
Beyond Conspiracy Theory: Patterns of High Crime in American Government

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Abstract

This article explores the conceptual, methodological, and practical implications of research on state crimes against democracy (SCADs). In contrast to conspiracy theories, which speculate about each suspicious event in isolation, the SCAD construct delineates a general category of criminality and calls for crimes that fit this category to be examined comparatively. Using this approach, an analysis of post–World War II SCADs and suspected SCADs highlights a number of commonalities in SCAD targets, timing, and policy consequences. SCADs often appear where presidential politics and foreign policy intersect. SCADs differ from earlier forms of political corruption in that they frequently involve political, military, and/or economic elites at the very highest levels of the social and political order. The article concludes by suggesting statutory and constitutional reforms to improve SCAD prevention and detection.

Keywords

state crimes against democracy, conspiracy theory, assassinations, constitutional reform, political corruption, National Security Apparatus, criminogenic

Antidemocratic conspiracies among high-ranking public officials in the United States and other representative democracies constitute a sensitive and potentially controversial topic for behavioral research. This may explain why, until recently, social scientists have focused, instead, on graft, bribery, embezzlement, and other forms of government corruption where the aim is personal enrichment rather than social control, partisan advantage, or political power. In any event, the topic is sensitive because it raises questions about the ethics of top leaders and suggests that American democracy

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may be in thrall to behind-the-scenes manipulations. Even if research on the issue were to discredit various conspiracy theories, it could fuel mass cynicism and undermine civility in public discourse simply by making conspiracy theories a legitimate subject for public consideration. McCarthyism quite clearly demonstrated the dangers posed to democracy by unbridled, runaway accusations of conspiratorial suspicions.

On the other hand, antidemocratic conspiracies in high office do, in fact, happen. The congressional hearings on Watergate, the Church Committee's discoveries about illegal domestic surveillance, and the special prosecutors' investigations of Oliver North and Scooter Libby revealed that public officials at the highest levels of American government can and sometimes do engage in conspiracies to manipulate elections, wiretap and smear critics, mislead Congress and the public, and in other ways subvert popular sovereignty. Certainly, such crimes and the criminogenic circumstances surrounding them warrant scientific inquiry, not only to better understand elite politics but also to identify institutional vulnerabilities so that protections can be established or strengthened. The challenge for scholars is to engage in serious, unblinkered study of the subject without contributing to mass paranoia or elite incivility.

The popular conspiracy theory literature contributes to mass cynicism because it presents a variety of conflicting suspicions about numerous, seemingly unrelated events, leaving the impression that elite political crime is widespread but unpredictable and therefore incapable of being understood and managed. This article examines the conceptual foundations, political context, and practical implications of research on state crimes against democracy (SCADs). The SCAD construct is designed to move beyond the debilitating, slipshod, and scattershot speculation of conspiracy theories by focusing inquiry on patterns in elite political criminality that reveal systemic weaknesses, institutional rivalries, and illicit networks.

The article is divided into five sections. The first section defines SCADs and contrasts the SCAD construct with ordinary conspiratorial theorizing. The second section identifies a number of patterns in post-World War II SCADs that suggest SCADs are being committed by military and military-industrial elites. The third section compares SCADs to earlier forms of political corruption and explains why SCADs have proliferated in recent decades. The fourth section focuses on the SCAD-conducive circumstances that arise at the intersection of presidential politics and national security policy making. The article concludes by considering the implications of SCAD theory and research for SCAD detection and prevention.

Conceptualizing High Criminality

SCADs

SCADs are concerted actions or inactions by government insiders intended to manipulate democratic processes and undermine popular sovereignty (deHaven-Smith, 2006). By definition, SCADs differ from other forms of political criminality in their potential to subvert political institutions and entire governments or branches of government. They are high crimes that attack democracy itself.

Although only a few SCADs in U.S. history have ever been officially corroborated, evidence indicates that at least since World War II American democracy has become quite vulnerable to subversion from within. Examples of SCADs that have been officially proven include the Watergate break-ins and cover-up (Bernstein & Woodward, 1974; Gray, 2008; Kutler, 1990; Summers, 2000), the secret wars in Laos and Cambodia (Ellsberg, 2002), the illegal arms sales and covert operations in Iran-Contra (Kornbluh & Byrne, 1993; Martin, 2001; Parry, 1993), and the effort to discredit Joseph Wilson by revealing his wife's status as an intelligence agent (Isikoff & Corn, 2006; Rich, 2006, 2007; Wilson, 2004).

Many other political crimes in which involvement by high officials is suspected have gone uninvestigated or unpunished. Examples of suspected SCADs include the fabricated attacks on U.S. ships in the Gulf of Tonkin in 1964 (Ellsberg, 2002, pp. 7-20), the "October Surprises" in the presidential elections of 1968 (Summers, 2000, pp. 298-308) and 1980 (Parry, 1993; Sick, 1991), the assassinations of John Kennedy and Robert Kennedy (Fetzer, 2000; Garrison, 1988; Groden, 1993; Lane, 1966; Pease, 2003; Scott, 1993; White, 1998), the election breakdowns in 2000 and 2004 (deHaven-Smith, 2005; Miller, 2005), the numerous defense failures on September 11, 2001 (Ahmed, 2005; Griffin, 2004, 2005; Hufschmid, 2002; Paul & Hoffman, 2004; Tarpley, 2005), and the misrepresentation of intelligence to justify the invasion and occupation of Iraq (Isikoff & Corn, 2006; Rich, 2006).

The Conspiracy Theory Label

The concept of SCADs was developed, in part, to replace the term *conspiracy theory*, which, since the 1960s, has been associated with paranoia (Marcus, 1999) and hare-brained speculation (Parish & Parker, 2001; Sanders & West, 2003). Considered as a label, the phrase *conspiracy theory* does a poor job of characterizing speculations about political intrigue, yet the label remains popular because it functions normatively to protect political elites from mass doubts about their motives and tactics (see Manwell, 2010). Although not immediately apparent, this function becomes evident when the label's surface meaning is compared to its meaning in use. On the surface, the term *conspiracy theory* refers to a suspicion that some troubling event was the result of a secret plot, but the term's usage implies something else.

Not every theory that alleges a secret plot qualifies as a conspiracy theory in the common sense of the term. The official account of 9/11 claims that the Twin Towers were brought down by a team of Muslims who conspired to hijack planes and fly them into buildings. The theory posits a conspiracy, but the theory is not what most people would call a "conspiracy theory." Conspiracy theories of 9/11 claim more than that the attacks were secretly planned and executed by an organized team. Most conspiracy theories of 9/11 allege that the U.S. government itself carried out the attacks or that officials knew the attacks were coming and allowed them to succeed (see, e.g., Griffin, 2004; Hufschmid, 2002; Marrs, 2006).

Still, a conspiracy theory is not simply a theory about a government plot. No one considers the (now) accepted accounts of the Watergate scandal or Iran-Contra affair

as conspiracy theories. Conspiracy theories in the pejorative sense of the term are always *countertheories*: that is, they are always posed in opposition to official accounts of suspicious events. Today's most popular conspiracy theories involve the assassinations of John Kennedy, Robert Kennedy, and Martin Luther King; the October Surprise of 1980; the defense failures on 9/11; and the anthrax mailings in 2001. Conspiracy theorists argue that official accounts of these events ignore important evidence, contain anomalies and inconsistencies, and are tendentious in their exoneration of public officials

Thus, the conspiracy theory label, as it is applied in public discourse, does not disparage conspiratorial thinking or analysis in general, even though this is what the term suggests. Rather, the broad-brush "conspiracy theory" disparages inquiry and questioning that challenge official accounts of troubling political events in which public officials themselves may have had a hand. Deployed in public discourse to discredit and silence those who express suspicions of elite criminality, the label functions, rhetorically, to shield political elites from public interrogation.

The Politics of Silence

The problem with the conspiracy theory label is that it is overly broad in its condemnation of speculation about political intrigue. The label provides no basis for distinguishing groundless smears from reasonable suspicions warranting investigation. History has shown all too clearly that public trust in high officials is sometimes misplaced.

