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Abstract

The ellipses of due diligence riddling the official account of the 9/11 incidents continue being ignored by scholars of policy and public administration. This article introduces intellectual context for examining the policy heuristic “State Crimes Against Democracy” (SCAD) (deHaven-Smith, 2006) and its usefulness for better understanding patterns of state criminality of which no extant policy analytic model gives adequate account. This article then introduces papers included in this symposium examining the chimerical presence and perfidious legacy of state criminality against democracy.

Keywords

state crimes against democracy, empiricism, shock and awe, holographic state

[People like you journalists/intellectuals] believe that solutions emerge from your judicious study of discernable reality. That’s not the way the world really works anymore. We’re an empire now, and when we act, we create our own reality. And while you’re studying that reality—judiciously, as you will—we’ll act again, creating other new realities, which you can study, too, and that’s how things will sort out. We’re history’s actors . . . and you, all of you, will be left to just study what we do.

—Senior Bush Advisor, quoted on background
in the *New York Times Magazine*, October 17, 2004¹

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It would never come into [the minds of the masses] to fabricate colossal untruths, and they would not believe that others could have the impudence to distort the truth so infamously. Even though the facts which prove this to be so may be brought clearly to their minds, they will still doubt and waver and will continue to think that there may be some other explanation. *For the grossly impudent lie always leaves traces behind it, even after it has been nailed down, a fact which is known to all expert liars in this world and to all who conspire together in the art of lying. These people know only too well how to use falsehood for the basest purposes* [italics added].

—Adolf Hitler (1939/2002, p. 186)

The past is never dead. It's not even past.

—William Faulkner (1951)²

Shock and Awe: Conspiracy or Standard Operating Procedure?

The prestige that the social sciences have managed to muster has depended, heavily, on behavioral measurement grounded, mostly, on principles of observational and measurable methodologies. It is against this juggernaut, methodological predilection that so-called “conspiracy theorizing” has been so mismeasured, derogated, ridiculed, and dismissed. Yet as 9/11 has shown anyone paying attention, regardless of motives, modus operandi, or culpability of suspects, behavior that is “observable” is not always measurable, at least, not straightforwardly so. Likewise, that which is measurable is very often not observed; terrorists and sovereign states alike have long shared murky modus operandi. As William Blum, preeminent chronicler of U.S. military penetration across the globe, has commented,

The *de facto* censorship that leaves so many Americans functionally illiterate about the history of the US foreign affairs may be all the more effective because it is not so much official, heavy-handed or conspiratorial, as it is woven artlessly into the fabric of education and media. No conspiracy is needed. The editors of *Readers Digest* and *U.S. News and World Report* do not need to meet covertly with the representative from NBC in an FBI safe-house to plan next month's stories and programs; for the simple truth is that these individuals would not have reached the positions they occupy if they themselves had not all been guided through the same tunnel of camouflaged history and emerged with the same selective memory and conventional wisdom. (Blum, 2004, p. 15)

Virtually every American would be shocked, if not also awed, by the knowledge that the U.S. government has, since WWII, instigated or otherwise orchestrated not

one, two, or a half dozen, but fifty-five and still counting coups and/or razing of sovereign governments in developing nations across the globe (Blum, 2004; Chossudovsky, 2003; Juhasz, 2006). Syntax in these matters is of course relevant, as with the semiotic and semantic distinctions to be made between the couplets “‘shock’ and ‘awe’” and “Shock and Awe.” The latter is, of course, banner phrasing denoting the avowed and practiced doctrine of the United States Military, as follows:

Shock and Awe [*sic*] are actions that create fears, dangers, and destruction that are incomprehensible to the people at large, specific elements/sectors of the threat society, or the leadership. Nature in the form of tornadoes, hurricanes, earthquakes, floods uncontrolled fires, famine, and disease can engender Shock and Awe. (Edney, 1996, p. 110)

Shock and awe can also be more clinically induced. As author Naomi Klein (2007) has diligently chronicled, shock experimentation on psychiatric patients carried out in the mid-20th century in clinical venues, intended to erase long-term memory storage and retrieval capacity, bears homologous congruence to the neoliberalist doctrine promulgated by the Chicago School of Economics under the tutelage of Milton Friedman. As Friedman (1962/1982) himself wrote,

