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Source: *Administrative Theory & Praxis*, Vol. 28, No. 3 (Sep., 2006), pp. 330-355

Published by: [M.E. Sharpe, Inc.](#)

Stable URL: <http://www.jstor.org/stable/25610803>

Accessed: 26-03-2015 01:34 UTC

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WHEN POLITICAL CRIMES ARE INSIDE JOBS: DETECTING STATE CRIMES AGAINST DEMOCRACY

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ABSTRACT

Public administration theory and practice tend to overlook the possibility of state political criminality in liberal democracies. This article proposes a policy science to detect state crimes against democracy (SCADs), using social and political theory to understand when, why, how, and by whom such crimes are likely to be committed. After defining SCADs and differentiating them from other types of political crimes, the article analyzes SCADs in terms of antidemocratic tendencies posited by theories of liberal democracy. SCADs are traced to specific institutional objectives by analyzing patterns in SCAD targets, timing, and modus operandi. The role played by career civil servants in exposing government crimes and deceptions suggests that professional public administrators are a critical line of defense against the criminalization of the state.

Public administration scholars and practitioners have seldom considered the possibility that agencies or whole branches of government might be corrupted by top leaders or subverted for illegal purposes by strategically placed insiders. Although theory and practice have long addressed issues of administrative control, discretion, and accountability, these issues have been conceptualized as managerial challenges associated with normal political and bureaucratic tensions. Even the ideas of “guerrilla government” (O’Leary, 2005) and “politics from below” (Brower & Abolafia, 1997), which acknowledge common but problematic forms of administrative opposition, do not envision organized efforts by public officials to undermine democracy and popular control of government. In an era of extensive government secrecy, warrantless wiretaps, paperless voting machines, and outed CIA agents, this is a dangerous blind spot.

The present article proposes a policy science to detect, investigate, and analyze state crimes against democracy (SCADs), using Lasswell’s garrison-state construct and other social scientific theories to under-

stand when, why, how, and by whom such crimes are likely to be committed. During the early years of the Cold War, Lasswell himself called for something like a SCAD policy science. He predicted that the “permanent crisis” of national security in the atomic age would lead top officials in liberal democracies to try to bypass, subvert, or dismantle democratic institutions (Lasswell, 1937, 1941, 1950, 1962). In his 1951 book chapter on the “policy orientation” (Lasswell, 1951a), he urged social scientists to establish “policy sciences of democracy” which would seek to identify antidemocratic practices and police-state tendencies in modern industrial nations.

Lasswell’s fear that representative democracy is vulnerable to subversion from within was widely shared by theorists of his generation, but his idea for organizing policy research around threats to democracy went unheeded nevertheless. No doubt this was due in part to resistance from public officials, but it was also because the assaults on democratic institutions that Lasswell and others had anticipated did not come to light until two decades after Lasswell made his proposal.¹ The Congressional hearings on Watergate, the Church Committee’s discoveries about secret wars and illegal domestic surveillance, and the special prosecutor’s indictments in Iran-Contra proved 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. However, by the time Richard Nixon was driven from office, Lasswell’s call for democracy-oriented policy research was a distant memory, and the policy sciences had already taken shape with their present emphasis on agenda-setting, implementation, and program performance.

In the meantime, research on state political crimes had been left almost entirely to government officials, who often had conflicts of interests, and to amateur investigators, who usually lacked social scientific training. The latter developed a large popular literature on the assassination of President Kennedy and a number of other political crimes in which state complicity was suspected or alleged. The research succeeded in discrediting official accounts of many incidents, and this inevitably cast suspicion on the government. But it failed to actually solve the crimes under analysis or even to identify the agencies and officials most likely to have been the perpetrators. Hence studies of suspicious political events soon came to be derided as “conspiracy theories” because, after critiquing official inquiries, they often used sketchy evidence to speculate about sinister plots and elaborate cover-ups.²

This is where things still stand. Citizens of the United States continue to be victimized by suspicious incidents that benefit top public officials, and yet Americans have no way of knowing whether the incidents are unavoidable events or, instead, crimes initiated or facilitated by the officials themselves. Recent examples include the election problems in 2000 and 2004; the defense failures on September 11, 2001 (9-11); the anthrax attacks on U.S. Senators a month later; and the series of terror alerts issued on the basis of flimsy evidence (Hall, 2005) in the lead-up to the 2004 presidential election. Some of these incidents were never investigated. Others were reviewed superficially. Even 9-11, which received the most thorough inquiry, was examined by government insiders who avoided asking whether 9-11 might have been an inside job (Griffin, 2005). Nonetheless, leaders used these events to justify restrictions on civil liberties, a new American militarism, and a policy, unprecedented for the United States, of preemptive war (Bacevich, 2005; Dean, 2004; Ivie, 2005). To be sure, many people in the U.S. and around the world believe that the Bush administration welcomed and may have somehow facilitated the events of 9-11, but such suspicions are merely another set of conspiracy theories that raise more questions than they answer.