The normative force of the conspiracy theory label comes in part from the principle in American jurisprudence that suspects are considered innocent until proven guilty. However, the presumption of innocence was never intended to outlaw suspicions. Rather, it calls for suspicions to be tested with thorough and fair investigations grounded by procedural rules for procuring and presenting evidence. In contrast, the conspiracy theory label is applied not to categorize a position that will actually be considered but to shut off argumentation before it begins. As a practical matter, the label condemns as hysterical and pernicious almost all speculations about the possible complicity of political elites in suspicious events.

Given that U.S. elites themselves could become the targets of assassination plots, illegal surveillance, and other conspiracies by their domestic political opponents, their blanket hostility to conspiracy theories seems irrational, for it encourages them to dismiss real dangers and to deny reasonable concerns. It also silences those who believe they have been victims. George Wallace suspected, with good reason, that the attempt on his life during the 1972 presidential campaign had been engineered by Richard Nixon (Summers, 2000, pp. 406, 473, 526). Wallace never expressed this suspicion publicly, but this is why he withdrew his support from Nixon during the Watergate hearings. Similarly, by 1968, Robert Kennedy was convinced that JFK's assassination had been the work of a conspiracy involving the CIA, but he did not voice his suspicions publicly while running for president because he feared it would discredit him politically or get him killed (Douglass, 2008; Talbot, 2007). Hence, a

useful axiom for scholarly consideration may conjecture that norms against conspiratorial speculations in public discourse sacrifice the safety of individual political elites to protect the legitimacy of political elites *as a class*.

Still, although thus understandable as an elite defense mechanism, norms against conspiratorial theorizing make little sense conceptually. In disparaging speculation about possible elite criminality, the conspiracy theory label posits as given what actually needs to be falsified empirically, namely, whether democratic processes are being improperly and systematically manipulated by strategically placed insiders. In the post-WWII era, official investigations have attributed assassinations, election fiascos, defense failures, and other suspicious events to such unpredictable, idiosyncratic forces as lone gunmen, antiquated voting equipment, bureaucratic bumbling, and innocent mistakes, all of which suspend numerous and accumulating *qui bono* questions. In effect, political elites have answered *conspiracy* theories with *coincidence* theories.

Conspiracy theorists have contributed to this disjunctive dispute because they have focused on each suspicious event in isolation. Amateur investigators have developed a large popular literature on the assassination of President Kennedy and a number of other political crimes in which state complicity is suspected or alleged. The research has discredited official accounts of many incidents, thus casting suspicion on the government. But such ad hoc research has failed to actually solve the crimes under analysis or even to identify the agencies and officials most likely to have been the perpetrators.

SCAD Patterns

SCAD Research

By delineating a specific form of political criminality, the SCAD concept allows inquiry to move beyond incident-specific theories of government plots and to examine, instead, the general phenomenon of elite political criminality. Similar to research on white-collar crime, domestic violence, serial murder, and other crime categories, SCAD research seeks to identify patterns in SCAD victims, tactics, timing, those who benefit, and other SCAD characteristics. These patterns offer clues about the motives, institutional location, skills, and resources of SCAD perpetrators. In turn, as SCAD research brings SCAD perpetrators into focus, it provides a basis for understanding and mitigating the criminogenic circumstances in which SCADs arise.

For research purposes, the universe of SCADs must include not only those that have been officially investigated and confirmed but also suspected SCADs corroborated by evidence that is credible but unofficial. Although including the latter brings some risk of error, excluding them would mean accepting the judgment of individuals and institutions whose rectitude and culpability are at issue. Public officials are usually quite reluctant to allow independent investigations into questions about their own actions or those of their close associates. For over a year after 9/11, the Bush–Cheney administration resisted and dodged demands for a 9/11 Commission before finally acceding to pressures from the victims' families, at which point the administration gave the

commission a very small budget and placed it under unrealistic deadlines (Shenon, 2008, pp. 25, 29-31, 36-38). The crimes for which Richard Nixon was forced from office were not the Watergate break-ins but his efforts to obstruct the FBI's investigation. Nixon also tried to preempt congressional inquiries by issuing a superficial study from the White House (Kutler, 1997, pp. 239), as did Ronald Reagan when the Iran-Contra scandal first surfaced in the media (Hinson, 2010).

Even when purportedly independent investigations are undertaken, they are almost invariably compromised by conflicts of interest. Investigating officers and commissions of inquiry usually include or are appointed by the very officials who should be considered prime suspects. The Warren Commission, for example, was appointed by Lyndon Johnson, who was one of the primary beneficiaries of President Kennedy's assassination. Also, a key member of the Warren Commission was Allen Dulles, the former head of the Central Intelligence Agency whom Kennedy had fired after the Bay of Pigs. The 9/11 Commission was similarly compromised (Griffin, 2005; Shenon, 2008). All of its members were government insiders, and none was a vocal critic of the Bush administration. Moreover, the Commission's executive director, Philip Zelikow, had previously served on George W. Bush's presidential transition team, had been appointed by Bush to the president's Foreign Intelligence Advisory Board, and had drafted America's national security strategy following the events of 9/11 (Shenon, 2008, pp. 43-44). Both the commission's chair and its executive director had to recuse themselves from parts of the inquiry because of conflicts of interest (Shenon, 2008, p. 171).

Conflicts of interest also plague agencies that are typically charged with assisting investigations into suspected SCADs. Such agencies usually bear some blame or have some connection to the events in question. Hence, personnel in these agencies are inevitably tempted to conceal evidence that would implicate or embarrass the agencies or their top managers. Both the FBI and the CIA concealed evidence of their contacts with Lee Harvey Oswald and Jack Ruby (Douglass, 2008, pp. 40-41, 65-66, 144-145, 333-334, 363-368; Talbot, 2007). Likewise, the Department of Defense appears to have withheld from the 9/11 Commission evidence that military intelligence agents had uncovered the 9/11 hijackers' activities well in advance of September 2001 (Ahmed, 2005; C. Weldon, 2005).

SCAD Targets and Tactics

A variety of SCADs and suspected SCADs have occurred in the United States since World War II. Table 1 contains a list of 15 known SCADs and other counterdemocratic crimes, tragedies, and suspicious incidents for which strong evidence of U.S. government involvement has been uncovered. For each SCAD or alleged SCAD in the list, the table includes a brief description of the crime or suspicious event; information about timing, suspects, motives, investigations, and political circumstances; bibliographical references; and a summary assessment of the extent to which allegations of state complicity have been verified.

Table 1. Crimes Against American Democracy Committed or Allegedly Committed by Elements of the U.S. Government

Crime or Suspicious Event, Time Frame, and Modus Operandi	Perpetrator Motive or Policy Implication	Suspected or Confirmed Perpetrator	Degree of Confirmation of Government Role
McCarthyism (fabricating evidence of Soviet infiltration). 1950-1955. FALSE INFO RE: DEFENSE	Large scale purge of leftists from government and business. POLITICAL OPPORTUNISM	Joseph McCarthy, with others. Although his tactics were not investigated, they were discredited in Senate hearings, and a Democratic Senate censured the Republican Senator.	High (Fried, 1990; H. Johnson, 2005)
Assassination of President Kennedy. 1963. ASSASSINATION	Lyndon Johnson's presidency; escalation of the Vietnam War: CONTROL WAR POLICY	Probably right-wing elements in CIA, FBI, and Secret Service. Possible involvement of Johnson and/or Nixon.	Medium (Fetzer, 2000; Garrison, 1988; Groden, 1993; Lane, 1966; Scott, 1993; White, 1998)
Assassination of Lee Harvey Oswald. 1963. ASSASSINATION	Oswald's ties to the CIA remain hidden. A trial of Oswald is avoided. CONCEAL CRIME	Jack Ruby, who has ties to the CIA and organized crime. Part of overall JFK assassination plot.	Medium (Scott, 1993)
Gulf of Tonkin Resolution. 1964. PLANNED INTERNATIONAL EVENT	Large expansion of military resources committed to the Vietnam conflict. CONTROL WAR POLICY	President Johnson and Secretary of Defense McNamara falsely claimed that North Vietnam attacked a U.S. military ship in neutral waters.	High (Elsberg, 2002, pp. 7-20)
Assassination of Senator Robert Kennedy. 1968. ASSASSINATION	Weak Democratic nominee (Humphrey); election of Nixon; no further investigation of JFK assassination; continued escalation of Vietnam conflict. CONTROL WAR POLICY	Right-wing elements in the CIA and FBI, with likely involvement of Nixon. Suspicions of government involvement are based largely on number of bullets shot and failure to fully investigate.	Low (Pease, 2003)
Burglary of the office of Daniel Ellsberg's psychiatrist. 1968. BURGLARY	Discredit Ellsberg. Exposure of the break-in prevented use of the stolen information. CONTROL WAR POLICY	President Nixon, White House staff, and CIA operatives or former operatives. The crime was discovered during Ellsberg's trial, not in an investigation of the break-in.	High (Elsberg, 2002)