Only a crisis—actual or perceived—produces real change. When that crisis occurs, the actions that are taken depend on the ideas that are lying around. That, I believe, is our basic function: to develop alternatives to existing policies [world-wide], to keep them alive and available until the politically impossible becomes the politically inevitable. (p. ix)

As Klein (2007) documents,

For three decades, Friedman and his followers had methodically exploited moments of shock in other countries—foreign equivalents of 9/11, starting with Pinochet’s coup on September 11, 1973. What happened on September 11, 2001, is that an ideology hatched in American universities and fortified in Washington institutions had finally had its chance to come home. (p. 12)

Scholars reading the article before them, at this moment, might similarly be shocked and awed that Milton Friedman, himself awarded the Nobel Prize for Economics in 1976, consulted directly with Chilean dictator General Augusto Pinochet, advising him just weeks following his violent coup d’état against Chilean President Salvador Allende, on (as it so happens) September 11, 1973, to impose immediate, rapid-fire transformation of the Chilean economy, abiding a formula that would be replayed by U.S. involvement across the globe for the next three decades and more: drastic tax cuts for the wealthy, deregulation, gutting of social services, and privatization of formally civic functions and duties (Klein, 2007); all bundled, for the most part, under

plain sight; all carried out, for the most part, like clockwork following repeated, murky shock and awe incidents around the globe precipitating the rise of increasingly secretive police apparatus.

Tracking the Illusionary: Empiricism Within the Holographic Dilemma

The quotation attributed to a high-ranking Bush official opening this article bears striking congruence with political theorist Michel Foucault's insights regarding "governmentality" (cf. Burchell, Gordon, & Miller, 1991): Implicit to all governmental "truth claims" is an invisible, unspoken covenant between official and public, by which the public sacrifices radical sovereignty for banal "security." By this unspoken covenant, *power* determines by what criteria declarations and/or claims of "fact" must be substantiated. Even when the truth—what is "real"—is too obvious to deny or to spin—when, for example, weapons of mass destruction are not found in Iraq, or residents of New Orleans are left stranded after Hurricane Katrina—illusory claims by elites, their auxiliaries, and governing officials still leave "traces" that resist being overcome by the *facts* as most of the rest of us understand them. This is why emergent American governmental praxis has been called the "holographic state" (Witt & deHaven-Smith, 2008); for it manifests the capacity to render "realities" and policy prescriptions profoundly illusory—profoundly "holographic."

As with how holographic film retains its potency even after being spliced repeatedly, state authority to surveil alleged terrorist activity can now be parsed scores over without losing potency: So-called "lone wolf" provisions of USA PATRIOT legislation have gutted constitutional restraints on federal authority from using intelligence gathering as pretext for expeditious surveillance of any parties transacting (or even merely receiving) any electronic communication with/from *alleged* terrorist suspects. This permission of federal authority to appear anywhere at any time with full legal potency through so-called online "sneak and peak" and "trap and trace" authority has tumbled the firewall between federal intelligence and state- and local-level criminal investigation. U.S. federal authority to pre-empt local-level criminal investigation can now be transacted with electromagnetic speed; such blurring of intelligence and criminal investigation now effaces Fourth Amendment protections (also dual sovereignty specified by the Tenth Amendment) into the foreseeable future.

The official account of 9/11 bears the imprimatur of such illusory authority, as with what follows. On September 11, 2001, at 8:14 a.m., United Airlines Flight 175 left Boston, just about the time when the Federal Aviation Administration (FAA) had learned that American Airlines Flight 11, leaving Boston 15 minutes earlier, may have been hijacked. By 8:42, the radio and transponder of Flight 11 signaled that the aircraft had veered off course, indicating that a hijacking was almost certainly in progress. Reportedly, the FAA notified the North American Aerospace Defense Command (NORAD) at 8:43 a.m. of Flight 11. As summarized by one diligent 9/11 inquisitor, professor of philosophy and religion at Claremont School of Theology, David Ray Griffin (2004),

NORAD should have had fighter jets intercepting this plane by 8:53. And by this time, being 7 minutes after the first hijacked plane had hit the [World Trade Center], the fighters certainly should have been ready to shoot down this second hijacked plane if it did not immediately follow [standard intercept orders]. Instead, however, no planes intercepted Flight 175, and it crashed into the WTC's South Tower at 9:03 a.m. (p. 7)

