

9/11, DEEP STATE VIOLENCE, AND THE HOPE OF INTERNET POLITICS

by Peter Dale Scott

The Deep State and 9/11

The unthinkable – that elements inside the state would conspire with criminals to kill innocent civilians – has become not only thinkable but commonplace in the last century. A seminal example was in French Algeria, where dissident elements of the French armed forces, resisting General de Gaulle’s plans for Algerian independence, organized as the Secret Army Organization and bombed civilians indiscriminately, with targets including hospitals and schools.¹ Critics like Alexander Litvinenko, who was subsequently murdered in London in November 2006, have charged that the 1999 bombings of apartment buildings around Moscow, attributed to Chechen separatists, were in fact the work of the Russian secret service (FSB).²

Similar attacks in Turkey have given rise to the notion there of an extra-legal “deep state” – a combination of forces, ranging from former members of the CIA-organized Gladio organization, to “a vast matrix of security and intelligence officials, ultranationalist members of the Turkish underworld and renegade former members of the [Kurdish separatist] PKK.”³ The deep state, financed in part by Turkey’s substantial heroin traffic, has been accused of killing thousands of civilians, in incidents such as the lethal bomb attack in November 2005 on a bookshop in Semdinli. This attack, initially attributed to the Kurdish separatist PKK, turned out to have been committed by members of Turkey’s paramilitary police intelligence service, together with a former PKK member turned informer.⁴ On April 23, 2008, the former Interior Minister Mehmet Agar was ordered to stand trial for his role in this dirty war during the 1990s.⁵

In my book *The Road to 9/11*, I have argued that there has existed, at least since World War Two if not earlier, an analogous American deep state, also combining intelligence officials with elements from the drug-trafficking underworld.⁶ I also pointed to recent decades of

¹ In the single month of March 1962, the OAS set off an average of 120 bombs per day (“The Generals’ Putsch,” <http://countrystudies.us/algeria/34.htm>).

² BBC News, November 24, 2006: “Alexander Litvinenko wrote a book in which he alleged Federal Security Service (FSB) agents in Russia coordinated the 1999 apartment block bombings in the country that killed more than 300 people.”

³ Gareth Jenkins, “Susurluk and the Legacy of Turkey’s Dirty War,” *Terrorism Monitor*, May 1, 2008, <http://www.jamestown.org/terrorism/news/article.php?articleid=2374142>.

⁴ Nicholas Birch, *Irish Times*, November 26, 2005,

<http://www.ireland.com/newspaper/world/2005/1126/1908792893FR26TURKEY.html>. Former Turkish president and prime minister Suleyman Demirel later commented on this incident that “It is fundamental principle that there is one state. In our country there are two....There is one deep state and one other stateThe state that should be real is the spare one, the one that should be spare is the real one.” (Jon Gorvett, “Turkey’s ‘Deep State’ Surfaces in Former President’s Words, Deeds in Kurdish Town,” *Washington Report on Middle East Affairs*, January/February 2006, http://www.washington-report.org/archives/Jan_Feb_2006/0601037.html).

⁵ Jenkins, “Susurluk and the Legacy of Turkey’s Dirty War.” A Google search on June 7, 2008, for “Semdinli + PKK” in major world English-language publications yielded 157 results. Of these just two were from the United States. Of these one (*Washington Times*, December 6, 2005) did not mention the deep state’s involvement in the incident at all. The other (*Newsweek*, November 28, 2005) defined the deep state without mentioning its underworld involvement. A similar search for “deep state” revealed the same paucity of coverage in the U.S. media.

⁶ Peter Dale Scott, *The Road to 9/11: Wealth, Empire, and the Future of America* (Berkeley and Los Angeles: University of California Press, 2007), 4-7, 14-17, etc.

collaboration between the U.S. deep state and al-Qaeda, a terrorist underworld whose drug-trafficking activities have been played down in the 9/11 Commission Report and the mainstream U.S. media.⁷

Still to be explained is the suppressed anomalous fact that al-Qaeda's top trainer on airplane hijackings, Ali Mohamed, was simultaneously a double-agent reporting to the FBI, and almost certainly still maintained a connection to the CIA which had used him as an agent and helped bring him to this country in the 1980s.⁸ It is not disputed that Ali Mohamed organized the Embassy bombing in Kenya; and that he did so after the RCMP, who had detained him in Vancouver in the presence of another known terrorist, released Mohamed on instructions from the FBI.⁹

From this historic background of collaboration, I would offer a hypothesis for further investigation: that the American deep state is somehow implicated with al-Qaeda in the atrocity of 9/11; and that this helps explain the conspicuous involvement of the CIA and other U.S. agencies in the ensuing cover-up.

Sibel Edmonds, the Turkish-American who was formerly an FBI translator, has publicly linked both al-Qaeda and American officials to the Turkish heroin trafficking that underlies the Turkish deep state. Although she has been prevented from speaking directly by an extraordinary court order,¹⁰ her allegations have been summarized by Daniel Ellsberg:

Al Qaeda, she's been saying to congress, according to these interviews, is financed 95% by drug money - drug traffic to which the US government shows a blind eye, has been ignoring, because it very heavily involves allies and assets of ours - such as Turkey, Kyrgyzstan, Tajikistan, Pakistan, Afghanistan - all the 'Stans - in a drug traffic where the opium originates in Afghanistan, is processed in Turkey, and delivered to Europe where it furnishes 96% of Europe's heroin, by Albanians, either in Albania or Kosovo - Albanian Muslims in Kosovo - basically the KLA, the Kosovo Liberation Army which we backed heavily in that episode at the end of the century....Sibel says that suitcases of cash have been delivered to the Speaker of the House, Dennis Hastert, at his home, near Chicago, from Turkish sources, knowing that a lot of that is drug money.¹¹

⁷ Scott, *The Road to 9/11*, 121-22, 124-27, 163-69.

⁸ Scott, *The Road to 9/11*, 139-42, 150-60, etc.; Peter Lance, *Triple Cross: How bin Laden's Master Spy Penetrated the CIA, the Green Berets, and the FBI -and Why Patrick Fitzgerald Failed to Stop Him* (New York: Regan/HarperCollins, 2006).

⁹ Scott, *The Road to 9/11*, 153; citing *Toronto Globe and Mail*, November 22, 2001. It is no accident that the mainstream U.S. press have been silent, not just concerning this important fact, but also about the two books recording it: Peter Lance's *Triple Cross* and my own *The Road to 9/11*. *Triple Cross* finally got mentioned by name in the *New York Times*, but only because its publisher, Judith Regan, was dismissed by Rupert Murdoch's News Corporation (*New York Times*, December 19, 2006).

¹⁰ On October 18, 2002, Attorney General John Ashcroft invoked the State Secrets Privilege in order to prevent disclosure of the nature of Edmonds' work on the grounds that it would endanger national security.

¹¹ Daniel Ellsberg with Kris Welch, KPFA, 8/26/06, <http://wotisitgood4.blogspot.com/2006/10/ellsberg-hastert-got-suitcases-of-al.html>.

