efforts to convince the CIA to support its agenda and the CIA's responses thereto.²⁶ Risen does not explore any other reasons for a U.S. attack (like Iraq's continued violation of United Nations Resolutions 678 and 687).²⁷ Risen also gives little attention to the role of Congress in providing a possible justification for the attack.²⁸ When one considers the variety of approaches Risen could have taken on the issue, his focus on the most controversial reason seems biased, or at least one-dimensional.²⁹

¹⁶ *Id.* at 13–15.

¹⁷ *Id.*

¹⁸ *Id.* at 18. Condoleeza Rice, despite gracing the cover of the book and holding key positions in the Bush administration, received limited coverage in Risen's book and was generally portrayed as weak and ineffective. *See id.* at 63, 161, 217.

¹⁹ *Id.* at 13–14. Like Condoleeza Rice, Risen depicted Colin Powell as irrelevant, being outmaneuvered and marginalized by neoconservatives on too many important issues. *Id.* at 149–50. However, unlike Rice, Risen respected Powell as one of the few moderates in the administration. *Id.* at 1, 149–50, 160–62. Risen even described him as "a giant of a man who deserved better," and "a sad yet still regal figure who seemed to personify an era of great Republican statesmanship. . . ." *Id.* at 149.

²⁰ Risen describes Tenet as "extremely adaptable" and too political to be the CIA director. *Id.* at 12. As such, with Tenet at the helm, the CIA was bullied by the neoconservatives, leading to taking shortcuts and accepting "shoddy intelligence" in order to appease the Bush Administration. *Id.* at 71–72, 113. Risen portrays Donald Rumsfeld as "the ultimate turf warrior" and the "real power in the Bush Administration." *Id.* at 19, 220. Rumsfeld's conservative ideology and strong influence led to the militarization of the intelligence community, flawed policy of ignoring the drug problems in Afghanistan, and shift of the Pentagon's role as a developer of foreign policy. *Id.* at 67–70, 160, 221. Risen described Dick Cheney as the de facto national security advisor who, as an enthusiastic supporter of Rumsfeld and other neoconservatives at the Pentagon, enabled them to push their agendas on important issues. *Id.* at 64, 66, 71, 150. Despite enjoying a close relationship with the President, Risen depicted Rice as ineffective on foreign policy issues thereby unable to influence the policies that developed. *Id.* at 3, 64; *see supra* note 18.

²¹ *See* RISEN, *supra* note 1, at 43–47 (accusing the Bush administration of purposely failing to get congressional approval for the National Security Agency's domestic eavesdropping or spying operation), 70 (stating that Donald Rumsfeld created his own private spy service "buried deep within the Pentagon's vast black budget, with little or no accountability"), and 24–27 (arguing that Dick Cheney, Condoleeza Rice, John Ashcroft and Alberto Gonzales purposefully did not inform the President of the torture or harsh interrogation tactics used by the CIA giving him deniability and allowing the practice to continue without proper vetting and legal authorization).

²² *Id.* at 24 (harsh interrogation tactics), 34 (secret prison transfers), 43 (domestic spying), 86 (WMD fabrications), 138 (covert operations), 152 (illegal drugs), and 179 (U.S. allies and al Qaeda).

²³ *Id.* at 80, 86.

²⁴ *Id.* at 86.

²⁵ *Id.* at 77.

²⁶ *Id.* at 76–84.

²⁷ *See* Sean D. Murphy, *Assessing the Legality of Invading Iraq*, 92 GEO. L.J. 173, 175 (Jan. 2004) ("Under Resolutions 678 and 687, both still in effect, the United States and our allies are authorized to use force in ridding Iraq of weapons of mass destruction." (quoting *Address to the Nation on Iraq*, Mar. 17, 2003, 39 WKLY COMP. PRES. DOC. 338, 339 (Mar. 24, 2003))).