Five days later, on September 16, Vice President Dick Cheney, appearing on *Meet the Press*, claimed that the authority to intercept and/or shoot down commercial aircraft was "a presidential-level decision" (Griffin, 2004, p. 6). Notably, as Griffin (2004) adumbrates, the vice president's comment conflates two commands into one. Similarly, on September 13, General Richard Myers, then acting chairman of the Joint Chiefs of Staff, testified before the Senate Armed Services Committee, "After the second tower was hit, I spoke to the commander of NORAD, General Eberhart. And at that point, I think the decision was . . . to start launching aircraft" (Griffin, 2004, p. 6). In both these instances, top-level officials indicate that the order to intercept hijacked planes resides only at the highest levels of command. Yet this testimony contradicts standard operating procedures long in place and documented regarding incident of hijacked planes or otherwise unauthorized flight patterns, whereby a chain of authority has been instituted for interception, beginning with the secretary of defense, "with the exception," according to military regulations, that if the secretary cannot be located, then others in the subordinate chain could so claim authority to avert "loss of lives" and/or "great property damage."³ Among the recommendations issued by the *9/11 Commission Report*, the following stands out for present purposes:

We believe the 9/11 attacks revealed four kinds of failures: in imagination, policy, capabilities, and management. . . . It is therefore crucial to find a way of routinizing, even bureaucratizing, the exercise of imagination. (pp. 339, 344)

Within a document more than 500 pages long, only 14 pages are devoted to explicating this call for imagination. Another 68 are dedicated to explicating, among other initiatives, the repetitive summons for "unity of effort" across various security and defense intelligence domains, closing with a call to organize "America's Defenses in the United States." Copious explication is dedicated to explaining why defense intelligence must bridge domestic and international authorities, blessing, 3 years after the fact, the formation of PATRIOT legislation and related administrative initiatives that have so profoundly altered cornerstones of American civil liberties. Notably, across these 500-plus pages of ardent and grave commentary, there is no rigorous examination of how it was that not one, but reputedly four commercial aircraft could be permitted to veer so fatefully off course without interception, including within a zone of air defense surveillance over the Pentagon that is second to none on Earth;⁴ nor is any verification derived from General Myers or Vice President Dick Cheney upon what basis they claimed NORAD

intercept authority could have been so muddled and delayed that fateful day, killing nearly 3,000 civilians.

Scores of related and troubling matter within the “holographic” state would emerge shortly after 9/11, circulating the Internet over the past several years, some of which has made its way into published journalistic accounts (cf. Ahmed, 2005; Griffin & Scott, 2007; Marrs, 2006; Zwicker, 2006). This nonacademic inquiry calls for the rather more prosaic and, perhaps, also courageous praxis than the imaginative inquiry the *9/11 Commission Report* so gravely summons; due diligence that can square, among other disparate claims of fact, the two following strands: (a) standard public administrative operating procedures, rehearsed, documented, and carried out scores of times each year; with (b) the probabilistically implausible, comprehensive failure of NORAD to respond according to procedure even after the first World Trade Center tower had been hit.

E pur si Muove (And yet, It Moves)

Notwithstanding a murmur of published scholarly inquiry, a foreboding silence shrouds these matters across academic venues, silence that is nowhere more astonishing than in the aftermath of scholarly due diligence by Brigham Young University physicist Steven Jones, a hitherto lifetime Republican (voting for George W. Bush twice), a well-respected and published materials scientist and beloved teacher with no personal history of previous political activism, whose research inquiry into 9/11 reveals indissoluble material evidence—from dust samples obtained shortly after the attacks—that the Towers were imploded and exploded (not “pancaked”).

Jones’s inquiry of these samples finds the chemical equivalent of thumbprint evidence for the presence of explosive and metal melting compounds throughout the debris at Ground Zero (Jones, 2008). This evidence, combined with extensive and corroborated eyewitness testimony from Ground Zero of rocking explosions prior to and following impacts, as well as undisputed materials science (including the virtual impossibility of diffuse fire substantially diminishing structural steel strength), all powerfully suggests that the World Trade Towers (1, 2, and 7) could only have been felled by internally placed explosives administered with extensive access through security clearance and with the best demolition expertise available.

