

Is Infiltration of “Extremist Groups”¹ Justified?

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ABSTRACT: Many intellectuals scoff at what they call “conspiracy theories.” But two Harvard law professors, Cass Sunstein (now working for the Obama administration) and Adrian Vermeule, go further. They argue in the *Journal of Political Philosophy* that groups that espouse such theories ought to be infiltrated and undermined by government agents and allies. While some may find this proposal appalling (as indeed we all should), others may find the argument plausible, especially if they have been swayed by the notion that conspiracy theories (or a definable subset thereof), by their nature, somehow or another, do not warrant belief. I will argue that Sunstein and Vermeule’s proposal not only conflicts with the values of an open society, but is also epistemically indefensible. In making my case, I will adopt their favored example, counter-narratives about 9/11.

This is a critical evaluation of the article “Conspiracy Theories: Causes and Cures”² by Cass R. Sunstein and Adrian Vermeule. They support confronting supposedly pernicious³ and “demonstrably false” conspiracy theories (or “extreme views”), rather than ignoring them. One strategy, which they emphasize, they describe as follows:

[W]e suggest a distinctive tactic for breaking up the hard core of extremists who supply conspiracy theories: cognitive infiltration of extremist groups, whereby government agents or their allies (acting either virtually or in real space, and either openly or anonymously) will undermine the crippled epistemology of believers by planting doubts about the theories and stylized facts that circulate within such groups, thereby introducing beneficial cognitive diversity.⁴

In other words, they suggest undermining conspiracy theories *by engaging in a conspiracy* against groups that promote them. I will argue that, beyond the obvious irony, this recommendation is epistemically indefensible, even when considering the rather extreme case of 9/11 conspiracy theories, which is their primary example.

Sunstein and Vermeule’s argument in a nutshell is as follows: (1) Lots of people are susceptible to belief in conspiracy theories. (2) Some of these theories are

demonstrably false. They are products of crippled epistemology—that is, they are based on limited and incorrect information, and fueled by informational and reputational cascades.⁵ In an “open society,” one is not warranted in believing theories that imply that “knowledge-producing institutions” are as unreliable as some “extreme” theories imply. (3) In addition, some of these theories are harmful, as shown by the Okalahoma city bombing—which is blamed, at least in part, on a conspiracy theory regarding federal agents’ actions in the Waco siege of 1993. (4) The government should try to counter demonstrably false and harmful theories. (5) But, conspiracy theorists often dismiss evidence that comes from government operatives. The theories have a “self-sealing quality” that “make[s] it more difficult for outsiders to rebut or even to question them.”⁶ (6) Therefore, the government should infiltrate groups that espouse conspiracy theories in order to undermine those theories by introducing “cognitive diversity” from the inside.

In my response, I will focus on (I) the notion of “demonstrably false” theories, and how that is determined, (II) the inappropriateness of the recommended infiltrations in an “open society,” and (III) the slippery slope of the practice of deceit.

However, I will first briefly address the relation between epistemic issues and consequential ones. Namely, when weighing the risk of harm associated with radical counter-narratives, especially those involving 9/11, we must acknowledge a serious risk in subverting such narratives through epistemically inappropriate means (beyond the purely tactical risks that Sunstein and Vermeule consider). Bogus official stories, after all, can be much more dangerous than bogus counter-narratives. And in the case of 9/11 in particular there is much at stake indeed. Not only the war in Afghanistan, but also the war in Iraq, the global war on terror, domestic warrantless wire-tapping, secret prisons, torture, extraordinary rendition, and indefinite detention without a trial, have been, and many of these continue to be, justified on the basis of a particular interpretation of what happened on 9/11. If that interpretation is substantially wrong, then it is likely that we have been engaged in, and are continuing, great injustices, and causing incalculable harms based on falsehoods. If so, it is critically important that our understanding of the event moves closer to “the truth.” Now, to be clear, I am not here arguing that the “9/11 Truth Movement” is right in its most basic claims. I am merely pointing out that the relation between potential harm or good such theories can engender is connected to whether or not they are true, or at least contain valuable truths. And so, by challenging the claim that 9/11 counter-narratives are “demonstrably false” I am also thereby challenging the implicit claim that such narratives are, on balance, harmful. If they are not demonstrably false, and therefore not clearly pernicious, the notion that biased⁷ and deceitful⁸ means ought to be employed to eradicate them is an odious notion indeed.

CONSPIRACY THEORIES AND “CRIPPLED EPISTEMOLOGIES”⁹

Sunstein and Vermeule do admit that there are examples of conspiracy theories that turned out to be true—How could they not? They write:

Of course some conspiracy theories have turned out to be true, and under our definition, they do not cease to be conspiracy theories for that reason. The Watergate

hotel room used by Democratic National Committee was, in fact, bugged by Republican officials, operating at the behest of the White House. In the 1950s, the Central Intelligence Agency did, in fact, administer LSD and related drugs under Project MKULTRA, in an effort to investigate the possibility of "mind control." Operation Northwoods, a rumored¹⁰ plan by the Department of Defense to simulate acts of terrorism and to blame them on Cuba, really was proposed by high-level officials (though the plan never went into effect).¹¹

They could have gone on and on with other real examples, such as the overthrow of Mosaddeq in Iran in 1953, Operation Gladio, numerous assassinations of foreign political leaders, Iran-Contra, and so on and so forth.