²⁸ *See* Curtis A. Bradley & Jack L. Goldsmith, *Congressional Authorization and the War on Terrorism*, 118 HARV. L. REV. 2047, 2047 (May 2005) (describing the Authorization for Use of Military Force (AUMF) as the "central statutory enactment related to the war on terrorism."). *See also* Authorization for Use of Military Force, Pub. L. No. 107-40, 115 Stat. 224 (2001). The AUMF was approved by both houses of Congress on 14 September 2001, and signed by the President on 18 September 2001.

²⁹ Many authors have written on President Bush's authority to invade Iraq. These include: James P. Pfiffner, *Did President Bush Mislead the Country in His Arguments for War with Iraq?*, 34 PRES. STUD. Q. 4 (Mar. 2004) (analyzing the statements made by President Bush and his administration and comparing them to the link between Saddam Hussein and al Qaeda, and his nuclear weapons capabilities, and then making a conclusion based upon his extensive

Another example of Risen's superficial development of an important issue is the domestic spying program.³⁰ Risen again identifies the problem—governmental encroachment on civil liberties.³¹ He even provides shocking revelations that Congress and the judiciary knew of the program.³² Yet, compared to other works on the subject, Risen did not weigh all sides of the issue.³³

On the other hand, one highlight of the book is the transparency that it brings to the political process. Risen's numerous contacts provide the reader with details normally hidden from average citizens.³⁴ Risen reveals so much insider information that even the most politically savvy reader can benefit. Yet, Risen's access to high-level bureaucrats does not always translate into supportable accusations.

State of War accuses the Bush Administration of wrongdoing even when there is no evidence to back it up.³⁵ For instance, Risen blames the administration for harsh interrogation tactics used against captured terrorist suspects.³⁶ Risen makes this finding based upon an alleged conversation between President Bush and George Tenet.³⁷ Risen states that President Bush asked Tenet: "Who authorized putting him [Abu Zubaydah] on pain medication?"³⁸ Risen then interprets this question as President Bush directing the intelligence community to be harder on the captured suspects.³⁹ Despite admitting that top CIA officials never heard of the statement being made, and did not believe that the conversation took place, Risen concludes that President Bush did make the statement because it "fits into that broader, get-tough message that the president and the White House were sending to the CIA in the months after 9/11."⁴⁰

Another criticism of *State of War* is Risen's heavy reliance on anonymous sources.⁴¹ Anonymous sources appear so frequently that one wonders if the stories are true or simply a figment of the author's imagination. At least one other reviewer of *State of War* shares this opinion and describes Risen as "enamored with anonymous sources from the intelligence

examination); John C. Yoo, *International Law and the War in Iraq*, 97 AM. J. INT'L L. 3, 563 (2003); Murphy, *supra* note 27; JOSEPH CIRINCIONE ET AL., WMD IN IRAQ: EVIDENCE AND IMPLICATIONS (Carnegie Endowment Report 2004), available at <http://www.carnegieendowment.org/files/Iraq3FullText.pdf>.

³⁰ RISEN, *supra* note 1, at 44–49, 55–57.

³¹ *Id.* at 44.

³² *Id.* at 49, 55.

³³ See generally Memorandum, Elizabeth B. Bazan & Jennifer K. Elsea, subject: Presidential Authority to Conduct Wireless Electronic Surveillance to Gather Foreign Intelligence Information (5 Jan. 2006), available at <http://www.fas.org/sgp/crs/intel/m010506.pdf> (prepared by the Congressional Research Service) (analyzing the constitutional and statutory issues raised by the NSA electronic surveillance activity, outlining the legal framework regulating electronic surveillance by the government, exploring ambiguities in those statutes, and addressing the congressional or President's inherent authority to order the operations).

³⁴ An example of Risen's access to hard-to-get information can be seen in the following quote:

One outside expert on communications privacy who previously worked at the NSA said that the United States government has recently been quietly encouraging the telecommunications industry to increase the amount of international communications traffic that is routed through American-based switches. It appears that at least one motive for doing so may be to bring more international calls under NSA scrutiny.

