



AN INTRODUCTION TO POLITICAL CRIME



Jeffrey Ian Ross

Foreword written by David O. Friedrichs

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This book is dedicated to
Austin T. Turk, my mentor and colleague,
who introduced me to the academic fields of
criminology and criminal justice, and who
taught me that in professional life, theoretical
and methodological differences among scholars
should be friendly and facilitative.

About the author

Jeffrey Ian Ross, PhD, is a Professor in the School of Criminal Justice, College of Public Affairs, and a Research Fellow of the Center for International and Comparative Law at the University of Baltimore, Maryland, USA.

He has researched, written and lectured primarily on corrections, policing, political crime, violence, and crime and justice in American Indian communities for over two decades. Ross's work has appeared in many academic journals and books, as well as popular media. He is the author, co-author, editor, and co-editor of a number of books including most recently *Policing issues: Challenges and controversies* (Jones and Bartlett Learning, 2012).

Ross is a frequent and respected subject matter expert for local, regional, national, and international news media. He has made live appearances on CNN, CNBC, and Fox News Network. Additionally Ross has written op-eds for *The* (Baltimore) *Sun*, *The* (Maryland) *Daily Record*, *The Gazette* (weekly community newspapers serving Maryland's Montgomery, Frederick, Prince Georges and Carroll counties), the *Baltimore Examiner*, and the *Tampa Tribune*.

From 1995-98, Ross was a social science analyst with the National Institute of Justice, a Division of the US Department of Justice. In 2003, he was awarded the University of Baltimore's Distinguished Chair in Research Award. During the early 1980s, Jeff worked for almost four years in a correctional institution. His website is www.jeffreyianross.com

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Foreword

David O. Friedrichs

In the spring of 2011 news stories once again reported that “crime is in decline,” and in some cases, that within the context of difficult economic circumstances some experts were surprised by this. But what did this mean? These stories were reporting on declines in conventional crimes such as assault, burglary, and theft, as measured by the Federal Bureau of Investigation’s (FBI) Uniform crime report. It is far from clear that the most consequential forms of crime, including white-collar crime and political crime, are in decline. On the latter form of crime a much bigger story being reported throughout 2011 – popular uprisings and rebellions against autocrats and their regimes across North Africa and the Middle East – brought into especially sharp relief some of the complex and sometimes contradictory dimensions of political crime. The uprisings were inspired by the widely diffused perception that the citizens of these countries had been victimized, over a long period of time, by large-scale political crimes, especially the severely autocratic and repressive policies and practices of the leadership – including the torture and execution of political dissidents – and by systematic theft of the national wealth, to the tune of billions of dollars. The autocrats in these countries – notably in Egypt, Yemen, Libya, and Syria – characterized protesters and rebels as “terrorists” and traitors, in effect as political criminals using illegal means to try to bring down the legitimate regime of the country. Many thousands of people were killed in this context, principally by security forces acting on behalf of the regimes being challenged. In some of the countries autocrats were forced to flee, were taken into custody to be tried or were captured and executed, with steps taken to establish a new (and ideally democratic) form of government; in other countries – at least at the time of writing – the autocrats were holding onto power. But one of the big questions in all of this was whether the uprisings would ultimately lead to more or less political crimes, more or fewer victims of political crime in these countries. The cautionary lessons of history in the Middle East (and other parts of the world) have hardly provided a basis for uniform optimism on this score.

In the US at present there has been much commentary on the increasing and dramatic disparities in the distribution of wealth, and the ongoing desperation of millions of unemployed people, homeowners losing their homes, and savers contending with drastically reduced investment accounts. The job prospects for a large cohort of college graduates are especially worrisome. Public disenchantment with the political system is, by some measures, at a record high. In the fall of 2011 an Occupy Wall Street movement spread across the country, as well as in other countries. The protesters are largely united in their view that the Wall Street financial sector is promoting obscene wealth for the “1%,” while too many in the remaining “99%” are struggling. Further, the Wall Street investment bankers, whose fraudulent, reckless, and wholly self-interested actions led to the financial

meltdown of 2008 and subsequent taxpayer bailout, have not been called to account for these actions. The inherently corrupt symbiotic relationship between Wall Street and Washington is one subtheme of these protests, and implicit if not explicit recognition of a “political crime” dimension to present circumstances. Will the US witness outbreaks of rioting and possibly serious challenges to the existing order, as has happened not only in the Middle East but also in at least some measure in major European cities such as London, Madrid and Athens? Is a fundamental transformation of the whole architecture of the political economy on the horizon? This remains to be seen.