Sunstein and Vermeule define "conspiracy theory" as "*an effort to explain some event or practice by reference to the machinations of powerful people, who attempt to conceal their role (at least until their aims are accomplished).*"¹² It should be noted that, according to this definition, the notion that the Nazis were systematically exterminating Jews would have, at some point in time, clearly counted as conspiracy theory—one that turned out to be true. This is an important example. It shows that one cannot simply reject a conspiracy theory because it seems too extreme in the brutality it attributes to powerful figures, or because of the scale of complicity that would be required, or because of the industrial efficiency with which it is said to be carried out. Shocking though a theory may be, so too are known precedents.

Now, Sunstein and Vermeule claim, "Our focus throughout is on demonstrably false conspiracy theories, such as the various 9/11 conspiracy theories, not ones that are true or whose truth is undetermined. Our ultimate goal is to explore how public officials might undermine such theories, and as a general rule, true accounts should not be undermined."¹³ They take 9/11 conspiracies as their stock example. They cannot mean, however, that theories that postulate insider complicity in the events of 9/11 are *literally* demonstrably false, for that would require a logical contradiction. But there is nothing contradictory about the notion of insider complicity. So, they must mean "demonstrably false" in some weaker sense. But they neglect to say clearly what this weaker sense is, though their contrast with theories "whose truth is undetermined" suggests that "demonstrably false" theories *have been determined* (by whom?) to be false. Perhaps we can infer from their discussion of justification that "demonstrably false" theories are those that are not only false but also unjustified, or unwarranted, though the *degree* to which they must be unwarranted is unspecified. So, I will assume (charitably, I think) that, by "demonstrably false," they mean something like the following: the evidence is so overwhelmingly against the theory that it is irrational "from the standpoint of the information available in the society as a whole" to believe it.¹⁴ Strictly speaking, the totality of such information is something to which *nobody* has access, so they must intend some reasonable approximation. I will argue that, even by this weaker criterion, their claim that 9/11 counter-narratives are "demonstrably false" is false. That is, that it is not irrational for a suitably well-informed person to give credence to such counter-narratives, or at least it has not convincingly been shown otherwise. Further, on the one hand, the stronger the sense of "demonstrably false" they

intend, the more clearly false is their claim that all counter-narratives about 9/11 qualify. And, on the other hand, the weaker the sense of “demonstrably false,” the more suspect the inference that illiberal infiltration is justified on the basis of a theory meeting that low standard.

When Sunstein and Vermeule assert that the “various 9/11 conspiracy theories” are demonstrably false, presumably they mean to include both the made-it-happen-on-purpose and the let-it-happen-on-purpose varieties. That the latter type is false seems less than obvious, and Sunstein and Vermeule provide no evidence that it is. They do provide *some* evidence that a certain part of *some* made-it-happen-on-purpose theories are false, but that hardly makes their case. To make the necessary case, clearly, would have required a completely different kind of essay, so one cannot blame them for not doing *that*. But one should at least expect a reference to someone who has demonstrated it. They might have been tempted to cite Popular Mechanics’ *Debunking 9/11 Myths*,¹⁵ but that book has been answered by David Ray Griffin’s *Debunking 9/11 Debunking*.¹⁶ Few fair-minded persons familiar with both books would be able to say honestly that *Debunking 9/11 Myths* puts the issue to rest.

Regarding the destruction of World Trade Center Twin Towers and Building 7, Sunstein and Vermeule might be tempted to point to the official reports of the National Institute of Standards and Technology (NIST). However, there are reasons a rational and well-informed person might be less than fully convinced by those reports as well. While there are many technical issues that have been raised by others, I will just list four that can be stated briefly. First, the Bush administration has been credibly accused of politicizing science—that is, corrupting science for political expediency.¹⁷ And, NIST was, after all, an arm of the Bush administration. Second, representatives of NIST were evasive about key issues, such as checking for explosives.¹⁸ Third, John Gross, a lead engineer involved the NIST report, denied being aware of any eyewitness accounts of molten steel at the WTC collapse sites, implied that he is unaware of *any* suggestive evidence, and expressed doubt that the necessary temperatures could have been reached.¹⁹ And yet there are many well-documented eyewitness accounts of molten steel (which may have actually been iron), as well as video footage of what looks like molten steel flowing from the South Tower, supported by corroborating evidence of various kinds.²⁰ (Indeed, the evidence of temperatures sufficient to melt steel is now quite strong.²¹ There should be an unbiased scientific discussion regarding how such temperatures were achieved, or at least a reasonable and open discussion of the evidence in question.) Fourth, in the “draft for public comment” version of their report on the collapse of Building 7, NIST asserted that the collapse rate was about 40% slower than freefall.²² David Chandler, a high school physics teacher, demonstrated in an online video that for over 100 feet the building collapsed at *very* close to freefall acceleration, and he challenged NIST publicly on the matter.²³ In the final version of their report, NIST conceded the point.²⁴ Having been forced by clear and incontrovertible evidence into this astonishing concession, NIST then simply pretended that it doesn’t matter. This shows that there can be a kind of “self-sealing” quality to official stories too. Officials can deny or ignore evidence, just assert that their results are scientific,

and then end the discussion, refusing to have open and fair dialog or debate. And this is precisely what NIST has done.²⁵

Perhaps the real reason Sunstein and Vermeule think counter-narratives positing insider complicity in the events of 9/11 must be false is that they just seem too crazy. However, either there is an explicit demonstration of the craziness (which appears to be lacking) or else it is just an intuition. And, clearly, intuitions regarding the craziness of these ideas vary. As Sunstein and Vermeule themselves point out: "Among sober-minded Canadians, a September 2006 poll found that 22 percent believed that 'the attacks on the United States on September 11, 2001 had nothing to do with Osama Bin Laden and were actually a plot by influential Americans.'"²⁶ And roughly *half* of New York City residents accept, at least, the more modest "knew in advance . . . [but] consciously failed to act" counter-narrative,²⁷ otherwise known as "let it happen on purpose." But perhaps it is only the unwashed half who espouse such beliefs. Sophisticated people, those in the know, or those with relevant expertise, Sunstein and Vermeule may assume, give no credence to such views.