(continued)

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Crime or Suspicious Event, Time Frame, and Modus Operandi	Perpetrator Motive or Policy Implication	Suspected or Confirmed Perpetrator	Degree of Confirmation of Government Role
Attempted assassination of George Wallace. 1972. ASSASSINATION	Wallace taken out of 1972 election and Nixon reelected. Wallace was likely to win seven southern states, forcing the election to be decided by a Democratically controlled Congress. POLITICAL OPPORTUNISM	Arthur Bremer: Much circumstantial evidence points to the involvement of Nixon via the plumbers. Evidence includes comments of Nixon.	Medium (Bernstein & Woodward, 1974, pp. 324-330; Carter, 2000)
Watergate break-in. 1972. BURGLARY	Weak Democratic nominee (McGovern) and reelection of Nixon. POLITICAL OPPORTUNISM	President Nixon, White House staff, and CIA operatives or former operatives.	High (Bernstein & Woodward, 1974)
Attempted assassination of Ronald Reagan. 1981. ASSASSINATION	VP Bush's role in the administration is strengthened, especially in relation to covert operations in the Mideast and Latin America. CONTROL WAR POLICY	John Hinckley. Evidence shows connections between Hinckley's family and the family of VP Bush.	Low (Bowen, 1991; Wiese & Downing, 1981)
Iran-Contra. 1984-1986. FALSE INFO RE: DEFENSE	Release of hostages; civil war in Nicaragua. CONTROL WAR POLICY	President Reagan, VP Bush, CIA, military	High (Kornbluh & Byrne, 1993; Martin, 2001; Parry, 1993)
Florida's disputed 2000 presidential election. 2000. ELECTION TAMPERING	Legally mandated recount is blocked; G. W. Bush becomes president through U.S. Supreme Court decision. POLITICAL OPPORTUNISM	Job Bush and Katherine Harris developed flawed felon disenfranchisement program. Job Bush, Harris, and Tom Feeney colluded to block recount. Harris facilitated counting of fraudulent overseas military ballots.	High (Barstow & Van Natta, 2001; deHaven-Smith, 2005)

(continued)

Table I. (continued)

Crime or Suspicious Event, Time Frame, and Modus Operandi	Perpetrator Motive or Policy Implication	Suspected or Confirmed Perpetrator	Degree of Confirmation of Government Role
9/11 terrorist attacks. 2001. PLANNED INTERNATIONAL EVENT	Bush popularity rises; defense spending increases; Republicans gain in off-year elections; military invasion of Afghanistan; pretext for invasion of Iraq. CONTROLWAR POLICY	President G.W. Bush and VP Cheney arrange for a "stand down" of the military, or the attacks were actually committed by U.S. intelligence operatives.	Medium (Griffin, 2004, 2005; Hufschmid, 2002; Paul & Hoffman, 2004; Tarpley, 2005)
Attempted assassination of Senators Tom Daschle and Patrick Leahy. 2001. ASSASSINATION	Heightened fears of terrorism. If successful, would have given Republicans control of Senate. CONTROLWAR POLICY	Military and/or intelligence operatives. The anthrax has been traced to a strain developed by the U.S. military. Circumstantial evidence of cover-up. Intelligence operatives.	Medium (Tarpley, 2005)
Assassination of Senator Wellstone. 2002. ASSASSINATION	Republicans regain control of the Senate after Wellstone's replacement. CONTROLWAR POLICY		Low
Iraq-gate. 2003. FALSE INFO RE: DEFENSE	U.S. gains control of Iraq oil production; Iran surrounded by U.S. armies; other Mideast nations intimidated. CONTROLWAR POLICY	President Bush, VP Cheney, CIA director fix intelligence to justify war. Bush misrepresents intelligence to Congress in State of Union address. CIA officer Valerie Plame is outed in an attempt to discredit Joseph Wilson.	High (Clarke, 2004; Dean, 2004; Wilson, 2004; Woodward, 2006)
Disputed 2004 presidential election. 2004. ELECTION TAMPERING	Bush wins electoral college vote with a 118,000 vote margin in Ohio. POLITICAL OPPORTUNISM	White House uses terror alerts to rally support; Republican election officials impede voting in Democratic precincts.	High (Hall, 2005; Miller, 2005; Tarpley, 2005)

In the list of SCADs in Table 1, several patterns stand out. First, many SCADs are associated with foreign policy and international conflict. Such SCADs include the Gulf of Tonkin incident, the burglary of Daniel Ellsberg's psychiatrist's office, Iran-Contra, 9/11, Iraq-gate, the assassinations of John Kennedy and Robert Kennedy, and the attempted assassinations of Patrick Leahy and Tom Daschle. All of these SCADs contributed to the initiation or continuation of military conflicts.

Second, SCADs are fairly limited in their *modus operandi* (MO). The most common SCAD MOs are assassinations (six) and mass deceptions related to foreign policy (three). Other MOs include election tampering (two), planned international conflict events (two), and burglaries (two). With the possible exception of election tampering, all of these MOs are indicative of groups with expertise in the skills of espionage and covert, paramilitary operations.

Third, many SCADs in the post-WWII era indicate direct and nested connections to two presidents: Richard Nixon and George W. Bush. Not only was Nixon responsible for Watergate and the illegal surveillance of Daniel Ellsberg, he also alone benefited from all three of the suspicious attacks on political candidates in the 1960s and 1970s: the assassinations of John Kennedy and Bobby Kennedy and the attempted assassination of George Wallace. If JFK and RFK had not been killed, Nixon would not have been elected president in 1968, and if Wallace had not been shot, Nixon would probably not have been reelected in 1972. The SCADs that benefited Bush include the election-administration problems in 2000, the defense failures on 9/11, the (U.S. defense grade) anthrax attacks on top Senate Democrats in October 2001, Iraq-gate, and the multiple and specious terror alerts that rallied support for Bush before the 2004 presidential election (Hall, 2005; Suskind, 2006).

Assassinations

The relatively large number of assassinations in the post-WWII era permits analysis of variation within this MO. Several patterns contradict the conclusion from official inquiries that political assassinations in the United States have been random, with no connections to one another and no involvement of political elites. First, the range of officials targeted for assassination is limited to those most directly associated with foreign policy: presidents and senators. Most other high-ranking officials in the federal government have seldom been murdered, even though many have attracted widespread hostility and opposition. No vice presidents have been assassinated, nor have any members of the U.S. House of Representatives or the U.S. Supreme Court. If lone gunmen have been roaming the country in search of political victims, it is difficult to understand why they have not struck more widely, especially given that most officials receive no Secret Service protection. Why did no assassins go after Joe McCarthy when he became notorious for his accusations about communists, or Earle Warren after the Supreme Court's decisions requiring school desegregation, or Spiro Agnew after he attacked the motives of antiwar protestors, or Janet Reno after she authorized the FBI's raid on the Branch Davidians in Waco?

A second pattern has to do with the particular presidents and senators who have been targeted for elimination, as opposed to the many who have not. Presidents and senators have been targeted only when their elimination would benefit military and prowar interests. Because a president who is killed or dies in office is automatically succeeded by the vice president, a presidential assassination would benefit military interests only if the vice president's background or policy positions were dramatically better for the military than the president's. This situation has existed only twice since 1960—during the presidencies of John F. Kennedy and Ronald Reagan. Unlike Kennedy, who was trying to end the cold war, Lyndon Johnson was a well-known hawk and pentagon supporter. Similarly, although Reagan and George H. W. Bush had similar positions on the cold war, Bush's background as former director of the CIA gave him much closer ties than Reagan to the military establishment.