To move beyond incident-specific theories of government plots, the SCAD policy science outlined in this article would draw on social scientific theories of liberal democracy for insights into the general phenomenon of state attacks on state democratic processes. The article is divided into three sections. After defining SCADs and differentiating them from other types of political crimes, the first section provides an overview of SCADs in U.S. history, shows that SCADs have increased in frequency, diversity, and violence since World War II (WWII), and offers evidence that SCAD investigations by public officials are often compromised by partisan loyalties. Section Two considers SCADs in terms of various social and political theories and demonstrates how such theories can illuminate the systemic origins and institutional objectives of U.S. SCADs in the post-WWII era. The article concludes by discussing the theoretical and practical implications of the analysis.

SCADS IN AMERICAN HISTORY

Although conspiracy theorists have failed to develop an adequate account of state criminality, they deserve credit for highlighting a dangerous possibility long overlooked by social scientists. The latter have studied various forms of state crime, but in almost every case the potential for public officials in liberal democracies to subvert democratic in-

stitutions has been disregarded. In anthropology, sociology, and criminology, most research on state criminality has focused on relationships between government and deviant groups, especially the symbiosis that often develops between police agencies and organized crime (Heyman, 1999). A few scholars in these fields have also studied state crime as a form of political repression, an interest that points their attention away from state subversion of democratic institutions and toward state violence directed at the poor and the weak.³ In public administration, research has targeted administrative corruption in policing, business regulation, and similar policy areas that are susceptible to graft and co-optation (Sherman, 1980; Werner, 1983). In political science, most scholars who have studied state crimes have ignored liberal democracies and have focused instead on “regime terrorism” under fascism and communism.⁴ Political science research on Watergate, Iran-Contra, and other political scandals in the United States has sidestepped questions about state criminality by studying the use of Congressional investigations and independent prosecutors as political tactics in partisan competition (Ginsberg & Shefter, 2002).

SCADS DEFINED

As a working definition, SCADs can be described as concerted actions or inactions by public officials that are intended to weaken or subvert popular control of their government. As thus defined, SCADs include not only election tampering, vote fraud, government graft, political assassinations, and similar crimes when they are initiated by public officials, but also more subtle violations of democratic processes and prerequisites. Popular sovereignty requires regular opportunities for citizens to express meaningful choices in open, fair and competitive elections with real consequences (Dahl, 2002). Hence any concerted effort by public officials to mislead or distract the electorate, discourage citizen participation, or in other ways undermine enlightened citizen choice constitutes an assault on democracy. Examples of recent SCADs in which public officials appear to have intentionally undermined effective citizen choice in competitive elections include President Bush’s State of the Union address in 2003 which he misled Congress and the public about weapons of mass destruction in Iraq; the failure by Ohio election officials in 2004 to provide sufficient numbers of voting machines in inner-city precincts where traditionally Democratic constituencies are concentrated; the flawed program implemented in Florida shortly before the 2000 and 2004 presidential elections to remove convicted felons from the registered-voter rolls; and election tampering and

vote fraud in the balloting for overseas military personnel in the 2000 presidential election in Florida.⁵

The SCAD concept presupposes that crimes against democracy can originate from many points in the social order, not just the state. In principle, there can be *corporate* crimes against democracy, *partisan* crimes against democracy, and so on. SCADs are *state* crimes in the sense that they involve the use of state authority and resources by public officials to achieve specifically political objectives through illegal or extralegal means.

This does not mean, however, that political crimes by public officials must be in some sense officially approved or condoned to qualify as SCADs. The SCAD concept is broader than the criminological concept of “governmental deviance,” which is activity that, although illegal, flows from an agency’s culture and is approved by the agency’s dominant administrative coalition.⁶ Some SCADs might meet these criteria—Iran-Contra, for example. But SCADs also include actions by rogue elements of an agency operating in secret as well as conspiracies that extend across agencies or include non-governmental parties, or both. An example is the Watergate break-in and cover-up, which were perpetrated by a small group of conspirators within the White House who drew in individuals from other agencies (e.g., the Justice Department), non-governmental organizations (e.g., the Committee to Reelect the President), and the private sector (Liddy, Hunt, and other “plumbers”).

Note, too, that this definition of SCADs excludes efforts by one nation to subvert the democratic processes of another, such as U.S. operations that overthrew Mossadegh in Iran in 1953 and Allende in Chile in 1973. Certainly such actions would be of interest to a SCAD policy science because their methods might be turned back on the domestic government and because public officials who undermine popular sovereignty abroad might be more likely to do so at home. Nevertheless, it is important to maintain a distinction between SCADs and covert operations against foreign democracies because the two types of actions raise very different legal, moral, and practical considerations. Problematic state actions against foreign democracies would qualify as SCADs only when such actions bear on the domestic political accountability of the perpetrator state, such as secret overseas operations that intentionally violate legislative directives (e.g., Iran-Contra).