In 2005 Sibel Edmonds' charges were partly aired in *Vanity Fair*. There it was revealed that she had had access to FBI wiretaps of conversations among members of the American-Turkish Council (ATC), about bribing elected US officials, and about "what sounded like references to large-scale drug shipments and other crimes."¹²

9/11: Not a Coup d'Etat, but One of a Series of American Deep Events

In 2003 Italian journalist Maurizio Blondet published a book entitled *11 settembre: colpo di stato (September 11th: A Coup d'Etat, [Milan, Effedieffe, 2002])*.¹³ Over the years the view of 9/11 as a "coup d'état" has been endorsed by a number of observers, including Gore Vidal.¹⁴ In May 2008 a Google search for "coup d'état + 9/11" yielded 297,000 hits. One of the most recent hits, from Ed Encho, has suggested that the heart of the coup may have been the introduction on 9/11, without debate or even notice, of so-called "Continuity of Government" (COG) orders – secret orders still unknown but with constitutional implications.¹⁵ Unquestionably, as the 9/11 Commission Report states, COG, the fruit of two decades of secret Cheney-Rumsfeld collaboration, was implemented on 9/11.¹⁶ As we shall see, it is not clear just what this implied, either then or today. But journalists have claimed that earlier versions of COG plans involved suspension of the constitution.¹⁷

However to call 9/11 a coup d'état exaggerates the difference between the current weakened condition of the public state, and the prior state of affairs that has been building for years, indeed for decades, towards just such a dénouement. For half a century the constitution and laws of the open or public state have been first evaded, then eroded, then increasingly challenged and subverted, by the forces of the deep state. I wish to suggest that this erosion has been achieved in part through a series of important deep events in post-war American history –

¹² *Vanity Fair*, September 2005. According to the ATC web site, "As one of the leading business associations in the United States, the American-Turkish Council (ATC) is dedicated to effectively strengthening U.S.-Turkish relations through the promotion of commercial, defense, technology, and cultural relations. Its diverse membership includes *Fortune* 500, U.S. and Turkish companies, multinationals, nonprofit organizations, and individuals with an interest in U.S.-Turkish relations." It is thus comparable to the American Security Council, whose activities in 1963 are discussed in Scott, *Deep Politics*, e.g. 292.

Edmonds has been partially corroborated by Huseyin Baybasin, another Turkish heroin kingpin now in jail in Holland, in his book *Trial by Fire*: "I handled the drugs which came through the channel of the Turkish Consulate in England." But as he adds: "I was with the Mafia but I was carrying this out with the same Mafia group in which the rulers of Turkey were part." Baybasin claimed he was assisted by Turkish officers working for NATO in Belgium ("The Susurluk Legacy," By Adrian Gatton, *Druglink Magazine*, Nov/Dec 2006, http://adriangatton.com/archive/1990_01_01_archive.html).

¹³ Also in 2003 former government consultant Chalmers Johnson declared, in an interview, that what happened in Florida after the 2000 election was a "coup d'état" (*Critical Asian Studies*, 35, no. 2 [2003], 303). In the same year Bill Moyers, a veteran of the Johnson White House, wrote of the G.W. Bush to realign government as "the most radical assault on the notion of one nation, indivisible, that has occurred in our lifetime" (Text of speech to the Take Back America conference sponsored by the Campaign for America's Future, June 4, 2003, Washington, DC, <http://www.commondreams.org/views03/0610-11.htm>).

¹⁴ Interview with Alex Jones, November 2, 2006, http://jonesreport.com/articles/021106_vidal.html.

¹⁵ Ed Encho, "9/11: Cover For a Coup D'Etat?" *OpEdNews*, May 27, 2008, <http://www.opednews.com/maxwrite/diarypage.php?did=7521>.

¹⁶ 9/11 Commission Report, 38, 326; Scott, *Road to 9/11*, 228-29.

¹⁷ Scott, *The Road to 9/11*, 183-87; citing Ross Gelbspan, *Break-ins, Death Threats, and the FBI: The Covert War against the Central America Movement* (Boston: South End Press, 1991), 184; Alfonso Chardy, *Miami Herald*, July 5, 1987.

events aspects of which (it is clear from the outset) will be ignored or suppressed in the mainstream media.

Recent history has seen a number of such events, such as the assassination of John F. Kennedy, that are so inexplicable by the public notions of American politics that most Americans tend not even to think of them. Instead most accept the official surface explanations for them, even if they suspect these are not true. Or if others say they believe that “Oswald acted alone,” they may do so in the same comforting but irrational state of mind that believes God will reward the righteous and punish the wicked.

Thus on the one hand we must see that America has reached a condition where traditional civil rights are flagrantly restricted as never before – as when former Attorney General Gonzalez told a shocked congressional committee that “There is no expressed grant of habeas corpus in the Constitution.”¹⁸ At the same time, we must see that 9/11, as an unexplained or deep event nudging us away from constitutional normalcy and into an unnecessary permanent state of war, is not unprecedented. It is one of a series of similar unexplained events, all of which have had similar results, reaching back to the second Tonkin Gulf incident, the Kennedy assassination, even the misremembered outset of the Korean War.

The simulated “surprise” of the Bush administration to the 9/11 attack is indeed analogous to the simulated “surprise” of the Truman administration to the outbreak of war in Korea on June 25, 1950. The historian Bruce Cumings, in a volume of 957 pages, has recalled the curious behavior in previous weeks of high levels in Washington:

The CIA predicts, on June 14, a capability for invasion [of South Korea] at any time. No one disputes that. Five days later, it predicts an impending invasion. . . . Now, Corson . . . says that the June 14 report leaked out to “informed circles,” and thus “it was feared that administration critics in Congress might publicly raise the issue. In consequence, a White House decision of sorts was made to brief Congress that all was well in Korea.” . . . Would it not be the expectation that Congress would be told that all was not well in Korea? That is, unless a surprised and outraged Congress is one’s goal.¹⁹

In his exhaustive analysis of the war’s origins, Cumings sees this U.S. deception by high level officials as a response to manipulated events, which in turn were the response to the threat of an imminent expulsion of the Chinese Nationalist KMT from Taiwan, together with a peaceful reunification of Korea. The details are complex, but of relevance to 9/11, not least because of the involvement of the opium-financed KMT:

¹⁸ Robert Parry, “Gonzales Questions *Habeas Corpus*,” *Baltimore Chronicle*, January 19, 2007, <http://baltimorechronicle.com/2007/011907Parry.shtml>.

¹⁹ Cumings, *The Origins of the Korean War*, Vol II, 611, 613; quoting William R. Corson, *The Armies of Ignorance: The Rise of the American Intelligence Empire* (New York: Dial, 1977), 315–21; whole passage quoted in Peter Dale Scott, *Drugs, Oil, and War: The United States in Afghanistan, Colombia, and Indochina* (Lanham, MD: Rowman & Littlefield, 2003), 61. Cumings quotes further from Dean Rusk’s testimony to Congress on June 20: “We see no present indication that the people across the border have any intention of fighting a major war for that purpose” (taking over South Korea). He notes that General Ridgway later said he “was shocked” by Dean Rusk’s reassuring testimony.