But that isn't true. Intelligence experts, such as former CIA officers Robert Baer²⁸ and Ray McGovern²⁹ (who presumably know something about clandestine operations) take counter-narratives about 9/11 quite seriously. And, the owner of a Dutch controlled demolition company, Danny Jowenko, is "absolutely" convinced that Building 7 was professionally imploded.³⁰ This is a short list, but there are literally hundreds of accomplished people (see Patriotsquestion911.com) who have publicly expressed serious doubts about the official story. According to a petition found at ae911truth.org, nearly twelve hundred architects and engineers claim that "there is sufficient doubt about the official story" to require a new investigation into the collapse of the Twin Towers and Building 7.³¹

Now, Sunstein and Vermeule could quibble by saying that although these theories have not *been demonstrated* to be false, they are nonetheless *demonstrably* false, that is, *capable of* being demonstrated to be false. But if that is the case, then, especially given their commitment to maintaining an "open society," should not Sunstein and Vermeule be calling for such a public demonstration? Should they not join the chorus of voices calling for a new, more robust, subpoena-empowered, and open inquiry, which, if Sunstein and Vermeule are right, would shed such light on the relevant issues that those espousing crazy and untenable theories would scatter like cockroaches? This is the cure that would be most compatible with democratic values. If they are so sure about where a thorough, open and unbiased inquiry would lead, why not support that, rather than petty infiltrations?

Perhaps they believe that a straightforward and open inquiry would not "be effective" because conspiracy theories are "self-sealing," and conspiracy theorists tend to be nearly impervious to reason and evidence.³² But the empirical evidence for this is thin, and it is a charge that can cut both ways. I have already argued that NIST's account is in some sense self-sealing. In addition, undercover operations, such as those recommended by Sunstein and Vermeule, are likely to involve ideological commitments and specific beliefs that are significantly self-sealing. Infiltrating agents are unlike to be unbiased. They would be in a difficult

position if they changed their assessment of the conspiracy theory that their job required them to undermine.

Now, suppose that a thorough and unbiased investigation into both sides of the issue concluded that counter-narratives of 9/11 are false. (This would, at minimum, include exhaustive study of and response to the work of Peter Dale Scott,³³ David Ray Griffin, Nafeez Ahmed,³⁴ and Michael Ruppert,³⁵ as well as the relevant articles published in technical journals.³⁶) What assurance do we have that those who would in time administer and participate in the infiltrations that Sunstein and Vermeule recommend would likewise do due diligence? Given the political nature of conspiracy theories, it seems most probable that “demonstrably false” theories will be determined by considerations having little to do with honest and thorough research. And even a thorough and honest study does not guarantee correct conclusion. Indeed, as long as an array of accomplished scholars support a position with extensive research and careful argument, even if they happen to be wrong, one can hardly say that the issue is settled. So, Sunstein and Vermeule’s claim, on which the plausibility of their proposal hinges, that “the various 9/11 conspiracy theories” are *demonstrably* false is itself false. And *even if* they had been right about that case, we would still have little reason to believe that the infiltrations that they recommend, were they to become policy, would *only* be carried out against groups that espoused views that were fairly determined to be demonstrably false.

Further, this problem remains *even if* we grant their assumption of pure intentions on the part of the executive—which is dubious indeed.³⁷ The problem remains because even a well-motivated government (really we are talking about the executive branch) is unlikely to be impartial, or to research exhaustively both sides of these issues. And even if they tried, it is not clear that they could always achieve the certainty that Sunstein and Vermeule presume is possible. Can we say with certainty, after all, whether or not there was a conspiracy in the assassinations of JFK, RFK, or MLK? There are some who say, “Yes, we know it was a conspiracy,” and there are others who say, “Yes, we know it was not.” But many who spent decades researching these issues, even if they have a strong opinion, do not think these matters are solved. Like it or not, this history is rationally contestable and in a free society the government should not be in the business of undermining private efforts to determine the truth. For peaceful groups or organizations to be infiltrated and undermined because the powerful do not agree with their account of history is fundamentally anti-democratic and epistemically perverse, since such actions subvert the dialectic of competitive inquiry.

OPEN AND CLOSED SOCIETIES

Sunstein and Vermeule claim:

Conspiracy theories that posit machinations by government officials typically overestimate the competence and discretion of officials and bureaucracies, who are assumed to be able to make and carry out sophisticated secret plans, despite abundant evidence that in open societies government action does not usually remain secret for very long.³⁸

To substantiate this "abundant evidence" claim they cite one *New York Times* article and one *New Yorker* article, each of which expose a secret program, the warrantless wiretapping program and the CIA's secret interrogation program. This, by itself, does not seem ample evidence to support such a strong claim. After all, a pair of examples is insufficient to differentiate a rule from an exception. If all one had to do in order to show the ubiquity of a particular kind of phenomena was to point out two examples, then Watergate and Iran-Contra by themselves would show that purported conspiracy theories "usually" are true. But let's be more generous. Surely they *could have* cited more examples, *many* more. But how many would they have to cite to make their claim warranted, namely, that there is "abundant evidence that in open societies government action does not usually remain secret for very long"? If they had said that secrets are *often* exposed, then the citation of several exposed secrets would suffice. But that claim, which is indeed true, is significantly weaker than the claim that they are making.³⁹ For the fact that, in open societies, secrets are often exposed (eventually⁴⁰) does not conflict with the hypothesis that some, perhaps *many* (perhaps even *most*) secrets are held *very* long. Many examples of relatively long-held secrets can be given: the Gulf of Tonkin non-incident, the USS Liberty cover-up, Operation Northwoods, MKULTRA, the Tuskegee experiment, and so on and so forth. As for secrets that have been kept so well that they have never been revealed in any way (at least not yet), I admit I can give no examples. I hope the reason I cannot do so is obvious, and the implication clear.