The intent in defining SCADs broadly as “actions” rather than narrowly as “illegal actions” is to assure that efforts by public officials to subvert popular control of government are covered even if they are not technically in violation of established laws. Using the word “crime” in

the name for these actions—state *crimes* against democracy—may appear inconsistent with this intention, but it actually reflects legal as well as popular usage when the term “crime” is applied to acts by public officials, as in “high crimes and misdemeanors.” The U.S. Constitution refers to “high crimes” but leaves the term undefined and therefore open to interpretation. Congress decided long ago that high crimes are not limited to actions prohibited by law. Indeed, they can include simple matters of attitude and speech that are entirely unregulated by legal codes.⁷ Defining SCADs similarly—as counter-democratic state actions that may not be technically illegal—is appropriate because this allows for the possibility that public officials who wish to manipulate the political process may be in a position to create or take advantage of statutory loopholes for their schemes. An example of the latter occurred in Iran-Contra. After Congress passed the Boland Amendment to prohibit the CIA from providing technical support and other aid to rebel forces in Nicaragua, President Reagan simply transferred the Contra program from the CIA to the National Security Council (Kornbluh & Byrne, 1993, p. xviii.).

SCAD TRENDS AND PATTERNS

A variety of SCADs and suspected SCADs have occurred during the course of American history.⁸ Table 1 contains a list of 20 known SCADs and other counter-democratic crimes, tragedies, and suspicious incidents for which credible 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.

In the list of SCADs in Table 1, three patterns stand out. First, the policy-related motives behind SCADs appear to have remained remarkably stable over the course of American history. Most SCADs have had direct and decisive effects on policies related to war. Such SCADs include the sinking of the *Maine*; Pearl Harbor; the Gulf of Tonkin; the burglary of Daniel Ellsberg’s psychiatrist’s office; Iran-Contra; 9-11; Iraq-gate; the assassinations of Abraham Lincoln, John Kennedy, and Robert Kennedy; and the attempted assassinations of Patrick Leahy and Tom Daschle.⁹

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	Investigated? Confirmed? Split Gov.?	Degree of Confirmation of Gov. Role
Assassination of Abraham Lincoln. 1865. ASSASSINATION	Andrew Johnson, a Southerner, becomes President. CONTROL WAR POLICY	John Wilkes Booth and others, with help from the Secret Service and other insiders, possibly the Vice President.	YNN	High for the Secret Service; low for the Vice President. (Winkler, 2003)
Conspiracy theory of the 14th Amendment. 1868. INSIDER MANIPULATION	Corporations given the same Constitutional protections as persons. FINANCIAL GAIN	Members of Congress and railroad owners and their representatives are alleged to have drafted the 14th Amendment so that it might apply to corporations.	NNN	Medium (Griffin, 1950).
Disputed election of 1876. ELECTION TAMPERING	Reconstruction is ended. Federal soldiers withdrawn from the South. CONTROL WAR POLICY	In Florida, county election officials in white counties submitted fraudulent returns. No investigation was conducted to identify wrongdoers, only to decide the election's outcome.	NNN	High (Shofner, 1974)
Sinking of the Maine. 1898. FALSE INFO. RE DEFENSE	Spanish-American War; McKinley reelected. CONTROL WAR POLICY	A 1976 study found that the sinking was due to a self-inflicted shot or accidental explosion. The sinking was hyped to justify war.	NNN	Low (Eggert, 1967)
Pearl Harbor. 1940. PLANNED INTERNATIONAL EVENT	Congress declares war on Japan. Germany declares war on U.S., which reciprocates. CONTROL WAR POLICY	President backed Japan into a corner, was warned by Churchill of the coming attack on Pearl Harbor, and did not share this intelligence with commanders in the Pacific.	YNN	Medium (Borch & Martinez, 2005)
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.	NNY	High (Fried, 1990; Johnson, 2005)

Crime or Suspicious Event, Time Frame, and Modus Operandi	Perpetrator Motive or Policy Implication	Suspected or Confirmed Perpetrator	Investigated? Confirmed? Split Gov.?	Degree of Confirmation of Gov. Role
Assassination of President Kennedy. 1963. ASSASSINATION	Lyndon Johnson's Presidency; escalation of the Vietnam War. CONTROL WAR POLICY	Probably rightwing elements in CIA, FBI, and Secret Service. Possible involvement of Johnson and/or Nixon.	YNN	Medium (Fetzer, 2000; Groden, 1993; Garrison, 1988; 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.	YNN	Medium (Scott, 1993)
Gulf of Tonkin Resolution. 1964. FALSE INO RE: DEFENSE	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.	NNN	High (Ellsberg, 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	Rightwing 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.	NNN	Low (Pease, 2003b)
Burglary of the office of Daniel Ellsberg's psychiatrist's office. 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.	NNY	High (Ellsberg, 2002)
Attempted assassination of George Wallace. 1972. ASSASSINATION	Wallace taken out of 1972 election and Nixon reelected. Wallace was likely to win 7 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.	NNY	Medium (Bernstein & Woodward, 1974, 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.	YYY	High (Bernstein & Woodward, 1974)