By late June, [U.S. Secretary of State Dean] Acheson and Truman were the only high officials still balking at a defense of the ROC [the “Republic of China,” the KMT Chinese Nationalist remnant on Taiwan]....Sir John Pratt, an Englishman with four decades of experience in the China consular service and the Far Eastern Office, wrote the following in 1951: “The Peking Government planned to liberate Formosa on July 15 and, in the middle of June, news reached the State Department that the Syngman Rhee government in South Korea was disintegrating. The politicians on both sides of the thirty-eighth parallel were preparing a plan to throw Syngman Rhee out of office and set up a unified government for all Korea.”...Thus the only way out, for Chiang [Kai-shek, the KMT leader], was for Rhee to attack the North, which ultimately made Acheson yield and defend Nationalist China [on Taiwan].²⁰

Meanwhile, in South Korea,

an Australian embassy representative sent in daily reports in late June, saying that “patrols were going in from the South to the North, endeavouring to attract the North back in pursuit. Plimsoll warned that this could lead to war and it was clear that there was some degree of American involvement as well.” [According to former Australian prime minister Gough Whitlam,] “The evidence was sufficiently strong for the Australian Prime Minister to authorize a cable to Washington urging that no encouragement be given to the South Korean government.”²¹

Cumings also notes the warning in late April from an American diplomat, Robert Strong, that “desperate measures may be attempted by [the Chinese] Nationalist Government to involve [U.S.] in [a] shooting war as [a] means of saving its own skin.”²² In chapters too complex to summarize here, he chronicles the intrigues of a number of Chiang’s backers, including the China Lobby in Washington, General Claire Chennault and his then nearly defunct airline CAT (later Air America), former OSS chief General William Donovan, and in Japan General MacArthur and his intelligence chief Charles Willoughby. He notes the visit of two of Chiang’s generals to Seoul, one of them on a U.S. military plane from MacArthur’s headquarters. And he concludes that “Chiang may have found ... on the Korean peninsula, the provocation of a war that saved his regime [on Taiwan] for two more decades:”

Anyone who has read this text closely to this point, and does not believe that Willoughby, Chiang, [Chiang’s emissary to Seoul, General] Wu Tieh Cheng, Yi Pōm-sōk, [Syngman] Rhee, Kim Sōk-won, Tiger Kim, and their ilk were capable of a conspiracy to provoke a war, cannot be convinced by any evidence.

²⁰ Cumings, *Origins*, II, 600-01. My selective quotations cannot do justice to the complexity of Cumings’ book, which presents three different possible explanations for the outbreak of the war. Cumings depicts a contest for the future of the peninsula -- and also Taiwan -- in which local leaders on both sides were looking for support from their respective megapowers.

²¹ Cumings, *Origins*, II, 547; citing Gavin McCormack, *Cold War/Hot War* (Sydney: Hale and Iremonger, 1983), 97; E. Gough Whitlam, *A Pacific Community* (Cambridge, MA: Harvard UP, 1981), 57-58.

²² Cumings, *Origins*, II, 527.

He adds that anti-conspiratorialist Americans “are prey to what might be called the fallacy of insufficient cynicism” -- a charge that may be revived, if it can ever be shown that 9/11 also was “a conspiracy to provoke a war.”²³

9/11, Tonkin Gulf, and the JFK Assassination

In 1964 Congress passed the Tonkin Gulf Resolution, in response to Secretary of Defense McNamara’s assurances that there was “unequivocal proof” of a second “unprovoked attack” on U.S. destroyers. Today we know not only that there was no such second attack, but that the combined harassments of CIA-controlled PT boats and US destroyers in North Vietnamese waters were so provocative as to invite one. George Ball, who at the time was an Undersecretary of State, later commented in a 1977 BBC radio interview that

Many of the people who were associated with the war were looking for any excuse to initiate bombing. The sending of a destroyer up the Tonkin Gulf was primarily for provocation. ... There was a feeling that if the destroyer got into some trouble, that it would provide the provocation we needed.²⁴

The Tonkin Gulf deep event presents a number of similarities to the Korean deep event in 1950. Tonkin Gulf also can be analyzed into three different phases: the deception of Congress by high level officials, preceded by provocative intrigues in Asia, and reinforced by deceptive manipulation of reports inside the NSA. (All three phases can also be discerned in the provocative maneuvers in 1968 of the *U.S.S. Pueblo*, in an incident or deep event that did not lead, as some clearly wished, to a military response against North Korea.)²⁵

We now know from a recently declassified in-house NSA history that on August 4, 1964, NSA possessed 122 pieces of SIGINT (signals intelligence) which taken together indicated clearly that there was no second North Vietnamese attack on August 4: “Hanoi’s navy was engaged in nothing that night but the salvage of two of the boats damaged on 2 August.” But of these 122 pieces, the White House was supplied with only fifteen – “only SIGINT that supported the claim that the communists had attacked the two destroyers.”²⁶

Meanwhile, over at CIA, “By the afternoon of Aug. 4, the CIA’s expert analyst on North Vietnam ... had concluded that probably no one had fired on the U.S. ships. He included a paragraph to that effect in the item he wrote for the Current Intelligence Bulletin, which would

²³ Cumings, *Origins*, II, 600, 601. Yi Pōm-sōk was a pro-Chiang advocate in Seoul of attacking North Korea. Kim Sōk-won was a Korean commander who had previously attacked North Korea. Tiger Kim was a Korean veteran of the Japanese army close to Rhee, and a war criminal.

²⁴ James Bamford, *Body of Secrets* (New York: Doubleday, 2001), 301. William Bundy has taken issue with this judgment, arguing that escalating the war north “didn’t fit in with our plans at all” (Robert McNamara, “The Tonkin Gulf Resolution,” in Andrew Jon Rotter, *Light at the End of the Tunnel: A Vietnam War Anthology* [New York: St. Martin’s Press, 1991], 83). But Ball was correct in reporting that bombing fit in with *some* people’s plans.

²⁵ Peter Dale Scott, *The War Conspiracy: JFK, 9/11, and the Deep Politics of War* (Ipswich, MA: Mary Ferrell Foundation Press, 2008), 178-215.

²⁶ Robert J. Hanyok, “Skunks, Bogies, Silent Hounds, and the Flying Fish: The Gulf of Tonkin Mystery, 2-4 August 1964,” *Cryptologic Quarterly*, declassified in National Security Archive Electronic Briefing Book No. 132, <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB132/relea00012.pdf>.

be wired to the White House and other key agencies and appear in print the next morning. And then something unique happened. The Director of the Office of Current Intelligence, a very senior officer ..., descended into the bowels of the agency to order the paragraph deleted. He explained: 'We're not going to tell LBJ that now. He has already decided to bomb North Vietnam''²⁷

The parallel events in NSA and CIA illustrate how a shared bureaucratic mindset, or propensity for military escalation, can generate synergistic responses in diverse milieus, without there having necessarily been any conspiratorial collusion between the two agencies.

Of more than passing interest is the fact that the CIA in the 1960s still had senior officers who believed that sooner or later a showdown with the Chinese Communists was inevitable, and had renewed General Chennault's old proposal for a large-scale landing by Chiang on the Chinese mainland.²⁸ This seems to explain a series of manipulative escalatory moves in Laos, shortly before the Tonkin Gulf incidents, with a similar momentum towards expanding the U.S. war beyond South Vietnam. In 1963-64 one notes again, as in 1950, the intriguing of local KMT elements, in this case forces directly involved in the opium traffic.²⁹

As for 9/11, the paradox between surface tranquility and alarming warnings is as evident as it was in 1950. Even the 9/11 Commission Report acknowledges that in the summer of 2001 "the system was blinking red" for an al-Qaeda attack. Its record amply refutes Condoleezza Rice's claim in May 2002 that "I don't think anybody could have predicted that these people would ... try to use an airplane as a missile, a hijacked airplane as a missile."³⁰ Yet in the midst of this crisis the CIA in August 2001 was flagrantly withholding crucial evidence from the FBI that, if shared, would have assisted the FBI in its current efforts to locate one of the alleged hijackers, Khaled al-Mihdar. This withholding provoked an FBI agent to predict at that time, accurately, that "someday someone will die."³¹

As I describe in the forthcoming expanded reissue of my book *The War Conspiracy*, this culpable withholding of crucial evidence from the FBI by the CIA closely parallels the CIA's withholding from the FBI of important information about Lee Harvey Oswald in October 1963.