For his studious efforts and judicious request for peer review of his various inquiry into 9/11 contradicting the official “pancake theory” of the Towers’ collapse, Professor Jones eventually found himself compelled to accept early retirement by Brigham Young University and refused peer review by any extant academic journal.⁵ Jones’s inquiry into dust samples from 9/11 does not propose any sort of new or controversial science; rather, Jones calls merely for the application of science where its impartial *métier* seems so gravely warranted. It is, rather, the official “pancake theory” of the Towers’ collapse that whistles up new science, claims that ought, therefore, to elicit immediate, scientifically rigorous and peer-reviewed tests of steel tolerances in the interest of public safety around the world. No such tests meeting the canon of scientific rigor have anywhere been carried out.

There will be no dearth of gainsaying the “what if?” and “why not?” disputations about 9/11 into the foreseeable future. The vice president’s comments mentioned above will be repeatedly disavowed as “taken out of context”; the mysterious nonresponsiveness of NORAD that fateful day will likewise be explained away as a failure in routine communication transaction, and so on, *ad nauseum infinitum*. As if so many indistinguishable grains of sand passing unnoticed through an hourglass, matters of utmost relevance to the American polity, not to mention world affairs, have garnered circuitous inquiry at best, much less the kind of administrative imagination the *9/11 Commission Report* itself so gravely called for now 5 years ago. Like the “ominously, dreadfully silent” Senate Chamber on eve of war in Iraq that Senator Robert Byrd (D-WV) would disparage in his Senate floor speech of February 12, 2003; likewise is the case for American public policy and allied scholarship in matters pertaining to the utmost relevance for our time; not to mention the profound disavowal of still burning, molten questions originating at 9/11 Ground Zero gone begging by the American media. No conspiracy needs alleging for such inquiry to initiate; allegations neither before the fact, nor any other incendiary rhetoric, are necessary for fact finding to play its judicious course in this matter.

The official commentary on 9/11 reveals glaring gaps and not a few bright line contradictions. But our intentions in this symposium are to step back from these matters to attempt imparting coherence across an arcing, “holographic” drama denoted by quizzical ellipses and grave implications, as which 9/11 poses us. The articles assembled here are intended to delineate the long shadows and also intricate crevices and fissures denoting current American behavioral conditions, dilemmas and challenges bearing the imprimatur of still begging, troubling questions left by 9/11, but which extend at least as far back as WWII. Like the molecular thumbprint evidence available from Ground Zero, the imprimatur not only of 9/11, but scores of other shocking incident in the shadow of American world dominance, has proved extraordinarily elusive.

Empiricism Revisited

You [pliant intelligentsia] were the dead; theirs [the workers’ destiny] was the future. But you could share in that future if you kept alive the mind as they kept alive the body, and passed on the secret doctrine that *two plus two make four* [italics added].

—George Orwell (1949/2003, p. 227)

All science requires the parsing of “cause” and “effect,” a matter of banal “methodological rigor” that is of interest to very few people outside the cloistered precincts of academic inquiry. But as the chronicle of American foreign policy and mute media indicates, the parsing and linkages of so many grave and worrisome “causes and effects” is hardly a straightforward matter: Inconvenient truths can refract any number of presumptively straightforward propositions, not unlike how a house of mirrors

imparts a vertigo sensation of disequilibrium; or which the hubris opening this article seems to signal; or, as in the epochal passage from George Orwell above indicates, as how $2 + 2 = 4$. . . *sometimes*. Each of the contributors to this symposium poses for consideration the profound dilemmas confronted when elusive incidents, under imaginative scrutiny of the kind the *9/11 Commission Report* itself calls for, begin to reveal coherent, albeit troubling pattern.

First, author Lance deHaven-Smith takes up the implications of murky incidents that bear consistent motive and/or modus operandi in his piece giving account of “State Crimes Against Democracy” (SCAD). The SCAD heuristic is essentially a framework for developing a unified theory of state criminality undermining democracy, itself. Rather than focusing on individual, political crimes and suspected crimes, the SCAD heuristic calls for analysts to look for “event clusters” of suspicious incidents that are characterized by similar tactics, targets, beneficiaries, and/or synchronous policy consequences. This approach reveals telling patterns in state political criminality, patterns pointing to plausible actors and institutional vulnerabilities.