Assassinations and assassination attempts have been carried out against U.S. senators only under similar circumstances. The Senate is more important to foreign policy than the House because it must confirm cabinet appointments and approve international treaties. However, the death of a single U.S. senator would almost never cause significant shifts in military action or defense policy because individual senators are seldom that powerful. Hence, if the aim were to affect foreign policy, a senator would be targeted for assassination only in rare instances. This has indeed been the case. Just one senator is known to have been assassinated since 1960, despite the large number of available targets and the absence of bodyguards. Senator Robert F. Kennedy was murdered after he had denounced the Vietnam War and had become the Democratic Party's frontrunner for the 1968 presidential nomination. Given the high probability that RFK would have been elected, his murder was, in effect, a preemptive assassination of a president-to-be.

The only other senatorial assassinations or attempted assassinations in the post-WWII era occurred in 2001 when Democrats controlled the Senate by virtue of a one-vote advantage over Republicans. In May 2001, just four months after George W. Bush gained the presidency in a SCAD-ridden disputed election, Republican Jim Jeffords left the party to become an independent, and the Senate shifted to Democratic control for the first time since 1994. Five months later, on October 9, 2001, letters laced with anthrax were used in an unsuccessful attempt to assassinate two leading Senate Democrats, Majority Leader Tom Daschle and Judiciary Committee Chairman Patrick Leahy. The anthrax in the letters came from what is known as the "Ames strain," which was developed and distributed to biomedical research laboratories by the U.S. Army (Tarpley, 2005, pp. 311-318). Thus, aside from the assassination of Robert Kennedy, the only other time since WWII that senators have been targeted for death was when a war was about to be fought for dubious reasons and the death of a single senator could shift control of the Senate to the political party pushing for war.¹

These patterns in assassinations, as well as the patterns across SCADs in general, point to likely suspects and criminogenic circumstances. SCADs frequently involve presidents as either victims or principals, benefit military and military-industrial elites, and employ the skills of intelligence and paramilitary operatives. Conditions conducive

to SCADs include periods of warfare or heightened international tensions, administrations with prowar vice presidents, and Senates closely divided along partisan lines. SCADs often appear where presidential politics and foreign policy intersect. This policy locus could mean that the nation's civilian leadership is being targeted by military and intelligence elites or that military and intelligence assets and capabilities are being politicized by the civilian leadership, or both.

Political Corruption in American History

Forms of Political Corruption

In addition to directing attention to the general phenomenon of elite political criminality, the SCAD concept allows this particular type of political corruption to be compared to others and placed in historical context. In modern representative democracy, political corruption has taken two principal forms (Rogow & Lasswell, 1963). One involves misuse of office for personal material gain, as in graft, nepotism, embezzlement, and kickbacks. The other form of political corruption occurs when democratic processes for arriving at collectively binding decisions are subverted, either to benefit the interests of a ruling faction or class or to violate the rights of minority factions or individuals. Examples here include election tampering, assassination, malicious prosecution, voter disenfranchisement, and unlawful incarceration. These forms of corruption are not mutually exclusive, but they are sufficiently distinct to permit analysis of corrupt behavior in terms of its origins and aims.

As explained in *The Federalist Papers*, the U.S. Constitution was designed to protect "the spirit and form of popular government" against the dangers of both pecuniary corruption and antidemocratic corruption" (*Federalist* 10, Diamond, 1987, p. 669). Pecuniary corruption, or what the Constitution's framers referred to as "perfidious" and "mercenary" public officials, was to be impeded by elections (*Federalist* 28, 57), loyalty oaths (*Federalist* 29, 44), and the threat of impeachment (*Federalist* 38, 47, 64, 65, 66, 77, 84). Antidemocratic corruption, which the framers described as "oppressive factions," was to be impeded by federalism, divided powers, and checks and balances (*Federalist* 9, 11, 47, 51). In the Constitution, both forms of corruption are captured by the term *high crimes and misdemeanors* (*Federalist* 69).

Over the course of American history, the modal form of political corruption has fluctuated between pecuniary and antidemocratic corruption, requiring in each instance significant reforms to counter new kinds of threats and abuses. The main eras of corruption and subsequent reform are listed and described in Table 2. Because reforms have never been totally effective, vulnerabilities from earlier eras continue to be problematic even though they have been mitigated. In this sense, the form and scope of political corruption have expanded over time. SCADs are a new or more sophisticated type of corruption that combines antidemocratic and pecuniary motives of an extreme nature. SCADs have yet to be adequately targeted for detection and prevention, although some limited reforms were instituted after Watergate and Iran-Contra (see Hinson, 2010).

Table 2. Eras of Corruption and Reform in American History

Time Period	Vehicle of Corruption	Form of Corruption	Specific Type of Corruption	Example	Reforms
1796–1830	Political parties	Primarily antidemocratic	Oppressive faction: Antidemocratic legislation to suppress dissent, opposition, or unwanted advocacy or inquiry	The Alien and Sedition Acts	Procedures for partisan competition that protect minority rights
1830–1890	Political “machines”	Primarily pecuniary	Perfidious and mercenary officials: Misuse of administrative resources for electoral advantage	The spoils system	Professionalizing public administration
1890–1946	Iron triangles	Primarily pecuniary	Special-interest manipulation: Insider manipulation of legislative and administrative technicalities, usually for economic gain	The conspiracy theory of the Fourteenth Amendment; Teapot Dome	Regulation of stakeholder–government relations, i.e., restrictions on campaign finance, lobbying, government rule making, etc.
1946–	Political-economic complexes	Both antidemocratic and pecuniary	State crimes against democracy: Conspiracies by high officials to commit fraud, treason, murder, etc., usually for a combination of ideological, economic, and bureaucratic reasons	Watergate; Iran-Contra; assassinations of JFK and RFK	Restricting presidential powers, e.g., the War Powers Act and the Federal Intelligence Surveillance Act

Political Parties

As the framers themselves soon recognized, America's constitutional framework was vulnerable from the beginning to manipulation by elite conspiracies. Alliances could be formed between officials in the different offices and branches of government to undercut the system of checks and balances. Once an enduring alliance of legislative, executive, and/or judicial powers was in place, many procedural limits on oppressive majorities would be deactivated, and public officials who represented the dominant faction could then employ the coercive organs of government to suppress opponents, conceal information, and in other ways handicap the electorate's ability to hold representatives accountable.

The archetype of multibranch alliances in American government is the political party, which is essentially an organization dedicated to gaining control of the political system as a whole so that a program can be legislated, executed, and judicially sustained. As George Washington pointed out in his farewell address, such parties not only weaken the system of checks and balances by placing the reins of legislative, executive, and/or judicial powers in the hands of a single group but also tend, by their very nature, to inspire a certain "team spirit" that blurs the distinctions among legitimate political action, unprincipled political tactics, and political criminality. This became apparent soon after the first national political party, the Federalists, was organized and gained control of the legislative and executive branches in the election of 1796. The Federalists enacted the Alien and Sedition Acts, which ignored the Constitution's guarantees of free speech and made it a crime to criticize public officials.

Thomas Jefferson, who in 1796 had campaigned against the Federalists and had been elected vice president, was so troubled by this development that he left Washington and returned home for the duration of his term. The remedy subsequently crafted by Jefferson and Madison to address the Federalist Party was a counteralliance—the Democratic Republican Party—which carried Jefferson to the presidency in 1800. Over the next several decades, the parties developed rules and procedures to regulate the majority and protect the minority's ability to be heard. Although partisan competition did not restore the full vigor of checks and balances to the constitutional system, it did prevent any majority, oppressive or otherwise, from permanently evading electoral accountability.

Political Machines and Administrative Corruption

Still, although partisan competition prevented majorities from escaping the criticism and blocking the electoral appeals of their opponents, it did not totally foreclose the possibility of untoward coordination between constitutionally separated powers. Rather, it drove factions to search for indirect routes to the same end. Officials in the executive branch of government at all levels began to use the powers of their offices to entrench themselves and their parties throughout the political system. Their main objective was to capture and distribute government jobs and other resources. Political machines proliferated until, toward the end of the 19th century, public administration

scholars and practitioners professionalized American government by instituting professional civil service requirements, prohibiting the use of government resources in political campaigns, and moving to the council-manager system in local government.