²⁷ Ray McGovern, "CIA, Iran & the Gulf of Tonkin," ConsortiumNews, January 12, 2008, <http://www.consortiumnews.com/2008/011108a.html>.

²⁸ Scott, *War Conspiracy* (2008), 132, cf. 67; citing Roger Hilsman, *To Move a Nation* (Garden City, N.Y.: Doubleday, 1967), 318, 314.

²⁹ Scott, *War Conspiracy* (2008), 88, 93-103.

³⁰ "National Security Advisor Holds Press Briefing," White House Website, May 16, 2002, <http://www.whitehouse.gov/news/releases/2002/05/20020516-13.html>. We now know that on 9/11 there were a number of war games and exercises, including an exercise at the National Reconnaissance Office near Dulles Airport, testing responses "if a plane were to strike a building." (Scott, *Road to 9/11*, 215-16; *Evening Standard* [London], August 22, 2002; *Boston Globe*, September 11, 2002, http://www.boston.com/news/packages/sept11/anniversary/wire_stories/0903_plane_exercise.htm).

³¹ 9/11 Commission Report, 259, 271; Lawrence Wright, *The Looming Tower: Al-Qaeda and the Road to 9/11* (New York: Knopf, 2006), 352-54 (FBI agent). After 9/11 another FBI agent was even more bitter: "They [CIA] didn't want the bureau meddling in their business – that's why they didn't tell the FBI... And that's why September 11 happened. That is why it happened... They have blood on their hands. They have three thousand deaths on their hands" (James Bamford, *A Pretext for War: 9/11, Iraq, and the Abuse of America's Intelligence Agencies* [New York: Doubleday, 2004], 224).

Former FBI Director Clarence Kelley in his memoir later complained that this withholding was the major reason why Oswald was not put under surveillance on November 22, 1963.³² Without these withholdings, in other words, neither the Kennedy assassination nor 9/11 could have unfolded in the manner in which they did.

And without understanding the details, we can safely conclude that operations of the CIA – the deep state -- were somehow implicated, whether innocently or conspiratorially, in the background of both the JFK assassination and 9/11. With respect to the CIA's withholding of information from the FBI about Oswald, even a former CIA officer, Jane Roman, has agreed that this indicates "some sort of [CIA] operational interest in Oswald's file."³³ Lawrence Wright, commenting in *The New Yorker* about the CIA's analogous withholding of information about al-Mihdar, has reached the similar conclusion that "The CIA may also have been protecting an overseas operation and was afraid that the F.B.I. would expose it."³⁴

In short, from this perspective, 9/11 is not wholly without precedent in U.S. history. It should be seen not as a unique departure from orderly constitutional government – a coup d'état – but as yet another unexplained deep event of the sort that has continued to erode the American constitutional system of open politics and civil liberties.

9/11: Not Just Another Deep Event, But a Constitutional Deep Event

It is however a deep event of a new and unprecedented order. Deep events related to political control of this country are far more frequent than most of us like to recognize. Since the conspicuous assassinations of the 1960s and early 1970s – all deep events -- at least six politicians have also died in single-plane crashes. Although many of these crashes were probably accidental, it is striking that only one Republican has died in this fashion, as opposed to five Democrats.³⁵ Official accounts of the deaths of three of these Democrats – Senator Paul Wellstone, and Congressmen Hale Boggs and Nick Begich, have been challenged, as has the very suspicious "accidental" death in a 1970 single-plane crash of UAW labor leader Walter Reuther.³⁶

³² Clarence M. Kelley, *Kelley: The Story of an FBI Director* (Kansas City: Andrews, McMeel, & Parker, 1987), 268; quoted in Scott, *The War Conspiracy* (2008), 389.

³³ Jefferson Morley, *Our Man in Mexico: Winston Scott and the Hidden History of the CIA* (Lawrence, KA: University Press of Kansas, 2008), 196-98; discussion in Scott, *The War Conspiracy* (2008), 387-88.

³⁴ Lawrence Wright, "The Agent," *New Yorker*, July 10 and 17, 2006, 68; discussion in Scott, *The War Conspiracy* (2008), 388-89.

³⁵ Republican Senators Heinz and Tower also died in plane crashes, but after collisions between two aircraft. Conservative Democrat Larry McDonald died when the civilian airliner KAL 007 was shot down by Soviet interceptors in September 1983.

³⁶ Michael Parenti, *Dirty Truths* (San Francisco: City Lights Books, 1996), 201, 206: "In the years before the fatal crash there had been assassination attempts against Walter and Victor [Reuther]. (Victor believes the attempt against him was intended as a message to Walter.) In each of these instances, state and federal law-enforcement agencies showed themselves at best lackadaisical in their investigative efforts, suggesting the possibility of official collusion or at least tolerance for the criminal deeds. ... Third, like the suspicious near-crash that occurred the previous year, the fatal crash also involved a faulty altimeter in a small plane. It is a remarkable coincidence that Reuther would have been in two planes with the exact same malfunctioning in that brief time frame....In a follow-up interview with

Of these deep events, some – notably the JFK assassination -- stand out as having had structural impact on American political society. America's three major wars since World War Two – Korea, Vietnam, and now Iraq – have all been preceded by deep events that have cumulatively contributed to America's current war-based economy. Looked at in this way, 9/11 falls into a sequence in which it is preceded by the Second Tonkin Gulf Incident and by the intrigues and lies in June 1950 concerning Korea.

But of all these deep events, 9/11 can be seen as the first to have had not only structural but *constitutional* implications. For with the introduction of COG before 10:00 AM on September 11, 2001, the status of the U.S. constitution in American society has changed, in ways that still prevail. What COG means in practice is still largely unknown to us. It is clear though that in abridging habeas corpus and the Fourth Amendment, the innovations after COG and 9/11 made the U.S. constitutional situation more like the situation in Britain, where written statutes are explicitly restricted supplemented by an undefined royal prerogative: a collection of powers belonging to the Sovereign which have no statutory basis.³⁷

Abuse of the British royal prerogative was one of the explicit grievances which ultimately led to the American Revolution. Then as now it was linked to imperial arrangements for standing armies to wage war. It could be said that in America today, the powers needed for imposing U.S. global dominance in the world have again come to restrict the scope of the constitutional public state.