Crime or Suspicious Event, Time Frame, and Modus Operandi	Perpetrator Motive or Policy Implication	Suspected or Confirmed Perpetrator	Investigated? Confirmed? Split Gov.?	Degree of Confirmation of Gov. Role
Attempted assassination of Ronald Reagan. 1981. ASSASSINATION	V.P. Bush's role in the Administration is strengthened, especially in relation to covert operations in the Mid-East and Latin America. CONTROL WAR POLICY	John Hinkley. Evidence shows connections between Hinkley's family and the family of V.P. Bush.	NNY	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, Vice President Bush, CIA, military.	YYY	High (Kornbluh & Byrne, 1993; Martin, 2001; Parry, 1999)
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	Jeb Bush and Katherine Harris developed flawed felon disenfranchisement program. Jeb Bush, Harris, and Tom Feeney colluded to block recount. Harris facilitated counting of fraudulent overseas military ballots.	NNY	High (Barstow & Van Natta, 2001; deHaven-Smith, 2005)
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. CONTROL WAR POLICY	President G. W. Bush and V.P. Cheney arrange for a "stand down" of the military, or the attacks were actually committed by U.S. intelligence operatives.	YNN	Medium (Griffin, 2004, 2005; Hufschmid, 2002; Paul & Hoffman, 2004; Tarpley, 2005)
Attempted assassinations of Senators Tom Daschle and Senate Patrick Leahy. 2001. ASSASSINATION	Heightened fears of terrorism. If successful, would have given Republicans control of Senate. CONTROL WAR 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.	NNN	Medium (Tarpley, 2005)
Iraq-gate. 2003. FALSE INFO RE: DEFENSE	U.S. gains control of Iraq oil production; Iran surrounded by U.S. armies; other Middle East nations intimidated. CONTROL WAR POLICY	President Bush, Vice President Cheney, CIA Director fix intelligence to justify war. Bush misrepresents intelligence to Congress in State of Union address.	NNN	High (Clark, 2004; Dean, 2004; Wilson, 2004; Woodward, 2004)
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.	NNN	High (Hall, 2005; Miller, 2005; Tarpley, 2005)

Second, since World War II, SCADs have increased in frequency and have become more diverse in their modus operandi (MO). Overall, the most common SCAD-MOs are assassinations (7); mass deceptions related to foreign policy (5); and election tampering (3). However, only five SCADs were committed before World War II. Many more SCADs have been carried out since then, and SCAD-MOs have expanded to include illegal domestic surveillance and various forms of mass deception about national security. The SCAD-MO that has experienced the largest numeric increase since WWII is assassination.

Third, SCADs are frequently *initiated* by elected officials and high-ranking political appointees, but they are more often *exposed* by career civil servants. For example, Congress and the public were deceived about the Gulf of Tonkin incident by President Johnson and Secretary of Defense McNamara, whereas the truth about America's involvement in Vietnam was brought out by Daniel Ellsberg, a career employee at the CIA (Ellsberg, 2004). Similarly, in advocating the 2003 invasion of Iraq, President Bush and other high-ranking officials in his administration falsely claimed that Saddam Hussein had recently tried to buy uranium in Africa. The person who refuted this claim was Joseph Wilson, a career diplomat in the Department of State (Wilson, 2004). Other civil servants who have helped expose SCADs include Charles Crenshaw, Mark Felt, Richard Clarke, Coleen Rowley, Sybil Edmonds, and Clinton Curtis.¹⁰

BIAS IN OFFICIAL INVESTIGATIONS

Of course, the list of incidents in Table 1 is debatable at the margins, if not more deeply. It could be argued, for example, that the alleged suicides of Marilyn Monroe and Vince Foster should be added because these individuals died under suspicious circumstances when they were closely connected to presidents. Or, conversely, objections could be raised against including the 2001 anthrax mailings, since the only evidence of government connections is that the anthrax was weaponized and came from a strain developed by the U.S. military.

Consider, too, political crimes for which the evidence is clear but where the SCAD classification itself is somewhat uncertain. 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, 1999; Sick, 1991). This incident is not included in Table 1, because technically the suspected perpetrators were not public officials at the time and therefore the October Surprise was

not a state crime. Obviously, though, this is a close call, as the alleged crime involved a promise of future state action.

Unfortunately, the nature of the subject matter is such that case-by-case judgments like these are unavoidable. To those who might favor limiting SCADs to political crimes with smoking-gun evidence of government complicity, the counterargument is that public officials appear to be incapable of policing the political system with rigor and objectivity. Since 1945, only one-third (5) of all SCADs (15) have been investigated by Congress or by an independent commission or prosecutor. For those that have been officially examined, evidence of government complicity was reported in less than half (2) of the cases (Watergate and Iran-Contra). Official investigations have often attributed assassinations, election fiascos, defense failures, and other suspicious events to such unpredictable, idiosyncratic forces as lone gunmen, ricocheting bullets, antiquated voting equipment, bureaucratic bumbling, and innocent mistakes. In effect, the government has answered *conspiracy* theories with *coincidence* theories.

Checks and balances that otherwise would encourage more SCAD convictions appear to have been undermined by partisan cohesion. In all of U.S. history, government investigations have judged public officials guilty of state political crimes only when the legislative and executive branches have been under the control of different political parties, as they were for both Watergate and Iran-Contra. Although divided government does not boost rates of prosecution, judgments of guilt are virtually impossible in the absence of divided government even when investigations are conducted. All five of the SCAD investigations that have been carried out under unified government have rejected allegations of government complicity.