In any case, is hardly disputable that there are agencies within the US government that are veritable "conspiracy factories." And from what little we know about the various "black ops" that take place, they are often of dubious legality, and are morally suspect. So, the claim that "in open societies government action does not usually remain secret for very long" is not well established—if the United States counts as an "open society." But even if that claim were true, we still could not rule out the possibility that *some* secrets, or some *kinds* of secrets, are long held.

Further, the idea that a secret is either revealed or it is not is simplistic and inaccurate. Secrets are often *partially* revealed, as in Iran-Contra: there was a conspiracy exposed for sure, but one cannot credibly assert that we got to the bottom of it. Secrets are also sometimes *disputably* revealed. Many so-called "conspiracy theories" fall into this category. When a jury found that the government was involved in a conspiracy to murder Martin Luther King, *as it did*,⁴¹ was a conspiracy revealed? Well, most people don't even know about that finding. So, it wasn't revealed very widely. But some may say that preponderance of evidence (it was a civil case, not criminal case) is not enough, or they may question the validity of the verdict for one reason or another.⁴² So, whether this counts as a conspiracy that was revealed is ambiguous on at least two counts. And this kind of ambiguity is the norm. The upshot is that the simplistic notion that "conspiracies are usually revealed" is easily deconstructed, although it is a notion that continues to be spread even by scholars who should know better.

It has long been understood that it is more rational to believe conspiracy theories in totalitarian societies than in open ones. However, in a truly totalitarian

society conspiracy theories could not thrive. “Where all children go to school, and all schools are controlled by the government, the authorities can close the minds of the young to everything contrary to official orthodoxy. . . . The only remaining possibility of unauthorized propaganda is by secret whispers from one individual to another. But this, in turn, is rendered appallingly dangerous by improvements in the art of spying,” observed Bertrand Russell, more than a half-century ago.⁴³ So, the optimal environment for conspiracy theories would be some place in-between, where it is plausible for them to both spread and be true. Indeed, the distinction between open and closed societies is misleading. There is a spectrum, and the extremes are merely ideals. People can legitimately disagree about exactly where the United States is, at this time, on that spectrum. If one wants to get rid of conspiracy theories, it seems, one could push in either direction: towards a more open society wherein such conspiracies have little plausibility or in the direction of a closed society where such theories are quashed by the government and its allies. Although Sunstein and Vermeule make rhetorical gestures to the value of open societies,⁴⁴ their recommendations involve moving *in the direction of* a more closed one.

Supposing for a moment that Sunstein and Vermeule’s argument is a good one, where do we stop? Consider an analogy: Brian Keeley (whom Sunstein and Vermeule cite favorably on another issue⁴⁵) argues that theories about the existence of God and of powerful conspirators are similar in that they both have something like a self-sealing quality, due to the fact that they involve agents who are able to maneuver to avoid detection. God is even better at this than the most powerful worldly conspirators. This is what makes theism, in Keeley’s words, “the ultimate conspiracy theory.”⁴⁶ Now, if those in power determine that the belief in the existence of God is “demonstrably false” (and certainly some people do find this belief ridiculous), and if, as is surely the case, some religious extremists may be dangerous, should the government infiltrate religious groups and try to undermine their belief in God? (To do so they would have to conceal their identities, because of the potential distrust of non-believers—but who cares?) I hope that Sunstein and Vermeule would agree that the government should do no such thing. But why not? What is the difference between this proposal and their own? Of course, there *are* differences. No analogy is perfect. But the most relevant difference here is that the evidence for insider complicity in the events of 9/11 is much stronger than the evidence for the existence of God. At least, having studied both, I believe that is a reasonable assessment.

DECEIT AS THE CURE FOR A “CRIPPLED EPISTEMOLOGY”?

In describing their proposal, Sunstein and Vermeule repeatedly employ the phrase “introducing cognitive diversity.”⁴⁷ But what does this really mean? Make no mistake! Sunstein and Vermeule regard certain conspiracies as diseases that need to be “cured.” They are not advocating infiltrating groups that espouse these theories for the purposes of achieving a more informed, open, and fair inquiry. They want to see these groups undermined, at least, and preferably eliminated. And they are willing to sanction deceit to accomplish that goal.

Sunstein and Vermeule downplay the degree to which deceit is integral to their proposal, though they do admit, at minimum, the identity of agents, and perhaps the source from which comes the "information" (or "countermisinformation") that the agents introduce, should sometimes be concealed. That is, sometimes, the agents would have to lie about these matters.⁴⁸ They don't explicitly condone deceit regarding the "information" that the infiltrators would introduce to produce the desired "cognitive diversity." However, once begun, the practice of deceit is likely to be extended. To borrow a phrase: "There is a sort of virginity about [honesty]; once one has violated it, it is awkward to refuse other invitations by saying, 'But that would be [dishonest]!'"⁴⁹ Indeed, there is a history here and the actual abuses go well beyond mere deceit.