The reforms of the Progressive Era succeeded in partially restoring integrity to elections and emerging principles to U.S. public administration, but they also brought organizational changes that weakened the system of checks and balances in new ways. A new instrument of government, the independent regulatory commission, which combined legislative, executive, and judicial powers in a single unit, was introduced. By creating what became in effect self-contained minigovernments, such commissions opened the door to a cartelization of the political system, whereby public power and resources were divvied up and distributed to various economic, social, and geographic constituencies (Lowi, 1969). This pattern was repeated with the vast expansion of federal grants in aid to states and localities under the New Deal and the Great Society. Policy making and administration were fragmented into a plethora of separate and distinct arenas where public and private “stakeholders” could work out mutually acceptable compromises more or less independent of the larger political process. The resulting political-economic conglomerates have been described variously as “iron triangles,” “whirlpools,” “subsystems,” and “subgovernments” (deHaven-Smith & Van Horn, 1984; McCool, 1998).

The proliferation of iron triangles was accompanied by a new type of pecuniary corruption in which stakeholders in a given policy arena colluded to manipulate legal and procedural technicalities for the benefit of special interests. Frequently, the stakeholders in question were corporations and industrial interests—especially railroads, electric utilities, and oil companies—that were suspected of bribing, hoodwinking, or otherwise influencing policy makers to gain legal and financial advantages at the public’s expense. The earliest example of a suspected manipulation of this sort was described by Charles and Mary Beard (1927) in their “conspiracy theory of the Fourteenth Amendment.” (This, incidentally, is where the term “conspiracy theory” originated.) According to Beard, legal experts for the railroad industry pushed for and obtained wording that led the courts to apply the legal guarantees of the Fourteenth Amendment not only to individual citizens but also to corporations (Beard & Beard, 1927, pp. 111-114). Eventually, concerns about the growing potential for these kinds of special-interest abuses in America’s increasingly fragmented and technical system of government were addressed with restrictions on campaign contributions and lobbying, financial disclosure requirements for public officials, public records and open meeting laws, and other reforms to reduce improper influences in policy making and administration.

SCADs

The most recent corruption-related development in American government has been the rise of political-economic complexes with the ability to affect the political priorities of the political system as a whole. For the first half of the 20th century, American government’s increasing fragmentation was seen by scholars and practitioners as a positive development that allowed popular participation in policy making while at the

same time preventing majority tyranny (see, e.g., Dahl & Lindblom, 1946). The assumption was that oppressive factions could not exert control over the government as a whole because power, although less well divided in terms of function (legislation, execution, adjudication) than it had been before independent commissions and grants in aid, was now splintered into numerous substantive domains or topics. In keeping with James Madison's theory of faction, with each policy arena dominated by different factions, no faction or combination of factions would be able to control the government as a whole, and national priorities would have to emerge incrementally from "partisan mutual adjustment" among diverse power blocks.

By midcentury, however, scholars and practitioners began to realize that not all policy arenas and stakeholders are equal. Among stakeholders, corporate business interests were predominant because they were active and influential in virtually all policy areas, giving U.S. public policy in general a decidedly procapitalist cast relative to labor, consumers, the environment, and other interests (Bachrach & Baratz, 1962). Congruently, policy making about national defense and military action had risen in importance and now influenced all other policy areas as well. As President Eisenhower (1961) warned in his farewell address, military leaders and armament manufacturers had become a "military-industrial complex" capable of influencing the entire direction of American government.

Since Eisenhower's day, the military-industrial complex has expanded while other, related complexes have formed. Energy, finance, and pharmaceutical interests have grown in influence not simply because of their vast economic assets but also because of their strategic importance to globalizing societies (Klein, 2007). Complexes differ from iron triangles in their command over resources that affect overall societal conditions, mass perceptions, and political priorities. Falling energy prices can help save a presidency, as they did in 2004. Military threats can rally support for the party in power, as happened after 9/11. Fears of epidemics and biological weapons can fuel militarism and restrictions on civil liberties, as they did after the anthrax mailings in 2001.

This ramifying quality heralds a morphologically new type of threat to American governing institutions. Unlike iron triangles, which typically involve narrow economic interests and midlevel policy makers, complexes pose moral hazards for the highest offices of government because their assets can be used to wield dominant control over the national political agenda. The same moral hazards exist for the corporate and industrial interests that compose the economic side of political-economic complexes because the national political agenda is the primary factor affecting the income, importance, and long-term prospects of the corporations involved.

Anticorruption Policies

Although they need to be strengthened and better enforced, policies for preventing pecuniary corruption are already in place. In recent years, the main threats from these forms of corruption have come from innovative schemes to circumvent existing controls. A good example is how the savings and loan industry was looted in the 1980s. Corporate leaders who were engaged in far-flung conspiracies to commit fraud

finagled changes in regulatory policies and enforcement that allowed their frauds to go undetected until their banks had been plundered (Black, 2005; Calavita, Pontell, & Tillman, 1999). This special-interest corruption in the finance and banking industry was repeated little more than a decade later when Enron used its tight connections with the Bush–Cheney administration to evade controls on energy pricing and asset accounting (Munson, 2005). The collapse of Enron and other financial conglomerates led policy makers to strengthen regulations for monitoring corporate accounting and holding corporate officers responsible for their companies' actions.

Another example of a resurgent type of pecuniary corruption is the new spoils system that has developed around privatization and outsourcing. Much of the waste and incompetence of military contractors in Iraq have been attributed to politicization of the contracting process. In many cases, companies were selected solely on the basis of their ties to the Republican Party (see Scahill, 2007). Similarly, in the system of influence peddling by members of Congress, including Representatives Cunningham, Ney, and Delay, large government contracts and specific legislation were traded for cash payments, campaign contributions, jobs for relatives, and access to corporate planes. Although additional reforms are needed, the procedures for government contracting, accounting, and earmarking were tightened after voters gave Democrats a majority in both the House and Senate in 2006.

These examples suggest that once particular types of vulnerabilities have been recognized, the system of checks and balances will eventually be activated if schemes are devised to attack the same weak points in a new way. It may be difficult to detect fraud in corporate accounting, cronyism in government contracting, and influence peddling in legislative earmarking, but no one doubts that such crimes are possible and that regulators, investigators, and legislators need to guard against them.

In contrast, the political system's vulnerability to the newest and deadliest type of antidemocratic corruption—conspiracies in high office to undermine popular sovereignty, often by manipulating national circumstances or priorities—has yet to be widely recognized, much less targeted for corrective action. When suspicious incidents occur that alter the nation's objectives, disrupt presidential elections, provoke military action, or otherwise affect the national agenda, Americans tend to accept the self-serving accounts of public officials, seldom considering the possibility that such incidents might have been initiated or facilitated by the officials themselves. The role and function of the universally understood concept of "agent provocateur" is grossly neglected in the idiom of American political discourse. This mass gullibility, which itself invites SCADs, is unlikely to change until SCAD detection and prosecution are improved.

SCADs and the Politics of National Security

The National Security Apparatus

The connection among SCADs, presidential politics, and the military-industrial complex calls for inquiry into national security policy making. National security policy is developed and implemented by what can be called the "National Security Apparatus."

The apparatus is composed of all those persons who gather and interpret intelligence, carry out covert, invisible operations (Thorne & Kouzmin, 2010), develop secret military capabilities, are involved in regime change around the world, and formulate and communicate America's foreign policies. This includes the offices of the president and the vice president, the diplomatic corps, the nation's intelligence agencies (notably, the CIA, NSA, and FBI), top leaders in the military, private research organizations (such as the RAND Corporation), and certain military and intelligence contractors. Significantly, intelligence contractors are estimated to now account for 70% of America's intelligence expenditures (Shorrock, 2008, pp. 19-20), leading some observers to speak of an "intelligence-industrial complex" (Shorrock, 2008, pp. 12-13, 90, 162, 166, 168).

The apparatus originated in World War II and played a critical role in the war effort, particularly with the Manhattan Project, which developed the first atomic bombs. The advent of nuclear weapons and the cold war made espionage and counterintelligence a national priority. From the beginning, the apparatus had a presence internationally through the diplomatic corps and affiliations with the intelligence agencies of U.S. allies. But its international reach has been greatly expanded in recent decades because of America's growing number of foreign military bases and its land- and space-based equipment for surveillance. The United States has 725 foreign military bases, and its forces are stationed in 153 foreign nations (C. Johnson, 2004, p. 154), in addition to an untold number of espionage bases.

