

# State Crimes Against Democracy

Political Forensics in Public Affairs

Edited by Alexander Kouzmin,  
Matthew T. Witt and  
Andrew Kakabadse



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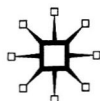
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# State Crimes Against Democracy

*Dedication to Alexander Kouzmin*

*In Memory of Alex Kouzmin*

*Our dear friend and colleague Alex Kouzmin tragically died while creatively driving forward the SCADs project. We miss him terribly and especially are deprived of his sharp mind and penetrating wit. Our thoughts and condolences go to Alex's family, Ludmila, Anton, and Marina.*

*Alex, this book is a tribute to you. You were the inspiration behind this work. From now on, SCADs and Alex Kouzmin are inextricably interwoven.*

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# Introduction: State Crimes Against Democracy – Political Forensics in Public Affairs

*Matthew T. Witt and Andrew Kakabadse*

This volume further develops work published in 2010 in the academic journal *American Behavioral Scientist* (ABS), which examined facets and attributes of the rubric “state crimes against democracy” or simply “SCAD”. Response to that packet of papers elicited fervent play over internet channels in the ensuing months, a surprise for academic authors accustomed to slow turnaround and terse reviews of their work. A common theme among the bloggers and commentators taking notice was appreciation for “breaking the academic silence” on grave and pertinent matters which that symposium examined. One enterprising and creative individual produced a video mosaic with computer voice articulation of the symposium introduction, posted on YouTube. Another of the papers remained among the 35 top-read pieces in the ABS 12 months ongoing, and radio show invitations ensued for one of the symposium’s principal authors. For these and other reasons – the standard delusions of destiny induced by group-think dynamics among academic birds of a feather – the symposium co-editors planned for follow-up and further intellectual elaboration. The chapters assembled here give testament to that intention.

The concept of state crimes against democracy raises a host of definitional and operational questions. The moniker SCAD plays, somewhat deliberately, with otherwise vague speech formulation and verb confusion. How, exactly, can a state itself be criminal? And if a state can itself be criminal, how can the victim of its crimes be something as abstract as democracy itself? The originator of the SCAD construct, Lance deHaven-Smith, defines SCADs as follows: “[C]oncerted actions [...] by government insiders intended

to manipulate democratic processes and undermine popular sovereignty [with] potential to subvert political institutions and entire governments. [...] [SCADs] are high crimes that attack democracy itself" (deHaven-Smith, 2010, p. 795).

What this conjures is provocative and likewise calls for disambiguation. The notion that democracy is imperiled does not elicit much gainsaying these days. Some are concerned with drastically diminished civil liberties and what this portends for chilling dissent, from town hall meetings to full-throated Occupy protests. Some worry about the massive state divestment from social institutions and what this augurs about austerity – not to mention the "inside jobs" of banking scandal keyed to global financial collapse – into the foreseeable future. Others have the premonition that world problems – population growth, ecosystem depletion and species extinction, global warming – now defy the very best our current institutions can muster on a competent day. One does not have to look far to find any number of fervent claims in synch with Henry David Thoreau that "There are a thousand hacking at the branches of evil to one who is hacking at the root". If the mechanism for transacting meaning between more than two people is something that passes for "democracy", then the extent to which the circuitry, nodes, and networks of such interaction are not merely intermittently but systematically distorted; then we here might claim also that we hack, if not at evil itself, at least at the root of a profound problem.

In Chapter 1, authors John Dixon, Scott Spehr, and John Burke clarify essential ontological, epistemological, politico-philosophical, and legal foundations of what constitutes a "state" and under what conditions a state – essentially a bundle of abstractions – can itself be found culpable for actions its principals or agents take or refuse to take on behalf of founding covenant, doctrinal creed, and pertinent laws. For that matter, how can "democracy" itself – also a welter of abstractions – be the victim of "state crimes" as proponents of the SCAD heuristic have alleged? This chapter lends further veracity to the SCAD research paradigm by clarifying the juridical and ontological predicates shaping "statehood" and how, and under what conditions, states are themselves culpable for the actions of their principals and agents acting officially or unofficially under cover of presumptive authority.