Also in the fall of 2011, the 10th anniversary of 9/11 was commemorated. In the Western world, at least, there is a high level of consensus that the 9/11 attacks, leading to the loss of some 3,000 lives, was a monstrous political crime. But it remains to be determined whether the responses to 9/11 – including the pre-emptive invasion of Iraq (“Operation Iraqi Freedom”) – will ultimately be viewed by history as political crime on a large scale. Certainly many parties presently hold that view, especially in the Arab world, but also among many Westerners as well. And many of the other responses of the Bush administration to 9/11 – including the use of torture against suspected terrorists and their allies and a range of infringements on due process – have been quite widely viewed as the manifestation of state-organized political crime.

An introduction to political crime offers a highly instructive mapping of the broad terrain of activities that have been encompassed under the term “political crime,” including acts of political insurrection on the one hand, and crimes of states on the other. The author, Jeffrey Ian Ross, has been an early and active promoter of more criminological attention to crimes of states – and political crime more broadly – in the recent era. His former professor Austin Turk (originally of the University of Toronto) and William J. Chambliss (of George Washington University) were relatively lone voices in the criminological vineyards during the 1970s and 1980s in calling attention to political crime, and state-organized crime. But over the past two decades or so this situation has changed, and there is now a significant group of criminologists – young, middle-aged, and older – who are focused on such crime. Jeff Ross deserves significant credit here, with books such as *Controlling state crime* and *Varieties of state crime*, for making the case for political crime as an appropriate and indeed imperative project for the criminological enterprise. The present book has the potential to recruit a whole new generation of students to become engaged with political crime. Hopefully at least some of the student readers of this book will be inspired to undertake serious scholarly explorations of one or more of the countless questions suggested by the discussion here.

This new edition addresses political crime in a post-9/11 world, and a world where the internet plays an increasingly important role. It incorporates the significant criminological scholarship on political crime that has been published in recent years, makes some new conceptual distinctions and addresses dimensions of political crime not discussed in the original edition, as well as many recent cases of political crime.

If most criminologists focus on conventional crime and its control, how is it that some criminologists become interested in political crime, and crimes of the powerful in particular? In my own case I believe this interest is not unrelated to the fact that my parents were refugees from a criminal state, Nazi Germany, and that I came of age during the era of the 1960s. The Civil Rights Movement and the Anti-War Movement targeting the US military campaign in Vietnam were key events of this era, and my participation in both movements impressed on me the significance of crimes emanating from the powerful and not the powerless segments of society. There are other paths to an interest in political crime, but for the student of criminology some initiative and possibly a measure of professional career risk may be involved. Above all, in my experience, criminological students of political crime tend to believe passionately in the immense importance in being part of a larger, interdisciplinary project of trying to make sense of such crime and generating effective responses toward its containment.

A concern with political crime, and especially those forms of such crime perpetrated by the powerful, has, within criminology, been principally embraced by critical criminologists. But recently some prominent criminologists essentially associated with the mainstream – but in any case not with critical criminology – have turned their attention to political crime. John Hagan, John Braithwaite and Joachim Savelsberg are three prolific and highly regarded criminologists who have called for more criminological attention to crimes of states, and have produced books addressing some forms of such crime. John Hagan fled the US during the Vietnam War error to avoid the draft, John Braithwaite's father was among the very few survivors of a notorious "death march" in the Pacific region during the Second World War, and Joachim Savelsberg grew up in a country contending with the monstrous crimes of the Nazis. Students of political crime and crimes of states may be especially drawn to these topics by personal and family-related experiences.