Moreover, the tendency for public officials to exonerate their political allies is not necessarily the innocent consequence of unconscious favoritism. One of the most shocking, if not telling, facts about political crimes in the post-WWII era is that crime-scene processing and evidence handling have often failed to meet even rudimentary standards. Crime-scene elements, such as JFK's limousine, have literally been washed clean before they could be examined (Weldon, 2000), and critical evidence, such as the bullet-ridden doorframe from the assassination of RFK, has been "lost" after having been taken into police custody (Pease, 2003b). Clearly, when they exonerate public officials of involvement in political crimes, the findings from official inquiries deserve to be approached with some skepticism, and when official inquiries are

marked by negligence and superficiality, their flaws must be evaluated as incriminating behavior.

SCADS AND LIBERAL DEMOCRACY

SCADs are alarming in their own right, but they warrant study as a general phenomenon because they may signal untoward changes in the organizing principles of liberal democracies. Ever since Lasswell first sketched his garrison-state construct, social and political theorists have speculated about various scenarios in which American democracy might be being transmogrified into some form of tyranny or false democracy. These theories offer frameworks for understanding SCAD origins and aims.

SCAD-relevant theories can be arrayed on a continuum that has as its criterion the extent to which perceived threats to liberal democracies are specific versus general. The theories in Table 2 were selected to range across this continuum and are ordered in the table to reflect their sequential positions. For each theory, the table includes relevant concepts for identifying internal threats to popular sovereignty, descriptions of the theories and threat categories, and summaries of their implications for SCAD origins and objectives.

Lasswell heads the list in Table 2 because he stands out among 20th Century social scientists in pinpointing a small group of individuals—military and police elites—as the greatest internal threat to liberal democracies. Lasswell left open the question of exactly what form military dominance over the civilian society might take, but certainly one possibility is President Eisenhower’s notion of a “military-industrial complex” formed by armament manufacturers, military commanders, and powerful policymakers.

In contrast, Mills’ (1956) notion of the power elite rejects Lasswell’s stress on national-security elites in favor of a class analysis that broadens the threat category to cover not just government and corporate elites associated with the armed services, but all elites at the apex of the socio-economic hierarchy. Something like a power elite was also envisioned by Leo Strauss (1989a, 1989b/1968) in his analysis of the differences between ancient and modern liberalism, but Strauss focused on politically ambitious individuals in historically wealthy and influential families. Modern liberalism, he thought, was precariously dependent for its survival on the Christian gentlemanliness of top leaders from prominent families, whose rivalries in ancient liberalism had led to civil wars and tyranny. A related idea comes from North’s (2005) theory of economic institutions and the critical role of government in reducing

Table 2. SCAD-relevant implications from theories of antidemocratic tendencies in liberal democracies

Theory	Theory of Systemic Change	SCAD-Relevant Threat	SCADs Explained and Focus of Explanation	SCADs Consistent with Theory
Garrison-state construct (Lasswell, 1937, 1941, 1950, 1951a, 1951b, 1962)	Military elites come to dominate society due to "perpetual preparation for war" in the nuclear age.	Military and police elites; may include armament manufacturers, as in the "military-industrial complex."	War-related SCADs. Considerations of military strategy.	Assassinations of Lincoln, JFK, RFK. Attempts on Wallace, Reagan, Daschle, Leahy; Pearl Harbor, Tonkin Gulf, 9-11, Iraq-gate; Ellsberg; 1876 election.
Elitism (Mills, 1956)	Centralization of institutions results in a "power elite" who conspire to protect their wealth and power	Top leaders in business, government, and media.	Money related SCADs. Financial implications for insiders.	14th Amendment.
Neo-conservatism (Strauss, 1989a, 1989b/1968)	Rivalries between elite families intensify and lead to lawlessness and demagoguery in politics, eventually leading to democratic forms of tyranny (nationalism, fascism).	Historically wealthy, influential, and ambitious families.	Personal or family related SCADs. Connections to prominent families.	Assassinations of JFK and RFK suggest Kennedy family was targeted; assassination of Wellstone and attempts on Reagan, Daschle, and Leahy all benefited the Bush family
Insitutional economics (North, 2005)	Formal and informal norms that constrain policymakers from preying on one another and on the economic system breakdown through lack of effective enforcement.	Rogue policymakers and ineffective agents of law enforcement.	SCADs for short-term economic or political gain. Opportunism combined with enforcement loopholes.	14th Amendment; Insider trading around 9-11; 2000 and 2004 elections; Watergate break-in.
Authoritarianism (Adorno et al., 1950)	Violent childrearing practices in lower classes create violent, ethnocentric, and homophobic personalities who support tyrannical, megalomaniacal leaders.	Authoritarian masses and elites.	Brazen SCADs. Racial or sexual themes.	McCarthyism. Misuse of terror alerts before 2004 election; Assassination of M. L. King and attempt on Wallace (because of their positions on race issues).
Pluralism (Dahl and Lindblom, 1976/1953; Lindblom 1977, 2002)	"Circularity": Business control of financial resources and mass media limit political discourse to options that do not threaten business privileges.	Business people in general.	SCADs to protect or enhance business privileges. Effects on political agenda.	14th Amendment; assassinations of JFK and RFK after indictments of steel industry executives in 1963.
Habermas' critical theory (Habermas, 1973)	Caught between (a) an economic system that only benefits the wealthy and (b) popular expectations that public policy will serve general interests, political leaders prevaricate, take symbolic action, silence critics, etc.	Public officials in general.	SCADs to deal with legitimation pressures from mass public. Indications of universal communicative norms.	Silencing critics in Watergate and Iraq-gate; mass manipulation in Pearl Harbor, Tonkin Gulf, 9-11.