Standing at the dais to accept an Academy Award for best film documentary of 2011, *Inside Job* – featuring a trenchant account of the American banksterism leading to the 2008 global financial collapse – filmmaker Charles Ferguson commented, "Forgive me, I must start by pointing out that, three years after our horrific financial crisis caused

by financial fraud, not a single financial executive has gone to jail, and that's wrong." The weight of available evidence strongly indicates the "inside" of these crimes extends to the very top of the U.S. government. Developing a central premise established in Chapter 1, author Chris Hinson identifies in Chapter 2 the factors determining the success of state criminality. Lifelong acculturation of elite scions and cultural homogeneity of the elite class propagate herd protection by those from within their class holding high office. Elite progeny enter organizations where management group behaviors, as with the recycling elites in and out of high-level governmental posts, assure continuity and regimentation of career expectations. Group norms coalesce among these lifelong adherents to elite prerogative, privilege, and cloistered decision making. Because covert action is believed to be necessary to overcome problems faced by the group, and because disclosure of real facts poses serious risks to elite control maintenance, like-minded individuals conform to group norms with very little reinforcement necessary. These various factors contribute to a hermetic circuitry of elite province whereby, over time, "mores crystallize white-collar criminal law and acts of enforcement crystallize the mores" (Hinson, p. 38). Hinson's analysis indicates that normalization of the SCAD heuristic is vital for developing and also established democracies that are particularly prone to high crimes.

Building on his earlier work originating the SCAD heuristic, Lance deHaven-Smith examines in Chapter 3 how secrecy and conspiratorial suspicions and incentives among the nation's "Guardian Elite" are imbricated within the U.S. constitutional order. Since the War of Independence (if not also the Greek polis Plato had in mind when coining in *The Republic* the "Guardian" class), a network of secretly funded agents has served military and presidential interests. Two problems for democratic government emerge as a result. Popular control of government requires that citizens be reasonably informed about the intentions and actions of high public officials and likely outcomes of public policies. Secrecy and manipulation of mass awareness impede this process. Such activities of the Guardian Elite undermine public capacity to form opinions and make judgments founded on valid information. The subversion of public will formation through planted news stories, contrived events, propaganda, and disinformation constitutes a serious moral hazard for viable democratic practices. DeHaven-Smith chronicles how the Guardian Elite, as a class interest, has become progressively neglected by academic political theory and what this intellectual "blind spot" augurs for future inquiry into state criminality originating with the elite class.

Academic and popular formulations of “risk management” have for the most part ignored the role that “moral hazard” plays in shaping behaviors under conditions of pooled, insured risk (their blind spot). Authors Andrew Kakabadse, Alexander Kouzmin, Nada K. Kakabadse, and Nikolai Mouraviev examine in Chapter 4 how the global financial crisis precipitated by financial brinksmanship with junk bonds and collateralized debt obligations now augurs a new world order of government enfranchised moral hazard on a massive scale. These authors trace this trend to Thatcher/Reagan-era forays into neoliberal ideology aligning state, corporate capital, and transnational corporatism, limning forward the etiology of these alignments into an age of “corporatocracy” unmoored from judicious norms and conventions of transactional transparency. Where rampant market uncertainty invites insider brinkmanship, no markets are free. Under such conditions, a “hermeneutic of suspicion” permeates the matrix of institutions tied to market capitalism, whereby risk management morphs into “crisis management” heuristics that further sequester and align political and financial management “expertise”. The line between crisis initiation and crisis management is made, as a result, profoundly blurred. Where giant financial institutions are deemed “too big to fail”, the specter of “disaster capitalism” (Klein, 2007) looms large and into the foreseeable future. This chapter canvasses a score of moral hazards endemic to current global capitalism, providing a valuable catalog of real and present fiduciary risks imposed on the public interest everywhere.

The line delineating that which is nominally “visible” in public actions from what is sequestered or otherwise rendered “invisible” is a matter that author Kym Thorne takes up with co-author Alexander Kouzmin in Chapter 5, elucidating the liminal ways in which power materializes and dematerializes its presence. Drawing from an expansive canvas of literary and social science work, the authors identify the missing “ideal type” of *authority* within Weberian thought. From this, they formulate how authority manifests as “(in)visibility” governed by the intermittent “fluxing” of otherwise visible and invisible power that is deployed for managing movement from one regime epoch to another, facing the age-old dilemma of what to do with “the emperor’s new clothes”. Through channels of flux between the seen and the unseen, power authorizes while mystifying causes and their effects in the real world. Radicalisms of one kind (e.g., radical Islam) find their doppelganger in (only apparently) antithetical places (e.g., fundamentalist Christianity). These counterfeit “opposites” are in fact isomorphic entities, vitally interdependent. Thorne and Kouzmin undertake

formidable revision of the deceptively prevalent modes of social theorizing founded on Manichaean, binary constructions of power and reality, as with materialism v. consciousness, rational v. irrational, technocratic v. populist, religious v. secular. As do authors Hinson and deHaven-Smith, Thorne and Kouzmin establish well-grounded intellectual scaffolding calling for and making possible greater transparency in public affairs.