If conventional crime will surely continue to be a source of considerable harm and suffering, the conviction here is that during the course of the 21st century the overwhelming challenge will be to effectively address political crime, broadly defined. The potential scope of harm emanating from such crime is monumental, with the possibility of nuclear terrorism or nuclear war as just one especially frightening instance of a form of political crime with a level of harm almost beyond imagining. A criminology that aspires to remain relevant in the 21st century must fully engage with the whole range of political crimes, and the challenges of controlling such crime. This book provides students (as well as scholars) with a broad overview of and a basic point of departure for the in-depth study of political crime and its control.

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Preface

My book *The dynamics of political crime* (hereafter *Dynamics*), published in October 2002, consists of 12 chapters, each covering a different basic element within the field of political crime (that is, both oppositional and state crimes). It provides definitions, typologies, and a brief history of each subtype of political crime that has occurred in the US, Canada, and the United Kingdom (focusing on the 1960–2001 period), and discusses the causes and effects of each subtype. Kenneth D. Tunnell, a well-known critical criminologist and the editor of *Political crime in contemporary America* (1993), wrote the foreword. At the time, the only other publication comparable to *Dynamics* was Frank Hagan's *Political crime*, published in 1997 by Prentice Hall; this book has since gone out of print. As yet no other introductory books taking a comprehensive approach to political crime have been published in the intervening years, and there remain no other equivalent studies.

History of *Dynamics of political crime*

Dynamics was the subject of three detailed reviews in scholarly venues. First, Tim Prenzler, in *Australian Journal of Politics and History* (vol 50, no 3, 2004), wrote that the book “represents a voice of moderation and reason in an area where the voices – and actions – of extremists seem to predominate” (p. 465). It is “written in a very basic textbook format for undergraduates, with plenty of sub-headings, textboxes, and sample test questions. The readability, succinctness, explanations of terminology, and structuring of concepts all make it attractive for students. It is nonetheless an extremely useful resource for other audiences ... as well as the interested lay person...” (p. 465). He added, “Overall ... this book provides a valuable contribution to understanding political crimes. And the whole style of the book is itself a partial antidote to extremism. There should be more academic books like this – well researched, smart, but graphic, clear and friendly” (p. 465).

Second, Christopher A. Simon, writing in *Terrorism and Political Violence* (vol 17, no 4, 2005), stated, “Ross does a very good job of demonstrating to students and to instructors that he is cognizant of extant theory.... His writing is very solid and the reader can sense Ross's thought processes here” (p. 663).

And Livy Visano, in *Criminal Justice Review* (vol 31, no 2, 2006), argued that “his treatment of political crime [is] provoking and insightful” (p. 175).

This book is not only an excellent and up-to-date review of the literature on political crime, but it also builds on the strengths of previous research in developing an interdisciplinary explanation that implicates individuals, situations, organizations and resource adequacies. [...] The book is a well-informed, balanced, and compelling presentation of traditional and contemporary theoretical concerns

that confront directly the interaction between antisystemic crime and state crime. (p. 175)

The rationale behind the new edition

Since the publication of *Dynamics*, a number of significant political events have occurred and a respectable amount of academic literature has been published, thus making *Dynamics* obsolete. For example, the book does not include a discussion of the impact of The USA PATRIOT Act, the prisoner abuses at Abu Ghraib and Guantanamo, or the numerous high-level politicians in the US (and elsewhere) who have been accused and convicted of corruption.

It is time, therefore, for an updated, more current and user-friendly version of *Dynamics*. In order to signal these significant changes in terms of content, length and updating, the publisher and I believed that the “second edition” should be titled *An introduction to political crime*. This second edition retains many of the elements reviewers originally found helpful, but goes beyond these.

What the new edition is about

An introduction to political crime is an updated text written in a way that makes it appropriate for classroom adoption and the general public. In general, the revision involved updating the existing text, reviewing additional scholarly literature that has been published since the original version, and adding a discussion of other noteworthy incidents and episodes from current affairs. This new edition also includes more case studies, either in the form of boxes or within the actual text, and updated statistics, particularly for the chapter on oppositional political terrorism (see Chapter Two).