Next, author Chris Hinson examines SCAD secrecy, drawing lessons from the three most thoroughly investigated examples of state political criminality in recent U.S. history. According to Hinson, the United States has developed a complex secrecy framework to govern the classification and de-classification of state secrets. However, the effective functioning of this framework depends on the good intentions of public officials at the highest levels. If and when presidents and/or vice presidents decide to conspire against popular sovereignty and democratic accountability, secrecy can easily be turned into a device to shield criminality from congressional oversight. Similarly, “selective leaking” can be used to mislead Congress, independent prosecutors, and the nation. The role of secrecy in Watergate, Iran-Contra, and Plame-Gate demonstrates the urgent need to reform U.S. secrecy laws so that they are less vulnerable to abuse.

Apropos Adolf Hitler’s insight that “the grossly impudent lie always leaves traces behind it, even after it has been nailed down,” author Laurie Manwell discusses some of the cognitive constructs that can prevent people from considering evidence of SCADs, specifically in relation to the events of September 11, 2001, and the American-led War on Terror in Afghanistan and Iraq. Drawing upon experimental research in terror management theory and system justification theory, Manwell examines how government officials and mainstream media can manipulate mass publics into forfeiting their civil liberties and abrogating their civic duties. Although people often harbor suspicions about the motives of bureaucrats and politicians, most people disregard claims that public officials in general, and especially those at the highest levels, could or would conspire in election tampering, assassinations, mass murder, or other high crimes; such claims, Manwell reminds us, are difficult for citizens of those states to comprehend, even when backed by substantial corroborating evidence. The uses by leaders of censorship, suppression of information, imprisonment, and torture to subjugate political opponents are not tactics exclusive to authoritarian states: Elites everywhere have access to and motives for such tactics, as America’s many post-WWII clandestine involvements in foreign governments give testament. Yet theories

of political assassinations, terrorist attacks, and other national tragedies that differ from official, sanctioned accounts of such events are frequently dismissed by mass publics because they evoke strong cognitive dissonance—emotionally charged cognitions occurring when new ideas or information conflict with previously formed ideologies and accepted beliefs. Such dissonance is the societal residue left lingering following this or that Shock and Awe. The persistence of faulty beliefs at both the individual and societal levels probably plays an important psychological function by promoting feelings of safety and justice occluding awareness of potential vulnerability and exploitation.⁶ By implication, Manwell reasons that social truth and justice movements and reform initiatives need to include strategies for resolving the cognitive dissonance that their claims and proposals inevitably provoke.

The mechanisms for channeling and normalizing the dissonance Manwell excavates is matter taken up by authors Kym Thorne and Alexander Kouzmin. According to these authors, the “War on Terror” provides an unusual window for “seeing” real convergence among and between state actors engaged in the largely “invisible” manoeuvring over framing and reframing of antiterrorism legislation in the United States, Europe, and Australia. A cursory, comparative glance at The USA Patriot Act 2001, The USA Patriot Act 2006, other converging legislative variations in the EU/UK and Australia, and even Stalinist legislation—Article 58, Criminal Code of the RSFSR (1934) (Solzhenitsyn, 1974, 1997)—reveals a governance convergence towards the use/abuse of the “politics of fear.” The now essential irrelevance of habeas corpus and the abolition of “double jeopardy,” secret and protracted detention and torture, and increasing geographic prevalence of surveillance technologies across Anglo-American nations has many citizens concerned about the rapidly convergent, authoritarian behaviour of political oligarchs and the actual destruction of sovereignty and democratic values under the onslaught of antiterrorism hubris, propaganda, and fear. In Australia, for example, the rhetoric of a world “transformed” since 9/11 and the “War on Terror” justifies a security apparatus, developed over the past 6 years, which assures Australian citizens of imprisonment without trial and home detention and sedition laws against speech. Contributing authors Thorne and Kouzmin examine if the USA Patriot Acts of 2001 and 2006, sanctioned by the U.S. Congress, are examples, themselves, of SCAD.