Perhaps nowhere has state (in)visibility been more persistent and beguiling than in matters of race in America. Author Courtney Jensen descends this labyrinth in Chapter 6, finding that state institutions have played a central, active, and deliberate role in the formulation, propagation, and institutionalization of “race” as a fixed social category and thereafter as an indelible feature of U.S. policy landscapes from housing to employment, law, and education. Jensen’s piece parses recent demands for “colorblind” approaches to policy making, finding that these paeans to “moving past race” recapitulate the very inequities they purport to mitigate, particularly as these pertain to decades of unfair housing practices. Overlooked channels of “affirmative action for whites” are examined here, from New Deal exclusion of farm and domestic labor from collective bargaining rights and social security benefits, to legislation under President Clinton to “end welfare as we know it”.

Once asked who he thought was among the greatest U.S. presidents, Bill Clinton shocked supporters by answering, “Ronald Reagan”. Clinton was Reaganesque in many ways, particularly when signing into law the Anti-Terrorism and Effective Death Penalty Act of 1996 (ATEFDPA), the signal piece of what would become after 2001 a trove of “global war on terrorism” legislation now gutting American civil liberties. Passed rapidly after the bombing incident of a federal building in Oklahoma, the ATEFDPA cleared the way under U.S. law for secret detention and extreme rendition of “terror” suspects under the most specious conditions of proof. What has such law to do with legislation passed recently in Arizona authorizing police detention on the roadside of suspected “illegal immigrants”? With forensic attention to detail, author Mohamad Alkadry examines in Chapter 7 how the “hyper-visible” vested arbitrary appearances render (in)visible the human rights of entire classes of people and how law enforcement discretion in the U.S. is pegged directly to administrative prerogative tethered to murky presumptions of guilt by association.

The sophistication required to navigate a world governed by (in)visible institutional conduct elicits an oxymoronic proposition:



teach children how to deconstruct the world such as it is so that they might create the world such that they would prefer. Author Riste Simnjanovski peers into one of the hazy corners this proposition signifies in Chapter 8. Popular accounts of the “Space Race” peg American federal government involvement in education with the launching of Sputnik in 1957. Federal funding for education soared over the ensuing years from US\$1.7 billion in 1960 to US\$25 billion by 1980, and successive presidents made political points associating the nation’s educational readiness with defense of the homeland against threats from abroad. But as Simnjanovski gives account, U.S. federal involvement in educational doctrine began soon after the nation’s founding with passage of the Northwest Ordinance of 1787, which established broad access to land ownership and subsidized public education because these were the preconditions “to the enhancement of liberty”. Later legislation further enhanced the federal role in education with distinctively militaristic justifications and, with passage of the No Child Left Behind Act in 2001, massive privatization schemes keyed rigidly to standardized test performance. Drawing from empirical analysis of presidential speeches and related documents over six educational epochs, Simnjanovski identifies increasing insinuation of federal involvement in education predicated on military readiness and indoctrination and perennial educational crisis profiteering.

Chapter 9 authors Nada K. Kakabadse and Andrew Kakabadse canvass the vagaries of neoliberal economic and financial doctrine (for which the No Child Left Behind Act is poster child) and the displacement of sustainable social values and institutions with a creedal emphasis on shareholder returns on investment shared by U.K. and American firms. The authors juxtapose market fundamentalist doctrine with the collaborative market economies of successful social democracies in Western and Northern Europe, drawing from case study data of child poverty in the U.K.. How market fundamentalism is the heir of 19th-century social Darwinism is canvassed here, calling attention to what Thorne and Kouzmin postulate regarding power “(in)visibility” and intermittent “fluxing”, as with how the “invisible hand” gospel of neoclassical economics is “inextricably bound to an unaccountable, invisible governmental presence” made profoundly obscured by massively concentrated media ownership. Central to the claims made here are how and in what ways “crisis” can be conceptualized as opportunity for engagement and intercession by the public rather than as shock and trauma that subdues engaged, judicious, and democratic public will formation.