Chapter One examines the obstacles to understanding and interpreting political crime. It also clarifies the definition of political crime, explains why political crime has changed over the past decade since *Dynamics* was published, details the typologies and categories of political crime, and outlines what the book aims to accomplish. Political crime, and its subcomponent parts, is a controversial and highly contested topic. The introduction therefore attempts to explicate some of the general misperceptions of political crime, and the subsequent chapters, each of which each focus on one specific political crime, also shed light on these controversies.

Chapter Two examines the need for a theory of political crime, reviews the varying explanations of political crime, discusses psychological theory and structural theory as the basis for a new theory, and outlines my individual, situation, organization, and resources (ISOR) explanation.

Chapter Three defines political crime and the difficulty with this process.

Chapter Four provides a more detailed, nuanced, and historical rendering of nonviolent oppositional political crimes than what was presented in *Dynamics*, including a longer review of the numerous cases of dissent, sedition, treason, and

espionage in different countries that have occurred since the 1960s. The concepts of resistance and civil disobedience are reviewed in this chapter.

Chapter Five incorporates new material, drawing from relatively recent research produced since the original book's publication. The section on assassination has been significantly expanded, and there is new material on political riots and sabotage.

Chapter Six is an introductory chapter on the subject of state crime, and deals with definitional issues and typologies. It reviews the considerable amount of material written on this subject between 1989 and 2012.

Along with definitional issues, types and causes, Chapter Seven has been revised to address a number of well-known cases of political corruption, including US politicians such as Congressmen Dan Rostenkowski and Randy "Duke" Cunningham. Also reviewed is the case of US lobbyist Jack Abramoff. This chapter also includes a more detailed explanation of police corruption, its causes and controls.

Chapter Eight provides an extended discussion of the controversial USA PATRIOT Act and noteworthy incidents of illegal domestic surveillance conducted by various spy/intelligence agency activities since the 1960s. There is also a greater focus on more contemporary intelligence scandals in Canada and the UK.

Chapter Nine presents a comprehensive analysis of human rights violations and a review of the most important debates that have occurred over the last decade. Because of its topicality, the chapter reviews the abuses (and public reactions to them) at Guantanamo, Cuba.

Chapter Ten deals with numerous types of state violence committed in the US, UK and Canada by state criminogenic agencies, including, but not limited to: torture, deaths in custody, police riots, police use of deadly force, and correctional officer violence.

Definitional issues, typologies and a comprehensive review of the history of state-corporate crime are provided in Chapter Eleven. Throughout the past six years, significant scholarship in this area has been conducted by individuals such as David O. Friedrichs, David Kauzlarich, Ronald C. Kramer, Raymond Michalowski, Dawn L. Rothe, Steve Tombs, and David Whyte, and their work has been integrated into this chapter. They have reviewed the Challenger and Columbia space shuttle incidents, Imperial Foods, Firestone tires, Goodyear tires, Halliburton, Blackwater, Valujet, Carlisle, and various arms smuggling cases.

The book concludes with an expanded Chapter Twelve, which has been revised to draw together additional insights from the preceding 11 chapters.

An introduction to political crime will be useful for upper-level criminology/criminal justice classes, including "special topics in criminology." It can also be used in political science departments, particularly ones that have classes on "public administration," and in sociology departments for class topics such as "political sociology."

An ancillary website is available to be used with this book, where students can find end-of-chapter question (www.policypress.co.uk/resources/ross).

Contents

List of boxes, figures and tables	vi
About the author	vii
Acknowledgements	viii
Foreword by David O. Friedrichs	ix
Preface	xii
<i>one</i> Introduction	1
<i>two</i> Theoretical explanations of political crime	17
<i>three</i> Oppositional political crimes	29
<i>four</i> Nonviolent oppositional political crimes	35
<i>five</i> Violent oppositional political crimes: assassination, riot, sabotage, subversion, and terrorism	53
<i>six</i> State crime	73
<i>seven</i> Political corruption	85
<i>eight</i> Illegal domestic surveillance	101
<i>nine</i> Human rights violations	115
<i>ten</i> State violence	137
<i>eleven</i> State-corporate crime	149
<i>twelve</i> Conclusion: controlling oppositional and state crime	159
References	179
Index	201