During the cold war, the FBI started its domestic covert action programs, known by the acronym COINTELPRO, in which agents infiltrated dissident groups and eventually tried to "expose, disrupt, misdirect, discredit, or otherwise neutralize" them. The FBI did not just monitor these individuals, but tried to break up their marriages, "seed mistrust, sow misinformation," and provoke them to commit crimes so that they could be arrested.⁵⁰

Sunstein and Vermeule assure us that this time would be different:

By [cognitive infiltration of extremist groups] we do not mean 1960s-style infiltration with a view to surveillance and collecting information, possibly for use in future prosecutions. [I must interject a question here. Is this really an accurate depiction of "1960s-style infiltration" or is it a whitewash of history?] Rather, we mean that government efforts might succeed in weakening or even breaking up the epistemological complexes that constitute these networks and groups.⁵¹

Is this supposed to be reassuring? Instead of being officially charged with the mere collecting of information, the infiltrators that Sunstein and Vermeule envision are to have an even more active role in the pursuit of a more questionable goal. Indeed, according to Sunstein and Vermeule's proposal, the stated objective would be closer to where the corrupted COINTELPRO program actually ended up. They explicitly consider the possibility that the infiltrations they recommend might, if partially exposed, "sow uncertainty and distrust within conspiratorial groups," which could "raise the costs of organization and communication." They consider this a jolly good outcome: these "effects are desirable, not perverse."⁵² It is a good thing for government agents to disrupt these kinds of peaceful efforts to organize. Why? Because, on Sunstein and Vermeule's view, such groups espouse beliefs that are irrational, given that we live in an "open society."

In a preliminary draft of their paper Sunstein and Vermeule offered a relevant example. As they explained it:

A mini-scandal erupted in 2006 when U.S. newspapers revealed that the Lincoln Group, an independent contractor of "influence services," had paid Iraqi newspapers to publish hundreds of "news stories" written by U.S. military personnel but not identified as such, most of which portrayed events in Iraq in cheery terms or rebutted circulating conspiracy theories. The stories were factually true, but selective.⁵³

The work of the Lincoln Group, while different from what Sunstein and Vermeule propose, is significantly analogous. And, Sunstein and Vermeule have a revealing perspective on it. First, it seems as though their only objection to the work of the Lincoln Group was that they got caught. Second, they frame the “information” provided in the stories in question as “factually true, but selective,” suggesting⁵⁴ that so long as one avoids telling explicit lies (beyond one’s identity and the sources of one’s “information”), one is free to spin, mislead, and manipulate to one’s heart’s content—all in the name of the good, and Truth, of course. But even if agents were able to hold the line at avoiding explicit lies about relevant facts, which is doubtful, it is hard to see how this can be viewed as a credible corrective to a “crippled epistemology.”

More detail about the work of the Lincoln Group can provide a much needed reality check. What was the demonstrably false belief that these planted stories were supposed to counter? What were the truths that they were to engender? Well, it would help the Iraqi people, who were no doubt under the sway of some kind of “crippled epistemology,” see truths (in 2006) like “Iraqi troops would soon be able to replace foreign forces”—according to an article entitled “Misinformation Intern: My Summer as a Military Propagandist in Iraq,” in *Harper’s Magazine* (September 2006).⁵⁵ The author, Willem Marx, describes the stories in question as follows: “These were far from exemplars of objective journalism, but Jon [another Lincoln Group employee] had said that I should think of the storyboards not so much as news but as messages Iraqis needed to hear.” Perhaps even more tellingly, Marx recounts being told, “[I]t’s very straightforward. You just have to keep the military happy.” Sunstein and Vermeule were wise indeed to remove mention of the Lincoln Group from the final version of their paper. Real world examples reflect poorly on their ivory tower proposal, except of course when those stories are whitewashed.

CONCLUSION

Sunstein and Vermeule state that their recommendation of infiltration is to apply only to demonstrably false (and potentially harmful) theories. Their chief example of demonstrably false theories is the set of theories that posit insider complicity in the events of 9/11. What is the proof that settles this issue once and for all? My challenge to Sunstein and Vermeule is this: Can you prove, in a fair forum, that the theories in question are false? (“Proof” in an unfair forum, of course, is no proof at all.) The fact of the matter is this: They cannot prove it. So they wish to enforce their *belief* through epistemically illegitimate means. Their proposals exemplify intellectual cowardice. To adapt the biting critical remarks of the Chinese sage Laozi: “The man of ‘reasonableness’ makes his case, but when no one responds, rolls up his sleeves and resorts to persuasion by other means.”⁵⁶

Of course, the point transcends this issue of what to do about alternative theories about 9/11. The point is that we cannot engage in the kind of epistemic shenanigans that Sunstein and Vermeule recommend and, *at the same time*, credibly assert that alternative-to-mainstream theories (about whatever) may be

dismissed on account of our fair and unbiased structures and organizations that adjudicate truth.⁵⁷

Endnotes

Thanks to Martin Lubin, E. Thomas Moran, Kent Simmonds, Marc Estrin, and Thomas Kiely for feedback on earlier versions of this paper.

In mid-January, 2010, a draft of this article prompted writer Marc Estrin to blog about the topic. An Internet buzz immediately ensued, including, within a couple days, blogs by Mark Crispin Miller, Glenn Greenwald, and many others. This buzz caught the attention of David Ray Griffin, who quickly developed an impressive book-length critique, entitled *Cognitive Infiltration: An Obama Appointee's Plan to Undermine the 9/11 Conspiracy Theory*, to which interested readers are hereby directed.