transaction costs. According to North's analysis, democratic political institutions require that almost all players voluntarily abide by the rules of the game and that deviants be effectively policed. Otherwise, North argues, lawlessness will spread among political insiders, disorder will ensue, transaction costs will skyrocket, and citizens will turn to autocratic governance.

The remaining concepts in the table mark a shift to mechanistic conceptions of factors threatening American democracy: authoritarian tendencies rooted in the class structure (Adorno, Frenkel-Brunswick, Levinson, & Nevitt, 1950); a lopsided competition of ideas in electoral politics and legislative deliberations (Dahl & Lindblom, 1976/1953; Lindblom, 1977); and political "reaction formations" that deflect or silence popular demands by undercutting universal communicative norms (Habermas, 1973).

To develop and assess their explanatory power, these theories need to be applied to SCADs in two different ways: They should be evaluated in terms of their ability to (a) account for SCAD trends and patterns and (b) generate new discoveries about SCAD origins and aims. These analytic approaches correspond to Lakatos' (1970) positive and negative heuristics.

EXPLAINING SCAD TRENDS AND PATTERNS

Each theory conceptualizes SCADs differently and therefore explains different SCADs and SCAD characteristics. This is the theme of Table 2, which depicts how and to what extent theories of liberal democracy account for SCADs in the post-WWII era. Lasswell's garrison-state construct makes sense of more SCADs than any of the other theories, but it does not explain all SCADs, and even for some of the SCADs that it does explain it overlooks nuances that are highlighted by other theories.

For analytic purposes, it is helpful to consider the garrison-state construct as a central tendency, while using other theories to understand non-military SCADs and to shed light on SCAD characteristics that are not entailed in Lasswell's vision of the garrison state. The garrison-state construct covers more SCADs than the other theories because it focuses on military elites and most SCADs have been related to wars. The association between SCADs and military actions, and the rise in SCAD frequency, diversity, and violence in the post-WWII era, suggest that civilian policymakers are indeed confronted by a military-industrial complex, but other SCAD patterns point to the presence of additional

threats which may interact with and exacerbate garrison-state tendencies.

One such threat is the intelligence community. The military-industrial complex may have been pushing for U.S. intervention in Vietnam, Nicaragua, and the second Iraq War, but ultimately it was the use and misuse of intelligence that shaped events and generated public support for military action. Intelligence activities accountable directly to the White House were connected to the defense failures on 9-11, the Gulf of Tonkin deception, and the series of bogus terror alerts issued in 2004. Intentional defense-failures and fear-mongering are extreme examples of the kind of maneuvering Habermas says policymakers must engage in to deflect public expectations that policy will serve the interests of the entire society. If the public could not think for itself (per Habermas' theory of communicative norms), and if wars were always justified by obvious national interests, then SCADs to engineer popular support for military actions would be unnecessary.

Another threat indicated by SCAD patterns in the post-WWII era is the possibility of psychopaths or megalomaniacs rising to high office. Many SCADs in the post-WWII era are directly related to two presidents: Richard Nixon and George W. Bush. Nixon was not only responsible for Watergate and the illegal surveillance of Daniel Ellsberg, he alone benefited from all three of the suspicious attacks on political candidates in the 1960s and '70s: 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. Enough is now known about Nixon's paranoia and lawlessness to reasonably conclude that he may in fact have been behind these political murders.

Currently, less is known about George W. Bush, but Frank (2004) has argued that Bush displays symptoms of megalomania. According to Frank's diagnosis, Bush's hard line toward Iraq, his refusal to admit mistakes, and his belief that a supernatural personality ("God") sends him messages and guides his actions are indications of rigidity, impulsivity, and delusions of grandeur. The SCADs that have benefited Bush include the election-administration problems in 2000 and 2004; 9-11; the anthrax attacks on top Senate Democrats in October 2001; and the terror alerts that rallied support for Bush before the 2004 presidential election. The possible involvement of one or more presidents in multiple SCADs, while unanticipated by the garrison-state construct, is consistent both with Strauss' thesis about the dangers of elite rivalries and

with Adorno et al.'s assumption that politics in liberal democracies attracts more than a few psychopaths.