List of boxes, figures and tables

Boxes

1.1	Getting a paper published in a peer-reviewed journal	3
2.1	Robert King Merton (1910–2003)	19
2.2	Richard Moran (1944–)	20
2.3	Austin T. Turk (1934–)	20
3.1	Stephen Schafer (1911–76)	30
3.2	Barton L. Ingraham (1930–)	33
3.3	Nicholas N. Kittrie (1928–)	34
4.1	Julius and Ethel Rosenberg	48
5.1	<i>In the Name of the Father</i> (1993)	59
6.1	Gregg Barak (1948–)	74
7.1	<i>Prince of the City</i> (1981)	94
7.2	Frank Serpico	97
8.1	<i>The Conversation</i> (1974)	104
10.1	<i>The Killing Fields</i> (1984)	140
12.1	Noam Chomsky (1928–)	163
12.2	Peter Grabosky (1945–)	164

Figures

2.1	The individual-situation-organizational facilitation-resource adequacy (ISOR) explanation of political crime	25
5.1	Typology of political terrorism	58
6.1	Outline of the three faces of power	77

Tables

3.1	Definition comparison chart	31
3.2	Typology of political crimes	33
8.1	Countries, national security/intelligence agencies and well-known acts of illegal domestic surveillance	112

Introduction

Political crime is rarely examined when studying the dynamics of crime, justice, and law. Yet understanding political offenses or illegalities¹ is fundamental to comprehending the workings of a criminal justice system that selectively defines what is criminal, enforces criminal laws, and adjudicates who are defined as criminals (Kirchheimer, 1961). As a variety of scholars, jurists, policymakers, legislators, and activists have argued, the law and (by extension) crime, qualify as political acts. Hence, interpreting law, crime, and criminals requires a political focus (see, for example, Quinney, 1970, 1977; Miller, 1973; Allen, 1974; Chambliss, 1976; Chambliss and Seidman, 1982).²

Indeed, various criminal acts are explicitly political. For example, sedition and treason have traditionally been viewed by states as political offenses because of their real or alleged threats to order (public, social, or otherwise) or national security.³ As a result, these behaviors have been codified in law.⁴ However, some state reactions to dissent are, in various cases, almost or actually criminal. This is the case when governments occasionally engage in repressive actions, during which law-abiding individuals are placed under surveillance and/or harassed, or groups are infiltrated and/or destabilized.

These escalating state responses are rarely recognized in domestic criminal law. Both types of actions, oppositional and state-initiated, are increasingly understood by many scholars and activists as political crime. Likewise, and according to recent theoretical advances in criminology, sociology, political science, and law, many controversial behaviors are considered politically and socially harmful, yet are not presently classified in legal codes as criminal.

In order to accommodate changes in current thinking, this analysis recognizes that legal definitions of crime are often too narrow and that the law is, by nature, dynamic. In other words, we cannot impose the kind of neutrality on the law that might be implicit in the statement, "Equal justice under the law."

Thus, an alternative, more contemporary, and inclusive definition and conceptualization of crime is needed. One definition that is gaining increasing legitimacy recognizes that crime is not only a type of deviance that has been codified or has been conceptualized as a violation of a criminal law, but it can be interpreted by the wider body politic as any social harm, moral transgression, and/or civil or human rights violation (see, for example, Sutherland, 1949a, 1949b; Schwendinger and Schwendinger, 1975; Bohm, 1993).⁵

This "social justice" perspective acknowledges that some behaviors are not traditionally labeled criminal, but should be, and that certain activities that do not violate the existing law, yet possess the previously mentioned characteristics, should be considered crimes. This notion would accommodate not only the

actions of individuals and organizations, but also those of states, their employees, and their contractors.⁶ Thus, political crime is a more far-ranging label than those previously considered.

Obstacles to understanding and interpreting political crime

As the previous discussion suggests, it is difficult to understand political crime, and several reasons contribute to this state of affairs. In general, there is often a lack of consensus with respect to a definition, availability of reliable information, rigorous analysis, and/or interest in political crimes.

Undoubtedly, considerable confusion exists about what constitutes a political offense. Experts are often divided over how to define political illegalities, and many seem to either avoid defining it, or purposefully define political crime without considering other existing definitions. Moreover, information presented by the mass media (for example, movies, books) and the news media (for example, newspaper, radio, television) minimizes the ability of citizens to understand political crimes without a great deal of confusion (see, for example, Barak, 1994; Warr, 1995).