The extent to which presidential power is limited by congressional statute has been and will be continuously and extensively debated. It is clear however that the George W. Bush administration has revived the extreme or monarchical view expressed, for the first time in American political history, by former president Richard Nixon: that “when the president does it, that means that it is not illegal.”³⁸

Jack Goldsmith, a former Assistant Attorney General in George W. Bush's Justice Department, has reported that, inside the White House, Cheney's legal advisor David Addington frequently argued that “the Constitution empowers the President to exercise prerogative powers to do what is necessary in an emergency to save the country.”³⁹ Goldsmith concluded that “The

us, Victor further noted: ‘Animosities from government had been present for some time [before the fatal crash]. It was not only Walter's stand on Vietnam and Cambodia that angered Nixon, but also I had exposed some CIA elements inside labor, and this was also associated with Walter There is a fine line between the mob and the CIA. There is a lot of crossover. Throughout the entire history of labor relations there is a sordid history of industry in league with Hoover and the mafia You need to check into right-wing corporate groups and their links to the national security system.’ Checking into such things is no easy task. The FBI still refuses to turn over nearly 200 pages of documents regarding Reuther's death, including the copious correspondence between field offices and Hoover. And many of the released documents—some of them forty years old—are totally inked out. It is hard to fathom what national security concern is involved or why the FBI and CIA still keep so many secrets about Walter Reuther's life and death.”

³⁷ See discussion in Jack N. Rakove, “Taking the Prerogative out of the Presidency: An Originalist Perspective,” *Presidential Studies Quarterly* 37.1, 85–100; Frederick A.O. Schwarz, Jr. and Aziz Z. Huq, *Unchecked and Unbalanced, Presidential Power in a Time of Terror* (New York: Rodale, 2007), 153–58

³⁸ Interview with David Frost, aired May 11, 1977; in Schwarz and Huq, *Unchecked and Unbalanced*, 159; Robert D. Sloane, “The Scope of Executive Power in the Twenty-First Century: An Introduction,” *Boston University Law Review* 88:341, <http://www.bu.edu/law/central/jd/organizations/journals/bulr/documents/SLOANE.pdf>, 346.

³⁹ Jack Goldsmith, *The Terror Presidency: Law and Judgment inside the Bush Administration* (New York: W.W. Norton, 2007), 82.

presidency in the age of terrorism – the Terror Presidency – suffers from many of the vices of [Nixon’s] Imperial Presidency.”⁴⁰

Cheney, supported by Addington, made clear in his Iran-Contra Minority Report of 1987 his belief that “the Chief Executive will on occasion feel duty bound to assert monarchical notions of prerogative that will permit him to exceed the law.” Cheney supported this claim by pointing to Jefferson’s Louisiana Purchase, which Jefferson, without using the word “prerogative,” justified by “the laws of necessity, of self-preservation, of serving our country when in danger.”⁴¹ But the Cheney-Addington defense of an on-going prerogative in an on-going war on terror has far more in common with 17th-century British monarchical legal theory, than with Jefferson’s single resort to such action, after a lifetime of attacking the notion of prerogative power.⁴²

As part of the case for an unrestrained or monarchical view of executive power, we have seen the contention that the President may disregard or marginalize treaty obligations prohibiting torture. Before COG was declared on September 11, 2001, a network of laws, developed through checks and balances by all three branches of federal government, prohibited torture. “It was not to last.”⁴³

In keeping with Cheney’s COG planning in the 1980s, the Bush administration has made similar inroads on habeas corpus, a right conferred by Magna Carta, reaffirmed by the English parliament in a statute of 1679, and mentioned in the U.S. constitution. Nevertheless, in defining the constitutional crisis we now face, it is important to see that it is not an unprecedented and anomalous event, but rooted in developments over decades.

9/11, Deep Events, and the Global Dominance Mindset in American Society

The continuity of past deep events is part of the problem facing those who wish to understand and correct what underlies them. For the mainstream U.S. media (as we now clearly see them) have become so implicated in past protective lies about Korea, Tonkin Gulf, and the JFK assassination that they, as well as the government, have now a demonstrated interest in preventing the truth about *any* of these events from coming out.⁴⁴

This means that the current threat to constitutional rights does not derive from the deep state alone. As I have written elsewhere, the problem is a global dominance *mindset* that prevails not only inside the Washington Beltway but also in the mainstream media and even in the universities, one which has come to accept recent inroads on constitutional liberties, and stigmatizes, or at least responds with silence to, those who are alarmed by them.⁴⁵ Just as

⁴⁰ Goldsmith, *The Terror Presidency*, 183

⁴¹ Minority Report, Report of the Congressional Committees Investigating the Iran-Contra Affair, 100th Congress, 1st Session, H. Rept No 100-433, S. Rept No. 100-216, p. 465.

⁴² Schwarz and Huq, *Unchecked and Unbalanced*, 174.

⁴³ Schwarz and Huq, *Unchecked and Unbalanced*, 72; cf. Sloane, “The Scope of Executive Power,” 347.

⁴⁴ Cf. the investigative journalist and media critic Philip Weiss, “When Black Becomes White,” in Kristina Borjesson, *Into the Buzzsaw: Leading Journalists Expose the Myth of a Free Press* (Amherst, NY: Prometheus Books, 2002), 186: “The mainstream media’s response [to theories of the Kennedy assassination] has been a dull one – to solemnly and stoically report the government’s assertions, over and over.”

⁴⁵ Scott, *War Conspiracy*, 10, 383, 395.

acceptance of bureaucratic groupthink is a necessary condition for advancement within the state, so acceptance of this mindset's notions of decorum has increasingly become a condition for participation in mainstream public life.

In saying this, I mean something more narrow than the pervasive "business-defined consensus" which Gabriel Kolko once asserted was "a central reality," underlying how "a ruling class makes its policies operate."⁴⁶ I would agree that, at least since the Reagan era, the mindset I am describing has become more and more clearly identified with the mentality of an overworld determined to protect its privileges and even enlarge them at the expense of the rest of society.

But the mindset I mean is narrower in focus – originally concerned with defending and now increasingly concerned with enlarging America's dominance in the world, in an era of finite and increasingly scarcer resources. And it is also, increasingly, less a consensus than an arena of serious division and debate.

It is clear that the mindset is not monolithic. There have been recurring notable dissents within it, such as when James Risen and Eric Lichtblau revealed in the *New York Times* that the Bush administration, in defiance of the FISA Act, was engaged in warrantless electronic surveillance of telephone calls inside the United States.⁴⁷ But on other issues, notably the Iraq War, the *Times* has conspicuously failed to play the judicious critical role that it did with respect to the U.S. war in Vietnam. In general, as Kristina Borjesson reports in her devastating book, "Investigative reporting is dwindling...because it is expensive, attracts lawsuits, and can be hostile to the corporate interests and/or government connections of a news division's parent company."⁴⁸ And as to critical thinking about 9/11, as before about the Kennedy assassination, the *Post* has predictably gone out of its way to depict the 9/11 truth movement as a "cacophonous and free-range...bunch of conspiracists."⁴⁹

According to a survey of Lexis Nexis, the *New York Times* did not report Attorney General Gonzalez' newsworthy claim that "There is no expressed grant of habeas corpus in the Constitution." (The *Washington Post* reported it, without comment, in a story of 197 words.)⁵⁰ And on the question of torture even a liberal Harvard University professor, Michael Ignatieff, has argued in a University Press book from an even-handed starting point – "A democracy is

⁴⁶ Gabriel Kolko, *The Roots of American Foreign Policy* (Boston: Beacon, 1969), xii-xiii.

⁴⁷ James Risen and Eric Lichtblau. "Spying Program Snared U.S. Calls", *New York Times*, December 21, 2005.

⁴⁸ Borjesson, *Into the Buzzsaw*, 13. Even former George W. Bush spokesman Scott McClellan has referred to the media in his book as "complicit enablers" of Bush administration war propaganda (Scott McClellan, *What Happened: Inside the Bush White House and Washington's Culture of Deception* [New York: Public Affairs, 2008], 70, 125).