The organs of national security policy are an "apparatus" in the sense that they are compartmented and disjointed by design (Goodman, 2008, pp. 1-29; Wise & Ross, 1964, pp. 91-128). Organizing national security functions in the aftermath of World War II, officials at the highest levels of the national government recognized the dangers that agencies, shielded by secrecy and armed with lethal capabilities, posed to representative democracy. Most of the nation's offices for intelligence gathering and covert operations were removed from the armed services and placed under civilian control. The functions and purviews of different offices, even those within a single agency, were strictly delineated and separated in order that each office would have only a partial picture of the nation's aims, tactics, weapons, and operations. This administrative compartmentalization was intended to protect secrecy and to prevent policy interests, especially those of the armed services, from distorting intelligence. However, compartmentalization also facilitates the misuse of apparatus assets for purposes of domestic politics because it leaves each component of an operation ignorant of the operation's principals and overall purpose.

SCADs and National Security Capabilities

In the first decades after World War II, SCAD targets and tactics evolved in tandem with the skills and techniques of the National Security Apparatus. The first covert operations of the apparatus were undertaken immediately after the end of World War II. In the late 1940s, the CIA made secret financial contributions to anticommunist

political parties in Italy, France, and Japan. In Italy, it also bought Mafia help in keeping communists out of the dock workers' union. In the 1950s, it became actively involved in coups against democratically elected regimes. After these coups, the apparatus instructed and aided its coup partners in the use of state terrorism for quelling unrest and opposition (see Blum, 2004; Klein, 2007).

During this period, isolated elements in the apparatus—notably the FBI—began to surreptitiously intervene into domestic political processes to strengthen the public's resolve in the cold war. Tape recordings of Richard Nixon in the White House reveal that the FBI colluded with Nixon to frame Alger Hiss (Summers, 2000, pp. 70-75). Hiss was probably guilty of espionage, but the FBI lacked proof, so Hoover tapped Nixon to interrogate Hiss in Senate hearings. The FBI then forged documents to match Hiss's typewriter, and the documents were sufficient to convict Hiss of perjury. The FBI also fed secret information to Joseph McCarthy, whose attacks on alleged communists and communist sympathizers terrorized more-liberal public administrators, intellectuals, artists, and others.

Not long before the Kennedy assassination, the covert activities of the apparatus had reached a new scale. In 1961, the apparatus planned and executed an unsuccessful invasion of Cuba by Cuban expatriates it had trained and equipped. After the invasion failed, the apparatus began working with bosses in the American Mafia to engineer the assassination of Fidel Castro. In 1963, the apparatus directed a coup in Vietnam that resulted in the murder of President Diem, who had previously been installed with the help of the CIA. From these initiatives, it would have been only a small step for the assassination capabilities of the apparatus to be directed at a domestic target. In any event, as the apparatus was learning how to organize conspiracies to murder foreign leaders, the United States experienced an unprecedented rash of political assassinations and attempted assassinations. The targets included John Kennedy, Lee Harvey Oswald, Robert Kennedy, Martin Luther King, Malcolm X, George Wallace, Gerald Ford, and Ronald Reagan.

In the late 1960s and early 1970s, the apparatus began to establish profit-making enterprises, which gave it financial resources beyond the knowledge and control of Congress. Many of these enterprises were legitimate businesses. Perhaps the best example is Air America, which was the proprietary airline of the CIA. By the end of the Vietnam War, Air America had become the largest airline in the world. The CIA also had front companies or "cutouts" in many other industries related to its covert operations, especially public relations, telecommunications, energy, and publishing.

Other enterprises, such as drug dealing, were illegal or extralegal. The CIA first became involved in the drug trade during the Vietnam War. Profits from the illicit activity were used to support paramilitary operations in Laos and Cambodia that Congress had not authorized and about which it was unaware.

In 1980 if not sooner, these newly developed business skills of the apparatus began to be used in domestic politics. An example is the so-called October Surprise in the 1980 presidential election, where the Reagan-Bush campaign is alleged to have made a deal to sell arms to Iran in return for Iran delaying the release of the hostages until

after Election Day (Parry, 1993; Sick, 1991). The principals who secretly negotiated the arrangement in Paris reportedly included vice presidential candidate George H. W. Bush and former intelligence officers Bill Casey (Reagan's campaign manager) and Robert Gates. After the Reagan administration took office, Casey became director of the CIA and Gates became assistant director.

The special prosecutor's investigation of Iran-Contra was precluded by its enabling legislation from revisiting the 1980 October Surprise, which had previously been investigated by Congress. The congressional investigation had cleared Casey and Bush after they produced alibis for the alleged date of the meeting in Paris, but these alibis were later brought into question. Given what is now known about Iran-Contra, it appears likely that the Iran-Contra operation grew out of the October Surprise agreement. At the direction of President Reagan and with the direct involvement of Vice President Bush, the apparatus began selling arms to Iran at highly inflated prices and funneling the profits to the Contras. The Contras were also brought into the drug trade and were given assistance in smuggling cocaine into the United States (Ruppert, 2004; Webb, 1998).

The Crimes of Watergate

The Watergate scandal offers the most detailed picture available of how, why, and by whom the National Security Apparatus can become involved in presidential politics. The Watergate prosecutions, congressional investigations, and presidential tape recordings provide a thorough account of the break-ins and of the efforts by the president and others to cover-up Watergate's connection to the administration. This official record has also been supplemented by the books of several investigative journalists and by the memoirs of Nixon's chief of staff Bob Haldeman (1978) and Watergate burglars Howard Hunt (1974), Gordon Liddy (1980), and James McCord (1974). Watergate suggests that SCADs are not so much aberrations within the apparatus as they are predictable turns taken when national security initiatives intersect with domestic presidential politics.

Nixon considered espionage against partisan opponents to be a normal part of American politics, and he saw nothing wrong with using government resources for this purpose. After all, he knew that the government had targeted him in the 1968 election. After he became president, FBI director Hoover informed him that, at the instructions of President Johnson, the FBI had placed wiretaps on the phones in Nixon's airplane (Gray, 2008, pp. 161-162). President Johnson's action in this regard implies that he, too, considered such espionage legitimate. That Johnson and Nixon were from different parties but were both able to use the FBI for political espionage indicates that, by the late 1960s, apparatus capabilities were seen by the president, the FBI director, and probably others at their level to be resources appropriate for use in domestic politics.

Nixon and his close advisors believed that the antiwar movement was an attack on the American form of government and that leaking secret or sensitive information to the press, as Daniel Ellsberg had done with the Pentagon Papers, amounted to a treasonous assault on national security. After the FBI refused to wiretap reporters, Nixon

and his team established the Special Investigative Unit in the White House to stop information from “leaking.” This is why the White House staff referred to Howard Hunt and Gordon Liddy as the “plumbers.” Wiretaps were placed on the telephones of reporters as well as administration officials. Among the latter was Henry Kissinger, who was discovered to be one of the media’s sources.

The plumbers engaged in a variety of operations before the Watergate break-ins. They followed Ted Kennedy and tried to discover evidence that would embarrass or discredit him. They burglarized the office of Daniel Ellsberg’s psychiatrist, Lewis Fielding. They recruited thugs to attack protestors and instigate unrest at antiwar demonstrations. Finally, as the 1972 election approached, Hunt and Liddy were brought into Nixon’s reelection campaign to handle the campaign’s security and intelligence activities. Hunt and Liddy prepared an extensive plan for, among other things, infiltrating the primary and general election campaigns of the Democrats, disrupting the Democratic National Convention, and luring convention delegates into compromising liaisons with prostitutes. Also part of this plan was placing wiretaps on two telephones in the headquarters of the National Democratic Party and searching through the files in the office of the Democratic Party Chairman. The plan was recognized at the time to be risky and illegal, but it was approved by top officials in the White House and by the Committee to Re-elect the President.