1. By "extremist groups" I mean groups who espouse extreme views. Who decides what is an extreme view, and how it is decided, are significant problems. I am concerned in the paper only with the issue of whether or not it is justified to infiltrate such groups *solely* on the basis that they espouse what are regarded as extreme views. Whether or not *violent* extremist groups should be infiltrated, on account of their tendency toward violence, is a different issue and is not considered here. Presumably, at least sometimes, that can be justified.

2. Cass R. Sunstein and Adrian Vermeule, "Conspiracy Theories: Causes and Cures," *The Journal of Political Philosophy* (17, 2009): 202–27.

3. Sunstein and Vermeule explain, "[Conspiracy] theories can still have pernicious effects from the government's point of view, either by inducing unjustifiably widespread public skepticism about the government's assertions, or by dampening public mobilization and participation in government-led efforts, or both" (Sunstein and Vermeule, "Conspiracy Theories: Causes and Cures," 220). However, whether widespread skepticism of a particular official story is bad depends, in part, on whether there are legitimate grounds for such skepticism.

4. Sunstein and Vermeule "Conspiracy Theories: Causes and Cures," 219.

5. While I don't have the space to address this part of Sunstein and Vermeule's article in detail, a couple quick comments are in order. First, such cascades can explain the relative success of official stories at least as well, and arguably better, than they can explain the success of counter-narratives. Second, Sunstein and Vermeule's depiction of conspiracy theorists is a crude caricature. For example, it ignores the hundreds of scholars and professionals who publicly question the official account of 9/11. (See, for example, Patriotsquestion911.com or ae911truth.org/signpetition.php.) The notion that reputational cascades, in particular, can account for *them* is not very plausible.

6. Sunstein and Vermeule "Conspiracy Theories: Causes and Cures," 207.

7. Upton Sinclair's famous remark is relevant here: "It is difficult to get a man to understand something when his salary depends upon his not understanding it." Paid skills, by the nature of their role, have a conflict of interest, and thus are highly likely to be biased.

8. Although Sunstein and Vermeule soft-pedal the deceit involved in their proposal, deceit is nonetheless explicit when it comes to concealing identity or falsifying the source of "information." Further, *in practice*, deceit is very likely when it comes to the content of that information. This issue is addressed in more detail later in the paper.

9. For a philosophical debate addressing the question of whether or not conspiracy theories, by their nature, are epistemically suspect, see David Coady, *Conspiracy Theories:*

The Philosophical Debate (Burlington, VT: Ashgate, 2006). In the end, none of the proposed reasons for treating conspiracy theories as *prima facie* unwarranted survive scrutiny.

10. If it “*really was* proposed,” in what sense is it merely a *rumored* plan? The document was discovered by James Bamford, an expert on the NSA, and brought to light in his book *Body of Secrets: Anatomy of the Ultra-Secret National Security Agency* (New York: Doubleday, 2001). Bamford writes: “Codename Operation Northwoods, the plan, which had the written approval of the Chairman and every member of the Joint Chiefs of Staff, called for innocent people to be shot on American streets; for boats carrying refugees fleeing Cuba to be sunk on the high seas; for a wave of violent terrorism to be launched in Washington, D.C., Miami, and elsewhere. People would be framed for bombings they did not commit; planes would be hijacked. Using phony evidence, all of it would be blamed on Castro, thus giving Lemnitzer and his cabal the excuse, as well as the public and international backing, they needed to launch their war” (82).

11. Sunstein and Vermeule “Conspiracy Theories: Causes and Cures,” 206.

12. *Ibid.*, 205.

13. *Ibid.*

14. See *ibid.*, 207.

15. David Dunbar and Brad Reagan, eds., *Debunking 9/11 Myths: Why Conspiracies Can't Stand Up to the Facts* (New York: Hearst Books, 2006).

16. David Ray Griffin, *Debunking 9/11 Debunking: An Answer to Popular Mechanics and Other Defenders of the Official Conspiracy Theory* (Northampton, MA: Olive Branch Press, 2007).

17. See, for example, “2004 Scientist Statement on Restoring Scientific Integrity to Federal Policy Making,” published by the Union of Concerned Scientists, and signed by 15,000 US scientists. http://www.ucsusa.org/scientific_integrity/abuses_of_science/scientists-sign-on-statement.html

18. Investigative journalist Jennifer Abel questions a NIST spokesperson, Michael E. Neuman about checking for evidence of explosives. Able inquires, “What about that letter where NIST said it didn’t look for evidence of explosives?” Neuman responds, “Right, because there was no evidence of that.” Able asks the obvious follow-up, “But how can you know there’s no evidence if you don’t look for it first?” Then Neuman delivers the punch line: “If you’re looking for something that isn’t there, you’re wasting your time . . . and the taxpayers’ money.” See David Ray Griffin, *The Mysterious Collapse of World Trade Center 7: Why the Final Official Report about 9/11 is Unscientific and False*. (Northampton, MA: Olive Branch Press, 2010), 73.

19. See “NIST engineer, John Gross, denies the existence of Molten Steel.” <http://video.google.com/videoplay?docid=-7180303712325092501#>

20. For several credible eyewitness accounts, see Griffin, *The Mysterious Collapse*, 36–7. In addition, a “flow of an orange-glowing liquid” can be seen on any video of the South Tower, near the impact zone, shortly before the collapse. This is also documented in Steven E. Jones et al., “Fourteen Points of Agreement with Official Government Reports on the World Trade Center Destruction,” *The Open Civil Engineering Journal* 2 (2008): 38. One line of corroboration of extremely high temperatures comes via a report by the RJ Lee Group, “WTC Dust Signature Report: Composition and Morphology” (December 2003), 18. It clearly documents “spherical iron particles” in the WTC dust, and in quantities sufficient to include them as part of the “WTC dust signature.” While the report treats the existence of these spheres as unproblematic, even “expected,” the reasons given for expecting them are plainly inadequate. How their existence can be explained is something that scientists and engineers can and should openly debate. But *that* they exist is well documented.