These examples are not intended to be exhaustive or definitive, but rather to illustrate how a multi-theoretical analysis yields a more detailed and nuanced picture than is provided by any single theory alone. As Lasswell pointed out, the introduction of nuclear weapons in WWII altered the conditions for civilian control of the military. The entire civilian population is now vulnerable in military conflicts, and yet much information about military capabilities and strategic threats is kept secret from the public and from most civilian policymakers as well. This situation places presidents under some compulsion to manage public opinion toward military actions which are planned by top commanders and which may have been pushed or skewed by military elites (cf. Bacevich, 1997, 2005; Ellsberg, 2002, pp. 199-209). In the vortex between aggressive military interests and a frightened, uninformed mass public, the worst features of presidents and of presidential politics can be unleashed. Paranoia and impulsivity can be reinforced by the pressures of the office; intelligence agencies can be pressured to distort their findings; elite megalomania can resonate with mass ethnocentricity, homophobia, and authoritarianism; and critics of military actions can end up being targeted as enemies of the state.

DISCOVERING NOVEL FACTS

Theories of antidemocratic tendencies in liberal democracy can be used to discover novel facts about SCADs by explicating the theories' implications for SCAD targets, MOs, and other characteristics. As an example, consider the garrison-state construct's implications for assassination targets in the post-WWII era. Lasswell's theory suggests that most SCADs since WWII should be related in some essential way to military actions and national security policies. The implication for assassinations is that an individual is likely to become a target only when two conditions occur simultaneously: Foreign policy must be vulnerable to change, and the individual's murder must be likely to determine whether the change does or does not occur.

This hypothesis would explain why most holders of high office in the federal government have seldom been murdered even though many have attracted widespread hostility and opposition. No Vice Presidents have been assassinated, presumably because a Vice Presidential assassination would have no effect on foreign policy. The same is true of members of the U.S. House of Representatives and the U.S. Supreme Court.

Individually, they have little control over foreign policy, and none have been targeted.

A second characteristic of assassinations that is explained by the garrison-state construct has to do with the particular presidents and senators who have been targeted for elimination, as opposed to the many that have *not*. In theory, military elites would be tempted to take out a president only when doing so would lead to a desired change in defense policy or military action. 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. *Ex hypothesi*, Kennedy and Reagan were targeted because military interests stood to gain greatly from the ascendance of their vice presidents to the position of Commander in Chief.

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 in theory 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 of 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 9 October 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 labs 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.

Of course, these observations about assassination targets are just a few examples drawn from a single theory. A key to progress in SCAD research and theorizing is to explore the implications of many theories.

PRIORITIES FOR SCAD RESEARCH

A SCAD policy science should be driven by both theoretical and practical considerations. At this point, the most important theoretical questions involve SCAD perpetrators. Most SCADs are too complex to be committed by isolated individuals, but little is known about how SCAD-oriented networks arise and how they plan, execute, and cover up their crimes. Conspiracy theorists have often jumped to the conclusion that SCADs are initiated either by a stable cabal of high officials or by small, temporary coalitions of high officials who come together to address isolated concerns. However, nothing that is currently known about SCADs precludes the possibility that SCAD networks are much more widely dispersed, involving either a more or less stable group of mid-rank professionals intent on protecting certain values (anticommunism, white supremacy, Christianity, etc.), or temporary combinations of opportunistic officials in the middle ranks who come together briefly to achieve limited objectives (financial gain, career advancement, inter-institutional advantages, etc.). It is also possible that multiple networks coexist and cooperate or compete.

Much also remains to be learned about how SCAD networks deal with civil servants whose cooperation or acquiescence is needed. Those SCADs that have been exposed have often been brought to light by career civil servants, but many SCADs have gone unreported even though at least a few career administrators were almost certainly aware of them. For example, questions have been raised about the performance of the Secret Service when President Kennedy was assassinated

and when President Reagan was wounded, and similar doubts exist about the Dallas police officers who made and publicized the arrangements for moving Lee Harvey Oswald to the county jail. Likewise, at least some of the people who knew about the problems with Florida's felon disenfranchisement program in 2000 and 2004 had to have been career professionals. Do SCAD networks include career professionals at the start, or do they somehow co-opt or intimidate them in the course of their operations?

A related question about SCAD networks concerns the role of non-governmental individuals, groups, and institutions. SCADs often benefit armament manufacturers and other corporations involved in national security, but the evidence is mixed as to whether these corporations have co-opted public officials or vice versa. Iran-Contra, for example, appears to have been initiated and controlled by government elites, not business. Armament manufacturers profited from weapons sales to Iraq, but the bulk of the gains were skimmed off by the Reagan Administration and funneled to the Contras. On the other hand, the war on terror appears to have possibly been contrived in whole or in part by the oil industry (Ruppert, 2004). The presidential candidacy of George W. Bush was funded from the beginning by individuals in the industry; both Bush and Cheney had long-time connections to oil; energy corporations participated directly in policy deliberations with the Vice President; these deliberations focused on oil supplies in the Middle East; in early 2001 U.S. envoys with oil-industry ties threatened war against the Taliban if it refused to allow a pipeline to be constructed across Afghanistan; and the invasions of both Afghanistan and Iraq immediately provided enormous profits to the oil industry while also increasing its access to Middle East oil supplies.