Although Watergate is remembered as simply a single, botched burglary almost entirely unrelated to the CIA and FBI, it was more plausibly part of a much larger initiative involving various apparatus components. When the Watergate break-in was being investigated by Congress, staff found reports of more than 100 burglaries in the D.C. area that were similar to Hunt and Liddy’s operation against Daniel Ellsberg’s psychiatrist (Summers, 2000, pp. 392, 524, Note 22). The plumbers had broken into Fielding’s office in search of information needed by CIA profilers for preparing an analysis of how to “break” Ellsberg emotionally. The other burglaries in the D.C. area similarly targeted the offices of physicians and psychiatrists whose patients were Nixon’s opponents or their wives. This MO is consistent with one of various forms of psychological warfare practiced by the apparatus, which had conducted years of psychological research to learn how to psychoanalyze people from a distance, identify their psychological conflicts, and create pressures in their lives to produce emotional breakdowns (Marks, 1979). Hunt and Liddy may have been just one compartment in a larger assemblage of operatives who were conducting psychological warfare against many of Nixon’s “enemies.” This would explain why “Deep Throat” (deputy director of the FBI Mark Felt) told Bob Woodward that almost the entire law enforcement wing of the national government was involved in the Watergate operation and cover-up and that bugs had been placed in the homes of Woodward, Bernstein, and *Washington Post* editor Ben Bradlee.

Nor were Nixon’s political crimes necessarily limited to burglaries, wiretaps, and dirty tricks. Nixon’s surrogates may have also murdered U.S. citizens on U.S. soil. Charles Colson, one of Nixon’s main political advisors in the White House, hinted as much in taped conversations with the president (Kutler, 1997, p. 194). Furthermore,

Liddy (1980, pp. 207-210) reports in his memoirs that in 1972 Colson instructed Hunt and him to prepare a plan for assassinating Jack Anderson, an investigative journalist. Although Anderson's murder was called off, Hunt and Liddy were quite willing to perform the operation and viewed it as a reasonable assignment. For that matter, shortly after the Watergate burglars were arrested, Liddy (1980, pp. 257-258) told John Dean that he would understand if he, Liddy, were slated to be killed; he asked only that the hit occur someplace other than at his home, where his wife and children might come to harm. One death that a grand jury suspected had been arranged by the White House was that of Dorothy Hunt, Howard Hunt's wife, who was killed in an airplane crash not long after she had begun blackmailing Nixon to provide financial support for the Watergate burglars during their incarceration (Kutler, 1997, p. 474).

Limited Reforms After Watergate

Ironically, Watergate revealed not only how national security operations can become enmeshed in presidential politics but also how reluctant public officials are to acknowledge and confront the conditions that permit this. The Watergate investigations exposed the crimes of high-ranking public officials, and a number of officials went to jail. But few changes were made to the organization, procedures, or oversight of national security agencies even though they had been quite willing to go along with Nixon's crimes. In the aftermath of Nixon's resignation, the Church Committee hearings on the CIA uncovered many illegal and illegitimate activities by the apparatus, including assassinations of foreign leaders, coups, collaboration among state agents with criminal organizations, illegal domestic surveillance, and more. They also turned up evidence of CIA and FBI involvement in U.S. domestic politics, including not just Watergate and the dirty tricks of Donald Segretti but also the secret provision of funds to a wide range of civic organizations and the use of illegal wiretaps and agent provocateurs against the civil rights and antiwar movements (C. Johnson, 2004; Wilford, 2008; Wise, 1976).

Nevertheless, the congressional investigators and special prosecutors never seriously considered the possibility that the National Security Apparatus was engaging in domestic assassinations and other high crimes. The suspicion was voiced by others; for example, Bernstein and Woodward (1974) speculated in their book on Watergate that Nixon might have been behind the attempted assassination of George Wallace. But public officials were seemingly unwilling to take their suspicions this far; the post-Watergate reforms targeted isolated abuses of power rather than the general problem of elite political criminality in the national security state.

This allowed criminal tendencies revealed by Watergate to continue developing. Even as Nixon was departing, he drew additional politicians and intelligence professionals into his network of unprincipled partisans. Alexander Haig became Nixon's chief of staff, and he brokered the deal between Nixon and Gerald Ford for Nixon's pardon (Woodward, 2006). Haig later played a role in Iran-Contra when he approved weapons sales to Iran not long after Ronald Reagan's inauguration (Kornbluh & Byrne, 1993). George H. W. Bush had been a frequent visitor to the Nixon White House after Nixon had picked him to be chairman of the Republican National Party.

Ford appointed Bush as the director of the CIA despite Senator Church's strong objection to a politician serving in that position. Although Bush was CIA director for only one year, he became enormously popular in the apparatus because he kept the CIA's secrets and protected the CIA professionals from exposure and prosecution in the aftermath of Watergate (Bowen, 1991, pp. 41-58).

When Bush pardoned the Iran-Contra conspirators after losing his reelection bid in 1992, he effectively condoned the apparatus's growing criminality. In fact, less than a decade later, many of the people implicated in Iran-Contra returned to positions of power in the Bush-Cheney administration. Cheney himself had been indirectly involved in Iran-Contra. In the 1980s, Cheney was a member of Congress. Serving on the House Intelligence Committee, he had been briefed on aspects of the Contra program, and he had been a vocal defender of the Iran-Contra project when it was first investigated by Congress (before an independent prosecutor was appointed). Others directly involved or associated with Iran-Contra who returned to power with Bush-Cheney included Robert Gates, Elliot Abrams, John Poindexter, Otto Reich, Richard Armitage, and John Negraponte.

The Bush-Cheney Administration

Another SCAD besides Watergate where national security considerations became enmeshed with presidential politics was the "outing" of CIA agent Valerie Plame (Wheeler, 2007). Shortly before the 2003 invasion of Iraq, the president changed long-standing policy to allow the vice president to declassify state secrets (Rich, 2007). A few months later, after Joseph Wilson challenged the administration's claims about Iraq seeking to acquire uranium in Africa, the vice president informed his aid Scooter Libby of Plame's status. Libby then leaked this information to the press and to others in the administration who also leaked it to the press. These circumstances suggest that Libby was following the orders of the president and the vice president, but Libby alone was indicted, and only then for committing perjury when he denied having leaked Plame's identity to reporters. Without a confession from Libby implicating Cheney and Bush, no one was willing to take action against either the president or the vice president, both of whom appear to have been part of a criminal conspiracy to expose the identity of a covert agent in a time of war.

In any event, the circumstances and White House actions in Plamegate are very similar to those in the Nixon administration's efforts to discredit Daniel Ellsberg. In both cases, the presidents were misleading the public about their foreign policy motives and initiatives, their credibility was threatened by whistleblowers who took their stories to the *New York Times*, they responded by using national security assets (operatives for Nixon, and information for Bush) in an effort to undermine the whistleblowers' credibility, and when the underlings who had carried out their criminal schemes were apprehended and prosecuted, they put their reelections ahead of all considerations of loyalty and culpability, denied all knowledge and involvement in the crimes, and let their minions take the full blame.

The criminality of the Bush–Cheney administration is also similar to Nixon’s in another respect. Just as the Watergate break-ins were simply the tip of Nixon’s criminal iceberg, Plamegate was only one small element in a much larger pattern of political lawlessness. Much evidence indicates that, in addition to outing Valerie Plame, the Bush–Cheney administration manipulated and distorted intelligence to concoct a pretext for invading Iraq (Isikoff & Corn, 2006; Rich, 2006), fired federal prosecutors who refused to target Democratic officials (Horton, 2007), sought to intimidate and silence civilian and military career public administration professionals who arrived at conclusions contradicting the administration’s claims or premises (Savage, 2007, pp. 279-307), conducted domestic electronic surveillance without first obtaining court orders (Suskind, 2006), periodically raised terrorist threat levels to rally electoral support for the president (Hall, 2005), and countenanced cruel and inhumane treatment of suspected terrorists (Goldsmith, 2007; Greenwald, 2007; Mayer, 2008).