21. Much of the evidence I am referring to is found in the works cited in the previous endnote, as well as the works cited in endnote 36 below. A common *non sequitur* response to this issue is to suggest that it is not necessary to assume that the columns actually melted in order to explain the collapse. But the issue here is not at all about explaining the collapse. It is about the multifaceted independent evidence that there was in fact a large amount of melted steel (or iron). But how can that be? How can the official story account for that? And yet a common counter-narrative does account for it: Molten iron is the byproduct of a thermite reaction. So, on the theory that thermite of some kind was used to help bring down the towers (and building 7), molten iron is to be expected. Indeed, when comparing video of thermite reactions with video of the orange liquid substance flowing from the South Tower shortly before its collapse, the similarity is striking. This is direct *prima facie* evidence of the use of thermite. But it is the *combination* of this kind of *prima facie* evidence with scientific studies documenting significant quantities of iron-rich spheres in the dust, and so on, that makes casual or flippant denials inappropriate.

22. The draft report states, "[T]he actual time for the upper 18 stories to collapse, based on video evidence, was approximately 40 percent longer than the computed free fall time and was consistent with physical principles." See NIST, "Final Report on the Collapse of World Trade Center Building 7: Draft for Public Comment" (April 2008), 41.

23. "WTC7: NIST Finally Admits Freefall (part I)." <http://www.youtube.com/watch?v=V0GHVEKrhng>.

24. NIST, "Final Report on the Collapse of World Trade Center Building 7" (November 2008, final version), 45. They continue to stress that the overall collapse time was 40 percent longer than free fall, as if a plausible overall (or average) acceleration removes the need to explain 2.25 seconds of absolute free fall.

25. As another example of evasion, consider the dialog documented in Griffin, *The Mysterious Collapse*, 69.

26. Sunstein and Vermeule "Conspiracy Theories: Causes and Cures," 202.

27. *Ibid.*

28. On the Thom Hartmann Show (June 9, 2006), Baer answered a question about whether he thought there was an "aspect of inside job" to the 9/11 events saying, "There is that possibility, the evidence points at it," and then asking a string of suggestive questions of his own. Later, in a commentary entitled "The CIA's Gift to Conspiracy Theorists," TIME.com (Dec. 7, 2007), he writes, "I myself have felt the pull of the conspiracy theorists—who believe that 9/11 was an inside job, somehow pulled off by the U.S. government." He stresses that he does not believe theories about controlled demolition or missiles, but he concludes, "More than anything what we need right now is complete and total transparency on 9/11." <http://www.time.com/time/politics/article/0,8599,1692518,00.htm>.

29. During his 27 years in the CIA, McGovern was a senior intelligence analyst and took part in White House intelligence briefings during the Reagan and Bush Sr. administrations. He has called the 9/11 Commission Report "a joke," charging, "there's a cover-up." While he is cautious about making explicit speculations about what happened on 9/11, one does not need to be a mind reader to intuit the seriousness with which he approaches the topic. On the inside cover of the book *9/11 and American Empire: Intellectuals Speak Out*, edited by David Ray Griffin and Peter Dale Scott (Fowlerville, MI: Olive Branch Press, 2006), McGovern writes, "This book . . . confronts the American people—indeed the people of the world as a whole—with an issue second to none in importance and urgency. I give this book, which in no way can be dismissed as the ravings of 'paranoid conspiracy theorists,' my highest possible recommendation."

30. Griffin, *The Mysterious Collapse*, xiv. (Videos of Jowenko's reaction to the collapse of Building 7 can easily be found on YouTube.)

31. <http://www.ae911truth.org/signpetition.php>.

32. See Sunstein and Vermeule “Conspiracy Theories: Causes and Cures,” 223. Strictly speaking, Sunstein and Vermeule don’t even consider open and fair inquiries involving proponents of various perspectives. They choose to focus on the likely response to “government rebuttal.” Given the history, even just recent history, of government deceit (such as that involving the existence of WMD in Iraq), we should all be skeptical of official pronouncements until they are tested in the crucible of independent scrutiny.

33. Peter Dale Scott, *The Road to 9/11: Wealth, Empire, and the Future of America* (Berkeley: University of California Press, 2007).

34. Nafeez Mosaddeq Ahmed, *The War on Truth: 9/11, Disinformation, and the Anatomy of Terrorism* (Northampton, MA: Olive Branch Press, 2005).

35. Michael C. Ruppert, *Crossing the Rubicon: The Decline of the American Empire at the End of the Age of Oil* (Gabriola Island, BC: New Society Publishers, 2004).

36. See (1) Kevin Ryan, et al. “Environmental Anomalies at the World Trade Center: Evidence for Energetic Materials,” *The Environmentalist* 29.1 (2009): 56–63; (2) Jones et al., “Fourteen Points of Agreement”; and (3) Niels H. Harrit, et al. “Active Thermitic Material Discovered in Dust from the 9/11 World Trade Center Catastrophe,” *The Open Chemical Physics Journal* 2 (2009): 7–31.

37. Sunstein and Vermeule write, “Throughout, we assume a well-motivated government that aims to eliminate conspiracy theories, or draw their poison, if and only if social welfare is improved by doing so. . . . This is a standard assumption in policy analysis” (2009, 219). Whether or not this assumption is in some way “standard,” applying it in a case *like this* demonstrates an astonishing lack of good sense. The question is whether the proposed policy would be a good idea in real life, not in some idealized world. In an ideal world we could just give all-encompassing dictatorial powers to a trustworthy and benevolent ruler. But that tells us nothing about what we should *actually* do.