⁴⁹ *Washington Post*, September 8, 2006. Cf. BBC, "Paranoia paradise," April 4, 2002, http://news.bbc.co.uk/2/hi/uk_news/1909378.stm. The common tactic of such essays is to focus on absurdly eccentric beliefs, and try to pass them off as representative of all those criticizing received anti-conspiratorial opinion.

⁵⁰ *Washington Post*, January 23, 2007. However on May 4, 2008, the *Post* discussed the remark in a favorable review of former Republican Congressman Mickey Edwards' book *Reclaiming Conservatism: How a Great American Political Movement Got Lost -- And How It Can Find Its Way Back*.

committed to both the security of the majority and the rights of the individual” -- to an alarming defense of "coercive questioning."⁵¹

In this state of affairs, I shall argue, the Internet provides an opportunity for opposition, of potentially immense political importance.

Deep Events as Intrigues within the Global Dominance Consensus

Many critics of American foreign policy on the left tend to stress its substantial coherence over time, from the War-Peace Studies for post-war planning of the Council on Foreign Relations in the 1940s, to Defense Secretary Charles Wilson’s plans in the 1950s for a “permanent war economy,” to Clinton’s declaration to the United Nations in 1993 that the U.S. will act "multilaterally when possible, but unilaterally when necessary.”⁵²

This view of America’s policies has persuaded some, notably Alexander Cockburn, to lament the displacement of coherent Marxist analysis by the “fundamental idiocy” and “foolishness” of “9/11 conspiracism.”⁵³ But it is quite possible to acknowledge both that there are ongoing continuities in American policy and also important, hidden, and recurring internal divisions, which have given rise to America’s structural deep events. These events have always involved friction between Wall Street and the Council on Foreign Relations, on the one hand, and the increasingly powerful oil- and military-dominated economic centers of the Midwest and the Texas Sunbelt on the other.

At the time that General MacArthur, drawing on his Midwest and Texas support, threatened to challenge Truman and the State Department, the opposition was seen as one between the traditional Europe-Firsters of the Northeast and new-wealth Asia-Firsters. In the 1952 election, the foreign policy debate was between Democratic “containment” and Republican “rollback.” Bruce Cumings, following Franz Schurmann, wrote later of the split, even within the CIA, between “Wall Street internationalism” on the one hand and “cowboy-style expansionism” on the other.⁵⁴

Many have followed Michael Klare in defining the conflict as one, even within the Council on Foreign Relations, between “traders” and warrior “Prussians.”⁵⁵ Since the rise to eminence of the so-called “Vulcans” – notably Donald Rumsfeld, Dick Cheney, and Paul Wolfowitz, backed by the Project for the New American Century (PNAC) – the struggle has frequently been described as a struggle between the multilateralists of the status quo and the unilateralists seeking indisputable American hegemony.⁵⁶

⁵¹ Michael Ignatieff, *The Lesser Evil: Political Ethics in an Age of Terror* (Princeton, NJ: Princeton University Press, 2004), 8.

⁵² E.g. Paul L. Atwood, “War and Empire Are and Always Have Been the American Way of Life,” Global Policy Forum, February 2006, <http://www.globalpolicy.org/empire/history/2006/022006history.htm>.

⁵³ Alexander Cockburn, “The Age of Irrationality: The 9/11 Conspiracists and the Decline of the American Left,” CounterPunch, November 28, 2006, <http://www.counterpunch.org/cockburn11282006.html>.

⁵⁴ Cumings, *Origins*, II, 123; cf. 13-14; Herbert Franz Schurmann, *The Logic of World Power: An Inquiry into the Origins, Currents, and Contradictions of World Politics* (New York: Random House, 1974).

⁵⁵ Michael Klare, *Beyond the “Vietnam Syndrome”* (Washington, D.C.: Institute for Policy Studies, 1981).

⁵⁶ E.g. Robert Wright, “All Quiet on the Western Front,” Slate, October 11, 2001, <http://www.slate.com/id/117170/>.

Underlying every one of the deep events I have mentioned, and others such as the U-2 incident, can be seen this contest between traderly (multilateralist) and warriorly (unilateralist) approaches to the maintenance of U.S. global dominance. For decades the warriorly faction was clearly a minority; but it was also an activist and well-funded minority, in marked contrast to the relatively passive and disorganized traderly majority. Hence the warriorly preference for war, thanks to ample funding from the military-industrial complex and also to a series of deep events, was able time after time to prevail.

The 1970s can be seen as a turning-point, when a minority CFR faction, led by Paul Nitze, united with corporate executives from the military-industrial complex like David Packard and pro-Zionist future neocons like Richard Perle to forge a succession of militant political coalitions, such as the Committee on the Present Danger (CPD). Cheney and Rumsfeld, then in the Ford White House, participated in this onslaught on the multilateral foreign policy of Henry Kissinger.⁵⁷ In the late 1990s Cheney and Rumsfeld, even while secretly refining the COG provisions put into force on 9/11, also participated openly in the successor organization to the CPD, the Project for the New American Century (PNAC).

From his office interfacing between CIA and the U.S. Air Force, Col. L. Fletcher Prouty deduced that there was a single Secret Team, within the CIA but not confined to it, responsible for not only the Tonkin Gulf incidents (timed to enable already planned military action against North Vietnam) but other deep events, such as the U-2 incident of 1960 (which in Prouty's opinion was planned and timed to frustrate the projected summit conference between Eisenhower and Khrushchev) and even the assassination of President Kennedy (after which the Secret Team "moved to take over the whole direction of the war and to dominate the activity of the United States of America").⁵⁸

In language applicable to both Korea in 1950 and Tonkin Gulf in 1964, Prouty argued that CIA actions followed a pattern of actions which "went completely out of control in Southeast Asia."

The clandestine operator... prepares the stage by launching a very minor and very secret, provocative attack of a kind that is bound to bring open reprisal. These secret attacks, which may have been made by third parties or by stateless mercenaries whose materials were supplied secretly by the CIA, will undoubtedly create reaction which in turn is observed in the United States.... It is not a new game. [but] it was raised to a high state of art under Walt Rostow and McGeorge Bundy against North Vietnam, to set the pattern for the Gulf of Tonkin attacks.⁵⁹

I mention Prouty's thesis here in order to record my partial dissent from it. In my view his notion of a "team" localizes what I call the global dominance mindset too narrowly in a restricted group who are not only like-minded but in conspiratorial communication over a long term. He exhibits the kind of conspiratorialist mentality once criticized by G. William Domhoff:

⁵⁷ Scott, *Road to 9/11*, 57-61, etc. Cf. Jerry Sanders, *Peddlers of Crisis: The Committee on the Present Danger and the Politics of Containment* (Boston, MA: South End Press, 1983).

⁵⁸ L. Fletcher Prouty, *The Secret Team: The CIA and Its Allies in Control of the United States and the World* (1997), <http://www.ratical.org/ratville/JFK/ST/>.

⁵⁹ Prouty, *The Secret Team* (1997), Chapter II.