There is also circumstantial evidence that the Bush–Cheney administration may have somehow been involved in 9/11. The administration ignored many warning signs that the 9/11 terrorist attack was imminent and that the attack might include hijackings (Clarke, 2004); the CIA had a working relationship with bin Laden and provided weapons, money, and technical support to Islamist terrorists in Afghanistan during the Soviet occupation (Blum, 2004, pp. 338-352); some officials appear to have received warnings not to fly on 9/11 (Griffin, 2004, pp. 72-73; Thomas & Hosenball, 2001); the Twin Towers and Building 7, which collapsed at near free-fall speed, are suspected of having been brought down by controlled demolition (Hufschmid, 2002, pp. 73-80; Ryan, Gourley, & Jones, 2008); chemical tests have found traces of thermite (an incendiary used in demolishing steel skyscrapers) in steel from the Trade Center site (Ryan et al., 2008); and, as is usual with most SCADs, the Twin Towers crime scene was cleaned up quickly and given only a superficial investigation (Morgan & Henshall, 2005, pp. 94-98). Evidence also indicates that the Pentagon was hit by a missile rather than a passenger plane and that Flight 93 was exploded at high altitude.²

SCAD Detection and Prevention

The first step toward SCAD detection and prevention is facing up to the nature and magnitude of the threat. Recently, many mainstream scholars and journalists have concluded that American democracy is becoming increasingly corporatist, imperialistic, and undemocratic (Bacevich, 2005; Dean, 2007; Goldsmith, 2007; Greenwald, 2007; C. Johnson, 2004; Klein, 2007; Mayer, 2008; Savage, 2007; Shorrock, 2008; Wolin, 2008). However, mainstream authors have seldom considered the possibility that authoritarian tendencies in American politics are being systemically engineered by top-ranking civilian and military officials. Rather than thinking in terms of high crimes, their diagnoses have blamed abstract institutional weaknesses or isolated failures of leadership.³

In contrast, the upshot of the foregoing analysis is that SCADs are surface indications of a deeper, invisible level of politics (Kouzmin & Thorne, 2010) in which officials at the highest levels of government use deception, conspiracy, and violence to shape national policies and priorities. This sub-rosa manipulation of domestic politics

is an extension of America's duplicity in foreign affairs and draws on the nation's well-developed skills in covert operations. Through its experience with covert actions, the National Security Apparatus has developed a wide range of skills and tactics for subverting and overthrowing regimes, manipulating international tensions, and disrupting ideological movements. The United States, or more specifically presidential administrations, uses these skills in combination with visible foreign policies to maximize the impact of both the visible and invisible sides of their efforts.

To the extent that policy makers are called to justify their covert actions and other deceptions, they do so by asserting that public opinion, both domestic and international, is a critical battlefield in conflicts between democratic capitalism and its ideological and military opponents. Although the implications of this policy for popular control of government are seldom examined, the policy itself was and is no secret. As an assistant secretary of defense said in response to claims that public opinion had been manipulated during the Cuban missile crisis,

News generated by actions of the government as to content and timing are part of the arsenal of weaponry that a president has in application of military force and related forces to the solution of political problems, or to the application of international political pressure. (Wise & Ross, 1964, pp. 297-298)

Richard Nixon put it more bluntly. In claiming that the president has the power to break the law when protecting national security, he said, "Well, when the president does it that means that it is not illegal" (Frost, 1977).

U.S. capabilities for covert operations enter the nation's domestic politics as SCADs in at least two ways. Sometimes, the process is rather haphazard. In Watergate, for example, the Nixon administration was using covert-action skills domestically in legitimate matters of national security when it diverted these skills, first, to attack Daniel Ellsberg and perhaps other political enemies and, subsequently, to gain advantage in the 1972 presidential election. Generalizing from this example, covert-action capabilities can end up being exploited for SCADs because the officials who control these capabilities are operating in an intensely political environment, and they occasionally succumb to temptations to use their national security powers for personal or partisan advantage. The idea that SCADs are opportunistic gambits in presidential politics was the conclusion reached in the official investigations of both Watergate and Iran-Contra.

On the other hand, several SCADs for which evidence of government involvement is unofficial but nevertheless credible point to elaborate planning by enduring networks of strategically placed insiders pursuing a combination of bureaucratic, ideological, and economic objectives. The assassinations of John and Robert Kennedy, and the attempted assassination of George Wallace, all benefited Richard Nixon and served the interests of military and military-industrial elites. Furthermore, arranging these shootings and pinning them on patsies would have required many operatives, extensive resources, and a variety of skills. Similarly, if the attacks of 9/11 were executed or somehow facilitated by U.S. public officials—as much evidence suggests—a number of agencies would have had to have been involved, including elements of the Department of Defense, the CIA, and the FBI.

Reforms for SCAD prevention and detection should address both of these etiological scenarios. The potential for SCADs to be committed opportunistically in presidential politics can be reduced statutorily by mandating procedures for investigating election problems, defense failures, assassinations, and similar incidents. As it stands, events with profound implications for the nation and the world are left to be investigated on an ad hoc basis; procedures for controlling crime scenes, inventorying evidence, interviewing suspects, interpreting evidence, overseeing the investigative process, and reporting findings are developed on the spot in the aftermath of the tragedies, when the nation is in shock and the perpetrators may be covering their trail. Public officials or their agents lost, discarded, or destroyed critical evidence in the World Trade Center destruction (Griffin, 2004; Hufschmid, 2002), the anthrax mailings in October 2001 (Broad, Johnston, Miller, & Zielbauer, 2001), the disputed presidential elections of 2000 and 2004 (Barstow & Van Natta, 2001; deHaven-Smith, 2005; Miller, 2005), the assassinations of JFK, RFK, and Martin Luther King (Grodin, 1993; Pease, 2003; D. Weldon, 2000), and the attempted assassination of George Wallace (Hunt, 1974, p. 216; Summers, 2000).

Reducing American democracy's vulnerability to manipulation by military and intelligence elites will require amendments to the U.S. Constitution to strengthen the role of Congress and the public in national security policy making. In particular, revisions are needed to the constitutional procedures for declaring, fighting, and ending wars (Bacevich, 2005; Byrd, 2004; Dean, 2007; Fisher, 2004). SCADs usually draw on the skills of covert action and are often connected to secret foreign-policy objectives, from discrediting dissidents and stopping leaks to fabricating intelligence and provoking wars. The United States has become extensively involved in covert operations overseas because the nation's leadership is no longer adhering to the Constitution's requirements governing military action. The last military action for which Congress issued a declaration of war was World War II. Since then, the introduction of nuclear weapons has made Congress reluctant to authorize the kind of uninhibited aggression that a declaration of war might unleash. However, the Constitution contains no process for authorizing limited wars or for ensuring that Congress can end such wars at its discretion. In large part this is why the role of Congress and the president became so muddled during the Vietnam War. The failure of the War Powers Act to correct this situation was demonstrated all too clearly after 2006 by legislative-executive conflict over the occupation of Iraq.

Social science can play a critical role in furthering this reform agenda by bringing behavioral research to bear on antidemocratic corruption in American government. The potential for SCADs is large because elite political conspiracies are difficult to detect and investigations are in the hands of the very people who actually need to be scrutinized. However, social scientists have the requisite conceptual resources, methodological skills, and scholarly independence to make antidemocratic corruption visible. Once it is rendered visible, it will no longer be tolerated.

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Notes

1. Also suspicious was the death, a year later, of Democrat Paul Wellstone, one of the few senators to criticize the congressional authorization for military action against Iraq. Wellstone was killed in an airplane crash. See Arrows and Fetzer (2004).
2. A large and growing literature challenges official accounts of the events of 9/11. See, for example, Griffin (2004, 2005), Hufschmid (2002), Paul and Hoffman (2004), and Tarpley (2005). There is also a "9/11 Truth Movement," which is producing a detailed studies of 9/11 issues and anomalies. For example, see www.911truth.org, www.911scholars.org, and www.911essentials.com.
3. Institutional weaknesses that have been cited include the large role of lobbyists and corporations in campaign finance, increasing partisanship because of an evenly divided electorate, gradual growth of the U.S. military presence around the world, and the superficial character of television as a medium for public discourse. Leadership failures that have been blamed include opportunistic responses by political elites to terrorist threats, exaggerated fears of terrorist attacks, and politicization of intelligence gathering and interpretation to support ideological positions. An important exception to this mainstream failure to think in terms of high crimes is Wolin (2008), who argues that American democracy is becoming deeply corrupt. But even in Wolin's account, America's corruption is more moral than criminal. He says that elites and masses alike have lost sight of democratic values because they have become preoccupied with material rewards and imperial ambitions. Hence, Wolin calls for a renewed ethics of democratic citizenship, not heightened vigilance against criminal conspiracies in high office.

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