RISEN, *supra* note 1, at 51.

³⁵ There are several examples of unsupported assertions. See *id.* at 59 (asserting that the creation of the new Northern Command is an example of the broader policies and procedures put in place by the Bush Administration which may erode civil liberties in the United States, however, failing to show how this command, whom he admits is supposed to protect the U.S. homeland, will erode any civil liberties.). See also *id.* at 77, 106, 121 (blaming the Bush Administration for pressuring the CIA to develop intelligence on Iraq and fabricating that Iraq had WMDs. Then the author admitted that the CIA chose to hide important information from the administration on its own regarding Saddam Hussein's abandoned efforts to create WMDs and the CIA's doubts about the quality of intelligence they gathered on Iraq.).

³⁶ *Id.* at 22.

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at 23.

⁴¹ But cf. G. Jeffrey MacDonald, *The Danger of Speaking from the Shadows*, CHRISTIAN SCI. MONITOR, Oct. 31, 2005, available at <http://www.csmonitor.com/2005/1031/p13s02-lire.html> (addressing the pros and cons of anonymity, the author quotes Mr. Daniel Terris who stated, "processes that encourage the freer flow of information, even when they entail certain kinds of ethical risks and dangers, tend to be more productive for society than things that shut down the freer flow of information.").

community”⁴² This reviewer further notes, “There is also some intriguing material on Iran and Saudia Arabia, the veracity of which is hard to determine,” (presumably due to the lack of named sources or footnotes).⁴³

In defense of Risen’s extensive use of anonymous sources, he does mix them with some high-powered named sources which add needed credibility to the allegations. Perhaps his extensive investigative reporting background also lends reliability to his assertions.⁴⁴ It also helps that many of Risen’s accusations against the Bush Administration are verifiable by other means, including other reports and news stories, and admissions by those involved.⁴⁵ Another book reviewer agrees when he writes, “Yet though this is a ‘faith-based’ account to an extent, it bears the ring of authenticity in that it at times simply adds detail to what we already know.”⁴⁶

A further criticism of Risen’s book is his presentation of the information. *State of War* presents its accounts through a series of short takes that read like front page news stories.⁴⁷ Some accounts take up only a single paragraph.⁴⁸ They are often unrelated and simply inserted at a random point in another narrative. This style of writing makes the book difficult to follow and detracts from the overall presentation. Conversely, there are two notable departures from the choppy writing style seen throughout *State of War*. One is the story of Doctor Swansan Alhaddad who traveled to Baghdad in order to gather information about Iraq’s nuclear program from her brother.⁴⁹ The other is that of the Russian scientist who traveled to Vienna to deliver nuclear bomb blueprints to Iranian scholars.⁵⁰ These stories are written from the perspective of the actual participants. They are intriguing and full of suspense, adding flow to an otherwise disconnected book.

Finally, a word of caution to conservative readers: Risen wrote *State of War* with a definite bias towards more moderate influences. He laments that “the presidency of George W. Bush has marked a radical departure from the centrist traditions of U.S. foreign policy, embodied by his father.”⁵¹ He even longs for the days of the slow bureaucratic process with checks and balances that resulted in safe, more conventional decisions.⁵² As such, the book never acknowledges that the world as we know it changed after September 11th. Its author has not come to grips with the America that emerged from the rubble of the World Trade Center. He seems unable to even contemplate that those former policies may be the reason why September 11th was possible in the first place.

However, in all fairness to Risen, he does briefly acknowledge the limited success of the administration’s policies when he writes:

In a sense, this new pattern represents a triumph for the American-led counterterrorist efforts. Al Qaeda now seems to lack the power to conduct another 9/11, although bin Laden still yearns to launch another

⁴² Lawrence D. Freeman, *James Risen’s State of War: The Secret History of the CIA and the Bush Administration*, FOREIGN AFFAIRS, May-June 2006 (book review), available at <http://www.foreignaffairs.org/20060501fabook85325/james-risen/state-of-war-the-secret-history-of-the-cia-and-the-bush-administration.html>.