We all have a tremendous tendency to want to get caught up in believing that there's some secret evil cause for all of the obvious ills of the world [Conspiracy theories] encourage a belief that if we get rid of a few bad people, everything will be well in the world.⁶⁰

My own position is still that which I articulated years ago in response to Domhoff:

I have always believed, and argued, that a true understanding of the Kennedy assassination will lead not to 'a few bad people,' but to the institutional and parapolitical arrangements which constitute the way we are systematically governed.⁶¹

Quoting what I had written, Michael Parenti added, "In sum, national security state conspiracies [or what I would call deep events] are components of our political structure, not deviations from it."⁶²

The outcome of the deep events I have mentioned so far has been chiefly a series of victories for the warriors.⁶³ But there have been other structural deep events, notably Watergate in 1972-74 and Iran-Contra in 1986-87, which can be interpreted, if not as victories for the traders, at least as temporary setbacks for the warriors. In *The Road to 9/11* I have tried to show that Cheney and Rumsfeld, while in the Ford White House, bitterly resented the setback represented by the post-Watergate reforms, and immediately set in motion a series of moves to reverse them. I argue there that the climax of these moves was the imposition after 9/11 of their long-planned provisions for COG, formulated under their supervision since the early 1980s.

Thus since World War Two the warriorly position, initially that of a marginal but conspiratorial minority, has moved since the Reagan and Bush presidencies into a more and more central position. This is well symbolized by the rise in influence since 1981 of the Council for National Policy, originally funded by Texas oil billionaire Nelson Bunker Hunt and explicitly designed to offset the influence of the Council on Foreign Relations.⁶⁴ Comparing the 1950s with the present decade, it is striking how much the status of the State Department has declined vis-à-vis the Pentagon. With the accelerated militarization of the U.S. economy, the question arises whether a more traderly foreign policy can ever again prevail.

And since 9/11, especially with the institution of unknown COG procedures, some have talked of the overall subversion of democracy, by a new Imperial Presidency in the Bush White House.⁶⁵

⁶⁰ G. William Domhoff, in Jonathan Vankin, *Conspiracies, Cover-Ups, and Crimes: Political Manipulation and Mind Control in America* (New York: Paragon House, 1991), 125-26.

⁶¹ Scott, *Deep Politics and the Death of JFK*, 11.

⁶² Michael Parenti, *Dirty Truths* (San Francisco: City Lights Books, 1996),

⁶³ This has been doubted in the case of the JFK assassination, notably by Chomsky. For my latest contribution to this old argument, see Scott, *War Conspiracy* (2008).

⁶⁴ Scott, *War Conspiracy* (2008), 14; Michael Standaert, *Skipping Towards Armageddon: The Politics and Propaganda of the Left Behind Novels and the LaHaye Empire* (Brooklyn, NY: Soft Skull Press, 2006), 112-14.

⁶⁵ Charlie Savage, *Takeover: The Return of the Imperial Presidency and the Subversion of American Democracy* (New York: Little Brown, 2007), 51. Strangely, Savage does not mention COG by name, but he refers to the decade

9/11, the Threat to Constitutional Rights, and Congress

A skeptic might observe that there is still a Congress, with constitutional powers to review and restrict what the executive does. And it is true that a joint congressional committee, in 2002, did investigate CIA and FBI activities before and after 9/11.⁶⁶ The powers of Congress have been weakened, however. A crucial section of this report, dealing precisely with the CIA's and Saudi government's relationship to the alleged hijacker al-Mihdar, was classified and withheld by the administration. When some of the explosive information was leaked to *Newsweek*, the committee members and staff (rather than the Saudi government) became the focus of a criminal leak investigation by the FBI.⁶⁷ The chairman, Senator Bob Graham

thought the leak investigation was an obvious effort by the administration to intimidate Congress. And if that was the intention, it worked. Members of the joint committee and their staffs were frightened into silence about the investigation.⁶⁸

It would appear that the election of Democratic majorities in both houses of Congress has done little to change this state of affairs. Warrantless electronic surveillance (which the President has referred to as a COG provision)⁶⁹ was endorsed by the new 110th Congress in the Protect America Act of 2007, an act which restricted FISA Court supervision as the President had wished. This same 110th Congress failed to undo the Military Commissions Act of 2006, which (as Robert Parry wrote in the *Baltimore Chronicle*) "effectively eliminated habeas corpus for non-citizens, including legal resident aliens."⁷⁰

Just as alarmingly, Congress has shown little or no desire to challenge, or even question, the over-arching assumptions of the war on terror. We are still in a proclaimed national emergency that was first proclaimed by President Bush on September 14, 2001.⁷¹ As the *Washington Times* wrote on September 18, 2001, "Simply by proclaiming a national emergency on Friday, President Bush activated some 500 dormant legal provisions, including those allowing him to impose censorship and martial law." The *Washington Times* was referring to presidential Proclamation 7463 of September 14, 2001, "Declaration of National Emergency by Reason of Certain Terrorist Attacks." The state of emergency that was subsequently declared on September 23, 2001,

of COG planning in the 1980s as evidence for his case that a "cabal of zealots" has been planning for "the return of the imperial presidency" ever since Cheney and Rumsfeld lost their posts in the Ford Administration.

⁶⁶ U.S. Senate Select Committee on Intelligence and U.S. House Permanent Select Committee on Intelligence, *Joint Inquiry Into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001*.

⁶⁷ See "The Saudi Money Trail," *Newsweek*, December 2, 2002.

⁶⁸ Philip Shenon, *The Commission: The Uncensored History of the 9/11 Investigation* (New York: Twelve/Hachette, 2008), 54-55.

⁶⁹ "Addressing the nation from the Oval Office in 2005 after the first disclosures of the NSA's warrantless electronic surveillance became public, Bush insisted that the spying program in question was reviewed 'every 45 days' as part of planning to assess threats to 'the continuity of our government'" (Christopher Ketcham, "The Last Round-Up," Radaronline, May 15, 2008, <http://circleof13.blogspot.com/2008/05/last-roundup.html>). Cf. President's Radio Address, December 15, 2005, <http://www.whitehouse.gov/news/releases/2005/12/20051217.html>: "The activities I authorized are reviewed approximately every 45 days. Each review is based on a fresh intelligence assessment of terrorist threats to the continuity of our government and the threat of catastrophic damage to our homeland."

⁷⁰ Parry, "Gonzales Questions Habeas Corpus," *Baltimore Chronicle*, January 19, 2007.

⁷¹ 9/11 Commission Report, 38, 326; Scott, *The Road to 9/11*, 228-29.

by Executive Order 13224, was again formally extended by the president on September 20, 2007.⁷²

COG, NSPD-51, and the Challenge to Congressional Checks and Balances

The constitutional implications of this state of emergency were aggravated by the President's "National Security and Homeland Security Presidential Directive" (NSPD)-51, of May 9, 2007, which decreed (without even a press release) that

When the president determines a catastrophic emergency has occurred, the president can take over all government functions and direct all private sector activities to ensure we will emerge from the emergency with an "enduring constitutional government."⁷³

The Directive, without explicitly saying so, appeared to override the post-Watergate statutory provisions for congressional regulation enacted in 1977 by the National Emergencies Act.⁷⁴

Among major newspapers, only the *Washington Post* reported NSPD-51 at all, noting that the "directive formalizes a shift of authority away from the Department of Homeland Security to the White House."⁷⁵ It added that

After the 2001 attacks, Bush assigned about 100 senior civilian managers to rotate secretly to locations outside of Washington for weeks or months at a time to ensure the nation's survival, a shadow government that evolved based on long-standing "continuity of operations plans."