38. Sunstein and Vermeule “Conspiracy Theories: Causes and Cures,” 208–9.

39. The words “often” and “usually” are significantly different. Someone who often lies may nonetheless tell the truth a great majority of the time—lying only a few times a week, for example. But if he *usually* lies, then we know that, at least, he lies more than half the time. Sunstein and Vermeule can’t really establish that secrets are quickly reviled *most* of the time. But if all they mean is that *sometimes* (some kinds of) secrets get exposed, the inference that government officials are too incompetent to ever succeed in holding secrets is quite tenuous.

40. Let us not forget that the *New York Times* sat on the wiretapping story for a full year before deciding that they would go ahead and run it.

41. The jury found: “YES—Lloyd Jowers participated in a conspiracy to do harm to Martin Luther King” and “YES—Others including governmental agencies were parties to this conspiracy as alleged by the defendant.” And the judge apportioned thirty percent of the liability to Jowers and seventy percent to “all other co-conspirators.” See William F. Pepper, *An Act of State: The Execution of Martin Luther King* (New York: Verso Books, 2003), 147.

42. The justice department did its own investigation and concluded that the jury’s verdict “is incompatible with the weight of all relevant information.” <http://www.justice.gov/crt/crim/mlk/part6.php>. So, is this an example of a conspiracy being exposed or much ado about nothing? I don’t know. But I do think it is an example of the “self-sealing” quality of official stories. Even if a jury says that there was a conspiracy, the government can just pronounce the jury wrong—and the media won’t inform us of any of it.

43. Bertrand Russell, *The Impact of Science on Society* (New York: Simon and Schuster, 1953), 46.

44. Sunstein and Vermeule write, "The first-line response to conspiracy theories is to maintain an open society, in which those who might be tempted to subscribe to such theories are unlikely to distrust all knowledge-creating institutions." See Sunstein and Vermeule "Conspiracy Theories: Causes and Cures," 218.

45. *Ibid.*, 210.

46. Brian L. Keeley, "God as the Ultimate Conspiracy Theory," *Episteme: A Journal of Social Epistemology* 4.2 (2007): 135–49.

47. Sunstein and Vermeule "Conspiracy Theories: Causes and Cures," 219, 224, 226.

48. Police, presumably, lie all the time when dealing with suspected criminals. I have no comment on the appropriateness of that. But here we are not talking about criminals. Further, the issue is how to deal with so-called "crippled epistemologies." Responding to a supposed epistemic problem with lies is, to say the least, epistemically suspect.

49. While the original statement, by James Burtchael, was about murder rather than dishonesty, the logic is the same. See Richard Doerflinger, "Assisted Suicide: Pro-Choice or Anti-Life?" in *The Right Thing to Do: Basic Readings in Moral Philosophy*, 5th edition, ed. James Rachels and Stuart Rachels (Boston: McGraw-Hill, 2010), 319.

50. Kathryn S. Olmsted, *Real Enemies: Conspiracy Theories and American Democracy, World War I to 9/11* (New York: Oxford University Press, 2009), 10.

51. Sunstein and Vermeule "Conspiracy Theories: Causes and Cures," 224.

52. Sunstein and Vermeule write, "[One] possibility is that disclosure of the government's tactics will sow uncertainty and distrust within conspiratorial groups and among their members; new recruits will be suspect and participants in the group's virtual networks will doubt each other's bona fides. To the extent that these effects raise the costs of organization and communication for, and within, conspiratorial groups, the effects are desirable, not perverse." See Sunstein and Vermeule "Conspiracy Theories: Causes and Cures," 225.

53. Sunstein and Vermeule, "Conspiracy Theories: Causes and Cures," 27. <http://ssrn.com/abstract=1084585>.

54. I admit that I am reading between the lines here, but it is hard not to draw this inference.

55. <http://harpers.org/archive/2006/09/0081195>. See also "The US propaganda machine: Oh, what a lovely war." *The Independent*, March 30, 2006. <http://www.independent.co.uk/news/world/americas/the-us-propaganda-machine-oh-what-a-lovely-war-472002.html>. In this article, Andrew Buncombe provides some samples of the planted stories in question, accompanied by some fact-checking. He also quotes John Pike, director of a defense think tank called GlobalSecurity.org: "Anybody who knows about propaganda knows the first rule of propaganda is that it should not look like propaganda. . . . It's embarrassing enough that [the US military] got caught . . . but then for their product to be so cheesy . . . It's just embarrassing."

56. *Daodejing* 38. Translation adapted from D. C. Lau, *Tao Te Ching* (New York: Penguin Books, 1963), 99, and modified to fit the current context.

57. Although Karl Popper famously attacked "the conspiracy theory of society" (see Popper, "The Conspiracy Theory of Society," in Coady, *Conspiracy Theories: The Philosophical Debate*) he would nevertheless likely oppose infiltration, for reasons similar to those that I have given. In *The Open Society and its Enemies*, he remarks, "Only political power, when it is used to suppress free criticism, or when it fails to protect it, can impair the func-

tioning of [the various social institutions which have been designed to further scientific objectivity and criticism], on which all progress, scientific, technological, and political, ultimate depend." (New York: Harper & Row, 1962), vol. 2, 218. For a response to Popper's view of conspiracy theories, see Charles Pigden, "Popper Revisited, or What Is Wrong with Conspiracy Theories?" in Coady, *Conspiracy Theories: The Philosophical Debate*.