⁴³ *Id.*

⁴⁴ In 2006, James Risen won the Pulitzer Prize in National Reporting. The Pulitzer Prize Winners 2006, Journalism, <http://www.pulitzer.org/year/2006/national-reporting/bio/nytimesbios.html> (last visited Sept. 17, 2006). He joined the *New York Times* as a correspondent in the Washington bureau covering national security and intelligence in May 1998. *Id.* He previously served as correspondent for the *Los Angeles Times* from 1984 to 1998. *Id.* He covered National Security and Intelligence from 1995 to 1998, and was the chief economic correspondent in the Washington bureau from 1990 to 1995. *Id.*

⁴⁵ See, e.g., Suzanne Goldenberg, *US Confirms Existence of Secret Prison Network*, GUARDIAN (London), Sept. 7, 2006, available at <http://www.guardian.co.uk/usa/story/0,,1866484,00.html> (discussing President Bush’s acknowledgement of a secret CIA prison network for “high-value” detainees connected to al Qaeda); David Ignatius, ‘Rendition’ Realities, WASH. POST, Mar. 9, 2005, at A21, available at <http://www.washingtonpost.com/ac2/wp-dyn/A18709-2005Mar8?language=printer> (addressing some misconceptions about torture in the CIA rendition programs).

⁴⁶ Gerald Horne, *James Risen’s State of War*, POLITICAL AFFAIRS.NET, Jan. 18, 2006 (book review), <http://www.politicalaffairs.net/article/view/2597/1/145>.

⁴⁷ Risen uses his “breaking news” story printed in the *New York Times* in December 2005 for the chapter on domestic spying. James Risen & Eric Lichtbau, *Bush Lets U.S. Spy on Callers Without Courts*, N.Y. TIMES, Dec. 16, 2005, available at <http://www.nytimes.com/2005/12/16/politics/16program.html?ei=5090&en=e32072d786623ac1&ex=1292389200>.

⁴⁸ See RISEN, *supra* note 1, at 35 (operation “Box Top”), 140 (Iraqi cleric killed), 166 (hunt for Osama bin Laden).

⁴⁹ *Id.* at 85–88, 102–06.

⁵⁰ *Id.* at 194–95.

⁵¹ *Id.* at 2.

⁵² *Id.* at 65.

“spectacular.” Al Qaeda has been forced to resort to more conventional forms of terrorism—car bombs and small explosives left on buses and trains.⁵³

Risen was correct in this respect. The year is now 2007 and despite his criticisms of the Bush Administration’s failed policies and CIA intelligence missteps, there has not been a major attack in the United States in six years. Risen’s book gives little attention to that fact. He also fails to consider that the very policies that he complains about may have already saved thousands of lives. David Ignatius addresses the complexity of these issues when he quotes a question asked by a former CIA official: “Would it have made sense to ‘render’ [Mohammed] Atta to a place where he could have been interrogated in a way that might have prevented Sept[ember] 11? That is not a simple question for me to answer, even as I share the conviction that torture is always and everywhere wrong.”⁵⁴ Risen never tackles these tough questions. Considering that Risen’s goal was to expose and accuse, any analysis of complex issues may be beyond the scope of this book.

State of War is a short book that is easy to read. It adequately presents the allegations against the Bush Administration in a believable, if not convincing manner. The lack of detailed analysis and the one-sided view, however, limit its usefulness for the more politically astute. But for the novice who is unfamiliar with politics, the Bush Administration, or the issues facing the government today, *State of War* is a great place to start.

⁵³ *Id.* at 172.

⁵⁴ Ignatius, *supra* note 45.