The practical consideration that should drive SCAD research and theorizing is SCAD prevention. SCAD patterning in the post-WWII era points to many policies that would make SCADs less likely even if the networks behind SCADs remain obscure. In general, incentives and opportunities for committing SCADs need to be identified and reduced or eliminated. Opportunities for political crimes that would affect military and defense policy arise mainly around elections for the presidency and the U.S. Senate. Hence special attention needs to be paid to protecting candidates against assassination, monitoring contacts between campaigns and foreign governments, holding election officials personally responsible for bias in election administration, and overturning elections when, for whatever reason, the results fail to reflect the voters' intentions.

Similarly, incentives for committing SCADs can be reduced by making SCAD detection and conviction more likely. As it is, both investigations and convictions are rare because the government is usually compromised by partisan loyalties and other conflicts of interest. The individuals who are most likely to come across SCAD conspiracies are career civil servants, but the examples of Daniel Ellsberg and Joseph Wilson, both of whom suffered severe reprisals, show that protections for whistleblowers need to be strengthened and refined to accommodate situations where corruption reaches the highest levels of government. Likewise, laws that pertain to government investigations of possible state crimes should mandate citizen juries and other mechanisms to foster objectivity. SCAD conviction rates can also be improved by requiring rigorous crime-scene processing and evidence inventorying for all assassinations, terrorist attacks, election disputes, and deaths of public officials in suicides and accidents.

ENDNOTES

1. For an assessment of Lasswell's influence, see Marvick (1980). Recent interest in his work includes Stanley (1997).

2. Popper (1966) critiques "the conspiracy theory of society." A fundamental problem with Popper's position is identified in Pigden (1995). For a defense of conspiracy theories, see Keeley (1999).

3. See the contributions to Ross (2000). Several authors offer brief discussions of state political crime in liberal democracies, but they focus on military violence, police use of excessive force, illegal domestic surveillance, and forms of political repression.

4. The political science literature on "criminal regimes" is covered thoroughly in Schmid & Longman (2005).

5. Mass deception by the Bush Administration to justify the war in Iraq is described in Corn (2003), Dean (2004), and Wilson (2004). The problems in Ohio in 2004 are catalogued in Miller (2005). Florida's felon disenfranchisement programs in 2000 and 2004 are explained in deHaven-Smith (2005).

6. Definitions of organizational deviance along these lines can be found in Sherman (1980), Swigert & Farrell (1980), and Werner (1983).

7. For example, Article X of the Articles of Impeachment filed against President Andrew Johnson charged Johnson essentially with being critical and contemptuous of Congress. The Article asserted that Johnson had been "unmindful of the high duties of his office and the dignity and proprieties thereof, and of the harmony and courtesies which ought to exist and be maintained between the executive and legislative branches of the Government of the United States." Moreover, even when a President has been impeached for unlawful acts, Congress has justified the impeachment in broader terms. The Articles of

Impeachment for President Clinton explained that Clinton's effort to obstruct justice in the civil case brought against him by Paula Jones "has undermined the integrity of his office, has brought disrepute on the Presidency, has betrayed his trust as President, and has acted in a manner subversive of the rule of law and justice, to the manifest injury of the people of the United States."

8. Although the present article focuses on SCADs in the United States, SCADs in other modern democracies also warrant study. In particular, comparative research is needed to determine if different governance models are associated with different types of state crimes. The power concentrated in the office of the president in the U.S. political system may make the president both a likely target and a likely perpetrator.

9. Connections to military actions and defense policy are self-evident for most of these SCADs. The others are discussed in this note. The war policy affected by the assassination of Abraham Lincoln was Union policy toward the South after Lee's surrender. The war policy altered by the disputed presidential election of 1876 was the occupation of the Old Confederacy by Union troops. JFK's assassination was followed immediately by a reversal of his decision to begin withdrawing troops from Vietnam. The assassination of RFK took out the leading peace candidate at precisely the time when the Vietnam conflict had become most controversial. The attempted assassination of Ronald Reagan, if it had been successful, would have inserted a former CIA Director into the presidency just two months after Reagan's inauguration.

10. Crenshaw was a resident physician at the public hospital where JFK was taken after being shot. He treated JFK in the emergency room and insisted that the president had been shot from the front. Mark Felt, number 2 in the FBI during the Nixon Administration, was the source referred to by Bernstein and Woodward (1974) as "Deep Throat." Richard Clarke (2004) was a national security analyst at the White House who reported that President Bush and others top officials in the Bush administration received numerous warnings before 9-11. Coleen Rowley is the FBI staff attorney who sent a memo to FBI Director Robert Mueller in May 2002 about how the bureau dismissed requests from her Minneapolis field office to investigate Zacarias Moussaoui, who was later indicted as a 9-11 co-conspirator. Sybil Edmonds was an FBI translator who claims that the U.S. had advanced knowledge of the 9-11 attacks. Clinton Curtis was an information-technology specialist at the Florida Department of Transportation who filed a sworn complaint (and subsequently passed a polygraph test) alleging that in 2001 Tom Feeney, then Speaker of the Florida House of Representatives, sought to have a computer program developed that would flip votes on electronic voting machines.

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