Although this is less true for oppositional political crimes (for example, terrorism), the mainstream media construction of state crimes (for example, genocide) often presents them as unavoidable illegalities, the “just deserts” inflicted on “irrational” dissidents, or the collateral damages of war. Perhaps more importantly, the identification of crimes by one’s own state is not a popular activity. Many people do not criticize their own political systems’ legitimacy because of high levels of trust, patriotism, deference to authority, apathy, or repeated experiences of powerlessness (see, for example, Dionne, 1991; Ross, 2000a, Chapter 5).

Similarly, citizens may not participate in their polity’s political process because they are cynical, skeptical, and/or complacent with respect to these matters. For most people, the principles of universally applied justice and equality before the law remain central to their idea of the criminal and civil justice process. The notion that their own democratically elected government may commit crimes is unthinkable/deplorable, thus the result is a citizenry that fails to believe that these political offenses are present and/or widespread. Consequently, the citizenry fails to act in the righting of wrongs. On the other hand, one of the interesting and sometimes disconcerting by-products of many high profile dramatic political crimes (especially assassinations and terrorist events) are the numerous conspiracy theories that develop. Well-intentioned individuals and groups often look for or are willing to believe alternative explanations alleging far-ranging conspiracies for these tragic events, dismissing government inquiries by labeling them as whitewashes and/or cover-ups. On the surface, these explanations seem plausible, but they are often seriously flawed.

In many respects, the scholarly study of political crime and the pedagogy surrounding this subject has been marginalized and/or ignored. Criminologists and other social scientists have been slow or reluctant to incorporate the study of political crime into their research agendas. Thus, rarely do scholarly journals

in the field of criminology/criminal justice have articles dealing explicitly with political crime, and few academic books are published on this subject.

Four decades ago, scholars and students would have been hard-pressed to find an introductory criminology textbook that provided a substantial discussion about the role of politics in the creation of crime, much less an entire chapter devoted to the concept of political crime (Moran, 1974, Chapter 2). Today, however, most reputable entry-level criminology texts include this material (Tunnell, 1993a). This is not necessarily because there has been an increase in the amount of political crime or scholarship, but because the subject matter is now considered by instructors, textbook editors/publishers, and perhaps students to be worthy of coverage.

Needless to say, the higher education curriculum is generally reluctant to include classes focusing specifically on political offenses. Few criminology and criminal justice departments at colleges or universities offer courses on political crime. This may be the result of a disproportionate focus on street crime and a lack of training

Box 1.1: Getting a paper published in a peer-reviewed journal

After academic investigators have conducted research, they typically compile their findings in a paper and may present their results at a public forum such as a conference and/or submit it to a respectable and/or recognized peer-reviewed scholarly journal. The journal editor (or board) makes an initial determination about the suitability of the paper (if he or she thinks that the subject matter and approach of the paper will be of interest to its readership and of appropriate academic credibility).

If the paper holds merit, the editor then sends it out to three or more subject matter expert reviewers. The writer's identity is concealed, as is the identity of the reviewers (also known as referees). This process of quality control, called 'blind review', is meant to guard against bias. Reviewers try to determine if the paper is thorough, if it offers an empirical analysis, and whether the methods, data tested, and results seem appropriate. Referees generally make one of three recommendations: accept, reject, or revise and resubmit. Authors may resubmit, but if their work does not show improvement, the editor may refuse the writer/s the opportunity to submit again.

Hopefully the findings from the research process will have an impact on policy and practice, but due to a multitude of factors, unfortunately this is rarely the case. Peer-reviewed research is more credible than non-peer-reviewed research. Peer review strengthens the validity and reliability of the paper. It is the highest standard of research in academia. It is important for the career of a scholar to be published in a peer-reviewed journal. Not all academic or scholarly journals are peer reviewed, however. In order to determine whether a journal is peer reviewed, you have to check the submission criteria, typically listed at the back of the journal or on the journal's website. Also, a paper is not an article until it has been published.