However the *Post* failed to note that these continuity of operations (COG) plans, which reportedly involve suspension of the Constitution and possibly Congress, were *secret* -- the fruit of secret planning over two decades by Dick Cheney and Donald Rumsfeld, even during periods of time when neither of the two men held a government position.⁷⁶

After urging from constituents, including many members of the 9/11 truth movement, Congressman Peter deFazio did attempt to see the Continuity of Government (COG) plans in the classified Appendices of NSPD-51. Both he, and eventually the entire House Committee on Homeland Security, were denied the opportunity to see these appendices, on the grounds that the Committee did not possess the requisite clearances. This should have been a line in the sand for Congress to assert its constitutional rights and duties. As I have reported elsewhere,

⁷² White House Notice of September 20, 2007, <http://www.whitehouse.gov/news/releases/2007/09/20070920-9.html>.

⁷³ Jerome Corsi, "Bush makes power grab," *WorldNetDaily*, May 23, 2007, http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=55824.

⁷⁴ Congressional Research Service Report for Congress, "National Emergency Powers," updated August 30, 2007, pp. 10ss, <http://www.fas.org/sgp/crs/natsec/98-505.pdf>.

⁷⁵ *Washington Post*, May 10, 2007.

⁷⁶ Scott, *The Road to 9/11*, 183-87; citing James Mann, "The Armageddon Plan," *Atlantic Monthly* (March 2004), <http://www.theatlantic.com/doc/prem/200403/mann>; James Mann, *The Rise of the Vulcans: The History of Bush's War Cabinet* (New York: Viking, 2004), 138-45; James Bamford, *A Pretext for War: 9/11, Iraq, and the Abuse of America's Intelligence Agencies* (New York: Doubleday, 2004), 70-74. Cf. Peter Dale Scott, "Congress, the Bush Administration and Continuity of Government Planning: The Showdown", *Counterpunch*, March 31, 2008, <http://www.counterpunch.org/scott03312008.html>.

The story, ignored by the mainstream press, involved more than the usual tussle between the legislative and executive branches of the U.S. Government. What was at stake was a contest between Congress's constitutional powers of oversight, and a set of policy plans that could be used to suspend or modify the constitution.⁷⁷

But it appears that the current Congress will do nothing to support Congressman deFazio's efforts at congressional oversight of COG.

Congress and the On-Going Cover-Up of 9/11

Furthermore, the 110th Congress took no action to ensure that all government agencies will collaborate with the National Archives, in fulfillment of the 9/11 Commission's commitment to release its supporting records to the public in 2009.⁷⁸ A law to ensure this is badly needed.

The FBI has been declassifying documents cooperatively with respect to this commitment, and recently the CIA has begun to cooperate as well.⁷⁹ But some federal agencies, notably the FAA and Pentagon, are not collaborating with the 9/11 Commission's commitment at all. It may take a law to get them to do so. Both the FAA and the Pentagon declined to release important records to the 9/11 Commission, despite its statutory powers, until required to do so by judicial subpoena.⁸⁰ But the law which created the 9/11 Commission in 2002 made no legal determination for the future of its records.⁸¹

This is a matter of concern, because 9/11 has clearly initiated a major readjustment of our traditional constitutional balances and civil rights. I submit that a vigorous defense of the constitutional traditions of this country requires vigorous pressure for the release of the 9/11

⁷⁷ Peter Dale Scott, "Congress, the Bush Administration and Continuity of Government Planning: The Showdown", Counterpunch, March 31, 2008, <http://www.counterpunch.org/scott03312008.html>.

⁷⁸ Kean and Hamilton, *Without Precedent*, 312, cf. 9/11 Commission, Media Advisory, August 20, 2004, which set a date of January 9, 2009.

⁷⁹ The National Archives started a pilot project for the declassification of Commission records. According to their interim report, dated June 22, 2007, they have made progress with the Commission's internal files. However the following excerpt shows that of other agencies, only the FBI was cooperating in 2007:

FBI Decisions:

Declassified: 98 documents (241 pages)

Declassified, but needs referral elsewhere: 31 documents (132 pages)

Sanitized: 100 documents (400 pages)

Sanitized and needs referral elsewhere: 170 documents (1,067 pages)

Withheld in full: 4 documents (15 pages)

The CIA, the agency with the second highest number of pages in this pilot, has indicated that they have "made no decision regarding how and when it will apply any resources to this request."

Other than FBI, we have received no official response from the other referral agencies ("Update on the Declassification of the Records of the 9/11 Commission," June 22, 2007, <http://www.archives.gov/declassification/pidb/meetings/06-22-07-tilley.pdf>)

The CIA subsequently resolved to review relevant records.

⁸⁰ John Farmer, "'United 93': The Real Picture," *Washington Post*, April 30, 2006. Cf. Kean and Hamilton, *Without Precedent*, 87: "The staff front office suggested that the NORAD situation bordered on willful concealment."

⁸¹ Public Law 107-306, Nov. 27, 2002, Title VI, Section 610.

Commission's records, so that we can begin to resolve the mysteries of how this constitutional crisis arose.

In short, we are living in an on-going state of emergency whose exact limits are unknown, on the basis of a controversial deep event – 9/11 -- that is still largely a mystery. Without endorsing the notion that a coup d'état has occurred, I would categorically assert that a radically hegemonic mindset, located primarily in Vice-President Cheney's office, is currently using 9/11, the war on terror, and secret COG rules to assert prerogative limitations on the checks and balances of the U.S. constitution, without any significant challenge from a compliant Congress and media.

9/11, the Public, and Internet Politics

This raises the question whether the public, about to vote in the 2008 election, can exercise the constitutional restraints that Congress and the media have failed to supply. The answer, I submit, lies in what I would call Internet Politics, the mobilization of nationwide pressures on candidates in the next election through internet coordination.

There is I believe a latent majority of Americans who could agree to ask all candidates to

a) review and revise the Military Commissions Act of 2006, to unequivocally restore habeas corpus, within the limitations of the U.S. Constitution, Article One, Section 9;

b) unequivocally outlaw torture;

c) review and restrict the provisions for warrantless electronic surveillance in the Protect America Act of 2007.

d) vote for The American Freedom Agenda Act of 2007 (H.R. 3835), which addresses these and other issues. This bill was introduced by U.S. Rep. Ron Paul on October 15, 2007, and is supported by both the Republican American Freedom Agenda, and the Democratic American Freedom Campaign.⁸²

Those in the 911truth movement could ask candidates to take two further steps

d) insist on the right of the Homeland Security Committees in Congress to review the COG appendices to National Security Presidential Directive (NSPD)-51;

e) support a law to force all government agencies to collaborate with the National Archives, in fulfillment of the 9/11 Commission's commitment to release its supporting records to the public in 2009.⁸³

⁸² American Freedom Agenda, <http://www.americanfreedomagenda.org>; American Freedom Campaign, <http://www.americanfreedomcampaign.org>.

⁸³ Kean and Hamilton, *Without Precedent*, 312, cf. 9/11 Commission, Media Advisory, August 20, 2004, which set a date of January 9, 2009.

But social thought is socially fashioned. For it to be effective it must be mobilized, and become more than a chorus of bloggers croaking from our backwater lily pads in the blogomarsh. Clearly it would take a strenuous concerted effort to create or persuade a movement, such as MoveOn, to take on all these issues.

Is it possible that some organization can be persuaded to accept this challenge, and take the first steps in mobilizing such a force?



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