Closing this symposium, Matthew Witt exhorts scholars to examine why questions of paramount relevance to public affairs scholarship continue to be rendered invisible or otherwise eclipsed by what passes as critical scholarship.

The Spanish Inquisition summoned the physicist Galileo Galilei (1564-1642) to stand trial for heresy in 1633 for his claims of heliocentrism in his 1632 book, *Dialogue Concerning the Two Chief World Systems*. Part satire, part Socratic inquiry, the *Dialogue* appeared to ridicule then-Pope Urban VIII, previously a major supporter whom Galileo could depend upon for deflecting swelling reaction to Galileo’s theories over the previous two decades. Galileo recanted his theories that the Earth moved, rotating in orbit around its sun, before Inquisition tribunal. As legend has it (with scarce substantiation), Galileo muttered just under his breath upon recanting, *E pur si muove!* (And yet, it moves!). It would have been reckless hubris for Galileo to have

done so. Heresy was punishable by death, as in the case of Giordano Bruno, burned at the stake in 1600 for refusing to recant heretical views including, reputedly, heliocentrism. We of course live in far less barbaric times, far more amenable to if not welcoming of scientific inquiry, whether into September 11 of 1973, 2001, or otherwise. On behalf of the authors here assembled, the guest editors of this symposium wish to thank *American Behavioral Scientist* for hosting this inquiry.

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Notes

1. The passage cited here is broadly believed to originate with former Bush Chief of Staff Karl Rove. The article referred to was authored by Ron Susskind, also author of *The Price of Loyalty: George W. Bush, the White House, and the Education of Paul O'Neill* as well as *A Hope in the Unseen* and *The One Percent Doctrine: Deep Inside America's Pursuit of Its Enemies Since 9/11*.
2. The line cited here appears in Act I, Scene III of *Requiem for a Nun*.
3. According to the definition of "immediate responses" to aircraft hijacking, a 1997 Department of Defense (DoD) directive specifies that such incident do not require the highest levels of approval:

Requests for an immediate response (i.e., any form of immediate action taken by a DoD Component or military commander to save lives, prevent human suffering, or mitigate great property damage under imminently serious conditions) may be made to any Component of Command. The DoD Components that receive verbal requests from civil authorities for support in an exigent emergency may initiate informal planning and, if required, immediately respond as authorized in DoD Directive 3025.1.

For further, detailed chronology and exegesis examining NORAD failures on 9/11, see Ahmed (2005).

4. The plane reputed to have hit the Pentagon, a 757 class aircraft, would have been required to perform a banking turn arcing 270 degrees at approximately 830 kilometers/hour, managing then to fly only scores of meters above ground while managing to arc over a hillside en route to target. The 757's lumbering fuselage and maneuverability make such a flight path essentially unimaginable.
5. At public lecture in Los Angeles, February 23, 2008, Jones said that he had been contacted via e-mail numerous times in 2005 by a source identifying himself as an engineer with "contacts at [the Department of] Homeland Security," who likewise had contacted several administrators at Brigham Young University after Jones refused to remove his paper, "Why

Indeed Did the World Trade Center Buildings Collapse?” from the Department of Physics Web site. The source indicated in a series of e-mail to Jones that “the publication of this article can be stopped. . . . You need to give this very serious consideration. . . . This is an issue that is more important than any individual career” (Jones, 2008). The source also, according to Jones, assured him of sizable government research grant for any research he undertook as long as it had nothing to do directly with 9/11. Jones’s paper would eventually be published as book chapter (Griffin & Scott, 2006) and in the online journal Jones helped start, the *Journal of 9/11 Studies* (see <http://www.journalof911studies.com/>). For more, see Jones (2008).

6. It bears noting that academics are themselves not immune to the dissonance-induced tendencies to distort and otherwise elude critical examination of material as which 9/11 presents. Research suggests that middle-class, professional personnel, whose status depends upon organizational *role* affiliation (as opposed to either *rule* or *value* affiliations) are among those most likely to subordinate individual morality to hierarchical authority (Kelman & Hamilton, 1989). Academia is, of course, populated with many such decent people. In the coauthors’ experience with presentation and conversation with colleagues at academic conferences pertaining to matters this symposium addresses, this tendency is as evident among staunch intellectual critics of neoliberalism as it is among those of more traditional scholarship and/or conservative viewpoints.

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